

CITY OF FLORENCE PLANNING COMMISSION
April 22, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Commissioner Bare moved to approve the agenda as presented; second by Commissioner Murphey; by voice all ayes, with the exception of Commissioner Burns, who was absent and excused, Motion approved.

APPROVAL OF MINUTES

Meeting of February 25, 2014

Commissioner Muilenburg corrected that he had been the one to speak to the contractor at the Church on the Rock site. Commissioner Murphey added that he had also not conducted a site visit.

Commissioner Muilenburg moved to approve the minutes with the changes discussed, second by Commissioner Bare, by voice all ayes, with the exception of Commissioner Burns, who was absent, Motion approved.

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 HEARINGS:

Chairperson Hoile said there were two 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.

EVANS DOG BOARDING – RESOLUTION PC 14 03 CUP 03: A request, as applied for by Toni and Charles Evans, for approval of a Conditional Use Permit for a conversion of an existing residence to a dog boarding business located at 4390 Highway 101. The applicant proposes to add parallel parking to the site and fence in the site for purposes of the business as well as maintain several residential functions of the building for use by a caretaker. Map Reference 18-12-14-32 Tax Lot 00300.

Chairperson Hoile opened the hearing at 7:05 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Commissioner Muilenburg stated that he had made a site visit. 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

SP FarleyCampbell stated that the applicant was applying for a Conditional Use Permit for the dog boarding business and caretaker facilities, both of which required a Conditional Use Permit in the Highway District. She listed the Florence City Code criteria applicable to the application for a Conditional Use Permit.

SP FarleyCampbell stated that the location of the proposed facility was currently 4390 Highway 101, but would probably change to 4370 Highway 101. She presented the Planning Commission with maps showing the location of the facility and aerial views of the proposed site.

SP FarleyCampbell presented the site plan for review by the Planning Commission. She described the site and the location of Highway 101 and the RV business in relation to the site. She stated that the proposed caretaker facilities would be housed in the northern portion of the building, consisting of bedrooms, kitchen, and laundry. She added that the applicant proposed to fence in the back yard and add parallel parking in front of the commercial entrance to the building. SP FarleyCampbell stated that there would be a 3-foot high fence in the front yard of the building.

SP FarleyCampbell added that the access to Highway 101 is obtained through the RV access to the north. She stated that ODOT received notice of this application, but the City had not received any testimony from them. She said that the access in front of the proposed business was a legal access, but the applicant had not proposed that the access be used. She reiterated that the Staff Report stated that the applicant proposed to continue using the shared access to the north.

SP FarleyCampbell stated that the lot where the proposed site was located was approved as an RV display area in 1996. She said that the RV business has provided vehicle clearance to allow vehicles to drive around the proposed business. SP FarleyCampbell stated that the house was specifically excluded from the previous application.

SP FarleyCampbell presented site photos and stated that the originally proposed parallel parking was not to code, so the 15-foot aisle width would be reduced to 12'6" in order to accommodate parallel parking meeting code criteria. She stated that the minimum access aisle width for this parking would be 12 feet minimum. She stated that the applicant would be installing an ADA accessible space, with four total spaces.

SP FarleyCampbell stated that the applicant proposed bark, lawn, and gravel ground cover in the back yard for use as a dog area and outlined the Conditions of Approval for the application.

Commissioner Muilenburg asked if one of the parking spaces was in the garage. SP FarleyCampbell stated that the garage was counted as one of the parking spaces and there were three parking spaces along the front of the building, one of which was ADA Accessible. Commissioner Muilenburg asked which parking space or spaces would be in front of the garage. SP FarleyCampbell stated that the ADA space and half of the second space would be in front of the garage. Commissioner Muilenburg asked if the garage would be usable as a parking space if there were cars parked in those other parking spaces. SP FarleyCampbell stated that it was presumed that the caretaker would be parked in the garage.

Commissioner Muilenburg asked how the width of the access aisle would be ensured. He commented that some RVs on display there could be rather long and stick into the access aisle. SP FarleyCampbell stated that the applicant works in the RV building and would be able to maintain an appropriate aisle width. She stated that the other side could be striped to designate where the 12'6" line is. Commissioner Muilenburg

stated that he did not think there would be an issue if the longer RVs were moved to the south and shorter ones kept along the access aisle. SP FarleyCampbell stated that aerial photos showed that in the past some large RVs had been kept along the front of the house, but none recently. Commissioner Muilenburg stated that he was confident that the owner of the property and the applicant would be able to come to an agreement.

Commissioner Muilenburg asked if all of the dog boarding would be inside or if there would be some outside. SP FarleyCampbell stated that she knew that there were two kennels outside, but the applicant would be able to best answer questions about their use.

Commissioner Bare asked if the structure was currently occupied. SP FarleyCampbell said that he could ask the applicant. Commissioner Muilenburg answered that the building was torn up inside.

Commissioner Muilenburg said that he noticed many cosmetic problems during his site visit. He stated that he was hoping that eventually the entire building could be painted, not just the front. SP FarleyCampbell stated that the Planning Commission could add a timeline to the Conditions for the painting.

Chairperson Hoile asked how far away Ms. Hildebrand's property was. SP FarleyCampbell indicated the property on the map.

Chairperson Hoile asked about page 3 of 4 of Exhibit F, the Land Use Application, regarding the hours of operation. Chairperson Hoile said that the hours of operation listed were 7am to 7pm, but that the dogs would be boarded 24 hours a day even when the business was not open. SP FarleyCampbell confirmed these hours.

Applicant Testimony

Toni Evans – P.O. Box 534, Florence, OR 97439

Ms. Evans responded to the questions that the Planning Commission asked. She stated that she planned to erect a cedar fence so that the animals would not be able to see beyond the yard, and therefore would not bark as much. She reiterated that there would be a caretaker on-site 24 hours a day.

Ms. Evans stated that the owner of the RV business agreed to move the larger RVs out of the access aisle around the applicant's building upon approval. She also addressed the issue of lighting in front of the building. She stated that lighting existed, but needed to be repaired.

Chairperson Hoile asked about the outdoor kennels. Ms. Evans stated that the area was for daytime use only with two separate spaces in the back yard area to keep smaller and larger dogs apart. Ms. Evans said that the hours of operation were to accommodate people who worked during the day.

Commissioner Muilenburg asked what kinds of kennels were available inside the business. Ms. Evans said that the animals would be separated into large and small dog areas and the caretaker living area. She said that she would be willing to paint the rest of the house along with the front wall because she did not want the business to look unattractive.

Chairperson Hoile asked about the ADA Accessible parking and whether it would block both doors. Ms. Evans stated that the caretaker parking would be in use during business hours because the caretaker would not be leaving the building. She also stated that most customers would be using the parking for 5-10 minutes at most.

Commissioner Bare asked if the fence was going to be six feet high. Ms. Evans responded that she believed the rear fencing would be six feet high. Commissioner Bare asked if there would be individual cages inside the business or if the dogs would be all together in a room. Ms. Evans replied that there would be a

communal space, but also crates where each animal could have a space to go into. She said that there would be no wire-fencing in the facility. Commissioner Muilenburg asked if the dogs staying overnight would be staying in a room together overnight. Ms. Evans responded that it depended on the needs of the dog because some are crate trained and that may be what the owner preferred. Ms. Evans stated that she thought there was a need for the business in town.

Chairperson Hoile asked if the RV business allowed people to live in RVs on the site. Ms. Evans replied that there were no residents in the RVs. She also mentioned that there is often a caretaker for the RV business on-site in addition to the dog boarding caretaker.

Commissioner Muilenburg asked if the fence would be extending to where the carport on the site is located. Ms. Evans replied that the fence would extend to that point.

Public Hearing

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

Betty Hildebrand – 2030 44th Street, Florence, OR 97439

Ms. Hildebrand stated that she lives close to the site. She said that she could not hear the answer during testimony if one was given about whether dogs would be housed inside or outside of the building. Chairperson Hoile stated that the applicant had testified that no dogs would be outside at night and dogs would be housed inside the building.

Ms. Hildebrand stated she would prefer that the business not be allowed because the area is zoned residential. She said that she did not know what effect one voice would have. Chairperson Hoile stated that this was her opportunity to express her concerns. Ms. Hildebrand asked when the decision would be made. Chairperson Hoile stated that the decision could possibly be made that night unless the Planning Commission saw some reason to continue the hearing to another meeting.

SP FarleyCampbell asked to explain the zoning of the site and the zoning of where she lived. She said that Ms. Hildebrand's rear property line marked the border of the Restricted Residential zone and everything to the west of that was part of the Highway District. She said that when she built her home in 1967, the site was a utility district. Ms. Hildebrand stated that Bi-Mart took half of that area and that the buffer should have been larger. SP FarleyCampbell stated that vegetation between the site of the applicant's proposed business and Ms. Hildebrand's home was 45 feet in width.

Ms. Hildebrand stated that she was disappointed that the decision would be made that night. She stated that because her hearing aids were not working, she would have liked time to look into some of the things that she had heard at the meeting. She stated that she did not want the decision to happen, but that it probably would. Chairperson Hoile thanked Ms. Hildebrand for her time and coming in to express her concerns.

Judy Ulrich – 31 Fawn View Lane, Florence, OR 97439

Ms. Ulrich stated that she had not planned on speaking. She stated that she believed that the community needed this type of business and felt that the location was good for this business. She stated that she was curious about the facility and stated that she did not see separate kennels that would keep animals separate or concrete floors for hygienic purposes.

Applicant's Response

Ms. Evans responded that she felt that the proposed location was very far away from Ms. Hildebrand's home and the dog waste would be eliminated through special composting bins. She stated that the business

intended to keep animals under control and did not want to aggravate neighbors. Chairperson Hoile asked if dogs would ever be taken on walks outside of the facility. Ms. Evans stated that the animals would never be taken beyond the fences.

Ms. Evans replied to Ms. Ulrich's question about the concrete facility. She stated that she was not set up for that. Ms. Evans also stated that animals could go in and out at night in order to use the restroom. She said that there were areas that animals could roam inside the building and areas that dogs could be crated. She said that concrete kennel facilities are very expensive and not likely to open in Florence in the near future.

Commissioner Muilenburg asked what the crates were. Ms. Evans described the crates and stated that many owners request that the animals be crated.

Staff Response

Chairperson Hoile asked for staff response and recommendations.

IPD Weese stated that there was no City Code regarding the number of dogs that could be kept in a facility, and that the issue was addressed through noise and public health ordinances.

Chairperson Hoile closed the hearing at 7:55 p.m.

Commission Discussion

Commissioner Muilenburg stated that he would like a stripe designating the width of the access aisle added as part of the conditions of approval. He said that he would also like to add a 1-year timeline to the building paint. Commissioner Murphey agreed that he would like to see the 1-year timeline added as well. Chairperson Hoile asked Commissioner Murphey what his thoughts were on the parking striping. Commissioner Murphey stated that he agreed with Commissioner Muilenburg regarding the parking striping. Chairperson Hoile asked what Commissioner Bare's thoughts were on the subject. Commissioner Bare stated that he agreed with both Commissioners Murphey and Muilenburg. Chairperson Hoile stated that she agreed as well.

Chairperson Hoile commented about the issue of dogs barking. IPD Weese stated that any complaints of dogs barking would be addressed and continuing violations would be addressed through possible consequences such as the revocation of the business license.

Commissioner Muilenburg stated that some of these issues came up with the Singing Pines Dog Park. He said that he did not think there had been any complaints about odor or noises with the dog park and the neighbor in that situation was much closer.

Commissioner Muilenburg stated that there is enough space left for a 12'6" access aisle. He asked if it would be desirable to make the access aisle only 12 feet wide if there was more space available. SP FarleyCampbell stated that the site plan was created based on the amount of space available the day of the site visit. She said that the owner has agreed to remove larger vehicles from in front of the proposed business in order to maintain the access aisle. Commissioner Muilenburg asked if an aisle width could then be specified. SP FarleyCampbell stated that 12 feet was the minimum width for 30-degree angle parking, also stating that the applicant had originally proposed 15 feet in width.

SP FarleyCampbell stated that she was drafting a condition for the conditions of approval regarding the width of the access aisle.

Commissioner Murphey stated that he thought that the RV business's employees would be extra careful to maintain the minimum width of the access aisle.

IPD Weese asked for proposed changes to the Conditions of Approval.

SP FarleyCampbell gave an overview of the changes to the conditions of approval stating that Condition 5 would be modified to include "A 4-inch wide stripe shall be added along the western edge of the vehicular access aisle to demarcate a minimum 12-foot wide access aisle." She said that Condition 6 would be modified to include "The entire building shall be painted within one-year."

Commissioner Bare moved to adopt Resolution PC 14 03 CUP 03 with the amendments as presented by SP FarleyCampbell. Commissioner Murphey seconded the motion with an amendment to use the correct address when approved. By voice all ayes, with the exception of Commissioner Burns, who was absent, the resolution was passed.

ODOT TEMPORARY TRAILER – RESOLUTION PC 14 04 CUP 04: A request for approval of a Conditional Use Permit for a temporary mobile building placed at the ODOT Florence Maintenance Yard, located at 1850 15th St., Map Reference 18-12-26-23 Tax Lot 4601, as applied for by Steve Templin of ODOT. The building will serve as a central worksite for ODOT staff for several ODOT projects in the area through the end of 2016.

Chairperson Hoile opened the hearing at 8:06 p.m. Chairperson Hoile asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Chairperson Hoile declared that she had made a site visit. Chairperson Hoile asked if the public would like to challenge 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 Florence City Code criteria applicable to the application. PT Southerland stated that the purpose for the temporary trailer was to serve seven projects along Highway 101 through the end of 2016. He stated that the zoning of the site was Commercial and described the location of the already-placed trailer.

PT Southerland presented the parking plan for the site, stating that the site presently had eight parking spaces, but that the addition of the temporary space required the addition of one extra parking space for a total of nine.

PT Southerland presented site photos of the trailer as it currently appeared and elevations.

PT Southerland offered referral testimony related to the temporary trailer. He stated that Building Official Dave Mortier had commented that the trailer would need a placement permit. He also said that PWD Miller and Fire Marshal Sean Barrett had commented that they had no objections to the trailer. He stated that Staff's recommendation was to approve the conditional use permit subject to the conditions of approval. PT Southerland listed the conditions of approval.

Questions from Commissioners

Chairperson Hoile asked about the outhouse present in the site photos. PT Southerland stated that Mr. Templin might be able to better answer questions about the temporary restroom, but commented that an ADA accessible restroom was located within the offices of the facility.

Chairperson Hoile asked whether ODOT currently had permits for the temporary building. PT Southerland answered that they currently have received electrical permits for the hook-up of the building to electrical service, but still require a placement permit and complementary inspections.

Commissioner Muilenburg asked about the eight parking spaces, as the site plan had only showed six. Chairperson Hoile stated that there were six by the gate as you enter the site. PT Southerland stated that there were two additional parking spaces next to the office entrance.

Applicant Testimony

Steve Templin – ODOT, 644 A Street, Springfield, OR 97477

Mr. Templin apologized for the placement of the temporary building prior to obtaining a Conditional Use Permit. Mr. Templin stated that three projects were underway at the time of the Planning Commission meeting and that the big project was the Siuslaw River Bridge Cathodic Protection.

Mr. Templin stated that one of the reasons the Florence Maintenance Station was so attractive as the location of the temporary building was the presence of the ODOT computer network. He stated that the number of employees that would be using the temporary trailer would overwhelm the small office space at the facility. He said that ODOT employees had access to the building, but because of the alarm systems, it was cumbersome to enter the building just to use the restroom and risked false alarm callouts. Mr. Templin offered to move the portable restroom facility if the Planning Commission saw fit.

Mr. Templin stated that there would be a good ODOT presence until the end of 2016. He stated that he could be contacted should there ever be any problems with the temporary facilities.

Commissioner Muilenburg asked if the temporary trailer was large enough to accommodate the workers. Mr. Templin answered that it was and that employees would really only be using the trailer for a half-hour to hour each day since most of their time will be spent on the job site.

Chairperson Hoile asked if there were any issues with the portable restroom on-site. PT Southerland stated that a Condition of Approval could be added to deal with the portable restroom if the Planning Commission desired. Mr. Templin stated that the portable restroom could be moved behind the building. Chairperson Hoile stated that she was not sure if there was a City Code issue with the portable restroom. IPD Weese stated that there was no code that dealt with portable restrooms and that the issue was visual, so the Planning Commission could add a condition that a better location be selected or screening be added. Commissioner Muilenburg suggested that the portable restroom be moved up against the building between the two windows. Commissioner Murphey suggested that the restroom be moved behind the trailer against the fence. Commissioner Muilenburg asked how it would be moved to that location. Mr. Templin stated that he thought it could be moved easily. He added that if the Planning Commission heard any complaints, he would be happy to move it.

The Planning Commission had no other questions for the applicant.

Public Hearing

There were no members of the audience present.

Chairperson Hoile closed the hearing at 8:21 p.m.

Staff Response

Chairperson Hoile asked for the Staff Response and Recommendations. Staff had none.

Commission Discussion

Commissioner Muilenburg stated that the site was a maintenance yard, so the restroom would likely be unnoticeable. Chairperson Hoile stated that she had not noticed the restroom when she had walked by.

Commissioner Muilenburg suggested a complaint basis for the relocation of the restroom. Mr. Templin stated that the site was secured at night, so there was little concern of the public using the restroom. IPD Weese stated that a condition of approval could be added that if there were complaints received about the appearance or odor of the restroom, it would have to be moved or removed. Commissioner Murphey stated that he was not opposed to the new condition. Commissioner Bare stated he did not think the condition was needed because the site was a maintenance yard. IPD Weese asked who was for the new condition. Commissioner Muilenburg stated that he was for it. Chairperson Hoile agreed that she would like the condition regarding the portable restroom included.

Commissioner Murphey moved to adopt Resolution PC 14 04 CUP 04 with the added Condition of Approval Number 6: "If complaints are received concerning the portable restroom facility on-site, the applicant shall move the restroom out of view, screen the restroom, or remove the restroom." Second by Commissioner Muilenburg. By voice all ayes, with the exception of Commissioner Burns, who was absent, the resolution passed.

DISCUSSION ITEMS

Commissioner Bare thanked PT Southerland for the inclusion of the ODOT maintenance schedule.

Chairperson Hoile asked the Planning Commission if there were any questions from the Commission regarding the upcoming Old Town parking regulations. IPD Weese said the Commissioners should feel free to contact staff with any questions.

DIRECTOR'S REPORT

IPD Weese stated that there were items of note beyond the usual report items. She mentioned that building permit activity was up.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for May 13, 2014 at 7:00pm. The meeting for May 27, 2014 is scheduled tentatively.

Chairperson Hoile adjourned the meeting at 8:29 p.m.

Cheryl Hoile, Planning Commission Chairperson