

CITY OF FLORENCE PLANNING COMMISSION
June 10, 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, Robert Bare, and Alan Burns were present. Commissioner Murphey was absent and excused. Also present: City Recorder Kelli Weese, Interim Planning Director Wendy FarleyCampbell, and Planning Technician Glen Southerland.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Meeting of May 27, 2014

Commissioner Burns motioned to approve the Minutes of May 27, 2014, Vice Chairperson Bare seconded. By voice, all ayes, with the exception of Commissioner Murphey, who was absent, and Chairperson Hoile, who abstained. 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.

PUBLIC HEARING:

Chairperson Hoile said that there was one public hearing 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.

OLD TOWN PARKING – RESOLUTION PC 14 05 TA 01: A proposal to amend Chapter 17 – Old Town District of the City of Florence Zoning Code (Title 10) in order to amend required parking regulations in the Old Town Area A zoning district by waiving parking requirements for existing structures, and reducing parking requirements by 50% for all new structures and additions. The hearing was continued from May 13, 2014.

Chairperson Hoile opened the hearing at 7:04 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared a site visit, ex parte contact, or

conflict of interest 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 introduced the application and presented the Code Criteria related to the application. He stated that the area considered for proposed code changes was Old Town Area A and Area B should the Planning Commission see fit. PT Southerland presented the proposed Code text amendment and noted that some clarification was added to the proposed text. He stated that the text removed was regarding uses and text added regarded structures and additions.

PT Southerland said that all buildings in existence on the date of adoption would be granted a waiver of parking requirements and any buildings built after that date would be granted a waiver of 50% of parking requirements. He said that using the date of construction posed a clear criterion for determining what parking a structure had to provide rather than a use, which could change and was not generally well-tracked.

PT Southerland provided an example of the effects of the proposed code change on a new development for both restaurant and retail uses.

Commissioner Burns asked if additions would fall under the category of new construction. PT Southerland confirmed and stated that the parking would be determined based on the square footage of the addition.

PT Southerland presented testimony received at the Planning Commission meeting of May 13, 2014. He stated that both of those who testified regarding this code change were in support of the text amendment. PT Southerland stated that the staff recommendation was for the Planning Commission to provide any recommended changes to the proposed code, select an area of Old Town which the changes will apply, and forward the proposed changes to City Council.

Commissioner Muilenburg asked who came up with the text amendment. CR Weese stated that the text amendments came from the public involvement process for the Transportation System Plan where a business owner in Old Town had asked for parking reductions in the district. She stated that City Council did not want to include any Old Town Parking changes as part of the TSP, but elected to make the issue a Council Goal and continue the process at a later time. Commissioner Muilenburg asked if the person was a property owner who suggested the text amendment. CR Weese clarified that the person was a business owner. Commissioner Muilenburg stated that what he read focused on two issues: the lack of parking and economic development. He said that he did not have a problem with the 50% reduction in parking requirements, but did not feel eliminating parking requirements for existing buildings was in line with those goals. CR Weese stated that the intent was to allow buildings to change uses without an increase in the required parking. Commissioner Muilenburg asked if it would not be a better option to grandfather parking between businesses and uses so that current parking is retained.

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment.

There were no audience members who wished to testify.

Chairperson Hoile closed the hearing at 7:16 p.m.

Commission Discussion

Commissioner Muilenburg stated that he saw issues with the language being used for the text amendment. He said that if language was added that allowed businesses to grandfather existing parking to future businesses and uses he would support it. Commissioner Muilenburg stated that he did not have any issues with the 50% reduction in parking for expansions and new construction. CR Weese suggested language as

follows to be added to FCC 10-17A-4-E-4: "All existing parking spaces as of (date of adoption) shall remain in use as vehicle parking as previously approved." Commissioner Muilenburg said he would like that added, but would like the section regarding the elimination of parking removed. CR Weese stated that the elimination of existing parking requirements and allowing transitions of use was central to the issue. Chairperson Hoile asked if he meant that he would like the section removed regarding businesses not having to provide the minimum two spaces of parking. CR Weese stated that there are structures in Old Town which do not meet the minimum of parking needed currently, and it may not hurt to remove that section. Commissioner Muilenburg stated that he liked the added language suggested, but he did not want the language used allowing the elimination the parking spaces. Chairperson Hoile asked if CR Weese was proposing taking out the section regarding elimination of parking requirements. CR Weese stated that she did not propose the removal of any proposed code, but rather adding the requirement that parking spaces grandfathered to businesses be retained.

Commissioner Muilenburg asked where the addition would be in FCC 10-17A-4-E-4. CR Weese stated that the addition would be the last sentence. Commissioner Muilenburg asked how that sentence conflicted with the first sentence of that section waiving parking requirements for all structures. CR Weese stated that what was existing at the time of adoption must be retained and that the wording of the section tells those determining parking in the future that they do not need to calculate requirements by square footage. She stated that she believed he had a good point, but that she did not believe that business owners were going to give up parking spaces. Commissioner Muilenburg stated that he did not want to give the option of allowing business owners to give away, build on, or lease their parking spaces as a result of the elimination of required parking.

Commissioner Bare asked for CR Weese to read FCC 10-17A-4-E-4 in its entirety. CR Weese read the proposed text with the addition discussed.

IPD FarleyCampbell asked what would happen if a property owner proposed expanding over existing parking spaces. She said just wanted to make sure that parking spaces themselves were not being required, but rather the number of parking spaces. Commissioner Muilenburg stated that he wanted to make sure that if a number of spots were taken away, they would be replaced.

Commissioner Muilenburg asked to see the parking requirements listed in FCC 10-3-4. The rest of the Planning Commission agreed that they would like to see the Code section as well. PT Southerland retrieved FCC 10-3-4 for the Planning Commission to review.

CR Weese stated that there should be an addendum to the proposed code that described how to process an application to place something in an existing parking space. Commissioner Muilenburg stated that he did not want to limit owners in Old Town from being able to develop their properties, but did want to make sure that the parking would be provided elsewhere.

Chairperson Hoile asked PT Southerland to read FCC 10-3-4.

Commissioner Bare asked CR Weese what she proposed to add to the end of the proposed text. CR Weese read the proposed text with an addendum explaining that an applicant could receive a modification by the Design Review Board to their required parking. Commissioner Muilenburg asked what the modification by Design Review Board would entail. CR Weese stated that in order to change the number of parking spaces required an applicant would have to apply for a design review. She gave an example of someone putting something in their parking space such as a park bench, but not use that space for parking. Commissioner Muilenburg asked if there was Code language that would allow the Planning Commission to deny that application. He stated that the code should be simple, retaining current parking and allowing for changes of use without an increase in parking requirements. Chairperson Hoile stated that the change of use could also go from a more-intensive to a less-intensive use and a property owner in Old Town would not be able to use the parking spaces they had and were not required to provide for their business with the amendment to the

proposed code as stated. Commissioner Muilenburg stated that could be an issue and wondered how that situation could be resolved.

Commissioner Muilenburg asked why the code needed to include the waiver. CR Weese stated that it would not make it clear that a change of use would not require additional parking. Commissioner Muilenburg suggested that a sentence be put in that stated that. IPD FarleyCampbell stated that there could be a leading sentence in the proposed code with a bulleted subsection below.

Commissioner Burns stated that there was no way to come up with every scenario, but stated that he liked IPD FarleyCampbell's idea of a bulleted subsection. He suggested that Staff work on the code and bring it back at a later time. Commissioner Bare stated that that sounded reasonable.

Chairperson Hoile stated that the hearing was already closed. CR Weese stated that a motion was needed to the effect that the matter was redirected to staff. Commissioner Muilenburg asked if that meant that the hearing would be re-opened. CR Weese stated that there would be another hearing at City Council as well.

Commissioner Burns moved to redirect the matter back to staff for elaboration. Commissioner Bare seconded the motion.

Commissioner Muilenburg asked if staff felt that they understood what the Planning Commission wanted from the proposed code amendments. CR Weese responded that they did and if further work was needed a worksession could be scheduled.

CR Weese stated that the City Council had also requested that the Planning Commission recommend a geographic extent to the parking code amendment, either Old Town Area A or Old Town Area A and B. Commissioner Muilenburg asked if an answer was needed tonight. CR Weese stated that it was not necessary tonight because the matter was being continued. Commissioner Muilenburg stated that he thought the area affected should be Area A. Commissioner Bare stated that he felt the same. Commissioner Burns and Chairperson Hoile agreed that the area for the parking code amendment should be Old Town Area A.

Chairperson Hoile asked for a vote on the motion to redirect the matter back to staff. By Voice All Ayes, with the exception of Commissioner Murphey, who was absent. The motion carries and the matter is continued to a date uncertain.

ACTION ITEM:

SEIFERT PLAN AND ZONE CHANGE – RESOLUTION PC 14 06 CPA 01 AND PC 14 07 ZC 01:

An application for zoning map and Comprehensive Plan designation changes for properties located at the northeast corner of Munsel Lake Road and Spruce Street. The properties are as follows: Map Number 18-12-14-20 Tax Lots 00301& 00600 and the east half of Spruce Street and Map Number 18-12-14-24 Tax Lot 00300. The applicant proposes to change 13.6 acres zoned Service Industrial to Mobile / Manufactured Home District and plan designated Service Industrial to High Density Residential. The applicant proposes to change 0.9 acres zoned North Commercial to Mobile / Manufactured Home District and plan designated North Commercial to High Density Residential. The changes are proposed to accommodate a 55 and older manufactured home park.

Commission Discussion

IPD FarleyCampbell stated that the matter before them was a continuation from the previous hearing on May 27, 2014 for the applicant to provide a rebuttal only for a period of seven days from the date of the previous hearing. She stated that the applicant provided clarification of information that was provided as testimony and was not allowed to provide any new testimony. She summarized the information provided by the applicant and corrections made to the staff report based on testimony received, the previous hearing, and

elaboration provided by the applicant. She stated that all of the exhibits were received at the previous meeting except for the elaboration provided by the applicant on June 3, 2014.

Commissioner Bare asked if the homes would be brought in on wheels. IPD FarleyCampbell stated that that was her understanding. She did not know if that precluded modular homes, but did not know enough about how they are transported to say for certain. She stated that she believed that manufactured homes needed to be on a foundation and it had been staff's understanding that that would be the case.

Commissioner Muilenburg read aloud an excerpt from Exhibit T that stated some of the future proposals that will be part of the approval for the manufactured home park.

Chairperson Hoile stated that she agreed with Commissioner Muilenburg and stated that she had received all of the exhibits as part of her packet for the previous meeting.

Commissioner Burns moved to approve Resolutions PC 14 06 CPA 01 & PC 14 07 ZC 01, Commissioner Bare seconded the motion. By Voice All Ayes, with the exceptions of Commissioner Murphey, who was absent, and Chairperson Hoile, who abstained. The motion carries.

DISCUSSION ITEMS

Commissioner Muilenburg asked if the food cart in front of 3-2-1 Video was permitted. CR Weese confirmed that it was.

Chairperson Hoile stated that it appeared that the Calosso fence gate was plywood, not metal as stated by Mr. Calosso's attorney, Greg Freeze.

The Planning Commission thanked CR Weese for her work as Interim Planning Director.

DIRECTOR'S REPORT

IPD FarleyCampbell stated that she had emailed Chairperson Hoile whether or not the Planning Commission would like to make a decision on a possible upcoming Minor Partition. Chairperson Hoile stated that she did not mind if everyone saw it, but wondered what would be most efficient for applicants.

Commissioner Muilenburg asked IPD FarleyCampbell to elaborate on what exactly a Minor Partition was. IPD FarleyCampbell clarified and stated that the particular application that might come before the Planning Commission could not apply for a Lot Line Adjustment because the front of the property would change. She described how the layout of the site prescribed this particular process rather than an administrative one.

Commission Burns stated that he would like to see an email concerning the applications. IPD FarleyCampbell stated that the application would not be a public hearing, just an action item. Commissioner Muilenburg agreed that he would like to see the applications.

Chairperson Hoile asked where the Port Bay Street Vacation was located. CR Weese explained. Commissioner Muilenburg asked if it would come before the Planning Commission. IPD FarleyCampbell stated that the item would have at least three hearings if initiated, but the first hearing would decide whether or not the Planning Commission would hear the application.

IPD FarleyCampbell stated that Marianne Brisbane had withdrawn her application for a design review for Waterfront Depot.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for July 22, 2014 at 7:00 p.m.

Chairperson Hoile adjourned the meeting at 8:05 p.m.

Cheryl Hoile, Planning Commission Chairperson