

**CITY OF FLORENCE PLANNING COMMISSION**  
**July 22, 2014 \*\* MEETING MINUTES \*\***

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**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 John Murphey were present. Commissioner Burns was absent. Also present: City Recorder Kelli Weese, Interim Planning Director Wendy FarleyCampbell, and Planning Technician Glen Southerland.

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**APPROVAL OF AGENDA**

Chairperson Hoile stated that Resolution PC 14 05 TA 01- Old Town Parking should be an Action Item, not a Public Hearing.

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

**APPROVAL OF MINUTES**

Meeting of June 10, 2014

Chairperson Hoile asked Commissioner Bare if he meant to ask if wheels would be staying underneath the homes rather than if the manufactured homes would be brought in on wheels as stated on Page 5 of the minutes. He confirmed. Chairperson Hoile asked if Commissioner Bare would like that changed. He agreed.

Commissioner Murphey motioned to approve the Minutes of June 10, 2014 as amended, Commissioner Bare seconded. By voice, all ayes, with the exception of 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.

**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.*

## **1650 REDWOOD CHURCH TO SINGLE-FAMILY RESIDENCE – RESOLUTION PC 14 09 CUP**

**05:** A request for approval of a Conditional Use Permit to convert a former church, located at 1650 Redwood Street, in the Multi-Family Residential District to a single-family home. The applicant proposes to retain the residential portion of the building formerly used by the church and convert the former sanctuary into a recreation room. The applicant has also proposed to convert the property into a duplex in the future. The building is located at Map 18-12-26-22, Taxlot 09800.

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. Commissioner Muilenburg declared a site visit. No other 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**

IPD FarleyCampbell introduced the Conditional Use Permit application by giving some background about the inquiries the Planning Department had received regarding the property. She stated that the zoning is Multi-Family Residential so the change is from one conditional use to another conditional use. She also said that because the use being proposed was a single-family residence, no design review was needed. IPD FarleyCampbell listed the applicable review criteria.

IPD FarleyCampbell presented maps, aerials, and a site plan showing the current site conditions. She stated that the applicant has proposed to retain the existing building and eventually to build a second residence on the property. IPD FarleyCampbell presented photos of the site, including the parking area for the site, and stated that the parking area originally proposed by the applicant would not meet requirements.

IPD FarleyCampbell stated that the applicant did not want to provide permanent covered parking because of her plans to add a second residence to the lot. She said that code allowed the applicant to provide parking in keeping with the surrounding properties. In this case, the majority of neighboring properties within 100-feet of the applicant's property did not provide covered parking, for a total of seven covered spaces and 16 uncovered spaces. She stated that the applicant would have to pave parking, even if uncovered.

IPD FarleyCampbell listed the conditions of approval. She said that the applicant would have to pave the first 50 feet of driveways from the street to the parking area, that the parking area would have to meet dimensional requirements, and that the applicant must screen neighboring properties from headlight glare by providing screening, either by installing slats in the existing chain-link fence in the area where those lights would shine or by planting vegetation at the front of the parking area. IPD FarleyCampbell added that the applicant would also have to obtain an access permit from Public Works to ensure that the transition to city streets is made correctly.

IPD FarleyCampbell stated that there were two referral comments from Siuslaw Valley Fire and Rescue and the Florence Police Department and neither had any concerns with the application. She said that staff recommended that the Planning Commission approve the application with the conditions mentioned. She stated that she could take questions from the Planning Commission.

Commissioner Muilenburg asked if the street frontage was on Redwood Street. IPD FarleyCampbell confirmed and stated that the front of the lot is always the narrow side of the lot. Commissioner Muilenburg asked if the curb cut would be on the Redwood Street side. IPD FarleyCampbell stated that there are three curb cuts, but that the applicant could do what they desired.

Commissioner Muilenburg asked where the secondary parking was located. IPD FarleyCampbell stated that the parking the applicant preferred to use was on the Redwood Street side, but was not deep enough to keep vehicles out of the right-of-way. Commissioner Muilenburg stated that it was unclear which parking area was proposed. He said that the staff report stated that the applicant proposed three spaces on 16<sup>th</sup> Street. He

asked if those were on the street. IPD FarleyCampbell stated that those proposed spaces were actually off of Redwood Street. Commissioner Muilenburg quoted the staff report section that said that the applicant proposed a second option to the east of the residence building. He said that he was confused by the locations mentioned in the staff report. IPD FarleyCampbell stated that the mention of 16<sup>th</sup> Street he mentioned should be Redwood Street. She stated that all mentions in the staff report of 16<sup>th</sup> Street should be replaced by Redwood Street and all mentions in the staff report of Redwood Street should be replaced by 16<sup>th</sup> Street.

Ray South asked if he could answer any questions. Chairperson Hoile stated that the Planning Commission would ask him questions after his testimony. Commissioner Muilenburg stated that the issue could be tabled until after Mr. South's testimony.

Commissioner Muilenburg stated that he was not sure what parking spots they would be approving.

Commissioner Muilenburg said that he wanted to talk about the 17-foot setback and stated that he understood that the sanctuary is a pre-existing non-conforming use. IPD FarleyCampbell stated that a multi-family residence would only be required to provide a 5-foot setback, but that a duplex does not qualify as a multi-family residence, but it would have to meet the same requirements as a single-family residence. She stated that the site plan submitted for a previous building permit showed a 20-foot setback, but there is likely only a 17-foot setback. Commissioner Bare asked what year the building permit was issued. IPD FarleyCampbell stated that she did not know, but believed it was in 2003 or 2004.

Commissioner Muilenburg asked if the single-family residence was approved and this building remained a pre-existing non-conforming structure, if that could be corrected if a design review was required later. IPD FarleyCampbell stated that a condition could be added that required that the area within the setback not be expanded or allow the building to fall under the code for pre-existing non-conforming uses, which allows up to 25% expansion of the building face that is within the setback. Commissioner Murphey stated that new construction would have to meet current code. IPD FarleyCampbell said that the only case where the property owner would be allowed to use the pre-existing non-conforming setback would be if the building burnt down.

Commissioner Muilenburg asked if code required double-striped parking spaces. IPD FarleyCampbell stated that the code was not specific regarding commercial vs. residential applications, but generally that code applied to commercial parking. She said that the Planning Commission could add a condition of approval requiring striped parking if desired.

**Applicant's Representative Testimony – Ray South, Pacific 101 Realty, 2775 Highway 101, Ste. C, Florence, OR 97439**

Mr. South began his testimony by stating that he thought this application was a win-win situation for the City and that staff had done a good job preparing the staff report.

Mr. South stated that there was a concrete parking spot alongside the residential building. He pointed out several features of the home on the aerial photo. He stated the applicant intends to retire in this home and build a duplex in the future. He stated that the approval of the application would allow the City to gain property taxes from the formerly tax-exempt property. Mr. South stated that the applicant is unable to obtain good financing because of the property's status as commercial.

Commissioner Muilenburg stated that when he visited the site, there were vehicles parked on an unpaved section. Mr. South stated that there were two possibilities, but the applicant would pave wherever the Planning Commission felt was appropriate. He added that the shed behind the house would probably be taken out.

Commissioner Muilenburg asked if the site was zoned Multi-Family Residential. IPD FarleyCampbell stated that the site was zoned Multi-Family, but the tax assessor's database classifies the building as commercial.

She stated that getting this approval would allow the applicant to obtain a lower interest rate for their financing.

Commissioner Murphey asked if the Planning Commission could require that an area be reserved for parking for future expansions. IPD FarleyCampbell stated that the applicant was not proposing a duplex at this time, but the Planning Commission could require that reservation. She added that future access by the alley may require that the alley be paved and that duplexes are permitted outright, so the parking would be looked at as part of the building permit application.

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment. There were no members of the public present.

IPD FarleyCampbell stated that one condition that was not pointed out on the presentation was Condition 7, requiring that the floodlight on the property be removed or disengaged.

Commissioner Muilenburg asked if the proposed parking spaces would be side-by-side or tandem. IPD FarleyCampbell stated that the code was changed recently to allow tandem parking. She stated that Condition 4 did not address tandem parking and gave only the dimensional requirements of 18' x 24'. She said that the Planning Commission could allow the applicant to provide their parking however they liked. Chairperson Hoile stated that she thought the applicant should be allowed to provide the parking as they desired.

Chairperson Hoile closed the hearing at 7:41 p.m.

### **Commission Discussion**

Chairperson Hoile stated that Condition 4 should have the dimensional requirements of the parking area removed and require only that parking be provided for the required number of vehicles.

Chairperson Hoile stated that the streets adjacent to the property should be clarified throughout the staff report.

Commissioner Murphey moved to approve Resolution PC 14 09 CUP 05 with amendments as discussed. Commissioner Bare seconded the motion. By Voice All Ayes, with the exceptions of Commissioner Burns, who was absent. The motion carries.

### **ACTION ITEM:**

**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 changes of use, and reducing parking requirements by 50% for all new structures and additions. The hearing was continued from May 13, 2014.

### **Commission Discussion**

PT Southerland presented the applicable code criteria for the zoning text amendment. He stated that changes were made as the Planning Commission discussed at the meeting of June 10, 2014. He summarized the changes and read the proposed text of the amendments. He also asked for the Planning Commission's input on each of the proposed sections of code and the effects of each of those proposed sections. PT Southerland stated that staff recommended that the Planning Commission make any needed changes and then forward the proposed amendments to City Council for possible adoption.

Commissioner Muilenburg stated that staff did a good job summarizing what the Planning Commission had talked about at the previous meeting. He said that staff did bring up a couple of scenarios that the Planning Commission needed to discuss, however. Chairperson Hoile stated that it would be concerning to have a change of use eliminate parking spaces only to need them again after another change of use. Commissioner Bare stated that he thought it was likely that it would happen. Commissioner Murphey stated that there was no additional parking available, so parking should be required to be retained. Commissioner Muilenburg stated that his opinion was that businesses in Old Town should not be required to provide more parking, but also should not be allowed to provide less. CR Weese stated that she felt that subsection B for the proposed code section 4 covered that situation. PT Southerland stated that it was brought up as a concern for subsection C that the Planning Commission may want to allow some reductions in parking spaces. Commissioners Muilenburg and Murphey said that they did not want to allow any reductions in parking spaces. PT Southerland asked the Planning Commission if they wanted that to apply to leased parking spaces as well. Commissioner Muilenburg, Bare, and Murphey stated that they thought it should.

Commissioner Muilenburg stated he did not want to do anything to reduce the number of existing parking spaces. He said that an inventory was started of parking spaces in Old Town by PD Belson, but he did not know where that information went. IPD FarleyCampbell stated that she thought that work was done by Greg Butler, a former RARE intern for the department. Commissioner Murphey stated that he did not think that any new parking would be established and he liked the proposed code amendments. Commissioner Muilenburg stated, that as it applied to changes of use from residential to commercial, it was a two-edged sword because it did not require increases, but also did not allow decreases.

PT Southerland asked the Planning Commission if they wanted to include residences as a change of use prohibited from exemption in section 4 because the conversion from residential to commercial did not necessarily require new construction, but may necessitate an increase in available parking. Commissioner Murphey asked if language could be added that would be helpful to staff in the future. Chairperson Hoile asked if he meant with regard to the retention of parking. CR Weese asked if Commissioner Murphey meant that if there was a change of use application, without any addition, that the parking would be required to be retained. She stated that the applicable section would be C. Commissioner Muilenburg stated that it should read “or residences.” He said that if a residence changed to commercial, that residence would have two parking spaces, which would need to be retained.

Chairperson Hoile asked if the responses provided by the Planning Commission answered staff’s questions. PT Southerland stated that they did. CR Weese recommended that Number 5 of the proposed text state “to be determined by Planning Commission/Design Review Board approval.” She also said that the code specifies that anyone requesting the 50% parking waiver would have to obtain Planning Commission/Design Review Board approval.

CR Weese stated that “to be determined by administrative review or Planning Commission/Design Review Board approval” should be added to allow administrative approvals. Commissioner Muilenburg stated that it would be good to include that so that the Planning Commission had the option to review proposals. CR Weese stated that the Planning Commission always had the ability to review proposals.

Commissioner Bare asked CR Weese to read Number 5 in its entirety. CR Weese read Number 5 of the proposed text amendment.

Commissioner Bare asked if PT Southerland wrote the memo and proposed code. PT Southerland confirmed. Commissioner Bare stated that PT Southerland did a great job.

IPD FarleyCampbell pointed out that subsection B and C prohibited businesses with excess parking from removing that parking. Commissioners Murphey and Muilenburg stated that they thought that the situation was okay. Commissioner Murphey said that they could lease the spots to someone else who wanted them. Commissioner Muilenburg stated that he felt that the Planning Commission would be doing the community a disservice by allowing the elimination of any parking in Old Town.

Commissioner Muilenburg moved to approve Resolution PC 14 05 TA 01, Commissioner Murphey seconded the motion. By Voice All Ayes, with the exceptions of Commissioner Burns, who was absent. The motion carries.

## **DISCUSSION ITEMS**

Commissioner Murphey thanked staff for making the Commissioner's jobs easier. Commissioner Bare and Chairperson Hoile agreed.

Commissioner Muilenburg stated that he noticed that Code Enforcement in the Director's Report. IPD FarleyCampbell stated that Code Enforcement Officer Dan Frazier was doing a great job and that she hoped to add case statuses in the next report. She suggested that CEO Frazier could possibly come to the next meeting so that the Planning Commission could meet him.

Commissioner Murphey asked when CEO Frazier would be made a permanent employee. IPD FarleyCampbell stated that he already had been and his first day as a permanent employee had been July 1, 2014. IPD FarleyCampbell stated that CEO Frazier had been very successful in helping the community.

## **DIRECTOR'S REPORT**

IPD FarleyCampbell stated that staff had attended the Lane County Board of Commissioners meeting approving the co-adoption of the Transportation System Plan. She said that the Board of Commissioners voted 5-0 to approve the co-adoption and now the plan needed approval by the state.

IPD FarleyCampbell reported that City Council had initiated a vacation procedure for an alley the night previous on July 21, 2014. She said that the vacation would come before Planning Commission on August 26, 2014.

CR Weese stated that there were three open positions for City Council and August 26, 2014 was the deadline.

## **CALENDAR**

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for August 26, 2014 at 7:00 p.m.

Chairperson Hoile adjourned the meeting at 8:09 p.m.

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Cheryl Hoile, Planning Commission Chairperson