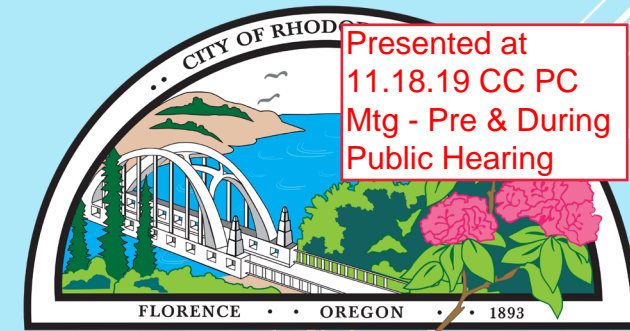


WELCOME TO THE MEETING OF THE FLORENCE CITY COUNCIL & PLANNING COMMISSION



City of Florence
A City in Motion

If you would like to speak to the Planning Commission / City Council...

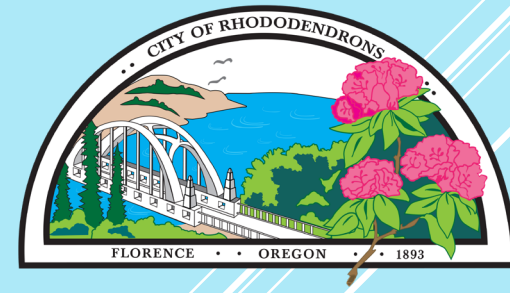
- Please complete a speaker's card – Available on the table as you walked into the room

Speaker's Cards must be submitted to the City Recorder by 5:25 p.m.

Speaker Time Limits

- **Public Hearing Comments – 5 minutes per person**
- **General Public Comments / Action Items – 3 minutes per person, 15 min. for all items**
- Note: In special circumstances, the presiding officer may establish longer and/or shorter timelines.

PUBLIC HEARING PROCESS



City of Florence
A City in Motion

1. **Public Hearing Process Reading / Conflict Declarations**
2. **Staff Report & Questions**
3. **Public Hearing**
 - *Speakers will be called in alternating order – beginning with proponents, then opponents, and then all those that are neutral.*
 - *Comments limited to 5 Minutes Per Person. Speaker's may not yield their time to others.*
 - Written Testimony:
 - *Prior to Hearing: Comments have been distributed to the Planning Commission & City Council*
 - *At the Hearing: Either before or after speaking – leave materials with City Recorder*
4. **Staff Response & Planning Commission / Council Questions**
5. **Decision to Close or Leave Open Public Hearing**
6. **Planning Commission Deliberation / Decision** (*Resolution PC / CC 19 03 TA 01*)
7. **City Council Deliberation / Decision** (*Ordinance No. 7, Series 2019*)

Script for Legislative Land Use Public Hearing
(Housing Code Updates)

Mayor: We will now begin the agenda item concerning the Florence Residential Housing Code Amendments. This agenda item will be an opportunity to hear and consider written or oral testimony on the proposed Amendments to Florence City Code and the Florence Comprehensive Plan.

I will now turn it over to our City Recorder Kelli Weese to review the items required for a land use public hearing and officiate the public hearing procedures.

City Recorder: Thank you Mayor Henry. This evening we will hold a joint City Council and Planning Commission public hearing on Planning Commission Resolution CC 19 03 TA 01 and City Council Ordinance No. 7, Series 2019, an ordinance adopting legislative amendments to the Florence Realization 2020 Comprehensive Plan, Florence Zoning Map Legend, and Florence City Code Titles 10 and 11, to revise residential development standards and processes and amend land division processes.

These 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. This is a legislative land use action involving proposed changes to the City's zoning regulations.

At the beginning of the public hearing tonight, staff will identify the applicable substantive criteria from the City's Zoning Regulations, Florence Comprehensive Plan, and State Law. These criteria have also been listed in the staff report.

The hearing will proceed with the staff report, followed by an allowance for questions of staff.

For anyone wishing to speak, we are asking you complete a speaker's card which is available on the City of Florence website with additional copies as you walked in the room. Is there anyone in the room who would like to speak at this public hearing who has not yet completed a speaker's card? ***[if yes, then distribute]***

When coming up to speak, you must state your name for the public record. We ask for your address on the speaker's card so that we may provide you notice on the City's eventual decision in this matter. Speaker's comments will be limited to five minutes per person and speaker's may not yield their time to others.

Written testimony may also be offered and will be considered and made part of the record. To do that, either before or after you speak, please leave the material with me. I will then make sure your evidence is identified and placed in the record.

City Recorder: Since these residential land use code items are so comprehensive, each commissioner and Councilor that owns property within a zone being amended by the proposal should declare a potential conflict of interest. If there is any commissioner or Councilor that has a pending or planned land use application that would be impacted by these amendments, then the Commissioner or Councilor should state this fact as part of declaring a potential conflict of interest.

When I call your name, please indicate if you have any actual or potential conflicts of interest that you wish to disclose:

- Commissioner Young;
- Commissioner Hauptman;
- Commissioner Jagoe;
- Commissioner Andrew Miller;
- Commissioner Ron Miller;
- Commissioner Phil Tarvin;
- Chairperson Murphey,
- Councilor Woodbury;
- Councilor Preisler;
- Councilor Greene;
- Councilor Lucio;
- Mayor Henry;

[actual conflict of interest – Councilor must announce the conflict and step down]

[potential conflict of interest - Councilor must announce the conflict and may participate]

[Return to Script]

City Recorder: I now open the public hearing for Planning Commission Resolution PC / CC 19 03 TA 01 and Ordinance No. 7, Series 2019, it is _____ o'clock.

[Staff Report]

City Recorder: May we please have the staff report.

Planning Staff: Presents staff report *[Staff introduces the topic, staff report, and presents background information, and states list of criteria for approval.]*

[After Staff Report]

City Recorder: We will start with questions from the Planning Commission – **Chairperson Murphey**, will you please facilitate any questions for staff from the Planning Commission. *[Planning Commission Questions of Staff – No Deliberations]*

City Recorder: Hearing no further questions from the Planning Commission we will move on to questions from the City Council – **Mayor Henry**, will you please facilitate any questions for staff from the City Council? *[City Council Questions of Staff – No Deliberations]*

[PUBLIC HEARING PROCEDURE]

City Recorder: Hearing no further questions, we will begin the taking public testimony. Copies of the written comments received prior to the hearing this evening have been distributed to the City Council.

City Recorder: We will be taking testimony in alternating order from proponents, opponents, and those that are neutral respectively.

[City Recorder Calls up each speaker individually beginning with the first proponent received, then the first opponent received, and then the first neutral party received, and shall continue in such alternating pattern until all speakers have had an opportunity to speak.]

[Staff Rebuttal]

City Recorder: Does the staff wish to respond to any of the testimony received?

Staff: Offers response **[if chooses]**

City Recorder: We will start with questions from the Planning Commission – **Chairperson Murphey**, will you please facilitate any questions for staff from the Planning Commission. *[Planning Commission Questions of Staff – No Deliberations]*

City Recorder: Hearing no further questions from the Planning Commission we will move on to questions from the City Council – **Mayor Henry**, will you please facilitate any questions for staff from the City Council? *[City Council Questions of Staff – No Deliberations]*

[DECISION TO CLOSE OR LEAVE OPEN PUBLIC HEARING SUBJECT MATTER]

City Recorder: Now is the opportunity to discuss closing the public hearing. Does any member of the Planning Commission, City Council or staff see any reason to continue the public hearing or hold record open to allow for additional arguments?

Hearing none, I now close the public hearing for Resolution PC / CC 19 03 TA 01 and Ordinance No. 7, Series 2019. It is _____ o'clock.

[If Public Hearing is left open or hearing is continued]

Mayor: The Planning Commission & City Council will continue discussions on Planning Commission Resolution CC 19 03 TA 01 and City Council Ordinance No. 7, Series 2019 at the December 16, 2019 City Council & Planning Commission meeting. – [DONE WITH AGENDA ITEM - MOVE ON TO NEXT ITEM ON AGENDA]

[If Public Hearing is Closed –

[Planning Commission Deliberation]

City Recorder: Chairperson Murphey, will you please facilitate the deliberation on this agenda item with the Planning Commission, making sure to allow each Commissioner an opportunity to speak.

[City Council Deliberation]

City Recorder: Noting the Planning Commission's approval of Resolution PC/CC 19 03 TA 01, recommending the City Council approve Ordinance No. 7, Series 2019 - Mayor Henry, will you please facilitate the City Council's decision on Ordinance No. 7, Series 2019, making sure to allow each Councilor an opportunity to speak.

[MOVE TO ORDINANCE PROCEDURES – 'PINK' SHEET]

Residential Code Update

Resolution PC/CC 19 03TA 01

Ordinance 7, Series 2019

11/18/19



Introduction & Timeline

Phase I 2017-2018:

HEOP Plan Updates & Comp Plan Amendments

Phase 2a 2019:

- **March-September** – Work sessions by CEDC, Housing Sub-Committee, PC & CC
- **October 8th** – PC Initiated
- **November 6th** – Public Information Session
- **November 18th** – PC/Council Joint Public Hearing--Evidentiary & Final Public Hearing

Phase 2b 2020: January, transitional & mobile home & manufactured home park standards

Noticing

October 14, 2019— DLCD Notice, Form I

October 29, 2019—Property Owner Mailing, Multi-Family & High Density Plan Designation

November 2nd & 6th—Siuslaw News publication

Applicable Criteria

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes
- Chapter 1: Zoning Administration, Section 10-1-6-4 Type IV Procedure (Legislative)

Applicable Criteria

Florence Realization 2020 Comprehensive Plan

- Plan Adoption, Amendments, Review and Implementation
- Chapter 1 Citizen Involvement
- Chapter 2 Land Use
- Chapter 8 Parks, Recreation and Open Space
- Chapter 10 Housing Opportunities
- Chapter 11 Utilities and Facilities
- Chapter 12 Transportation
- Chapter 13 Energy Facilities and Conservation

Applicable Criteria

Oregon Land Use Planning Goals

- Goal 10 Housing Chapter 1 Citizen Involvement

Oregon Revised Statutes (ORS)

- ORS 197.303
- ORS 197.307
- ORS 197.480
- ORS 197.485(1)
- ORS 197.610(1) – (6)
- ORS 227.186

Applicable Criteria

Oregon Administrative Rules (OAR)

- OAR 660-008-0015
- OAR 660-012-0060
- OAR 660-018-0020
- OAR 660-015-000

Summary of Changes

Exhibits B – N, & T, U, V & Y

Title 10-Chapters:

- 1: New Uses added to application type existing uses changed.
- 2: Definitions added
- 3: Counts-Driveways, added assisted living, hostel, duplex. Standards-triplex, townhome. Long term bicycle.
- 4: Church RV use, medical RV/park model, construction trailer housing

Summary of Changes

Exhibits B – N, & T, U, V & Y

Title 10- Chapters:

- 5: Staff Adjustments added, 10% threshold added.
- 6: Residential criteria, specified non-residential
- 8: Added platted and partitioning and broader residential

Summary of Changes

Exhibits B – N, & T, U, V & Y

Title 10- Chapters:

- 10: Consolidates 10, 11, 12, & 13.
 - Lot Size Reduced
 - Corner Lot
 - Building Height
 - Coverage
 - Garage/Carport entrance face
 - Cluster Standards
 - Trip, Quad, and Multi Design Standards

Summary of Changes

Exhibits B – N, & T, U, V & Y

Title 10-Chapters:

- 15, 16, 17 & 30: Residential Units
- 23: Changed allowable uses, specificity on residential uses, park fee in lieu, allows phasing
- 35: Sidewalk Approval Changes

Summary of Changes

Exhibits O – S

Title I I- Chapters:

- 1: Flag, Key, Butt, Interior Lot, Lot Line adjustment processing timing
- 2: Partitioning: Submittals, timeline
- 3: Subdivision Tentative: Submittals, Timeline, Phasing
- 4: Final: Submittals, Timeline
- 5: Flag: Accessway design

Summary of Changes

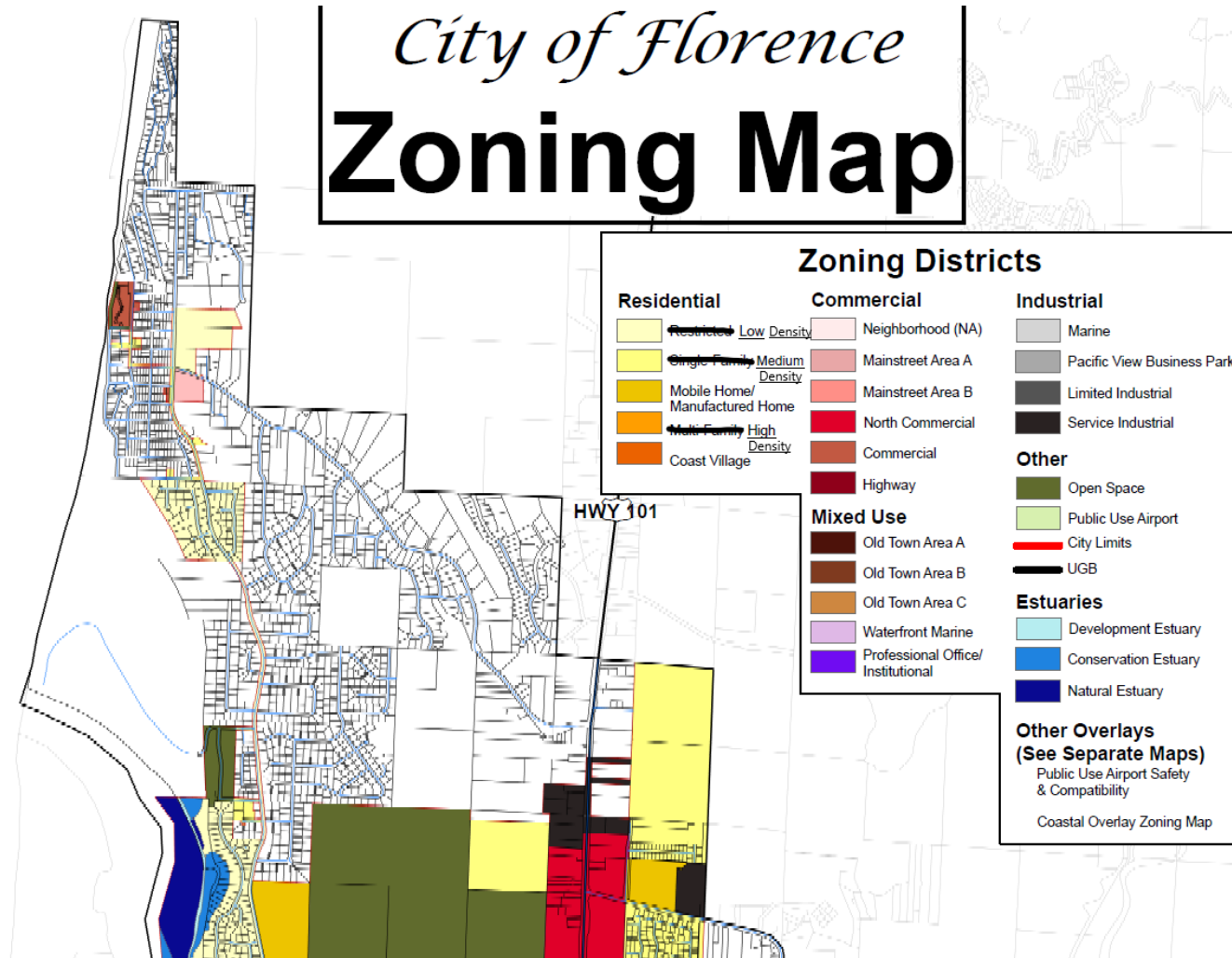
Exhibit X Comprehensive Plan

- Density, Use types
- Naming Conventions

Exhibit Y Zoning Map Legend

- Naming Changes

Zoning Map Legend Change



Attachment 3--Since June 2019

- Blue=PC or PC/CC amendments worksession or Initiation
- Yellow=Staff or Legal amendments: Clarity, Consistency, Clear and Objective
- Orange=Proposed inclusions.
- Purple=Consider proposal, agree or amend proposal

Attachment 3--Purple

Density—Table 10-10-4-E

- Using lot sizes creates opportunity for High Density in Medium Density zone.

Recommendation:

- Infill/exiting lots use lot sizes in Table 10-10-4-B
- Subdivisions, Partitions, lot line consolidations and replats use 12 units per acre for Medium Density & RMH

Attachment 3--Purple

Comp Plan—Heceta Beach Neighborhood Cluster

- Implementing districts High and Medium
- Need to establish average density, from 6000 sq. ft. to ?

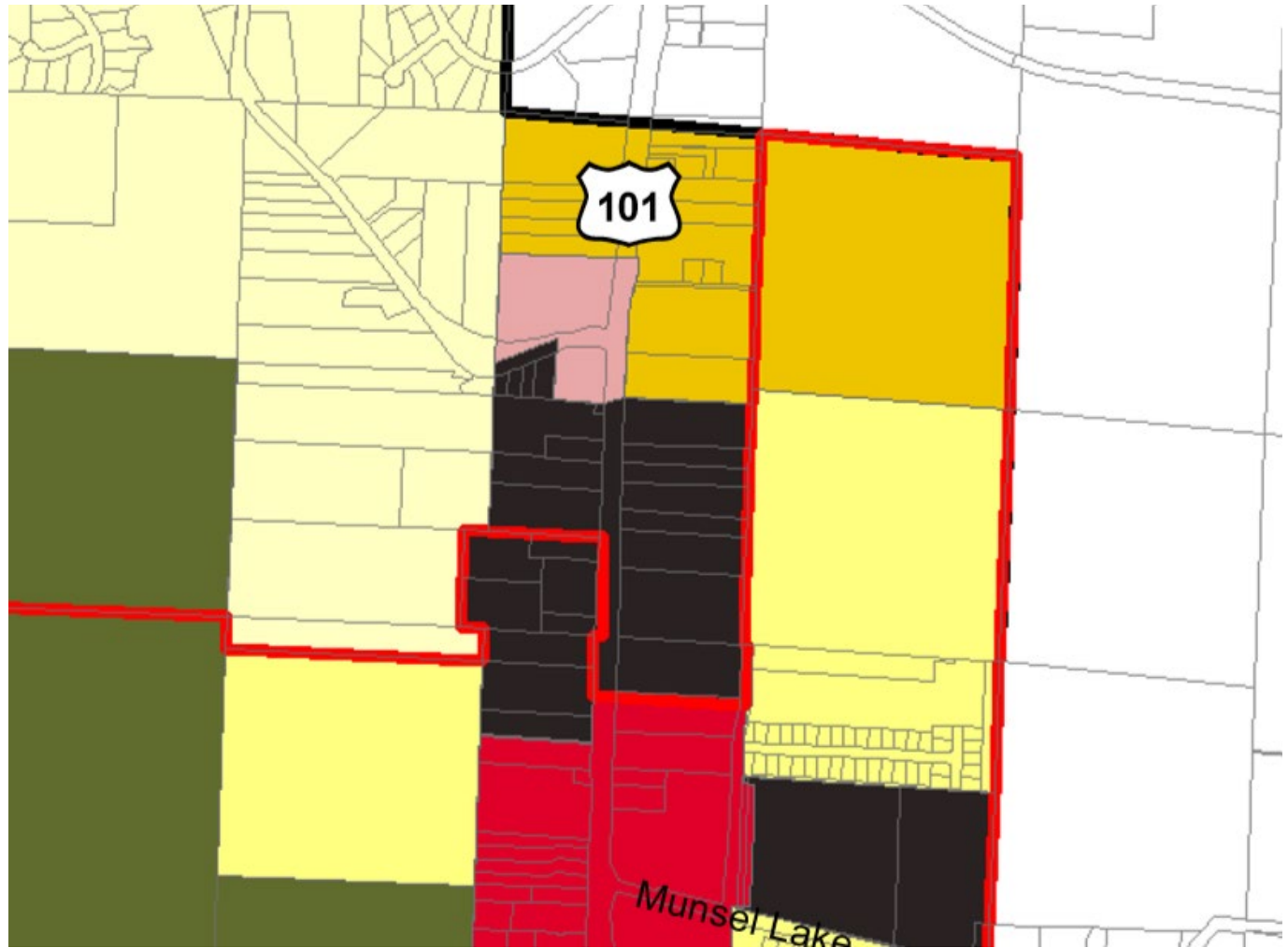
Recommendation:

- 3000 sq. ft., average of Medium and High

Or

- Highway fronting use High Density and east of Spruce St. use Medium Density

Comp Plan Excerpt-N. Hwy 101



Minor Amendments

- 10-10-8-C-4: Format into two portions:
 - Sections I-6 = A I-6
 - Section 7 = B I
- 10-35-3-1-B: Offer clear and objective path for item 5.
 - 1-4 PC-Type III
 - 5 Staff

Testimony

Public Testimony

- Spriggs: Parking for multi-family, utility hook-up requirements, owner residence on ADU lot, gated community inequity.

Testimony

Public Testimony

- Gilmer: Definitions of “Family” and housing types that include it in their definition, transitional housing and barriers to development unaddressed, siting of manufactured homes, misrepresentation when transitioning from HEOP to the project goals of DLCD tech grant not met.

Staff Recommendation to PC

Approve Resolution PC/CC 19 03 TA 01 – a Resolution recommending approval of proposed code changes with amendments to the Florence City Council.

PC Alternatives

1. Recommend to approve as presented;
2. Recommend to approve as revised;
3. Recommend to deny the proposal;
4. Modify the findings, code or plan language, or map text and recommend approval, or
5. Close the hearing and/or keep the written record open and reconvene on a date certain if more information is needed.

Planning Commission Recommendation to City Council

- PC finds that the proposal meets the criteria, and **recommends approval** of PC/CC 19 03 TA 01 recommending approval of **Ordinance 7, Series 2019**

Council Alternatives

1. Approve as presented;
2. Approve as revised;
3. Deny the proposal;
4. Modify the findings, code or plan language, or map text and recommend approval, or
5. Close the hearing and/or keep the written record open and reconvene on a date certain if more information is needed.



Questions?

Attachment 3--Proposed Amendments since 6-24-19

Code Section	Origin	What Changed	Reason
Cell Color Legend: Blue=PC/CC Change, Yellow=Clarity, Consistency, or Clear & Objective Orange=Related proposal-not considered previously. Purple=Has more than one option, needs decision/confirmation			
Title 10 Chapter 1			
10-1-1-6-1-A-17	PC/CC	Moved 17 to 18 and added as 17. "Cluster housing in the High Density Residential District"	~
10-1-1-6-2-B-4 & 6-3-A-4	Legal	Added "of" the maximum...	Clarity
10-1-1-6-2-B-9	Staff	Added "as permitted in Title 10 Chapter 5"	Clear and objective
10-1-1-6-2-B-10-ii	PC/CC	Strike duplexes/duets in Low Density	~
10-1-1-6-2-B-11	Staff	Added "not using Title 11 Chapter 7"	Clear and objective
10-1-1-6-2-B-12	Staff	Added "not using Title 11 Chapter 7"	Clear and objective
10-1-1-6-2-B-13	Staff	Added "not using Title 11 Chapter 7"	Clear and objective
10-1-1-6-2-B-10-iv	PC/CC	Struck: Cluster--Removed frm Low Density, moved High Density to Type 1, Medium and Manufactured covered under Conditional uses in 6-3-A-7	~
10-1-1-7-B	Staff	Changed 5pm to 4pm	City Hall closes at 4pm
Title 10 Chapter 2			
10-2-13-H	Staff-C	Delete definition of 'Home of the Aged'	Not used anywhere in code, replaced with 'Residential care facility/nursing home'
10-2-13-H	PC/CC	Revise Boarding House definition, Finalize Dormitory definition, added Hostel definition	~
10-2-13-H	PC/CC	Changed front lot line definition for corner lots to be double frontage	~
Title 10 Chapter 3			
10-3-3-B	PC/CC	Remove on-street parking counting opportunity for residential uses	~
10-3-4-A	PC/CC	Duplex/Duets two spaces instead of one	~
10-3-4-A	PC/CC	Change Tri-Quad & Multi back to existing requirement	~
10-3-4-A	PC/CC	Add Hostel standards vehicular 1/4 occupancy, bicycle 1/2 occupany	~
10-3-4-A	PC/CC	Change proposed residential care facility from 1/4 beds to 1/2 bed	~
10-3-8-A	Staff	Reformat, Add attached and detached and duets	Clarity, consistency
10-3-8-B	PC/CC	Removed standards for on-street parking, renumbered, C now B	~
10-3-8-C	Staff	Added Duet, removed drainage systems connection requirement	Consistency, & new 2011 stormwater standards
10-3-8-E-2	Staff	added "wide" to 5' landscape area to disinguish from "height"	Clarity
10-3-8-I	Staff	Added duet, retained existing 2 parking space standard	Consistency with code and comp plan respectively
10-3-8-O	PC/CC	Removed on-street parking standard	~
10-3-9	Staff	Added Duet	Consistency
10-3-10-C	Staff	Long term bicycle changed from 1 per 4 units to 1 for 3 units	Consistency with change in multi-family definition
Title 10 Chapter 4			
10-4-12-A-4	Staff-C	Revise to allow up to 3 RVs <u>or park models</u> for living purposes, as conditional use associated with Places of Worship	Allow both RVs and park models to be used for greater flexibility, similar to temporary mobile building space standards in 10-4-12-E
10-4-12-A-4-g	PC/CC	Add "occupants"	~
10-4-12-A-4-i	PC/CC	Change to 2 year limit for the use not the occupants, with 2 year extension	~

10-4-12-E-1-a	Staff	Strike "office" and replace with "building space"	Needed, businesses have storage needs while remodeling
10-4-12-E-2	Staff	Add "park model" throughout	Allow both RVs and park models to be used for greater flexibility,
Title 10 Chapter 5			
10-5-2-A	Staff	Removed proposed adjustment items (staff review) landscaping, density, accessory buildings	Item either currently has exception in host chapter (fences), or not needed.
10-5-4-C	PC/CC	Remove variance strikeout	Formatting error
Title 10 Chapter 6			
10-6-3-B	ED	Add new subsection iii "Residential development in a building containing a non-residential use in the Commercial and North Commercial Districts." Renumber following sections.	Corrects oversight; residential development in C and NC districts might be covered under subsection (ii), multifamily housing in any zone, but the use type in the base zones is not specifically listed as multifamily but rather residential and may not be multiple units.
10-6-3-B	PC/CC	Type II process:remove Low Density duplex/duet, Medium Density triplex & quad, Low & Medium Density cluster, Old Town and Mainstreet ground floor affordable	~
10-6-5-2	Staff	Replaced mixed use "project" with mixed use "building"	Clear and objective apply to uses not entire projects.
10-6-6-4-A	Staff	Removed vinyl siding from Old Town and Mainstreet District Arch. Standards. Moved to 10-10-9 to apply in other parts of town.	Consistency. Requires a comp plan amendment and appendices amendment
10-6-6-4-G	Staff	Removed earth-tone added primary in Old Town & Mainstreet District	Clarity. Removes restriction interpreted to be "brown" and implements long standing practice.
10-6-6-5-A-4	Legal	Removed "appearing"	Subjective
Title 10 Chapter 10			
Table 10-10-2-A	PC/CC	All zones: Transitional not permitted. All zones: PUD added. "Housing" added to "Religious institution" Low Density: No Duplex/Duet, cluster. Medium Density & RMH: Triplex & Quad, cluster conditional. High Density: Cluster Type I	Staff added PUD to this table with a Type 3 review, as it was omitted.
Table 10-10-4-A	Staff-C, fro	Delete row with dimensions for duet and combine with dimensions for single-family attached dwelling in row above.	Consistency. Dimensions are identical and the duet standards incorrectly include dimensions for LDR zone, when duets are not permitted in that zone.
Table 10-10-4-A	Staff-C	Change footnote number on Table title from 2 to 1. Change footnote number in "All development types..." from 1 to 2. Revise new footnote 2 to read: "Cluster <u>housing uses</u> shall meet minimum lot dimensions in FCC 10-10-8-C-2-b."	Correct footnote numbering for greater clarity
Table 10-10-4-A	Staff-C	Add footnote 3 to dimensions for "Single-family attached" for the HDR zone that reads, "The single-family attached dwelling dimensions shall also apply to single-family detached dwellings in the HDR zone."	Align minimum lot dimensions with allowed minimum lot size for single-family detached units (2,000 SF)
Table 10-10-4-B	Staff-C	Move note 1 up to the title table (Minimum Lot Area by Development Type). Add note 2 after "All other development types." Change text of note 2 to read: "Cluster <u>housing uses</u> shall meet minimum lot sizes in FCC 10-10-8-C-2-a."	Correct footnote numbering for greater clarity
Table 10-10-4-E	PC/CC	Remove minimums and maximum density for all but HDR. Lot sizes to set limits.	Inadvertantly changed medium density to high density standards for all but detached dwellings
10-10-5	PC/CC	Minimum roof slope for Low and Medium Density and RMH is 3/12	~
10-10-6-A-2-c-iii	PC	Add " <u>intended</u> recreational use <u>proposed</u> is possible"	Add specificity
10-10-8-A	Staff-C	Delete "Cluster housing is permitted within all residential districts subject to a Type II site review." Cluster housing is either a C or P use in all districts, per Table 10-10-2-A.	Resolve conflict
10-10-8-C-1-d-i	Staff-C	Expand standard to address allowed housing types for cluster developments in MDR <u>and</u> RMH zones	Cluster housing is permitted in RMH zone but this subsection omits reference to RMH zone and only addresses MDR and HDR districts
10-10-7-C-3	PC	Added "grade" to b. Added "intended" to c.	Clarity and specificity
10-10-8-C-multiple	PC/CC	Removed Low Density options for cluster, renumbered	~
10-10-8-C-4	PC	Add " <u>intended</u> recreational use <u>proposed</u> is possible", added "grade"	Adds specificity

10-10-9	PC	Add " <u>intended</u> recreational use <u>proposed</u> is possible", added "grade"	Adds specificity
10-10-8-C-3-a	Staff-C	Revise density allowance to MDR and RMH zones for cluster developments to read: "Maximum net density is double the density allowed under 10-10-4-E 17.4 units per acre."	There are no density standards for those zones in the referenced table. 17.4 units/acre is double the allowed density for single-family detached units, effectively implementing the intent of previous language
Title 10 Chapter 15			
10-15-2	PC/CC	Change 6' entry to 10' to accommodate landscaping or patio	~
10-15-2	PC/CC	Remove affordable ground floor units	~
10-15-2-	Staff-C	Revise residential use allowance to limit required 25-ft setback to ground-floor only, allowing upper-story residential uses with no setback. "Residential unit(s), provided that the building contains a non-residential use or uses permitted or permitted conditionally on the ground floor, and that the unit(s) shall not occupy the front twenty five feet (25') of the <u>ground-floor of</u> the building or site facing the street;"	Make upper-story residential uses more feasible to construct in the Commercial district
10-15-5	Staff	Replace "multi-family" with "residential" & kept "4"	consistent with existing developments
Title 10 Chapter 17			
10-17-A	PC/CC	Change 6' entry to 10' to accommodate landscaping or patio	~
10-17-A	Staff	Reworded Residential units to meet current code	To not exclude opportunity for residential units at the back of a lot where commercial use is at front of lot
10-17	Staff	Removed residential uses to use Multi-family design standards	Requires comp plan amendment
Title 10 Chapter 23			
10-23-3-A	Staff-C	Allow duplexes in PUDs in the LDR zone as new subsection (c), renumber remaining sections	Needs to be explicitly permitted in PUDs in this section for parity with other allowed uses like triplexes and quadplexes.
10-23-3-B-a	Legal	Stike "normal" replace with "permitted"	"Normal" not defined
10-23-5-E-4	PC	Reduced allowable grade to 5% for countable OS	Thought maximum grade for useable recreation space.
10-23-5-E-5	Staff	Added methodology to fee in lieu	Needed for establishing an amount
10-23-5-E	Staff	Added durability and ADA standards	Sets development up for early success and dev. To public standards, it may be the law.
10-23-5-F	Legal	Revised "sight" with "site", to address clarification on how designation of natural features are derived	
10-23-5-G	Legal	"where appropriate" replaced with "where supported by the zoning district"	Subjective
10-23-5-H	Legal	Added bullets from the comp plan	Referring to purpose statement is subjective
10-23-5-15			
10-23-14-B	Staff-C	Allow two years rather than 18 months for substantial construction on the PUD, consistent with provisions for PUD and subdivision tentative plans to extend for two years.	Consistency
10-23-15-	Staff-C	Change reference throughout to PUD specific terms (preliminary and final development plan) rather than subdivision terms (tentative plan, final plat)	Consistency
10-23-15-E	Staff-C	Revise language to permit final PUD approval for phased projects over 8 years, consistent with provisions in 11-3-8-D for phased subdivisions.	Align with subdivision standards and support the intent of phasing option for PUDs.

Title 10 Chapter 30			
10-30-2-	Staff-C	Revise residential use allowance to limit required 25-ft setback to ground-floor only, allowing upper-story residential uses with no setback. "Residential unit(s), provided that the building contains a non-residential use or uses permitted or permitted conditionally on the ground floor, and that the unit(s) shall not occupy the front twenty five feet (25') of <u>the ground-floor</u> of the building or site facing the street;"	Make upper-story residential uses more feasible to construct in the North Commercial district
10-30-5-N	Staff	Struck "multi-family housing" replaced with "residential", kept "4"	More applicable to the district for which MF is not permitted except with PUD, which already has os requirements.
10-30-6-A	Staff	Changed "projects" to "buildings"	Clear and obj. do not apply to projects but specifically uses
10-30-6-C	PC	Removed "discourage" replaced with "not permitted"	Clear and objective
Title 10 Chapter 34			
10-34-3-7	Staff	Changed "quadplex" to "fourplex"	Consistency with definitions
Title 10 Chapter 16			
10-16-7-N	Staff	Struck "multi-family housing" replaced with "residential", kept "4"	Consistent with existing developments
Title 10 Chapter 35			
10-35-3-1-B	PC	Changes sidewalk exception items to be reviewed by PC vice PW Dir.	Some exceptions are not clear and objective
Title 11 Chapter 1			
11-1-3-	Staff-C	Add exception for corner lots to have two front lot lines, <u>"except that, in the case of a lot of parcel which adjoins the point of intersections of two streets as defined in "Lot: Corner Lot," both lot or parcel lines are the front line."</u>	Consistent with changes to 10-2, creates to front lot lines for purposes of measuring setbacks on corner lots
11-1-3	PC	Confirm lot type definitions in 11-2 match 10-2	
11-1-4	Legal	Reworded "replat" to match state definition	Consitent with state law
11-1-3	Legal	Reword partition definition to remove "2 or 3" and replace with "3"	Did not make sense
Title 11 Chapter 2			
11-2-4	Staff	Added "under a Type III process as defined	Clarity
Title 12 Chapter 3			
11-3-4-A	Legal	Replaced parcels with lots	Accuracy
11-3-4-B	Legal	Replaced parcels with lots	Accuracy
11-3-6-	Staff-C	Add exception to "Tentative plan approval shall be effective for two years, <u>unless approved as a phased subdivision tentative plan consistent with 11-3-8."</u>	Clarify relationship between standards
11-3-8-B-2	Legal	Changed "all" with "each"	Clarity
11-3-8-B-3	Legal	Replaced wording	subjective and unclear workding
11-3-8-D-3	Staff	Added final plat deadline	approval should not be forever, consideration for master plan updates
Title 11 Chapter 4			
11-4-6-	Staff-C	Add exception to "If the conditions...within two years, <u>unless approved as a phased subdivision tentative plan consistent with 11-3-8,...</u> "	Clarify relationship between standards
11-4-6-	Staff-C	Delete all proposed text about extensions of tentative plan (which duplicate standards in 11-3-6) and replace with cross-reference. " <u>An extension of the tentative plan may be pursued consistent with 11-3-6."</u>	Reduce duplicative standards

Title 11 Chapter 5			
11-5-2-A-2	Staff-C	Replace "standard five thousand (5,000) or seven thousand five hundred (7,500) square foot lots" with " <u>lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone.</u> "	Allows more precise requirement, also removes confusions about where the 5,000 or 7,500 SF standards would apply, and reduces need for future revisions if minimum lot sizes change
11-5-2-A-3	Staff-C	Tie frontage requirements with minimum lot width and clarify existing cul-de-sac exception: "Each lot shall have frontage upon a street not less than the required minimum lot width for the underlying zone and development type of not less than twenty five feet (25') for single family attached or duet developments or fifty feet (50') for all other development upon a street, except that a lot <u>with a required minimum width of fifty feet (50') located</u> on the outer radius of a curved street or facing the circular end of a cul- de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc."	Align frontage requirements with minimum lot widths; frontage standards don't capture full range of lot width requirements.
11-5-2-A-3	Staff	Removed Duplex frontage from 25' foot minimum	Inconsistent with 10-10-4-A
11-5-2-A-3	Staff	Removed Cluster lot frontage exemption	Inconsistent with 10-10-8-C-2-b
Comprehensive Plan			
Comprehensive Plan	Staff	Changed Chapter 2 Residential section to coorespond with name and lot changes.	Consistency
Comp Plan	Staff-C	Remove lot size reference for HDR and reference density range instead: " Existing lot sizes are, or would be, less than 5,000 square feet per unit with new development at <u>12 to 25 units per acre net density.</u> The applicable zoning district is Multi-family High Density. "	Consistency-Brings plan policy and zoning standards into alignment, while acknowledging existing lots that may be larger.
Comp Plan	Staff-C	Update Heceta Beach Neighborhood Cluster description: "The implementing zoning districts are Multi-family High Density along Highway 101 and Single-family Medium Density. ... Residential lands designated on the Comprehensive Plan Map within the Heceta Beach Neighborhood Cluster will be available for the development of a mix of housing units at densities not exceeding 3,000 6,000 -square feet per unit. Housing developments may include a mix of duplexes, triplexes, quadplexes, townhouses, cluster housing and multi-family units, as well as single family units, with a mix of owned and rented units."	Implementing zoning districts are High Density and Medium Density, which greatly exceed an average density of 6,000 SF per unit, and so revised to 3,000 SF per unit as an average of the two base zones. Updated zone names and housing types.
Zoning Map Legend	Staff	Changed residential names to coorespond to Title 10 Chapter 10	Consistency

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Submission information

Form: [Request to Address the City Council \(Speaker's Card\)](#), [1]

Submitted by Visitor (not verified)

Mon, 11/18/2019 - 2:40pm

199.193.237.16

Name

Brenda Gilmer

City Council Meeting Date

Mon, 11/18/2019

Agenda Item Number

1

Do you wish to speak as a Proponent? Opponent? or Neutral?

Opponent

Brief Overview of What You Wish to Discuss

I have submitted written evidence too, stating why I think we could and should look at standards and articulated reasoned choices, and clarify and simplify until we can't make it any clearer and easier. I would like any time available to me to discuss whether the government owes us a duty to tell the truth, the whole truth, and nothing but the truth in the interests of our common welfare. I disagree with Erin's position that the city has a right to "target its message" or "create its brand" as it wishes (I would welcome her restatement; the Oregon League of Cities may address that). What happened with HEOP and CDEC dampened public knowledge, understanding, and momentum and the problem grows.

Do you Represent an Organization?

No

Name of Organization

Residence Address

3640 Ocean View Dr, Florence, OR 97439-9256

Email

brendajgilmer@gmail.com

Phone Number

541-590-5060

Source URL: <https://www.ci.florence.or.us/node/8523/submission/8351>

Links

[1] <https://www.ci.florence.or.us/council/request-address-city-council-speakers-card>

Statement and Evidence for the public hearing at 5:30 p.m. in the Florence Event Center on November 18 regarding the adoption and non-adoption of amendments to Ordinance No. 7, Series 2019 to Florence's Comprehensive Plan, Zoning Map, and City Code Titles 10 and 11.

Brenda Gilmer
3640 Ocean View Dr.
Florence, OR 97439-9256

November 18, 2019

I am a citizen of Florence who is adversely affected by the City's failure to honor its duty to respect my federal and state constitutional rights to receive the equal protection of the laws (including nondiscriminatory city ordinances) and to receive their guarantee of substantive and procedural due process by creating or participating in the creation of a materially false "record" in this land use matter that misstates facts and omits facts necessary to make its statements not misleading.

Although the "record" and city statements are replete with statements about conforming to the law and standards:

1. The definition of "family" particularly as it is wound into the various definitions of "dwellings" and housing types, discriminates against individuals based on marital status and familial status and injects the concept of "housekeeping unit," an undefined term, causing confusion and ambiguity. The requirement for excluding five or more individuals from the definition of "family" unless related by "blood" or "marriage deprives people of the equal protection of the law and forecloses equal access to affordable, safe, legal shelter. The definition does not respect all families, continuing the concept of a restrictive sanctioned "family," with "dominant" "male" "husband" and "supportive" "female" "wife" with a "right" to unrestricted breeding for themselves (no limit on size number for families related by marriage or blood for them).
 - a. Both a boarding house and dormitory meet the definition of "Dwelling," but the proposed amendment to "Boarding House/ Dormitory" says they are **not** occupied as a single family-unit." Neither definition has any basis in law or standards based on public health and safety.
 - b. The definitions of "Dwelling, Duplex," "Dwelling, Four-Plex/Quad" Dwelling, Multiple Multi-family," Dwelling, Single-Family, Detached," "Dwelling, Single-family Attached/Townhouse," and "Dwelling, Tri-Plex," all then include or were amended to include **a requirement** that they be occupied by a "family" or "families" "all living independently of each other and having certain "separate facilities for each family and defined under 'DWELLING,' whereas the definition of dwelling itself has only the requirement that there **be permanent provision for living, sleeping, eating, food preparation, and sanitation.**" The latter definition accurately defines a dwelling, a place of safe habitation for people. With these provisions the permanent affordable housing needed for a large unhoused population in the United States, the state of Oregon, and the city of Florence, is not being provided.
 - c. **Needed housing** --- housing needed now, as a matter of fact --- is not being included in this zoning rewrite for those, particularly single individuals unable to

- afford stand-alone dwellings with their SDUs, separate water and sewer connections and billing, and insurance and maintenance.
2. Using definitions not to describe a situation, but to limit and create voids, allows the city to function as a “seller” of itself, rather than the governing body responsible for the safety and welfare of its citizens. Take the definition of “emergency.” Florence is a “city on the move” that does not have to deal with emergencies because an emergency exists only if it is actually a disaster (which is included as an emergency in the definitions); with the limited exception of a situation dealt with by the local emergency cold weather shelter. If the real, descriptive definition of emergency were included, the city would be required to declare a housing emergency. It is comparable to the city’s treatment of needed housing. If only a total number needed over 20 years is identified or discussed, the number needed NOW disappears.
 3. There is no clear and objective path for vitally needed permanent housing and this is coupled with a wholly inadequate, squalid provision for “transitional housing” which is not permitted in any zone under this draft and is a conditional use subject to the provider’s property being taken without due process as one of the provisions for granting a conditional use permit under 10-4-12.
 - a. Allowing transitional housing **only at** churches as a conditional use (10-4-12) basically, 3 RVs to a church, hooked up to city sewer and water (with SDC charges), and a two-year limit for help – discriminates particularly harshly against LGBTQ youth who are homeless in large part **because of** religious based rejection or hate. They are heightened risk of violence, abuse an exploitation. Forty percent of homeless youth served by agencies identify as LGBT according to the Williams Institute. Structuring things this way enables hate-based religions to discriminate **by just doing nothing!** No overt hate need be spoken of – all that is needed is to do nothing. It is not unlike like the secrecy that protects tax shelter purchasers -- no one gets to know that the indignant rich man castigating the poor for impoverishing the public treasury is himself required is sucking it dry with a magic piece of paper he purchased.
 - b. Florence used the housing code in the past to “disappear” people, and is doing it again. Words are used to hurt people. They create a formula, a list of “permissible housing” that excludes people by offering them no words for their life or place they may dwell. If discrimination cannot be openly practiced based on income, then by golly, just make each “family” live “independently.” Make sure categories are made, not based on health and safety, but on SDCs, and expensive housing.
 4. The definitions of “Affordable housing and “Affordable Housing Unit,” are not inherently wrong, just not complete enough as used and referred to in other definitions.
 5. No clear and objective path is provided for any housing but single-family dwellings, which are unaffordable to those making the Florence median wage; ADUs with their temporarily waived SDCs cannot alone begin to meet the need of the over 1,000 existing commuters (Exhibit IV.5: Florence Housing Needs Forecast: Workforce Housing Scenario B, Housing Needs Analysis and Economic Opportunities analysis, page 29).

6. The city documents and web pages are replete with material misstatements. These overt misstatements and omissions include:
- a. understating pent up demand for needed affordable housing for all income levels, particularly those at or below the federal poverty level in the needs analysis (contrast the November “draft” 2017 and December 2017 Housing Needs Analysis and Economic Opportunities Analyses (https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/5391/housing_needs_analysis_and_economic_opportunities_analysis_-_nov._2018.pdf); statements by Todd Chase and Erin Reynolds at December 12, HEOP 2017 open house.
 - b. understating the number of individuals and families lacking safe and legal housing
 - c. by omitting the effect the lack of needed housing is having on Florence’s suicide rate (three times higher than that of Lane County), or the housing and food insecurity of local families and the effects they are having on our children and schools and hospitals (the Public Health Department and Peace Health’s Community Health Needs Assessments)
 - d. representing CEDC is a fair cross-section. Whereas the City did appoint a cross-section of Florence residents to serve on initial stage of the HEOP project, a majority appointed to serve on the CEDC appeared to embrace stereotypes and exhibit hostility toward “families,” non-binary individuals and any effort at providing a clear and objective path for anyone but married man and woman couples living in detached single-family dwellings, and as wholly unsupportive of affordable housing for any but the wealthy able to afford current market-rate single family dwellings, as shown by their participation in CEDC meetings on May 2, 2019, May 9, 2019 and June 20, 2019.
 - i. HEOP’s termination and CEDC’s formation and membership are inconsistent with the City’s Application for 2018-2019 Oregon Housing Needs Planning Project application and funding and inconsistent with the city web-page statement (The project is funded by the Department of Land Conservation and Development (DLCD) though a grant provided to hire a consulting team, 3J Consulting and JET Planning. The consulting firms are charged in developing code amendments which seek to further the goals of the City to remove regulatory barriers to the construction of a greater variety of housing types and affordable housing options). Neither affordability nor needed housing for all income levels was pursued by CEDC. See attached Exhibits 1 and 2 (the city’s application for the 2018-2019 Oregon Housing Needs Planning Project), and 3 and 4 (the “project description” change between CEDC’s February 28, 2019 and March 21, 2019) and CDEC’s entire record.
 - ii. With HEOP, the city had an informed, engaged citizen participation; with CEDC the public engagement was limited and not at all designed to educate or elicit educated input, asking for “votes” without providing those voters with the means of obtaining or understanding the facts.

1. The formation of CEDC appears to have been motivated by a desire to erase HEOPs wide-spread and engaged public input and record (an unprecedented 700 participants) with its significant subscriber list and create a "new" record of public participation by creation of a replacement entity to which the HEOP subscription list was not carried over, with a quick series of meetings gutting the HEOP work followed by a curated, superficial meeting for an invited crowd on May 23, 2019, at which the mayor noted "the **right** people are here" (I understood his words to mean "not the hoi polloi who had participated in HEOP and were on that notice list"). That open house included an odiferous "homeless" man who, I surmised after sitting next to him (and I may be wrong that an elderly decrepit man I'd never seen in town before, walked into town and that meeting with his long tree branch of a walking stick, was other than he appeared to be), had been hired to attend to create a negative image of the "homeless," mentally ill individual from whom the town needed to be saved.
 - iii. That committee does not in any manner reflect "multi-cultural, multi-generational, alternative abilities or low income level" participation.
 - e. by representing to the Department of Land Conservation and Development in its application for the 2018-2019 Oregon Housing Needs Planning Project that the code updates have a focus on increasing housing supply and/or improving housing affordability.
 - f. by claiming that housing is its number one priority, when all the documents and committee work plans clearly show it is not.
7. A clear and objective path for housing suitable for all income levels and is vitally needed because the city treats land use applicants. Contrast the treatment of and attitude of the Planning Commission with respect to the temporary conditional use permit requests of Hyak Siuslaw Broadband at its August 13, 2019 meeting (fawning and "no problem," you shouldn't even have to ask us, when there was no clear compliance with any standard, no sewer hookup was required and the company's plan for a port-a-potty was AOK; "he's one of us"), with First Step, a nonprofit providing three park model trailers on Presbyterian church property at its September 24, 2019 Commission hearing and the subsequent October 8, 2019, Planning Commission meeting (disrespect and contempt notwithstanding having provided solid, sanitary sewage disposal options – "make them pay SDCs," make them "rip it out;" they're one of THEM").
8. The proposed code fails to comply with required siting of manufactured homes provided in ORS 197.314. The failures are replete throughout the Title 10.
9. By omitting applicable Constitutional, statutory, and regulatory standards, and omitting material facts such HEOP's dismantling and erasure, the city has created an at best, a murky materially false record of this land use procedure and at worst, an intentionally materially false record. If the City does not conform to federal housing standards that forbid discrimination in the rental, sale or financing of housing based on race, sex, color, religion, national origin, age, or marital status,

federal funding cannot be obtained and an important avenue for obtaining affordable housing for its low income residents cannot be pursued. If nothing is done, as in the past, the default is discrimination and disenfranchisement of a large segment of Florence's population. In this regard it would not be unlike the theft of Native American land when in 1855 the Coos, Lower Umqua, and Siuslaw tribes of Oregon negotiated rights and signed the Empire Treaty, and the government simply did not ratify it. The government set things up so that by doing nothing, they got what they wanted.

10. By omitting applicable Constitutional, statutory, and regulatory standards, no barriers to development were effectively identified and addressed, much less solved. An opportunity for clarity and simplicity and fairness and equity were and are in danger of being lost. But clarity and simplicity and standards applicable to all do not enable the city to continue to govern by invitation, to "choose" who makes it and who does not, likely holdovers and habit from the bygone days of overt racism and Jim Crow law.



Department of Land Conservation and Development

2018-19 OREGON HOUSING NEEDS PLANNING PROJECT

Congratulations, your community has been identified as a potential recipient of a Housing Needs Planning Project! In order to better understand your needs, please complete each section in the form below. Type or write requested information in the spaces provided. **Please submit complete information by July 10, 2018.**

Applicant: City of Florence

Street Address: 250 Highway 101

City: Florence

Zip: 97439

Contact name and title: Wendy FarleyCampbell, Planning Director

Contact e-mail address: wendy.farleycampbell@ci.florence.or.us

Contact phone number: 541-997-8237

Project Title:

Florence HEOP-Residential Code Update-2018/19

Project summary: (Describe the project in 50 words or fewer)

Florence is updating its 35 + year old residential zoning and land division codes. The end result will include new development and platting standards that accommodate housing styles and ownership types reflective of Florence' current and projected housing needs to support all income levels, generations, and family styles.

Objectives

1. Ensure Title 11 reflects state law.
2. Revise Title 11 to reflect today's survey technology.
3. Provide reasonable timelines for phased buildout of local undercapitalized developers.
4. Provide opportunity for lot orientations (key, butt, panhandle) that follow national trends and process for deviation in exceptional situations.

Consortium Approach. This project is not proposed to include a consortium approach.

Process. The HEOP process included the analysis and data collection for building the BLI, HNA and EOA. The HEOP project experienced an involved and participatory citizenry in the form of on-line survey (English and Spanish) and three workshops and an open house. The project included the formation of a HEOP committee that would be included in this project. It is anticipated this implementation project will include a joint work session process with the City Council, Planning Commission and HEOP. There would be multiple work sessions for the purpose of receiving input into proposed code language. The transitional housing code discussion will require a public outreach meeting prior to any public hearings on the topic. The City has initiated this conversation with the churches, hospital, and social service of Florence. This project will build on that work.

Development Code Update

1. **In order to qualify for support from the HNPP program, code updates must have a focus on increasing housing supply and/or improving housing affordability. In relation to this requirement, what section(s) of your development code need to be updated, and why?**

Title 10 Chapters 10, 11, 12, 13: Four of Florence' five residential zones permit traditional lot by lot development at densities much lower than researched typicals. Additionally, the codes permit three housing types—site built single family, duplex and apartment complex with buildings having 3 or more units (multi-family). There are no provisions for townhouses, rowhouses, duets, cottages, clusters etc. These chapters would be revised to reduce lot sizes and densities, provide more housing styles and create other development code such as cottage code. This will result in lower housing prices/leases and provide more housing on existing developed and undeveloped residential land.

Title 10 Chapter 23 & Title 11 Chapter 3: Florence PUD and land division chapters do not provide opportunity for phased approaches. The completion timelines are too aggressive for local developers and builders. Florence does not have the housing supply for builders from outside the area; thus construction costs are too high to provide homes for under \$300,000 or non-subsidized multi-family housing of a size larger than 3 units. Additionally, many properties are too small to meet the minimum PUD project size.

2. **Were the potential code amendments identified through a public process? Are they supported (in concept at this time) by your appointed and elected officials?**

The proposed codes amendments were identified through the HEOP process. The process included an on-line survey, 3 workshops, and one public outreach session. The Planning Commission, City Council and public are in support of changing the codes to provide more affordable and available housing. The City just completed an aggressive ADU code amendment process that adopted code allowing ADUS in more areas than required by state law and using many of the suggested criteria selection from the 2016 TGM Character Compatible, Space Efficient Housing Options report.

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**Department of Land Conservation and Development 2018-19 OREGON HOUSING NEEDS PLANNING
PROJECT**

Page 3 of 3

Department of Land Conservation and Development

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97439

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Project Description

The Housing and Economic Opportunities Project kicked off in April 2017 with the start of updating of the City's 2005 Buildable Lands Analysis, 2007 Housing Needs Analysis and 1997 (equivalent) Economic Opportunities Analysis. These revised documents and the associated comprehensive plan amendments are in the process of being adopted or acknowledged, as applicable. The Residential Code Update Project 2018/19 will be the implementation phase of the HNA recommendations and project's findings of needs. The city has budgeted to host a RARE intern from the University of Oregon beginning Fall 2018. 20% of the intern's time will be spent assisting with the 2018/19 Residential Code Update project and additional non-land use policy initiatives to increase housing affordability and opportunity.

Florence' residential and land division codes are over 35 years old and reflect the development patterns and housing styles of that period. One of the challenges of these outdated codes is that they prevent construction of affordable housing types such as townhouses, duets (not duplexes), cottages, any multi family development project other than that consisting of buildings with three or more units. The City has had to process such projects through our near equally outdated Planned Unit Development Code or using a variance process when one could be justified. The PUD process is overkill for these projects and they simply do not work for these ownership types.

Goals and Objectives

Goal 1: To provide the opportunity for a variety of housing styles to fit various household lifestyles and incomes.

Objectives

1. Update Florence's land use definitions to include other unrepresented housing types
2. Update Florence's four residential zones to permit certain housing styles in certain districts
3. Evaluate appropriate locations for and types of transitional housing and modify conditional Use permit criteria.

Goal 2: To revise density in the residential districts to increase ownership opportunities and provide opportunity for substandard lot infill.

Objectives

1. Identify appropriate density levels for each of Florence's four residential districts.
2. Revise lot sizes to accommodate the chosen densities and housing styles for each district
3. Include design criteria such as solar access to maintain or enhance quality of life in denser developments.
4. Revise pre-existing non-conforming legal lot language as needed.

Goal 3: To improve the planned Unit Development review code to ensure enhanced quality of life intended with the relaxation of code criteria.

Objectives

1. Provide more prescriptive language in the PUD chapter that quantifies and qualifies requirements.
2. Review and adjust as necessary minimum project size
3. Provide reasonable timelines for phased buildout of local undercapitalized developers.

Goal 4: To update land division code to reflect current state law and local needs

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Goal 4: To update land division code to reflect current state law and local needs

EXHIBIT 3
Distributed at 2-28-19
CDC meeting

2 PROJECT DESCRIPTION

- Increase the supply and affordability of housing within the City of Florence
 - Provide a clear and objective approval path for Needed Housing,
 - Remove or amend code that hinders development of Needed Housing, and
 - Update permitted use lists and development standards to ensure that the mix and density of allowed housing can accommodate Needed Housing.

Project Goals

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4. To update land division code to reflect current state law and local needs

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Submitted by Visitor (not verified)
Mon, 11/18/2019 - 2:40pm
199.193.237.16

Name

Brenda Gilmer

City Council Meeting Date

Mon, 11/18/2019

Agenda Item Number

1

Do you wish to speak as a Proponent? Opponent? or Neutral?

Opponent

Brief Overview of What You Wish to Discuss

I have submitted written evidence too, stating why I think we could and should look at standards and articulated reasoned choices, and clarify and simplify until we can't make it any clearer and easier. I would like any time available to me to discuss whether the government owes us a duty to tell the truth, the whole truth, and nothing but the truth in the interests of our common welfare. I disagree with Erin's position that the city has a right to "target its message" or "create its brand" as it wishes (I would welcome her restatement; the Oregon League of Cities may address that). What happened with HEOP and CDEC dampened public knowledge, understanding, and momentum and the problem grows.

Do you Represent an Organization?

No

Name of Organization

Residence Address

3640 Ocean View Dr, Florence, OR 97439-9256

Email

brendajgilmer@gmail.com

Phone Number

541-590-5060

Source URL: <https://www.ci.florence.or.us/node/8523/submission/8351>

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Sun, 11/17/2019 - 10:28pm
199.193.237.16

Name

kristie wolfard

City Council Meeting Date

Mon, 11/18/2019

Agenda Item Number

Do you wish to speak as a Proponent? Opponent? or Neutral?

Brief Overview of What You Wish to Discuss

all

Do you Represent an Organization?

no

Name of Organization

Residence Address

1184 2nd street

Email

Phone Number

Source URL: <https://www.ci.florence.or.us/node/8523/submission/8331>

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Sun, 11/10/2019 - 8:17pm
63.155.99.114

Name

Jim Lindemann

City Council Meeting Date

Mon, 11/18/2019

Agenda Item Number

Do you wish to speak as a Proponent? Opponent? or Neutral?

Brief Overview of What You Wish to Discuss

Zoning

Do you Represent an Organization?

No

Name of Organization

Residence Address

2191 willow Florence

Email

jct5369@icloud.com

Phone Number

Source URL: <https://www.ci.florence.or.us/node/8523/submission/8241>

Links

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Jim Lindemann 3 exhibits

- After reading the voluminous red-lined Florence Code Update Proposal, I have reason to believe that the Proposal is unconstitutional in its present form.
- Specifically:
- **EX1, which is Article I, Sections 9 & 10 of the United States Constitution AND**
- **EX2, which is Section 21 of the Oregon Constitution.**
- Article I Section 9 & 10 imposes restrictions on the **Legislative Branch of Government** to pass “ex post facto” laws.
- **EX1, Article I:** quote, “ex post facto laws shall not be passed.”
- **EX2, Section 21:** quote, “No ex post facto laws, or laws impairing the obligation of contracts shall ever be passed.”
- **Accordingly, where is legal authority in the Constitution that provides for the right to pass retroactive laws zoning laws in existing residential areas?**

- NEXT, The Proposal violates the legal doctrine of Separation of Religion and State as expressed in our Constitution AND
- Violates **EX3**, the Oregon Constitution **Section 5** quote, “No money to be appropriated for religion.”
- Separation of Religion and State, and Freedom of Religion go hand in hand, and are protected in our Constitution.
- Look at Governments that are all State with no Religion; COMMUNIST CHINA, and Governments that are all Religion and no State: ISLAMIC IRAN.
- Incredibly, the Proposal explicitly adds, **to the decades old Florence Code**, language, privileges, definitions, and provisions that cross the line between the Separation of Religion and State, **AND**
- Raises questions of possible abuses of the Federal Tax Code by tax exempt organizations.
- The Proposal provides ambiguous “affordable housing” incentives to tax-exempt organizations as well as adds new wording such as;
- **“Religious Institutions”**
- **“Organizations associated with Religious Institutions”**
- **“Places of Worship”**
- **“Nonprofits**

- **“NGOs or Non-Governmental Organizations”**
- The City openly admits that the Oregon government, quote, **“supported in part”** this Proposal.
- **NOW, If Oregon State money was spent, and public benefits are bestowed on religious tax-exempt organizations, then please tell us how that DOES NOT violate EX1 And EX3?**
-
- Even if we assume the Proposal is constitutional, then it is lopsided, over-reaching, ill-defined, and primarily benefits **special interests** and **government bureaucrats** over **Florence residents**.
- Clearly, there are some who are pushing anti-Constitutional laws, policies, propaganda, and classic red herrings to usurp the Constitution.
- Supporters of these anti-constitutional laws do not even know:
- **WHAT** the real consequences will be to our **urban coastal ecosystem**.
- **WHAT** will be the **total infrastructure** costs to the tax payer.
- **WHAT** will be the true consequences to our **quality of life**.

- Make no mistake, if unconstitutional laws are passed, one possible unintended consequence might be a long, rigorous and dreadful **examination** of this entire **matter**.
- In my personal experience, when you provide the Feds with the right evidence, they are eager to **Defend the Constitution; Recover** improperly spent tax-dollars; **Seize** ill-gotten-gains, **Punish** tax Cheats & Fraudsters; **Suspend** Federal financial support; **Enforce the Hobbs Act and the Federal RICO statutes**.
- As an American citizen, I took an **oath** to **preserve, protect** and **defend** the Constitution from all enemies, foreign and domestic.
- If Uncle Sam needs me, I am there, if I need Uncle Sam, the Constitution has always been there.
- **When there are attempts at usurpation of our Constitution, by anyone, may I ask, what should an Oath taking American citizen do? Take a look at EX 2 Oregon constitution Section 1. I ask that you wisely reject this proposal.** Thank you.

LINDEMANN

1

CONSTITUTION OF THE UNITED STATES

Art. I §10

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers

vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. Restrictions on powers of Congress. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

* No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

* Section 10. Limitations upon powers of states. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall

LINDEMANN # 2

county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment. [Constitution of 1859; Amendment proposed by S.J.R. 4, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by S.J.R. 4, 1931 (2d s.s.), and adopted by the people May 18, 1934]

Note: The headline to section 11 was a part of the measure submitted to the people by S.J.R. 4, 1931.

Section 12. Double jeopardy; compulsory self-incrimination. No person shall be put in jeopardy twice for the same offence [sic], nor be compelled in any criminal prosecution to testify against himself. —

Section 13. Treatment of arrested or confined persons. No person arrested, or confined in jail, shall be treated with unnecessary rigor. —

Section 14. Bailable offenses. Offences [sic], except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong. —

Section 15. Foundation principles of criminal law. Laws for the punishment of crime shall be founded on these principles: protection of society, personal responsibility, accountability for one's actions and reformation. [Constitution of 1859; Amendment proposed by S.J.R. 32, 1995, and adopted by the people Nov. 5, 1996]

Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.—In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the Court as to the law, and the right of new trial, as in civil cases.

Section 17. Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate. —

Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. [Constitution of 1859; Amendment proposed by S.J.R. 17, 1919, and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1923, and adopted by the people Nov. 4, 1924]

Section 19. Imprisonment for debt. There shall be no imprisonment for debt, except in case of fraud or absconding debtors. —

Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens. —

~~**Section 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors.** No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested. —~~

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Section 23. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it. —

Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court. —

LINDEMANN #3

ARTICLE I
BILL OF RIGHTS

- Sec. 1. Natural rights inherent in people
- 2. Freedom of worship
- 3. Freedom of religious opinion
- 4. No religious qualification for office
- 5. No money to be appropriated for religion
- 6. No religious test for witnesses or jurors
- 7. Manner of administering oath or affirmation
- 8. Freedom of speech and press
- 9. Unreasonable searches or seizures
- 10. Administration of justice
- 11. Rights of Accused in Criminal Prosecution
- 12. Double jeopardy; compulsory self-incrimination
- 13. Treatment of arrested or confined persons
- 14. Bailable offenses
- 15. Foundation principles of criminal law
- 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case
- 17. Jury trial in civil cases
- 18. Private property or services taken for public use
- 19. Imprisonment for debt
- 20. Equality of privileges and immunities of citizens
- 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors
- 22. Suspension of operation of laws
- 23. Habeas corpus
- 24. Treason
- 25. Corruption of blood or forfeiture of estate
- 26. Assemblages of people; instruction of representatives; application to legislature
- 27. Right to bear arms; military subordinate to civil power
- 28. Quartering soldiers
- 29. Titles of nobility; hereditary distinctions
- 30. Emigration
- 32. Taxes and duties; uniformity of taxation
- 33. Enumeration of rights not exclusive
- 34. Slavery or involuntary servitude
- 39. Sale of liquor by individual glass
- 40. Penalty for aggravated murder
- 41. Work and training for corrections institution inmates; work programs; limitations; duties of corrections director
- 42. Rights of victim in criminal prosecutions and juvenile court delinquency proceedings
- 43. Rights of victim and public to protection from accused person during criminal proceedings; denial of pretrial release
- 44. Term of imprisonment imposed by court to be fully served; exceptions
- 45. Person convicted of certain crimes not eligible to serve as juror on grand jury or trial jury in criminal case
- 46. Prohibition on denial or abridgment of rights on account of sex

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences. —

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions, or interfere with the rights of conscience. —

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit. —

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religious [sic], or theological institution, nor shall any money be appropriated for the payment of any religious [sic] services in either house of the Legislative Assembly. —

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion [sic]; nor be questioned in any Court of Justice touching his religious [sic] belief to affect the weight of his testimony. —

Section 7. Manner of administering oath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered. —

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. —

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation. —

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the

Published on *City of Florence Oregon* (<https://www.ci.florence.or.us>)

[Home](#) > [Request to Address the City Council \(Speaker's Card\)](#) > [Webform results](#) > Request to Address the City Council (Speaker's Card)

Submission information

Form: [Request to Address the City Council \(Speaker's Card\)](#) [1]

Submitted by Visitor (not verified)

Mon, 11/18/2019 - 2:51pm

68.185.1.198

Name

Nikolas Remer

City Council Meeting Date

Mon, 11/18/2019

Agenda Item Number

1

Do you wish to speak as a Proponent? Opponent? or Neutral?

Neutral

Brief Overview of What You Wish to Discuss

We are submitting a proposal modification to the Florence Municipal Code Title 10, Section 10-5, Sub-section A in reference to the current Building Height Proposed Modification from 35' to 40'.

Do you Represent an Organization?

Yes

Name of Organization

LRS Architects

Residence Address

2233 24th Street, Florence OR 97439

Email

nikr@florencegolflinks.com

Phone Number

503-313-1016

Source URL: <https://www.ci.florence.or.us/node/8523/submission/8371>

Links

[1] <https://www.ci.florence.or.us/council/request-address-city-council-speakers-card>

11.18.2019

DESIGN WITH INTEGRITY

PLANNING DESIGN INTERIORS ARCHITECTURE

720 NW Davis 503.221.1121 ☎
Suite 300 503.221.2077 ⓧ
Portland OR 97209 www.lrsarchitects.com

Distributed at 11.18.19
CC PC Mtg - Agenda
Item #1

November 18, 2019

City Council and Planning Commission
Florence City Hall
250 Highway 101
Florence, OR 97439

RE: Residential Housing Code Update - Building Height Proposed Modification

Dear City Council & Planning Commissioners,

Thank you for the opportunity to address the proposed *Residential Housing Code Update* before the City of Florence. LRS Architects is currently working on several projects in Florence along with 3J Consulting, who assisted on the code update with the city. We are submitting a proposal modification to the Florence Municipal Code Title 10, Section 10-5, Sub-section A in reference to the current ***Building Height Proposed Modification***.

For your reference, we have provided two attachments titled "Exhibit 1: Current Florence City Code Building Height Modification" and "Exhibit 2: Proposed Building Height Modification" that helps identify more clearly our proposal to the Building Height Modification.

The current proposal markup (*Exhibit 2*) seeks to clarify height limitations of *Primary Structures* by differentiating *single family* from *multi-family* structures. The current code update (*Exhibit 1*) proposes a building height change from 28' to 35' for both single family and multi-family structures. Our professional experience with multi-family housing of the building height proposal is that 35' is inappropriate in both constructability and neighborhood context. The official intent goal of the City of Florence of "*3-stories for multi-family developments*" is not achievable with a building height limitation of 35'.

Our experience of designing multi-family projects in the Pacific Northwest informs us that more height is needed to construct a 3-story building. The reason more height is needed to construct a 3-story building is our wet pacific Northwest climate demands steeper roof slopes. This is especially true on the coast. A low pitch or flat roof (such as a maximum building height limit of 35' would require), significantly increases the risk of water intrusion. In addition to increasing the risk of water intrusion, low pitch and flat roofs are also unappealing in a residential neighborhood context.

LRS
ARCHITECTS

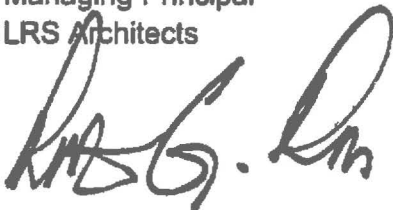
Our proposal (*Exhibit 2*) for multi-family with a **40' Maximum Building Height** is intended to provide 10' floor to floor heights, allowing 9' ceilings with current marketing and leasing standards. This also provides for a roof slope of 4 to 12 allowing known constructability standards and buildings materials consistent to the region. This proposed height increase with a steep roof slope is especially appropriate for the local climate and weather in Florence.

Thank you for the opportunity to outline our professional opinion on this important issue and how to better address your planning intent with an appropriate architectural solution.

Sincerely,



T. Paul Frank, AIA, NCARB LEED AP BD +C
Managing Principal
LRS Architects



Robert Boileau, AIA, AICP, NCARB, LEED AP BD +C
Director of Urban Design + Planning
LRS Architects, Inc.

Exhibit 1: Current Florence City Code Height Modification

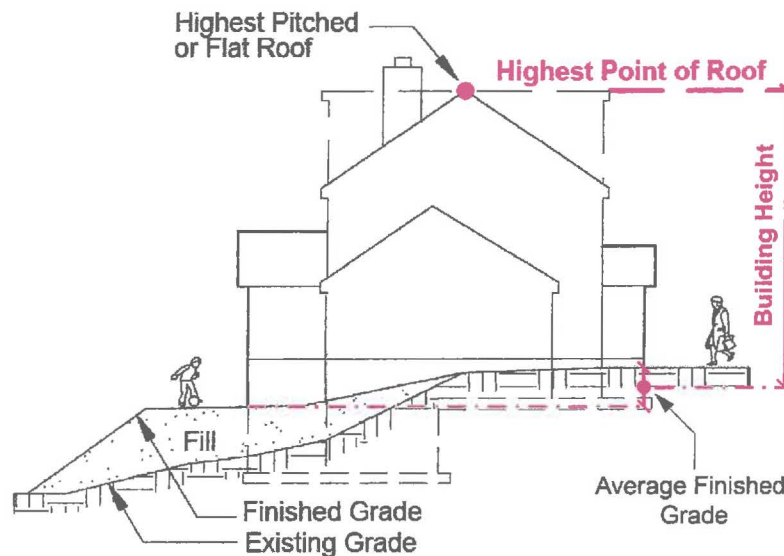
*information below copied from 6.20.19 CEDC Meeting Packet

Height

Part of the code amendments included a recommendation from staff to adjust the height limits of residential zones, summarized in the Table below:

Structure Type	Original	Revised
Primary Structures	28'	35'
Accessory Structures	15'	20'
Accessory Dwelling Units	15'	28'
Nonresidential Structures	28'	30'

The intent of this increase was to create the opportunity for a loft in a 2-story house or 3-stories for multi-family developments. Of course, the method by which height is measured will affect the apparent height of new construction. Therefore, to better clarify how height would be measured, the graphic below illustrating height measurement was prepared and added to the definition for height in FCC 10-2.



*information below copied from Ordinance No. 7, Series 2019 w/ Exhibits - 11.11 DRAFT

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings **Primary Structures**: The maximum building or structural height shall be ~~twenty-eight feet (28')~~ **thirty-five feet (35')**.
2. Accessory Buildings **Structures**: The maximum building height shall be ~~fifteen feet (15')~~ **twenty feet (20')**.
3. **Accessory Dwelling Units**: The maximum building height shall be ~~twenty-eight feet (28')~~ **twenty-eight feet (28')**.
4. **Nonresidential Buildings Structures**: The maximum building height shall not exceed ~~twenty-eight feet (28')~~ **thirty feet (30')**.
5. **Structures in the LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.**

Exhibit 2: Proposed Building Height Modification

Florence Municipal Code – 10-10-5

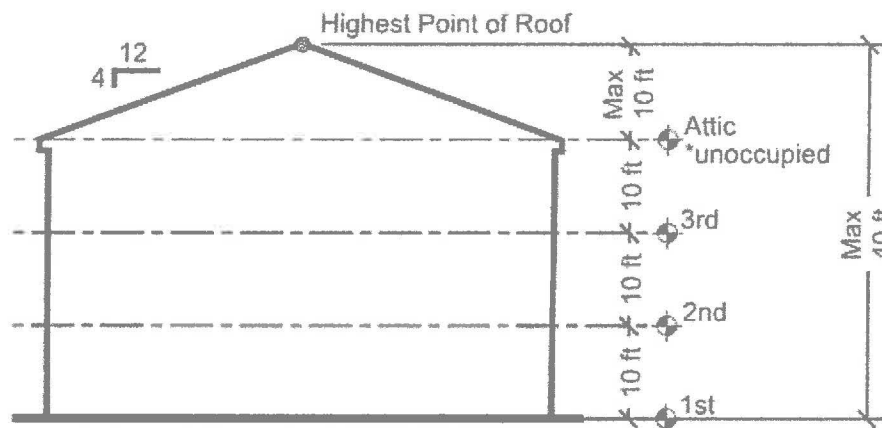
Proposal Description:

The current proposal seeks to differentiate *single family* structures from *multi-family* structures in order to better clarify the intent (see “Exhibit 1: Current Florence City Code Building Height Modification”) allowing 3-stories for multi-family developments. 35’ *primary structure* maximum is proposed to increase a total of 5’, from 35’ to a maximum of 40’, specifically for *multi-family* structures.

The proposal is intended to allow for 3-story buildings to have a sloping roof structure matching adjacent buildings in order to retain a consistent neighborhood character.

In addition, a nominally sloped roof adheres to regional constructability standards and a minimum 4/12” slope complies well to local climate constraints.

Example Diagram:



Proposed Revision – 10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Primary Structures:

- a. **Single Family:** The maximum building or structural height shall be thirty-five feet (35').
- b. **Multi-Family:** The maximum building or structural height shall be forty feet (40').

2. Accessory Structures: The maximum building height shall be twenty feet (20').

3. Accessory Dwelling Units: The maximum building height shall be twenty-eight feet (28').

4. Nonresidential Structures: The maximum building height shall not exceed thirty feet (30').

5. Structures in the LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.

Structure Type	Original	Revised
Primary Structures: Single Family	28'	35'
Primary Structures: Multi-Family	28'	40'
Accessory Dwelling Units	15'	28'
Nonresidential Structures	28'	30'

* **Proposed modifications in bold**

TREE CITY USA DESIGNATION



TREE CITY USA®



FOUR STANDARDS: Tree City USA Designation

- **A Tree Board / Department**
- **A Tree Care Ordinance**
- **A Community Forestry Program with annual budget of at least \$2 per capita.**
- **An Arbor Day Proclamation and Observance.**

STANDARD NO. 1

A Tree Board / Department

- **The Florence City Tree Board was formed as a Sub-Committee of the Environmental Management Advisory Committee.**

STANDARD NO. 2

A Tree Care Ordinance

- **Title 4 Chapter 6 Vegetation Preservation**
- **Title 8 Chapter 4 Trees and Vegetation**
- **Title 10 Chapter 34 Landscaping**

STANDARD NO. 3

A Community Forestry Program with annual budget of at least \$2 per capita.

- **Population of 8,795 x 2 = \$17,590**
- **FY2018-19**
- **Removal and clean-up of Hazardous Trees = \$3,870**
- **New Tree Plantings = \$2,800**
- **Vegetation Improvements in Parks = \$3,097**
- **Pruning of Trees = \$4,638**
- **Removals and Pruning Trees in Public Right of Way = \$5000**
- **City Tree Board Volunteer Time = \$1,602**
- **Total Community Forestry Expenditures = \$21,007**

STANDARD NO. 4

Arbor Day Observance and Proclamation

- **Arbor Day Proclamation by Mayor Henry, April 2019**
- **Arbor Day Observance held during Earth Day Event with approximately 60 trees given away and over 100 pamphlets and guides handed out to the Community.**

EMAC and Tree City Board Recommendation

- **City Council to approve the City of Florence to apply for the Arbor Day Foundation for Tree City USA Designation.**

QUESTIONS ?



Tree city

*7:50 AM
7:52.45*



**Request to Address the City Council
(Speaker's Card)**

City of Florence
A City in Motion

Name: *Sully Wank*
(Please Print)

City Council Meeting Date: *11/18/19* Agenda Item No.: _____

Proponent Opponent Neutral

Brief Overview of What You Wish to Discuss: *Tree City USA*

Do you represent an organization? Yes No Name of Org.: _____

Residence Address: *2190 13th*

City, State, Zip: *Florence OH*

Email (Optional): _____ Phone No. (Optional): _____

Would you like to be added to the City of Florence Email Distribution Lists?

Newsletter City Council

**NOTE: ONCE COMPLETED, THIS CARD BECOMES A PUBLIC DOCUMENT
(See Reverse Side for Instructions)**

Florence Events Center

Presented at
11.18.19 CC PC
Mtg - Agenda Item
8



FEC Food & Beverage Services

FEC 21,000 square foot facility



Hosts an average of 400 events per year

7,500 Square feet of Meeting Space



450 Seat Professional Theater



All of which requires food and beverage (F&B) services!



2016 Venue Assessment:

- ❑ Exceptional food and beverage services is an essential part of a venue's reputation
- ❑ Overall reputation of the F&B program is poor
- ❑ Opportunity for new revenue exists
- ❑ Higher quality catering will lead to future bookings

Recommendations:

- ❑ Overall upgrade of F&B program should be a priority with an individual overseeing operations
- ❑ A one “point of contact” program should be in place for those booking events
- ❑ Higher quality catering will lead to future bookings

In 2019 the FEC hosted 427 activities and provided F&B services for 223 events including...



Beverage Services...



Concessions...



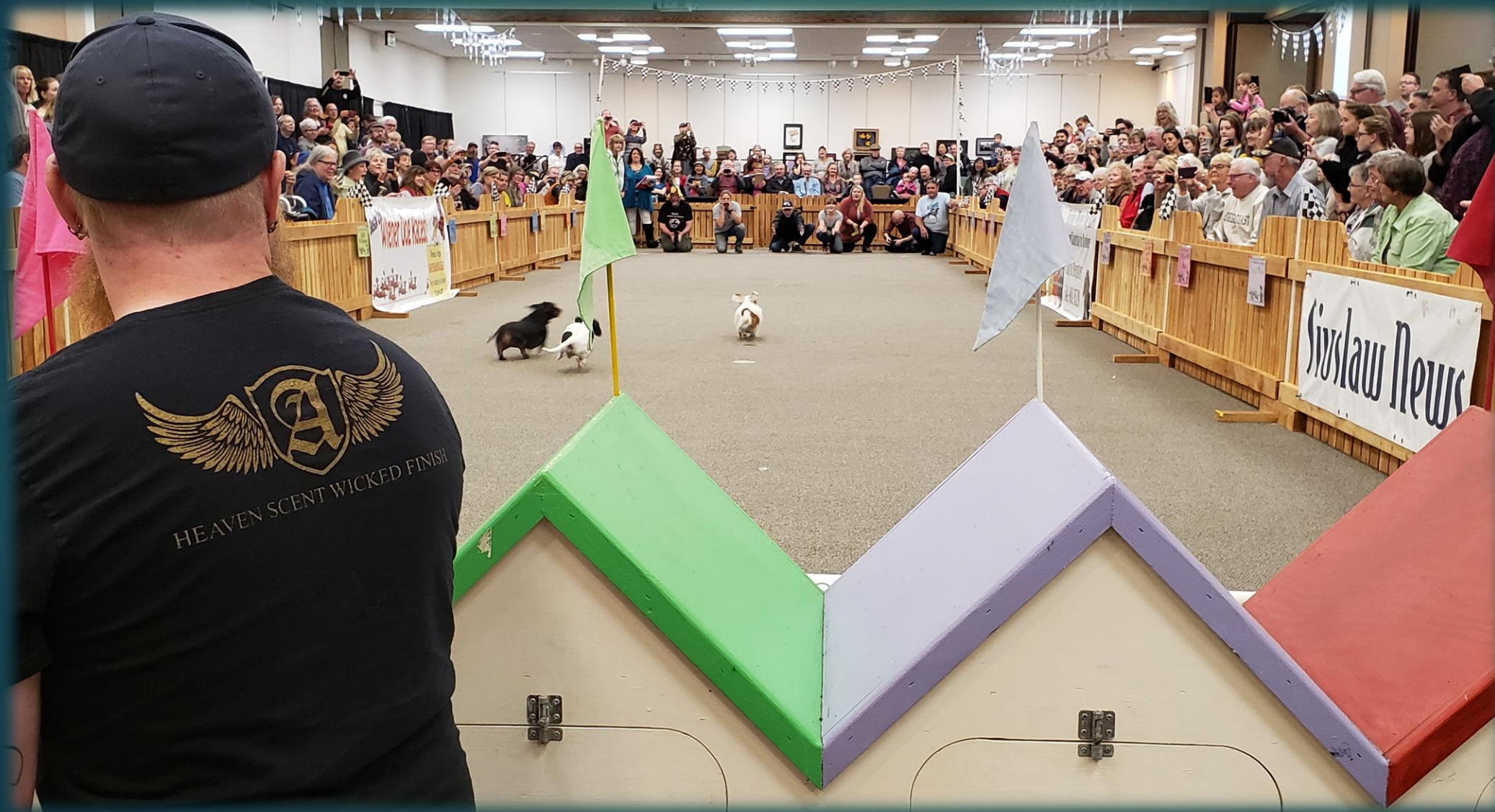
Luncheons...



Banquets...



and Festivals!





Challenges:

- ❑ reliable business practices
 - ❑ reliable communication between staff and clients
 - ❑ consistent methods of payment
- have not met a minimal professional standard

Catering Models

- ❑ Exclusive Caterer
- ❑ List of Authorized Caterers
- ❑ In-house Catering Services

F&B Services History

✓ Exclusive Caterers

- ❑ L&M Catering 1996 - 2005
- ❑ Full Sail Catering 2005 - 2006
- ❑ Red Rose Catering 2006 – 2015

✓ List of Authorized Caterers 2015 – 2017

- ❑ Problematic for Clients

✓ Exclusive Caterer

- ❑ Pavilion Catering 2017- present



Challenges:

- ❑ Choices are limited for local catering services in our community
- ❑ Local restaurants are interested, but challenged to provide staffing without pulling away from their existing business
- ❑ Distance is an issue for caterers coming from outside our community, particularly for smaller events



Challenges: Continued

- ❑ Out of necessity, we've already taken measures in recent years to provide basic F&B services.
 - ❑ Providing continental breakfast and coffee services for smaller meetings.
 - ❑ During the period of using "authorized caterers", the FEC provided full concession services.



Providing In-house Catering Services:

- ❑ Enable us to focus same level of professionalism and attention as with our current services
- ❑ Improved communication and coordination
- ❑ Improved administrative and accounting
- ❑ Increased control over F&B product



Seamless Transition:

- ❑ Professional full service kitchen
- ❑ Own majority of equipment
- ❑ Minimal investment



Advantages:

- ❑ FEC Catering Services will utilize the current trained serving staff
 - ❑ Higher part-time kitchen manager and cook
- ❑ The FEC currently possesses an OLCC liquor license for selling and dispensing beer & wine
- ❑ Contract out alcohols services including Full Bar Services
- ❑ Provide more volunteer opportunities
 - ❑ Concession Assistants, Kitchen Workers & Servers
- ❑ Creates opportunity for local caterers, restaurants or chefs to provide their services including SHS Culinary Arts Program.
- ❑ Built-in Clientele

Improved Marketing:

- ❑ Provide an up-to-date website with general catering information, menus and pricing
- ❑ Implement a robust marketing presence through Centerstage, local newspaper, radio and social media
- ❑ Improved marketing to out-of-area meeting planners through Travel Lane County, meeting planner organizations and publications

Financial Impact: Current

- ❑ For the 2019 calendar year, the current F&B contractor will generate approximately \$130k in gross sales
- ❑ FEC currently receives approximately \$15k per year in catering commissions & kitchen rental fees

Financial Impact:

	2019	2020
Gross Sales	\$0	\$130,000
2019 Commissions (based on \$130k gross sales)	\$15,000	\$0
Expenses (staff & product cost)	\$0	<\$105,000>
Gross Revenues	\$15,000	\$25,000
Kitchen Equipment	\$0	<\$10,000>
Net Revenues	\$15,000	\$15,000

Financial Impact: Current

- ❑ There is no significant anticipated impact to the budget by switching from one catering model to the other.
- ❑ If approved, a budget adjustment would be necessary as the appropriations will increase, but will be off-set by the revenues.

Financial Impact:

- ❑ 2020 will serve as a pilot program
- ❑ By the end of 2020, we will have reliable revenue and expense figures as we begin the 21-23 biennial budget process

Timeline:

- ❑ Current caterer is contracted to continue providing F&B services through the end of 2019
- ❑ If authorized, FEC Catering Services would begin providing services January 1, 2020

Staffing:

The current FEC staff will be responsible for kitchen coordination, administration, accounting & equipment maintenance



Kevin



Aleia



Matt



Kim

Part time kitchen staff will be employed through Cardinal Services Temp Agency

Future development:

- Future development of the north property means increase services



Future Development: East Property



Proven Success:

- ❑ Operating in a professional manner
- ❑ Exceeding activity expectations
- ❑ Providing excellent customer service

Our Goal:

- ❑ Maintain a quality-controlled proficient level of food and beverage services
- ❑ Continuously seek ways to improve our product and standard of service

Summary:

We are extremely fortunate to have a venue that can accommodate significant conferences, banquets and professional theater productions.

Providing consistent food and beverage services at a professional level is the final key component that will improve the overall experience for our clientele and attendees that will result in taking the Florence Events Center to the next level of success.

Catering Options:

- Continue with the same model of an exclusive caterer?
- Provide catering services in-house?

Recommendation:

Approve City Manager and FEC Staff to implement the model of providing in-house food and beverage services at the FEC as proposed

**Questions
or
Comments?**

FLORENCE
EVENTS
CENTER



The Road Ahead

**Ending
Balances**

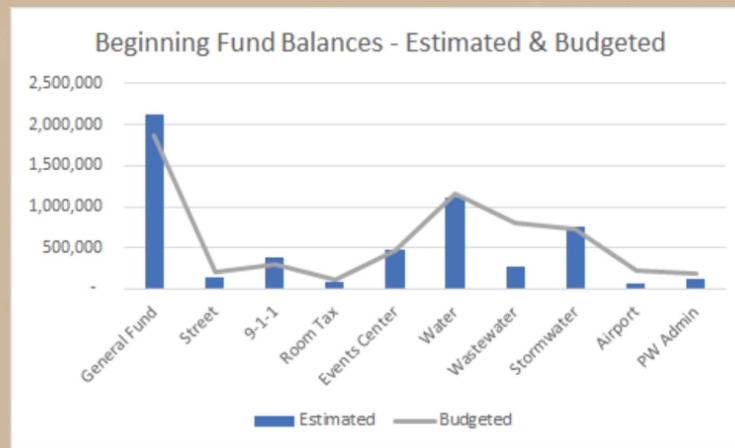
Questions?

**We
Had Fun
Getting It
Done**

**Property
Taxes**

**Beginning
The Year**

Beginning Fund Balance Estimations



Current Year's Levy

- \$2,778,229 Levied
- \$2,611,535 Estimated To Be Collected
- \$25,535 Over Budget of \$2,586,000

Levy to Actual

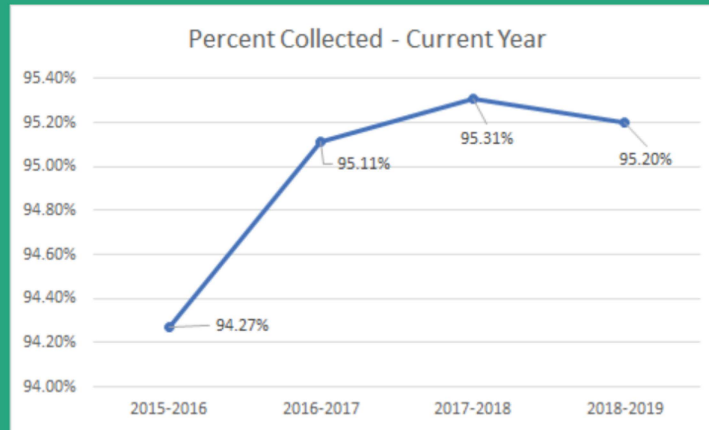
Percent Collected

Increasing Revenue

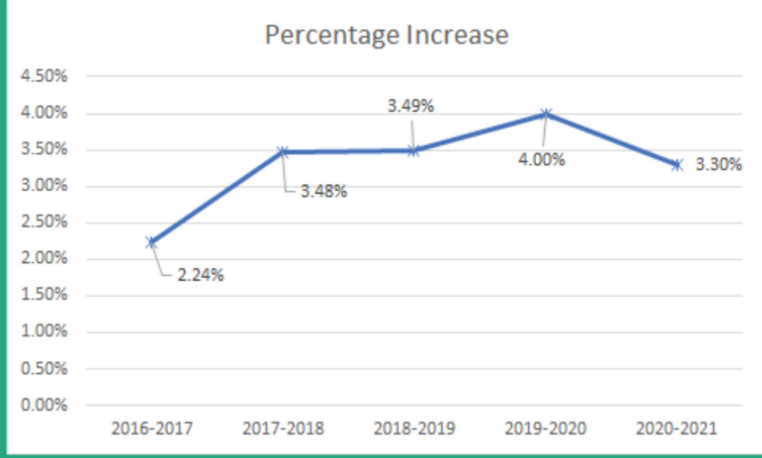
Levied to Actual



Percent Collected



Property Tax is Increasing



Another Busy Quarter

- Housing Code Update
- DevNW Property Acquisition
- Community Block Party
- Power of Florence Day
- National Night Out
- Annual Audit
- Regional Accelerator & Innovation Network (RAIN) MOU

**Community
Block Party**

**National
Night Out**

**Power of
Florence**







Quarter Ending Fund Balances

