

CITY OF FLORENCE PLANNING COMMISSION
October 14, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Chairperson Cheryl Hoile Commissioners: Curt Muilenburg, John Murphey, and Robert Bare were present. Commissioner Alan Burns was absent. Also present: Planning Director Wendy FarleyCampbell and Planning Technician Glen Southerland.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda, Commissioner Murphey seconded. By voice, all ayes, with the exception of Commissioner Burns, who was absent. The motion passes.

APPROVAL OF MINUTES

Meeting of September 9, 2014

Commissioner Bare motioned to approve the Minutes of September 9, 2014, Commissioner Muilenburg seconded. By voice, all ayes, with the exception of Commissioner Murphey who abstained and Commissioner Burns who was absent. The motion passes.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

ACTION ITEM:

FILE PC 14 13 ANN 01 – SAPP/JOHNSON ANNEXATION: An application from Tim Sapp and Nancy Johnson of 05467 11th Street, Map 18-12-26-31 Taxlots 101 and 102.

Staff Report

PD FarleyCampbell stated that the application was split into two parts: an action item for annexation and a public hearing for zone assignment, which is a quasi-judicial matter. She listed the applicable criteria and presented the Planning Commission with a PowerPoint presentation (Attachment 1) that she stated would apply to both the annexation action item and the zoning assignment public hearing. She explained that the annexation recommendation was only an action item because the area to be annexed had the approval of the petitioner and all electors of that area and at least 50% was needed.

PD FarleyCampbell gave an overview of the site and explained that the back lot is a pre-existing non-conforming lot because it does not have street access. She presented the proposed zoning of the properties and explained that the proposed zoning is consistent with the Comprehensive Plan Map.

PD FarleyCampbell stated that referral comments received from Chief Lynn Lamm and Lane County had no concerns with the annexation. She said that no testimony had been received from surrounding property owners. She listed the alternatives the Planning Commission had to approve or deny the application. She stated that staff recommended the approval of both applications.

Commission Discussion:

The Planning Commission had no questions for PD FarleyCampbell.

Commissioner Bare moved to approve Resolution PC 14 13 ANN 01 with no changes, Chairperson Murphey seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns was absent. The motion passes.

PUBLIC HEARINGS:

Chairperson Hoile said that there were three public hearings before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner’s bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

FILE PC 14 14 ZC 02 – SAPP/JOHNSON ZONING ASSIGNMENT: An application by Tim Sapp & Nancy Johnson to assign zoning to the property requesting annexation at 05467 11th Street, Map 18-12-26-31, Taxlots 101 and 101, to the corresponding Medium Density Designation, Single-Family Residential.

Chairperson Hoile opened the hearing at 7:17 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. Chairperson Hoile stated that the staff report had been presented and asked PD FarleyCampbell to read the application and criteria for the record.

Staff Report

PD FarleyCampbell listed the applicable criteria for the application.

Commissioner Muilenburg asked what uses were allowed in the Single-Family Residential District. PD FarleyCampbell stated that several types of uses would be allowed on the site and there were some conditional uses that could also be approved on that site. Commissioner Muilenburg thanked PD FarleyCampbell.

Applicants – Tim & Patricia Sapp, P.O. Box 1776, Florence, OR 97439

Mr. and Mrs. Sapp introduced themselves to the Planning Commission. Mr. Sapp stated that their main reason for applying for annexation was because there was no space on the site for a septic system if it were to remain in the county and a well for the existing home is located on the undeveloped property. He stated that they would like to annex because Ms. Johnson, who lives in the existing home, may like to connect to City services in the future.

Chairperson Hoile asked the applicants if they had any questions regarding the staff’s findings. Mr. Sapp stated that they did not.

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile asked PD FarleyCampbell to read the staff recommendation. PD FarleyCampbell read the staff recommendation to adopt Resolutions PC 14 13 ANN 01 and PC 14 14 ZC 02 recommending adoption by the City Council.

Chairperson Hoile closed the hearing at 7:24 p.m.

Commission Discussion

No Commissioner had any items for discussion.

Commissioner Murphey moved to approve Resolution PC 14 13 ZC 02 with no changes, Commissioner Muilenburg seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns was absent. The motion passes.

PD FarleyCampbell stated that this item would go on to City Council at their meeting of November 17, 2014.

FILE PC 14 20 CUP 07 – GOSS SFR IN HIGHWAY DISTRICT: A request by Dave and Steve Goss for approval of a Conditional Use Permit to replace a single-family residence with a single-family residence at 1649 W. 23rd Street, in the Highway District.

Chairperson Hoile opened the hearing at 7:26 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PD FarleyCampbell presented the applicable criteria for the application.

PD FarleyCampbell stated that the original 1938 home on the lot was demolished in September 2014. She stated that because the original home was intentionally demolished rather than through an accident, it required a Conditional Use Permit. She presented the proposed site.

PD FarleyCampbell stated that the applicants had proposed a site design with a driveway along the brick wall and garage at the rear of the lot. She said that the applicant had not requested a parking reduction for the project and presented the elevations provided by the applicant.

PD FarleyCampbell gave the reasons for the included conditions of approval, listed the alternatives that the Planning Commission had, and presented the staff recommendation for approval.

Commissioner Muilenburg asked about the date with X’s on the Staff Report. PD FarleyCampbell stated that the date had not been filled in prior to distribution of the Staff Report.

Commissioner Muilenburg asked about the aerial presented, and asked for confirmation that the previous home was already removed. PD FarleyCampbell confirmed that the home had been demolished.

**Applicant Testimony – Dave Goss, P.O. Box 1961, Florence, OR 97439
Steve Goss, P.O. Box 946, Florence, OR 97439**

Mr. Dave Goss and Mr. Steve Goss introduced themselves to the Planning Commission. Chairperson Hoile asked the applicants if they had reviewed the Staff Report and Conditions of Approval. Mr. D. Goss stated that they had and had no issues with the conditions and likely would have done those things without direction.

Commissioner Muilenburg asked the applicants if they were using an existing curb-cut. Mr. D. Goss confirmed and stated that the previous home did not have a garage. He said that the garage was placed in the rear of the lot to improve the elevations of the home and to keep vehicles off the street.

Chairperson Hoile stated that she had a question about the vehicle lighting provision. Mr. D. Goss stated that the fence at the rear of the lot is actually adjacent to a garden before the nearest apartment building, but that they had kept about 10 feet of vegetation and the fence. He also stated that if the fence needed to be replaced, it would be.

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile asked PD FarleyCampbell to restate staff's recommendation. PD FarleyCampbell stated that the application met all applicable criteria and recommended that the application be approved.

Chairperson Hoile closed the hearing at 7:40 p.m.

Commission Discussion

No Commissioner had any items for discussion.

Commissioner Muilenburg moved to approve Resolution PC 14 20 CUP 07 with no changes, Commissioner Bare seconded the motion. By roll call vote: Commissioner Bare "yes"; Commissioner Muilenburg "yes"; Chairperson Hoile "yes"; Commissioner Murphey "yes"; Commissioner Burns was absent. The motion passes.

Commissioner Murphey thanked Mr. D. Goss and Mr. S. Goss for working to improve the appearance of the community. Chairperson Hoile agreed with Commissioner Murphey.

FILE PC 14 15 CUP 06 – PORT FLOATING RESTROOM: A request by the Port of Siuslaw for approval of a Conditional Use Permit to install a floating restroom on Mile 5 of the Siuslaw River 280' south of the navigation channel, Map 18-12-35-00.

Chairperson Hoile opened the hearing at 7:42 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PT Southerland presented the applicable criteria for the application.

PT Southerland introduced the reason a restroom was needed and stated that the Port of Siuslaw had received grant funding for the restroom in June 2013 and stated that the land use application had been received in August 2014.

PT Southerland presented the proposed site location in relation to existing structures on the north shore of the Siuslaw. He presented elevations of the proposed restroom barge. PT Southerland also presented photos of the proposed site from the boardwalk.

PT Southerland stated that referral comments had been received from Public Works Director Mike Miller, Chief Lynn Lamm, and ODFW Biologist Jason Kirchner. He stated that public testimony had also been received from Sherill Androsky and N. Barton. PT Southerland stated that PWD Miller stated that SDCs would need to be paid, Chief Lamm voiced concerns about lighting of the barge for navigations, and ODFW Biologist Jason Kirchner voiced several concerns regarding location, habitat destruction and shading, and mitigation. He stated that Ms. Androsky voiced concerns about the location of the restroom and the preservation of scenic qualities. PT Southerland said that N. Barton had voiced concerns about location and that the Port already had restrooms onshore near that location.

PT Southerland stated that staff's recommendation was that there was probably a better location that could be chosen for the barge, but that the application did meet the criteria. PT Southerland listed the conditions of approval for the application.

PT Southerland presented the alternatives that the Planning Commission had regarding this application.

Commissioner Muilenburg stated that PT Southerland had stated that the application meets criteria and asked what leeway the Planning Commission had to determine location. PT Southerland deferred the question to PD FarleyCampbell. PD FarleyCampbell stated that there were two criteria with regards to location and listed those policies. She gave an example of the visual management plan being exercised and stated that the Stillwater Condominiums were required to lower their roof line in order to allow visibility of the sand dune from the Siuslaw River Bridge. She stated that the other locational criterion was water-dependent use, and that the state's interpretation was that this was an accessory use to a water-dependent use. PD FarleyCampbell stated that the visual management criterion was the only criterion that the Planning Commission could use. She said that the Planning Commission had not received an Exhibit showing the impact of the restroom barge on the Scenic View in question. She stated that Planning Commission could continue the hearing until that information was received if they thought that the information would help their decision-making.

Commissioner Muilenburg asked who had made the suggestion that the barge be moved upriver 1-3 miles. PT Southerland stated that Mr. Kirchner had submitted that referral comment and stated that the public testimony also mentioned that. Commissioner Muilenburg stated that the pilings would remain in the river after the barge is removed and asked whether or not the applicant had changed the location based on the recommendation. PT Southerland confirmed that the applicant had not.

Commissioner Muilenburg stated that the barge required a good deal of maintenance and any boat that was performing maintenance could also pose a visual management issue.

Chairperson Hoile stated that she had brought to staff's attention that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians had not received referral notice nor had the Siuslaw Estuary Partnership. PD FarleyCampbell stated that the Siuslaw Estuary Partnership had effectively disbanded after the completion of Coastal Goals. She said that there were other groups that the notice was sent to that were a part of that group which would serve the same purpose. PD FarleyCampbell also stated that notice had been sent to CTCLUSI for their input after realizing the unintended exclusion.

Chairperson Hoile asked if the City would have to approve the barge if it were moved to another location upriver. PT Southerland stated that Lane County would have to approve that application, but since the barge was being towed here, they were still be responsible for paying SDCs for their impact on the sewer system.

Commissioner Muilenburg had a question about the difference in coordinates used in the Exhibits, Agenda, and Resolution. PT Southerland stated that it was the same location, just different notations.

Applicant Testimony – Dina McClure, 89970 Ben Bunch Road, Florence, OR 97439

Ms. McClure introduced herself as the Administrative Assistant at the Port of Siuslaw. She stated that Port Manager was not able to attend the meeting, so she had intended to attend to watch the proceedings instead of representing the Port. She said that the aerials she had seen of the location seemed misleading and the barge would actually be on the other side of the navigation channel. She had brought pictures of the barge and offered to show the Planning Commission. The Planning Commission stated that they had actually received pictures of the barge.

Ms. McClure stated that moving the barge would affect the maintenance of the restroom. She said that the maintenance workboat would be monitoring the barge, but believed that actually towing the barge in would be an infrequent activity.

Commissioner Murphey asked if the Port had received requests from patrons for a floating restroom. Ms. McClure stated that the Oregon State Marine Board had approached the Port of Siuslaw to gauge their interest in placing a restroom facility in the Siuslaw River. She stated that this would be a test unit in saltwater and tidal action with a refurbished unit. She stated that the onshore restrooms at the Port received a great deal of activity in the morning as people were leaving and in the evening as people were coming back.

Commissioner Muilenburg asked how this location was proposed rather than a location upriver. Ms. McClure stated that she did not know how exactly the OSMB had determined the location, but believed that after researching the Siuslaw River, OSMB had selected the location based on a number of factors. Commissioner Muilenburg asked to confirm that OSMB had selected the location. Ms. McClure responded that that was correct. Commissioner Muilenburg stated that the maintenance manual that they had received stated that maintenance was a daily activity, so the Port may be undertaking a large responsibility.

Commissioner Muilenburg asked what kind of equipment the Port had to tow the barge in and out of the Port. Ms. McClure apologized that she did not know for sure, but stated that Port had a workboat that would likely be capable of that task. Commissioner Muilenburg thanked her for her insight.

Chairperson Hoile asked how it was determined that this facility was needed. Ms. McClure stated that the Oregon State Marine Board collects a great deal of statistics on the use of waterways and felt that it was needed to protect water quality. Chairperson Hoile asked if the Port was really in favor of the application since it was spurred on by the OSMB. Ms. McClure stated that the barge was grant-funded, but would cost the Port of Siuslaw money to maintain and stated that personally, she was 50-50 on the proposal and could see advantages and disadvantages to the proposal. She said that there were some issues between OSMB and ODFW regarding the proposal, but if the proposal was not approved, the Port would move on.

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

**Opponent Testimony – Deane Nordahl, 85633 Alder Street, Florence, OR 97439
Jay Blake, 1370 Zebrawood Street, Florence, OR 97439**

Ms. Nordahl introduced herself and stated that she lived in Glenada. She said that she had some questions about the beauty of the river. She asked if there would be any problem with the environment that would affect the clam flats in the river. She stated that she would hate to see the clam flats destroyed if there was an accident with the barge.

Mr. Blake introduced himself to the Planning Commission. He stated that the Public Hearing Notification was vague and it would have been appropriate to include some representation of what the barge would look like in the river. He also had questions about the maintenance of the barge and stated that if the Port was not sure how the maintenance would be accomplished, the decision should be delayed.

Mr. Blake stated that as a fisherman, he could appreciate the need for the facility, but thought that the location was an issue and there were too many unanswered questions to approve the application.

Opponent Testimony – Walter Weichbrodt, 1600 Rhododendron Dr. #298, Florence, OR 97439

Mr. Weichbrodt introduced himself and stated that he agreed with the previous opponents and that his mother lived in Glenada and also had concerns about the project.

Opponent Testimony – Julie Weichbrodt, 1600 Rhododendron Dr. #298, Florence, OR 97439

Mrs. Weichbrodt stated that she agreed with previous opinions expressed regarding the negative impacts of the restroom. She stated that she also had concerns about the loss of habitat and effect on species in the river.

Chairperson Hoile asked for any other opponents or neutral parties wanting to submit testimony.

Chairperson Hoile asked for rebuttal from the applicant, there was none.

Staff Response

Chairperson Hoile asked PT Southerland about some of the concerns that had been expressed about the scenic view that would be affected. PT Southerland stated that he had done some math to determine the angular diameter of the object at 500 feet of distance and a 25 foot long object such as the barge would be 2.5° in width. He stated that a full moon is typically 0.5° in width and attempted to estimate the impact of an object that size on the photos presented as part of the staff presentation. He stated that that information could be provided should the Planning Commission decide to continue the hearing.

Chairperson Hoile asked what way the barge would be oriented. PT Southerland stated that it appeared that the barge would be anchored so that the long side would be oriented towards shore.

Commissioner Muilenburg asked PT Southerland to put up an aerial. Commissioner Muilenburg asked if the location was accurate. PT Southerland stated that it was. Commissioner Muilenburg asked if the barge was actually on the other side of the navigation channel. PT Southerland stated that in this area of the river, the navigation channel ran up to the marina. Chairperson Hoile asked if the City's jurisdiction went to the south side of the navigation channel. PT Southerland stated that the navigation channel is in different locations in different sections of the river. He gave some distance information using pre-existing structures. Commissioner Muilenburg asked for the aerial to see where the bridge was in relation to the proposed barge.

Chairperson Hoile stated that Ms. Nordahl's other question regarding the clam flats would depend on if there was an issue. PT Southerland stated that he was not sure where those were, but guessed that they were directly south of the proposed location. He said that it was a possibility those could be affected if there were a collision depending on the current and tide. PT Southerland stated that a condition could be added that dealt with that possibility.

Chairperson Hoile said that she noticed that there was no condition to ensure that the Port would be responsible if there were a spill or other accident. She asked if there needed to be a condition that stated that. PT Southerland said there was a condition that stated that the Port would be responsible for anything that happened during installation, but the condition did not specifically state after that. He said that he assumed that the Port would bear any responsibility for any spill or accident.

PD FarleyCampbell stated that there was a condition for mitigation so the applicant would be required to mitigate the impacts of the piling and barge. She stated that PT Southerland included a condition that prohibited vegetation removal, but that staff does not have any expertise in biology or ecology and relies on state agencies to provide that knowledge. She stated that PT Southerland included conditions that would attempt to mitigate all the effects of the installation of the barge.

PD FarleyCampbell stated that she reviewed the Visual Management Plan information and found that the view of Old Town from Glenada was not included. She said that staff could attempt to compose a visual representation of the impacts on Scenic View "4."

Commissioner Murphey asked PT Southerland to bring up the Planning Commission alternatives slide.

Chairperson Hoile asked PT Southerland to restate staff's recommendation. PT Southerland stated that the application met all applicable criteria and could be approved. He stated that staff could do more research regarding the Visual Management Plan concerns.

Chairperson Hoile closed the hearing at 8:32 p.m.

Commission Discussion

Commissioner Bare asked if these refurbished restrooms were from California. Commissioner Muilenburg stated that some of the first restrooms to be installed came from California.

Commissioner Murphey stated that he was either in support of denial or continuance. He stated that he did not have enough information at this time to approve the application. Commissioner Muilenburg agreed.

Commissioner Muilenburg stated that he had concerns about the proposal.

Chairperson Hoile stated that she, too, had concerns about the proposed restroom barge. She said that her concerns stemmed from the location, the incomplete location, there was no information regarding the procedure if there was an accident, and the fact that staff had not notified the Tribes. She stated that she believed that the applicant should have done some more work before submitting this application. She said that she had fished on the river for many years and those on the river usually just used the restroom prior to or after boating.

Commissioner Muilenburg stated that the proposed location was very close to existing restrooms at the Port. He said that the location proposed was a very scenic location and if they approved this application, there would be a restroom in front of the scenic view.

Commissioner Bare stated that it might be a good idea to continue the public hearing. He asked PT Southerland if he could bring back additional materials if the hearing was continued. PT Southerland stated that he could. Commissioner Murphey asked if PT Southerland could get information regarding how and where the barge would be emptied. Chairperson Hoile stated that they needed to determine which option they would like to take.

Commissioner Muilenburg moved to deny Resolution PC 14 15 CUP 06 based on the criteria of scenic views of the river.

PD FarleyCampbell asked Commissioner Muilenburg if he meant for the Findings to be modified for the section related the Visual Management Plan and the applicant did not provide sufficient evidence that Scenic View "4" of the Visual Management Plan would not be impacted by the proposed project. Commissioner Muilenburg confirmed.

Chairperson Hoile seconded the motion.

By roll call vote: Commissioner Bare "no"; Commissioner Muilenburg "yes"; Chairperson Hoile "yes"; Commissioner Murphey "yes"; Commissioner Burns was absent. The motion carries 3-1.

****BREAK****

Chairperson Hoile said that there was one legislative public hearing before the Planning Commission that evening. The proceedings will be recorded. This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon. The Planning Commission decision must be based on facts. Prior to the hearing tonight, staff will identify the applicable approval criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the City and parties involved an opportunity to respond to the issue, would preclude an appeal based on that issue. You must comment either in writing or verbally during a public hearing in order to have standing for an appeal. Any proponent, opponent, or other party interested in a land use matter to be heard by the Commission may challenge the qualification of any Commission to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commission will not make a decision in an impartial manner.

FILE PC 14 17 CPA 02 – WORK TASK 8: Proposed changes to make the City Comp Plan match the County Chapters 6 (Air, Water, and Land Quality) and 14 (Urbanization). These chapters address testing and protection of the aquifer, annexation policy, and development of the area outside the city limits and within the urban growth boundary. The proposed amendments must comply with Statewide Planning Goals 6 (Air, Water, and Land Quality) and 14 (Urbanization).

Chairperson Hoile opened the hearing at 8:49 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges.

Staff Report

PD FarleyCampbell stated that the plan amendment represented one of the final tasks needed to complete period review, which was started in 1999. She presented the applicable criteria for the text amendment from Florence City Code, the Florence Comprehensive Plan, Oregon Planning Goals and Oregon Revised Statutes, and the federal Safe Drinking Water Act.

PD FarleyCampbell summarized the changes to the Comprehensive Plan and their purpose. She stated that in 2009, the City Council and Lane County Board of Commissioners co-adopted Comprehensive Plan changes. She stated that it turned out that LCBC had not approved the same version of the Florence Comprehensive Plan that City Council did, so City Council requested that LCBC adopt changes to the Comprehensive Plan. She said that LCBC did so and the City Council initiated adoption of those changes in September 2012. She stated that the co-adoption was the comprehensive plan amendment that was before them this evening, which would then go before City Council for final hearing.

PD FarleyCampbell stated that referral comments were received from Lane County Environmental Health. She said that Sarah Puls of that department had no comments regarding this amendment. She stated that staff was still expecting to receive comments from Lane County Planning, but had not at this point. She said no other referral comments or public testimony was received.

PD FarleyCampbell listed Planning Commission's alternatives. She stated that staff's recommendation was that the proposal was consistent with all applicable criteria as stated in the Findings of Fact.

Commissioner Muilenburg asked a question regarding the term "sewerage."

Commissioner Bare asked if Heceta Water District participated in testing of Clear Lake and the sole-source aquifer. PD FarleyCampbell stated that to her knowledge, Heceta Water District may be testing their water sources, but is not actively collaborating with other jurisdictions to perform safe water testing.

Chairperson Hoile asked for any proponents, opponents, or neutral parties wanting to submit testimony.

Chairperson Hoile closed the hearing at 9:00 p.m.

Commissioner Murphey moved to approve Resolution PC 14 17 CPA 02 with no changes, Commissioner Muilenburg seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns was absent. The motion passes.

DISCUSSION ITEMS

There were no Planning Commission Discussion Items.

DIRECTOR’S REPORT

PD FarleyCampbell stated that there was no Director’s Report this meeting and that it would be available at the next meeting.

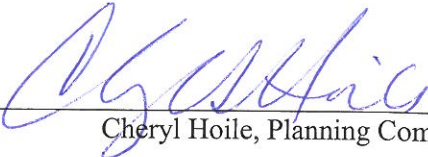
PD FarleyCampbell stated that she and Commissioner Murphey had attended Planning Commissioner Training in Eugene.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for October 28, 2014 at 7:00 p.m.

The Planning Commission scheduled a Planning Commission meeting for November 10, 2014 at 7:00 p.m. because November 11, 2014 is Veteran’s Day.

Chairperson Hoile adjourned the meeting at 9:07 p.m.


Cheryl Hoile, Planning Commission Chairperson

Sapp & Johnson
Annexation &
Zone Assignment

PC 14 13 ANN 01 & 14 ZC 02



Criteria

Annexation

- Oregon Revised Statutes (ORS) 222.111, 222.120, 222.125 and 222.170 (2)
- Realization 2020 Comprehensive Plan for the City of Florence, Chapter 14, Urbanization, Policy 1

Rezoning

- Realization 2020 Comprehensive Plan for the City of Florence, Chapter 2, Section on Residential Plan Designation
- Florence City Code (FCC), Title 10, Chapter 1, Zoning Regulations; Sections 10-1-1-5-E-3 and 10-1-2-3 and 10-1-3-B-4

©Sapp & Johnson—PC 1413 ANT 01 & 142C 02

10/14/2014 02

Annexation Process

Oregon Revised Statutes:

- 222.125 **Annexation by consent of all owners of land and majority of electors;** proclamation of annexation. The legislative body of a city **need not** call or hold an election in the city or in any contiguous territory proposed to be annexed or **hold the hearing** otherwise required under ORS 222.120 **when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing** to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

• Sapp & Johnson - FC 14 13 ANN 01 & 142C 02

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Annexation Process

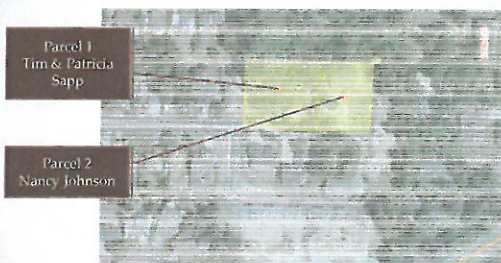
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- **Annexation: PC 14 13 ANN 01**
 - Action Item. Council Recommendation
- **Zoning Assignment: PC 14 14 ZC 02**
 - Hearing. Council Recommendation

• Sopp & Johnson – PC 14 13 ANN 01 & 14 2C 02

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Aerial of Site



• Sopp & Johnson – FC 1413 ANN 01 & 142C 02

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Zoning Assignment



© Sapp & Johnson - PC 14 13 ANN 01 & 14 JC 02

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Applicable Criteria

- Petition—Owners and Electors—100%
- Process—Annexation: Recommendation to Council, no election or hearing required.
- Process—Zoning : Quasi-judicial zoning assignment, recommendation to Council, hearing required.
- Utilities—Available in 11th and Vine Sts., capacity available in city system to serve two additional residential parcels.

• Sapp & Johnson – PC 14 13 ANN 01 & 14 ZC 02

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Testimony

- Referral comments were submitted by:
 - Chief Lynn Lamm, Florence Police – No concerns
 - Daniel Ingram, Lane County Transportation – All roads adjacent are jurisdiction of Florence, no further comments.
- No Public Testimony Received

• Sapp & Johnson – PC 14 13 ANN 01 & 14 ZC 02

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Alternatives

1. Recommend approval of the annexation and rezoning by approving Resolutions PC 14 13 ANN 01 and PC 14 14 ZC 02 as presented or with modifications.
2. Recommend denial of the annexation based on the Commissions findings to support denial of the annexation.
3. Recommend approval of the annexation but recommend a different zoning district for the rezoning.
4. Continue the public hearing or leave the record open for more information.

• Sapp & Johnson – PC 14 13 ANN 01 & 14 ZC 02

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Staff Recommendation

The evidence in the record demonstrated that the proposed annexation and zone assignment is consistent with the policies set forth in state statutes and the Florence Realization 2020 Comprehensive Plan, based on the findings. Planning Commission recommends approval of the annexation and zoning assignment to the Florence City Council.

• Sapp & Johnson – PC 14 13 ANN 01 & 14 ZC 02

10/14/2014 • 10

Questions?

• Sapp & Johnson – PC 14 13 ANN 01 & 14 ZC 02

10/14/2014 • 11

Goss SFR in Highway District

PC 14 20 CUP 07



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-5
 Chapter 3: Off-Street Parking and Loading, Sections 2, 3, 4, and 8A
 Chapter 4: Conditional Uses, Sections 3, 5 through 11
 Chapter 8: Nonconforming Lots and Uses, Sections 4, 5, and 7 through 9
 Chapter 16: Highway District, Section 3 through 7
 Chapter 35: Access and Circulation, Sections 2 and 3

Florence Realization 2020 Comprehensive Plan:

Chapter 2: Land Use, Residential Policies 8 and 10

• Goss SFR in Highway District - PC 14 20 CUP 07

10/14/2014 # 2

Introduction

- 1938 - Original house on site built
- 6/2013 - Applicant purchased property
- 9/2014 - Original house demolished
- 9/11/2014 - Land Use Application received

• Goss SFR in Highway District - PC 14 20 CUP 07

10/14/2014 # 3

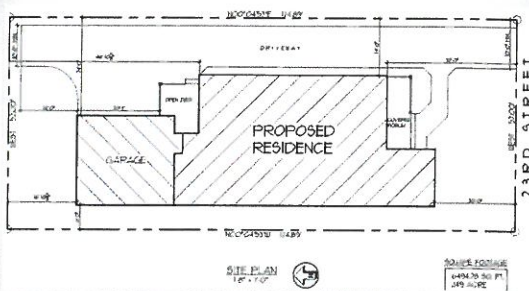
Aerial of Site



• Goss SFR in Highway District - PC 14 20 CUP 07

10/14/2014 # 4

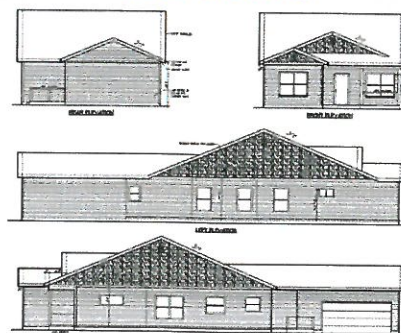
Site Plan



• Goss SFR in Highway District - PC 14 20 CUP 07

10/14/2014 # 5

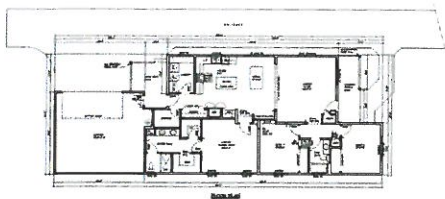
Elevations



• Goss SFR in Highway District - PC 14 20 CUP 07

10/14/2014 # 6

Floor Plan



• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 7

Testimony

- Referral comments were submitted by:
 - Chief Lynn Lamm – No concerns
- No Public Testimony Received

• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 8

Staff Recommendation

Staff finds that the application meets the applicable criteria and can be approved.

• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 9

Conditions of Approval

3. Installation of sidewalk and "Construction Permit in Right-of-Way"
4. Exterior lighting
5. Screening of headlights

• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 10

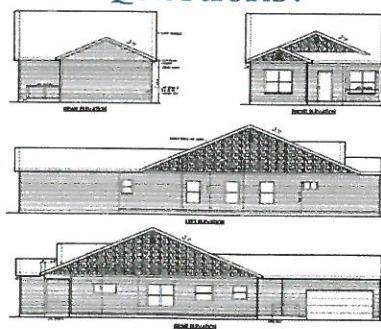
Alternatives

1. Approve the proposed conditional use;
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the proposal, or
4. Continue the Public Hearing to a date certain if more information is needed.

• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 11

Questions?



• Gross SFR in Highway District - PC 14 20 CUP 07

10/14/2014 • 12

Port of Siuslaw Floating Restroom

PC 14 15 CUP 06



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-5
Chapter 4: Conditional Uses, Sections 9 through 11
Chapter 6: Design Review, Section 5
Chapter 19: Estuary & Shorelands, Section 4
Chapter 36: Public Facilities, Section 3

Florence Realization 2020 Comprehensive Plan:

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources
Chapter 6: Air, Water and Land Quality
Chapter 16: Siuslaw River Estuarine Resources

• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 • 2

Introduction

- **1996** – DEQ and OSMB sign a Memorandum of Understanding to regulate sewage generated on State Waters
- **June 25, 2013** – Grant funding allocated for Port of Siuslaw floating restroom
- **August 6, 2014** – Application submitted

• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 • 3

Aerial of Site

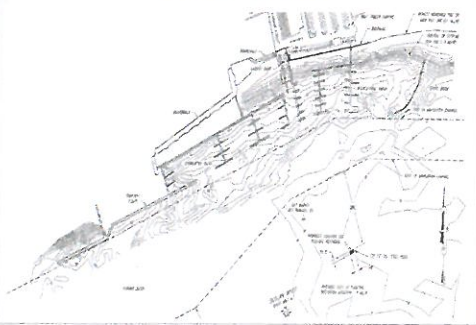
- Port Campground
- G Dock (Fuel Dock)
- Proposed Site



• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 • 4

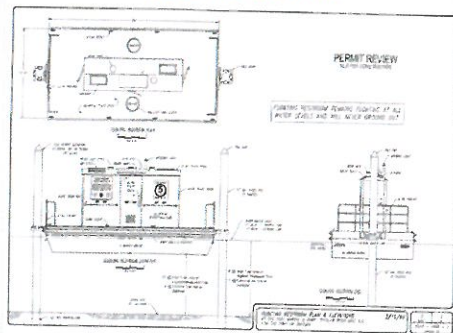
Site Plan



• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 • 5

Elevations



• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 • 6

Photo of Current Site



• Port Floating Restroom - PC 14.15
CUP 06

10/14/2014 • 7

Photo of Current Site



• Port Floating Restroom - PC 14.15
CUP 06

10/14/2014 • 8

Testimony

- Referral comments were submitted by:
 - PWD Mike Miller (Exhibit K)
 - Chief Lynn Lamm (Exhibit D)
 - ODFW Biologist Jason Kirchner (Exhibit E)
- Public Testimony received from:
 - Sherill Androsky (Exhibit H)
 - N. Barton (Exhibit J)

• Port Floating Restroom - PC 14.15 CUP 06

10/14/2014 • 9

Staff Recommendation

Staff finds that the application meets the applicable criteria and can be approved.

• Port Floating Restroom - PC 14.15 CUP 06

10/14/2014 • 10

Conditions of Approval

3. Removal of the floating barge for any period longer than 12 consecutive months shall constitute a discontinuance of the use.
4. Pilings are limited to 17' above MLLW to ensure safe operation and also ensuring preservation of scenic views.
5. Maintenance of the floating restroom.

• Port Floating Restroom - PC 14.15 CUP 06

10/14/2014 • 11

Conditions of Approval

6. Navigation lighting requirement. Deployment during hazardous conditions where the facility may become unsecured.
7. CUP void after one year. "Substantial construction" in this case is completion of pile driving. One-time 1-year extension possible.
8. No vegetation removal permitted.

• Port Floating Restroom - PC 14.15 CUP 06

10/14/2014 • 12

Conditions of Approval

9. Limitations on in-water work.
10. Provide final locational information to ensure no encroachment.
11. Provide copies of all required permits and abide by all requirements made by the U.S. Army Corps and Department of State Lands.
12. Mitigation of 276 square feet of overwater structure and a Category 2 habitat.

• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 # 13

Conditions of Approval

13. Aquatic vegetation survey and present the results to the City and ODFW. Opportunity to identify another suitable site within the Development Estuary.
14. Restriction on removal of woody debris and on treated wood products.

• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 # 14

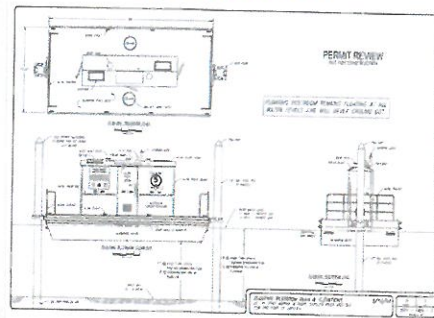
Alternatives

1. Approve the installation of fill in the Siuslaw River for anchor piles for a floating restroom;
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the proposal, or
4. Continue the Public Hearing to a date certain if more information is needed.

• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 # 15

Questions?



• Port Floating Restroom - PC 14 15 CUP 06

10/14/2014 # 16

Urbanization Policy Task 8- Periodic Review

PC 14 17 CPA 02



Criteria

- **Florence City Code (FCC) Title 10:**
 - Chapter 1: Zoning Administration, Section 10-1-3
- **Realization 2020 Florence Comprehensive Plan:**
 - Chapter 1: Citizen Involvement
 - Chapter 6: Air, Water, and Land Quality
 - Chapter 11: Utilities and Facilities
 - Chapter 14: Urbanization

• Urbanization Policy – PC 14 17 CPA 02

10/14/2014 • 2

Criteria

Oregon Revised Statutes (ORS) and Administrative Rules (OAR):

- ORS 197.175, Cities' and Counties' Responsibilities; Rules on Incorporations; Compliance with Goals (2)
- OAR 340-071-0160, (Septic) Permit Application Procedures--Construction, Installation, Alteration, and Repair Permits
- ORS 197.524, Moratorium on Construction or Land Development
- OAR 340-071-0130, Department of Environmental Quality, General Standards, Prohibitions and Requirements (1) Public Waters or Public Health Hazards and (13) Operation and Maintenance
- OAR 340-071-0400 (2), General North Florence Dunal Aquifer, North Florence Dunal Aquifer Area, Lane County

• Urbanization Policy – PC 14 17 CPA 02

10/14/2014 • 3

Criteria

- **Statewide Land Use Planning Goals:**
 - Goal 1, Citizen Involvement
 - Goal 2, Land Use
 - Goal 6, Air, Water, and Land Resources Quality
 - Goal 11, Public Facilities and Services
 - Goal 14, Urbanization.
- **Federal Safe Drinking Water Act, Public Law 93-523**

• Urbanization Policy – PC 14 17 CPA 02

10/14/2014 • 4

Summary of Proposal

Post Acknowledgment Plan Approval Task 8 Periodic Review-Exhibit B

- UGB Expansion
- Water protection
- Agency Coordination
- Health Hazard Abatement
- Annexation Process

• Urbanization Policy – PC 14 17 CPA 02

10/14/2014 • 5

Summary of Process

- 2009 Council Adopted Ord 18, Series 2009
- 2010 LCBC Co-Adopted different version
- 2011 Council requested a reconsideration w/different language
- 2012 LCBC Adopted new language
- September 2012 – Council Initiated adoption of County's language
- PC Hearing –Recommendation
- Council Hearing and Adopting Ordinance

• Urbanization Policy – PC 14 17 CPA 02

10/14/2014 • 6

Testimony

- Referral comments were submitted by:
 - Sarah Puls, Lane County Environmental Health – no comments or questions.
- No Public Testimony Received

• Urbanization Policy – PC 14.17 CPA 02

10/14/2014 • 7

Alternatives

1. Approve the proposed amendments based on the findings of compliance with City and state policies and goals.
2. Modify the findings or policy amendments and approve the request as modified.
3. Continue the Public Hearing to a date certain if more information is needed.

• Urbanization Policy – PC 14.17 CPA 02

10/14/2014 • 8

Staff Recommendation

The proposal to adopt the post acknowledgement plan amendment to the Realization 2020 Comprehensive Plan is consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Administrative Rules, Statewide Planning Goals, and the federal Safe Drinking Water Act, Public Law 93-523.

• Urbanization Policy – PC 14.17 CPA 02

10/14/2014 • 9

Questions?

• Urbanization Policy – PC 14.17 CPA 02

10/14/2014 • 10