

**CITY OF FLORENCE
RESOLUTION 21, SERIES 2020**

A Resolution for a Mural Permit request to paint a mural on the north wall of Clawson’s Wheelhouse Restaurant located at the NE intersection of Highway 101 and 8th Street at 820 Highway 101.

RECITALS:

1. The Applicants and Owners, Darby and Amy Clawson have made the application for a mural permit as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-26-5.
2. The City Council met in a duly-advertised public hearing on August 17, 2020, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and
3. The Florence City Council, per FCC 10-1-1-6-3 and FCC 10-26, finds, based on the Findings of Fact, application, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

Based on the findings of fact and the evidence in record the request for a Mural Permit to have a mural painted on the north wall of the Clawson’s Wheelhouse Restaurant building meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Approval shall be shown on:

- | | |
|---------------------------|-------------------------|
| “A” Findings of Fact | “F” Wall Elevation |
| “B” Application | “G” Mural Art Elevation |
| “C” Maintenance Statement | “H” Mural with Car |
| “D” Site Plan | |
| “E” Site Map | |

1. Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
2. Regardless of the content of material presented for this City Council hearing, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code

which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal City Council action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. The applicants shall provide the name of the muralist and contract or other obligation to complete the mural to the Community Development Department
4. The applicant shall provide the Community Development Department a statement that the mural and all of its individual elements are original works of art by the muralist.
5. The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26.
6. The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit.

Informational:

1. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed.
2. A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C.
3. Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department.

ADOPTION:

This Resolution is passed and adopted on the 17th day of August, 2020.



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

**FINDINGS OF FACT
FLORENCE CITY COUNCIL
Exhibit "A"**

Public Hearing Date: August 17, 2020
Application: Resolution No 21, Series 2020/ CC 20 04 MUR 01

I. PROPOSAL DESCRIPTION

Proposal: Request for a Mural Permit to paint a mural on the north wall of Clawson's Wheelhouse Restaurant, located at 820 Highway 101.

Applicant: Darby and Amy Clawson, owners of Clawson's Wheelhouse Restaurant

Property Owner: Same

Location: 820 Highway 101, being near the SE corner of the intersection of Highway 101 and Highway 126

Site: Map # 18-12-26-32; Taxlot 06603

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Mainstreet Area "A"

Surrounding Land Use / Zoning:

Site: Restaurant/ Mainstreet Area A
North: Parking Lot, Hwy 126, Central Lincoln PUD Offices and Maintenance Shop/Mainstreet Area A
South: Safeway | Mainstreet Area A
East: Dunes Village Shopping Center – Dollar Tree, Subway, True Value/ Mainstreet Area A
West: Fuel Station, Insurance Office, Hotel/ Mainstreet Area A

Streets / Classification:

North – Highway 126 / Major Arterial; South – 8th St. / Local; West - Highway 101 / Major Arterial; East – Quince St. / Local

II. NARRATIVE:

The applicant proposes an approximately 558 square foot mural painted directly on the north wall of the Clawson's Wheelhouse Restaurant. The selected medium is acrylic paint, applied fewer than 1 inch deep over T1-11 plywood siding, which contains wood batten every four feet.

The subject property is located near the SE intersection of Hwy 101 and Hwy 126, an East/West gateway identified as the "Gateway District – Highway 126" of the Florence Downtown Implementation Plan. The north wall of the restaurant immediately faces a

parking lot that serves the restaurant; parked vehicles could obstruct portions of the mural to area viewers.

On April 1, 2019, the Florence City Council approved a mural permit for the Central Lincoln Public Utility District. This mural is located on the east and south sides of a storage facility located approximately 500 feet northeast of the subject mural site. The southern facing mural is 573.5 sf, and the eastern mural is 1,274 sf.

III. NOTICES & REFERRALS:

Notice: On July 27, 2020 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on July 27, 2020. Notice was published in the Siuslaw News on August 1, 2020.

At the time of this report, the City had received no written public comments on the proposal.

Referrals: On August 7, 2020, a request for referral comments was sent to Oregon Dept. of Transportation, Florence Chamber of Commerce, and Urban Renewal District. A request for referral comments was also sent to Florence Police the same date.

At the time of this report, the City had received no referral comments on the proposal.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code

Title 10:

Chapter 1: Zoning Administration, Section 1-6-3

Chapter 6: Design Review, Section 6-6

Chapter 26: Mural Regulations, Sections 1 through 7, and 9 through 12 and 14

Title 4:

Chapter 7: Sign Regulations, Section 25

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement: Policies 4 through 6

V. FINDINGS

Code criteria are listed in **bold**, with response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:

The applicant has proposed a mural, requiring a land use hearing as stated under 10-26-5-A. The applicant has applied for a Type III approval, meeting this criterion.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**

[...]

2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property on July 27, 2020. On this same date, notice was mailed to all property owners within 100 feet of the property. Notice was also published within the Siuslaw News one time on August 1, 2020. These criteria are met.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**
 - d. **State the date, time and location of the hearing;**
 - e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
 - f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**

- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

The provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are met.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

E. Action by the Planning Commission:

- 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.
- 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.
- 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.
- 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

Florence City Code Title 10 Chapter 26 states the City Council shall consider mural permit applications under the proceedings of the land use hearing procedure. The City Council held a public hearing on August 17, 2020, which met the standards of FCC 2-10 and the intent of FCC 2-3. These criteria are met.

TITLE 10: CHAPTER 26: MURAL REGULATIONS

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

The application includes a mural. The findings of fact are content neutral except where criterion specifically include content related terminology such as history, nature, community character, etc. The mural is proposed to be located on a building situated near a property corner with abutting sidewalks along both sides. The abutting streets also have sidewalks along their opposite sides. Bike lanes have been installed in the highways, and therefore the mural would be large enough to be visible to cyclists and pedestrians within the adjacent area. Furthermore, the mural would cover more than the maximum 6% wall coverage permitted by a wall sign. Wall signage is regulated by Title 4 Chapter 7. The proposal meets the below definition of a mural, not a sign, and thus requires a Mural Permit.

10-26-2: DEFINITIONS:

MURAL: A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.

10-26-3: PROHIBITED MURALS:

A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:

- 1. Electrical or mechanical components; or**
- 2. Changing images.**

The proposed mural does not include any electrical or mechanical components or changing images. This criterion is met.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

The proposed mural would be visible to the public from the Highway 101, Highway 126, and 9th St. rights-of-ways and thus requires a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."

This criterion is included under Chapter 1 reviewed earlier in the report and is met.

B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:

1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.
2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.
3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.
4. A color image of the proposed mural with dimensions drawn to scale.
5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.
6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

Section FCC 10-4-1-, referenced in subsection B (above), is a typo and should read "FCC 10-1-1-4" as set out in Ordinance 5, Series 2011.

A Site Map in Exhibit F, and a tax map (Exhibit E), has been provided that shows the site relative to area nearby streets, land uses and lots. Exhibit D illustrates a labeled aerial of the site. The owners are the applicants. Exhibit G provides a color image drawn to scale and with dimensions. Additionally, Exhibit H provides a color image drawn to scale that includes a car.

The building area dimensions are provided in Exhibit F. Furthermore, Exhibit F provides existing building materials describing the T1-11 plywood surface with 4 ft. board and batten the mural is to be painted on, the proposal to use acrylic paints, and depth of paint. Exhibit C explains the protective overcoat product in the Maintenance Statement. These criteria are met.

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

- A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

- 1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.**
- 2. The mural may reflect the diversity of the world.**
- 3. The mural may reflect historic, cultural, or natural heritage.**
- 4. The mural respects the original character of the building and surrounding buildings**

Area buildings are diverse in construction and have been finished with a variety of materials and architectural styles. For example, The Dollar Tree is covered in stucco and features an arched, mission-style façade storefront. The bulk of the storefronts along the Dunes Village Shopping Center feature red awnings and flat roofs. The Able Insurance building also has a flat roof and awnings. The nearby hotel roof features a pitched composition roof. These buildings are varied in height. The adjacent building criterion is found to not apply.

In context, the mural is proposed to be placed on a large wall visible to streets and sidewalks that if built today would could require architectural relief.

The mural illustrates a coastal theme, which speaks more to 10-26-6 A, subsection 3, above. The focal point is a mermaid sitting atop a rock looking left at a swimming sealion looking back at her. The viewer is able to glimpse portions of the underwater rocks and sealion. In the background and to the right of the mural, a lighthouse appears to be sitting along the rocky coastline, reminiscent of the historic Heceta Lighthouse. Treed coastal mountains rise upward along the right side and in the background. The ocean horizon, cloudy sky, sailing ship (similar to a galleon), and flying seagulls appear between the background and foreground. The mermaid, ship and sealion create a focal triangle.

“Compatible” is defined as the ability to exist or occur together without conflict. Adjacent is abutting, neighboring, or alongside. There are other properties adjacent to the Clawson Wheelhouse Restaurant site; however, no building directly faces the northern wall of the restaurant. The proposed mural wall site borders a parking lot to the north with Highway 126 ROW and landscaping beyond the lot; parking and alleyway immediately to the east, and Highway 101 ROW (including landscaping) to the west and northwest. The Dollar Tree, located 40 feet to the east, is the nearest building to the restaurant. The Dollar Tree’s storefront, which is taller than the restaurant, sits further north than the restaurant and the purposed mural would not be visible from the storefront. Additionally, the Dollar Tree contains no side windows facing toward the mural site. Able Insurance, located approximately 130 feet northwest of the mural site, would have a view of the mural; but not a direct head-on view.

Community Character is the sum of all the attributes and assets that make a community unique and establish a sense of place for its residents. Three of the example elements listed above are considered below. They are examples and so some but not all factors need be considered.

1 & 3. “The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood/ The mural may reflect historic, cultural, or natural heritage.”

The buildings in the neighborhood contain no special architectural features to harmonize with. This property is included in the “Gateway District – Highway 126” of the Florence Downtown Implementation Plan. The objective of the Florence Downtown Plan is to revitalize the properties within its district to serve as the primary cultural, tourist, commercial and community core to serve all of Florence’s citizens and visitors. Redevelopment of this corridor, as illustrated below, envisions buildings up to the sidewalk, on-street parking, and mixed-use storefront retail.

The area is intended to serve as the eastern gateway into the city. Gateways are places where the road narrows and the travelers slow to an in-town speed. The recent Revision Florence project serves to anchor the northern and eastern side of the intersection and provides a gateway effect. The proposed mural set back from the intersection would support the Downtown Plan by providing a southeastern anchor for the gateway entrance and could provide a visual balance with the Central Lincoln PUD mural permitted in 2019 located to the north along this same gateway. The proposed mural, internal to a parking lot, would be visible and accessible to vehicular and pedestrian traffic alike.



In summary the buildings in the area do not ascribe to the Downtown Plan’s architectural criteria. Painting a mural to match the neighborhood character of 1960’s, the estimated age of many of these structures, or the nearby strip mall architecture is not in keeping with the Downtown Plan. The city has not adopted a document that includes a definitive community character description for Florence. The word “mural” is not found in the Florence Comprehensive Plan or any of its Chapter 2 exhibits. The site is located within a redevelopment area and project includes historical topics, such as the lighthouse and ship image, in keeping with the area’s intended development plan. This criterion of integrating elements of the neighborhood or being harmonious with the neighborhood is found to not apply. The mural’s attempt to implement the Downtown Plan by establishing a presence at the east gateway intersection and incorporation of historic Florence elements is in keeping with community vision to redevelop the area.

4. “The mural respects the original character of the building and surrounding buildings.” The existing building is simple rectangular structure with windows and serves as a restaurant. The character of the surrounding buildings as stated earlier may be from the 1960’s. The proposed mural painting appears to be predominantly indicative of a more natural color pallet comprised of greys, mid-toned blues and greens, off whites, tans, browns and black, which are similar to natural colors. The proposal being rectangular in shape and using natural color pallet respects the original character of this building and those surrounding. This criterion is met.

B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

- 1. The mural will not adversely dominate the building or surrounding area.**
- 2. The mural will not create traffic or safety hazards.**
- 3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.**

The three examples of evaluation criteria are considered below.

1. The mural is to cover only the northern side of the building. As a whole, the building height does not tower over buildings in the area and a mural would have no adverse domination of the building itself. The northern side of the building has no special architectural features. The position of the proposed mural wall is set back from the intersection at Highway 101 and Highway 126. A large pylon sign structure providing signage for shops in the Dune Village Shopping center sits neared the intersection than the building and currently, traveler’s eyes, approaching Highway 101 from westbound Highway 126, are currently drawn to the sign. There are other buildings to the east of the proposed mural site, such as the Dollar Tree, and the traffic signal to the north that draw one’s attention. The mural as proposed would not dominate the surrounding area due to the other visual elements around the highway/9th St. intersection.
2. Referrals were sent to ODOT and the Florence Police Department. Neither have yet responded as of the publishing of these Findings, however, in reviewing the 2019 comments from ODOT regarding the nearby Central Lincoln Electric PUD mural, it is important to note as an informational, the following: *[the mural] would be exempt from an “Outdoor Advertising” permit if there was no compensation exchanged for the right to place the mural at the location. However, since both sides of the mural are visible to Hwy 126 the mural must comply with ORS 377.700 to 377.840. Most of these regulations are related to lighting and moving parts addressed and conditioned for approval elsewhere in this report. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed.* Important to note is that the proposed mural will not have external nor internal lighting, and is not a sign. **(Informational 1)**

3. The scale, details and proportion related to the building and neighborhood were addressed elsewhere in the report. The proposed colors and materials compliment the dark grey restaurant building.

C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.

Aside from light emitted through the existing windows from within the restaurant, the mural proposal does not include any source of internal illumination. Additionally, external illumination is not proposed, although the mural will be visible at night due street and internal parking lot lighting. This criterion is met.

D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6”) from the plane of the wall, unless approved by the City Council.

The mural is proposed to be painted directly on the existing northern wall surfaces of the restaurant. The wall surface is T1-11 with wood batten every four foot. No projecting surfaces are proposed. This criterion is met.

E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.

The application includes information on maintenance protection for weathering, graffiti and vandalism, (Exhibit C). Acrylic paint is proposed (Exhibit F). No explanation of materials has been provided for treating the existing base before application of the acrylic and an explanation is not required here. The proposal meets this criterion.

F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.

The application packet for this mural included a maintenance statement (Exhibit C) whereby the owners will annually assess the mural’s condition for deterioration and denigration due to weathering and natural fading effects. The owners have also proposed to be responsible to for restoration due to vandalism. The application includes information on maintenance protection, including graffiti and vandalism. The finished acrylic mural, is proposed to be protected by Aqua-Shield, an anti-graffiti coating made by Watson Coatings, Inc. The company provides both water-base and solvent-base coatings. It is most likely that the water-based material be used as the acrylic mural would be water based as well. The product description on the Watson Coatings, Inc. website states:

*“The Aqua-Shield WAC2040006 Product is a sacrificial water-based acrylic anti-graffiti coating for use on concrete, steel, building exteriors or anywhere that vandals may strike. This product has been approved for use by the Missouri Department of Transportation (MoDOT) for use on sound barrier walls, signs and bridge abutments.”**

Source: <https://watsoncoatings.com/product/aqua-shield-waterbased-anti-graffiti/>

This criterion is met.

G. The creator/artist is under contract or other obligation to complete the Mural.

The name of the muralist has not been provided with the application packet. The applicants shall provide the name of the muralist and contract or other obligation to complete the mural to the Community Development Department, **[Condition 3]**.

H. The Mural is an original work of art.

The application packet did not provide information on the originality of the proposed mural. The applicant shall provide the Community Development Department a statement that the mural and all of its individual elements are original works of art by the muralist, **[Condition 4]**.

I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

The mural application does not include any changes to the building that require Design Review under Chapter 6 of Title 10. Installing a mural directly on an existing structure does not require a Design Review as described in Title 10, Chapter 6.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

The proposed mural painting will be applied directly to the walls of the building. This criterion is not applicable.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26, **[Condition 5]**.

- B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.**

The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit, **[Condition 6]**.

- C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.**

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred.**

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C. **(Informational 2)**

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

The application includes a maintenance plan for the mural in Exhibit C. The City's nuisance code in FCC 6-1 requires graffiti removal within 5 days of written notice to remove. This criterion is met.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department. **(Informational 3)** No mounting hardware or adhesives are proposed for this mural project.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon’s traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official’s designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

These criteria are included to address the Design Review reference in code section FCC10-26-6-I. No modifications to the restaurant are proposed that require review under the architectural review criteria of Chapter 6 of Title 10. The building is located in the Mainstreet District and subject to implementing the Florence Downtown Architectural Standards. These include strong emphases on creating, and where it exists, preserving the historical character of Florence and incorporating aspects of Oregon’s traditional Northwest Architecture into new construction.

This proposal does not constitute new construction. The proposed site is accessible to pedestrians, bicycles and motor vehicles alike. This criterion is not applicable.

In context, the mural is proposed to be placed on a large wall facing streets that if built today would could require architectural relief. The mural illustrates a coastal theme. The focal point is a mermaid sitting atop a rock looking left at a swimming sealion looking back at her. The viewer is able to glimpse portions of the underwater rocks and sealion. In the background and to the right of the mural, a lighthouse appears to be sitting along the rocky coastline. This coastline could call to mind the Heceta Lighthouse. Treed coastal mountains also appear on the right side and in the background. The ocean horizon, cloudy sky, sailing ship, similar to a galleon, and flying seagulls appear between the background and foreground. The mermaid, ship and sealion create a focal triangle.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

- POLICY 4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**
- POLICY 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**
- POLICY 6. Planning documents and background data shall be available to interested citizens.**

Citizen involvement was encouraged and facilitated during the public notice portion of the land use process. The City Council public hearing was well publicized and held at a regular time. The agenda provided the opportunity for comment both on this item and for general comment. Records of the meeting where an official action will take place will be kept at City Hall and made available on request. Documents are available to the public upon request. Policies 4 through 6 have been satisfied.

VI. CONCLUSION

The proposed application meets the requirements of City Code and the Florence Comprehensive Plan with conditions.

VII. EXHIBITS

Based on the findings of fact and the evidence in record the request for a Mural Permit to have a mural painted on the north wall of the Clawson's Wheelhouse Restaurant building meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Approval shall be shown on:

- | | |
|---------------------------|-------------------------|
| "A" Findings of Fact | "F" Wall Elevation |
| "B" Application | "G" Mural Art Elevation |
| "C" Maintenance Statement | "H" Mural with Car |
| "D" Site Plan | |
| "E" Site Map | |

1. Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
2. Regardless of the content of material presented for this City Council hearing, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal City Council

action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. The applicants shall provide the name of the muralist and contract or other obligation to complete the mural to the Community Development Department
4. The applicant shall provide the Community Development Department a statement that the mural and all of its individual elements are original works of art by the muralist.
5. The applicant shall contact the Community Development Director when the work is ready for inspection. The mural shall be in conformance with the application and the provisions of the FCC 10-26.
6. The mural permit shall obtain inspection approval within 12 months of the date of this approval or the mural permit is considered expired. No further work may be performed on the mural prior to obtaining a new permit.

Informational:

1. The applicant shall ensure that the mural meets the requirements for ORS 377.700 to 377.840 and shall obtain an ODOT Outdoor Advertising permit if needed.
2. A one-time extension of 12 months may be requested and granted subject to the criteria of FCC 10-26-9-C.
3. Thirty days prior to removal of the mural the property owner must submit notice to the Community Development Department.



City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
Phone: (541) 997 - 8237
Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

THIS SECTION FOR OFFICE USE ONLY

Type I Type II Type III Type IV

Proposal: CC 20 04 MUR 01 - Clawson's Wheelhouse Mural

Applicant Information

Name: Darby and Amy Clawson Phone: [Redacted]
E-mail Address: [Redacted]

Address: 820 Hwy 101 Florence OR 97439

Signature: See Below Date: 6-3-2020

Applicant's Representative (if any): Katie Prosser

Property Owner Information

Name: Darby and Amy Clawson Phone 1: See phone # 2
E-mail Address: [Redacted] Ph: [Redacted]

Address: 820 Hwy 101 Florence OR 97439

*Signature: [Signature] Date: 6-3-20

Applicant's Representative (if any): Katie Prosser

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:

Received

Approved

Exhibit

RECEIVED
City of Florence
JUN 04 2020
By: DHH

Exhibit B

Property Description

Site Address: 820 US Hwy 101 Florence OR 97439
General Description: Building is a restaurant facing Hwy 101

Assessor's Map No.: 18-181-22-632 Tax lot(s): 18122632.06603

Zoning District: Commercial

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): Commercial improved

Project Description

Square feet of new: 558 sqft Square feet of existing: 558 sqft

Hours of operation: 0900-2100 Existing parking spaces: NA

Is any project phasing anticipated? (Check One): Yes No

Timetable of proposed improvements: Completion within 30-45 days

Will there be impacts such as noise, dust, or outdoor storage? Yes No

If yes, please describe: _____

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

The addition of a mural that depicts the Oregon Coastline and Florence. The mural will cover the North wall of Clawson's Wheelhouse restaurant in its entirety and will afford tourists, as well as residents, a photo opportunity and glimpse into all the wonderful things our coastline offers.

For Office Use Only:

Date Submitted: 6/4/20

Fee: \$ 532.84

Paid

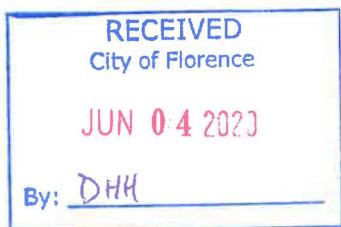
Received by: D44

Mural Maintenance

The mural will be evaluated annually for deterioration/denigration due to weather and natural fading process.

In the event of vandalism the owners of the building, Darby and Amy Clawson, will be responsible for restoration of the mural to it original rendition.

Aqua-Shield, an anti graffiti coating made by Watson Coating, will be applied to the completed mural to provide a protective coating in the event of vandalism and or graffiti.



Site Plan for Amy Clawson Mural



Exhibit D

Hwy 101

Lot 6603



Mural



Lot 6602
no murals
present



Pacific (8th Street)

8th S

Exhibit D



cite Plan for Amy Clawson Mural

N

Hwy 101

Lot 6603

Mural

Lot 6602

no murals present

Pacific (8th Street)

8th S

Building Elevation

- existing material T111 plywood siding with wood batten every 4 ft.
- existing construction area 558 sq ft
- depth <1 inch
- proposed materials are acrylic paint - tough and resistant to the elements

12 feet

32 feet

30 inches

174 中

384 中

14 ft

12 Feet

44 Feet

Total coverage = 558 sq ft



Exhibit G

RECEIVED
City of Florence

JUN 04 2020

By: DHH

Exhibit G

Exhibit H



32 ft

12 ft

30 in

12 ft

14.5 ft

44 ft

Exhibit H