

**CITY OF FLORENCE PLANNING COMMISSION**  
**April 26, 2011 \*\* MINUTES\*\* Draft**

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**WORK SESSION**

Chairperson Nieberlein opened the work session at 6:35 pm.

Phil Farrington introduced himself to the Planning Commission stating that he is the Planning and Development Director for Peace Health in the Oregon region. Mr. Farrington introduced Patrick Kirby who is the Facilities Director at Peace Harbor Hospital. Mr. Farrington gave a background of what they are trying to accomplish regarding the conditional use permit for a modular building. Mr. Farrington presented graphics of the current and conceptual hospital campus while explaining the 30-year master plan.

Chairperson Nieberlein thanked Mr. Farrington for his presentation and closed the work session at 6:59 pm.

**CALL TO ORDER ~ ROLL CALL ~ PLEDGE OF ALLEGIANCE**

Chairperson Nieberlein opened the meeting at 7:00 pm. Roll call: All Commissioners were present except Commissioner Bare (excused) and Commissioner Muilenburg (excused). Also present: CM Willoughby, CDD Belson, AP Anderson (arrived during item 4), AP Pezley (attended through item 4), and Fire Marshall (FM) Sean Barrett (arrived during item 3). Chairperson Nieberlein requested that Commissioner Wise lead the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The Agenda was unanimously approved as presented.

**PUBLIC COMMENTS**

*This is an opportunity for members of the audience to bring to the Planning Commission's attention, any items **NOT** otherwise listed on the Agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

**PUBLIC HEARING**

***PUBLIC HEARING ITEMS:*** Chairperson Nieberlein read the following into the record: *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. Prior to the hearing tonight, staff will identify the applicable substantive criteria, which has also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use regulations, which you believe applies to the decision per ORS 197.763*

*(5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue, would preclude an appeal based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue precludes an action for damages in Circuit Court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.*

**PC 11 02 EAP 01-PEACE HEALTH EXTENSION OF CONDITIONAL USE PERMIT:** Peace Harbor requests a three year extension of a conditional use permit approved in 2008 which allowed a temporary building attached to the east elevation of Peace Harbor Hospital at 400 9<sup>th</sup> Street, as applied for by Philip Farrington, AICP representing Peace Health (Map No. 18-12-27-34 Tax Lot 1800).

Chairperson Nieberlein opened the public hearing at 7:06 pm.

AP Pezley stated reviewed the criteria for the hearing and entered in to the record, Exhibit F: Oregon Medical Lab Design Review and Exhibit G: Email from Celia Maples and Don Fender. AP Pezley explained the application request and history of the project.

Commissioner Wise requested that when multiple permits are discussed, a chronology is provided.

Commissioner Wise referred to page 4, item 3 and stated that if there has been a recent Fire and Life inspection, the documentation should be included with the packet.

Commissioner Wise stated that if FM Barrett keeps records, then the Commission should be provided with those documents. FM Barrett stated those documents will be provided.

### **Public Testimony**

Nobody spoke for or against the project.

Chairperson Nieberlein closed the public hearing at 7:34 pm.

### **Planning Commission Discussion**

The Planning Commission engaged in discussion and Commissioner Wise stated that they believe they should approve this application.

Commissioner Tilton made the motion that the Planning Commission approve Resolution PC 11 02 EAP 01-Peace Harbor requests a three year extension of a conditional use permit

approved in 2008 which allowed a temporary building attached to the east elevation of Peace Harbor Hospital at 400 9<sup>th</sup> Street, Map No. 18-12-27-34 Tax Lot 1800 with conditions of approval as amended tonight. Commissioner Wise seconded the motion. The motion passed by unanimous vote.

**RESOLUTION PC 11 03 DR 01-MILLS AND BUTLER HOUSE:** A design review application to build a house in Old Town Area B District as applied for by Ron Mills and Rhonda Butler. The property is located north of North Bay Condos, south of 2<sup>nd</sup> Street and on the west side of Harbor Street at 273 Harbor Street (Map No. 18-12-35-22 Tax Lot 800).

Chairperson Nieberlein asked if any Commissioner wished to declare a conflict of interest, bias, ex-parte contact, or site visit.

Commissioner Wise stated that he drove by the site twice.

Commissioners Peters, Tilton and Hoile stated that they did site visits.

Chairperson Nieberlein opened the hearing at 7:37 pm.

AP Pezley stated that tonight she would like to go over the application, the applicant's proposal, different options for the Planning Commission, a few issues that were raised by a Planning Commissioner, and the approval criteria. AP Pezley went over the staff report and listed the applicable criteria. AP Pezley stated that there are two issues to consider, one being the design review and the second being the setbacks.

AP Pezley spoke in regards to design review, architectural quality and aesthetic appearance, including compatibility with adjacent buildings. She stated that the applicant has provided several design options.

Commissioner Wise said it is clear that this building had historical significance, this building was moved and they are left with an empty lot. He said the empty lot would not have historical significance. AP Pezley pointed that the Old Town District propose is it preserving the Old Town.

AP Pezley said an issue with the standard 10-foot setback is that there are two parking spaces proposed. She said if they required the 10-foot setback, it would change the parking requirements and they would not be able to have parking in the front. AP Pezley said there are also timing options and the applicant is requesting the application move forward because they have a time constraint of getting the building onto the sight.

Ron Mills and Rhonda Butler ~ Florence OR 97439

Mr. Mills said they provided the Planning Department with a power point presentation which follows along the same set of pictures the Commission has in Exhibit E. He said they would like to use this as a basis for the remarks that they would like to make. Mr. Mills stated that Exhibit D explains what they want to do but he would like to address why they would like to do this. He showed the Commissioners the building that was on the lot

when they purchased the property. Mr. Mills said it was allegedly a 120 year old building that was originally a saddlery but this has never been verified. He said their objective in purchasing the property was to try to restore this building but they were not successful. Mr. Mills said there was a lot of rot in the building and on a windy day the house moved four feet forward at which time the house was declared a hazard. He stated that he came to the City and received approval to remove the house. Mr. Mills said the site was covered with landscape bark and mulch. He said the back portion of the lot is landscaped. Mr. Mills said one of their neighbors suggested placing a yurt on the property. He said they found a place that constructs framed houses similar to a yurt. Mr. Mills said they chose this design because it was simple, distinct, and interesting. He said if they were required to have the 10-foot setback they would have to cut down a mature tree.

Commissioner Wise asked if there was one of these types of constructions on 23<sup>rd</sup> Street and he was told that there is one located behind US Bank.

Commissioner Hoile said there is a large yurt located near Driftwood Shores.

Commissioner Peters said he thinks they should deal with the setbacks first. He said it appears from the drawings in Exhibit C that they are only about two feet away from compliance with a five-foot setback. Commissioner Peters asked if they could push it back two feet and still have room to get into the yurt. Mr. Mills reviewed the picture and said it is 5' 7" from the lot line with the ramp and if you take away the ramp it would be 9' 7" back. Commissioner Peters clarified that he was speaking of the parking space. Mr. Mills said the parking space is just a line on the diagram and they could change this very easily. He said the house is 8' 2" from the north line so if it were necessary to move the house a couple of feet north in order to make the driveway wider, then they could do this. Mr. Mills said they also proposed a section for off-street parking off of the alley but his understanding of the visual clearance that is required on a driveway includes a driveway onto an alley. He said if this were the case, they would need to take the fence down. Mr. Mills said although he does not need two parking spaces, this is a requirement and to meet this, they may need to move the house. He said if this is the case, they do have the room necessary to do so.

Commissioner Tilton asked if there is a question on the side setbacks. AP Pezley responded that staff is recommending the parking space to be moved two feet on the parking side towards the north.

Commissioner Peters asked AP Pezley to point out the conditions of street parking in the approval. AP Pezley said condition number three speaks of the side yard setback of having a driveway outside the side yard setback. She said on page 1 of 2 in the Resolution, approval includes a five foot front setback as allowed under FCC 10-17B-3-D-2.

Commissioner Peters said this is a nice plan and it makes a nice transition from the modern, stark, clean, but bare building to the rest of the community. He said in Exhibit F none of the four buildings shown in comparison are visually within site of the property so they really cannot compare these but this would be an improvement on anything that is adjacent. Commissioner Peters said he did not like that the old building was torn down but this is a nice replacement.

## **Public Testimony**

Wendi Jarman ~ Florence, OR 97439

Ms. Jarman said she has lived in Old Town since 1971. She said she lived in the old crooked house for 11 years. Ms. Jarman said this was a lovely old house and she heard many times that this house always had a happy presence. She said she met the current owners 2 ½ years ago. Ms. Jarman said this young couple had a dream of restoring this place and they tried hard to restore it. She said she is impressed. Ms. Jarman said these people are artists and they are serious. She said the back yard is impressive and they made a virtual small park of their own. Ms. Jarman said a round house is a very feasible shape especially in an area where there are 75 mph winds. She said this is energy efficient and she thinks everything in Old Town should be this efficient. Ms. Jarman said this is a beautiful and tasteful round house. She said she is in favor of this project.

Chairperson Nieberlein closed the public hearing at 8:25 pm.

## **Planning Commission Discussion**

Chairperson Nieberlein said she would summarize the items. She said there is a five-foot setback and approval of the design as shown on the original design.

Commissioner Tilton said he is in favor of the five-foot setback and he would like them to be able to make this work.

The Commission came to a consensus on the five-foot setback.

Commissioner Peters said they also have the other setback from the south side which needs to be five feet as well.

The Commission came to a consensus of the south side five-foot setback.

Chairperson Nieberlein asked if the City has received any written comments from the surrounding neighbors and AP Pezley stated that the City did not receive any comments. Chairperson Nieberlein clarified that the neighbors had adequate notice and AP Pezley stated that the signs were up for 20 days.

Commissioner Peters asked if the revised facade would come back to the Planning Commission or would it go to staff. Commissioner Tilton said they need to discuss the facade and he thinks there is no reason this cannot fit in.

Commissioner Tilton said a bike ramp is fine with him.

Commissioner Tilton asked how the PC is going to know that the applicant is actually going to put up a facade. Chairperson Nieberlein said this would be placed in the conditions of approval and a certificate of occupancy would not be issued until all of the conditions are met.

CDD Belson stated that the Planning Commission needs to decide if they would like to see any kind of final design or are they comfortable letting the applicant do whatever they would like given what the Commission has seen so far. She said the Planning Commission could approve the building as shown in option 1 and authorize proceeding with a building permit with a stipulation that they could not obtain a certificate of occupancy until they have obtained approval for the facade from the Planning Commission.

Mr. Mills said the only thing they have thought of so far with respect to the two parking places is to extend the driveway so that there is enough room along the side. He said under item 6 in the conditions that incorporates the recommended architectural changes as shown in Exhibit F, he would like to see the “as shown in Exhibit F” deleted.

The Commission came to a consensus to delete “as shown in Exhibit F” from item 6 in the conditions of approval.

The Commission came to a consensus that a building permit be approved with the facade design to come back for review and no certificate of occupancy would be issued until those conditions are met.

CDD Belson stated that they need one motion that would continue the hearing until July 26, 2011 and in that motion, also stipulate that the Commission would authorize proceeding with the building permit for option 1 as shown here for the round house but that the front facade elements would be reviewed and either approved or modified at the July 26, 2011 meeting or thereafter.

Commissioner Peters motioned that the five-foot setback in the front and the side would apply and that no certificate of occupancy would be issued until all conditions are met.

CDD Belson said as part of the building permit application, they could deal with the driveway issue.

Commissioner Tilton seconded the motion. The motion passed by a unanimous vote.

**PC 11 05 DR 02 & PC 11 04-MUR 01-PREMIER LANDSCAPING:** A mural permit application and design review application for outdoor storage and display of merchandise in the Main Street District at 812 Quince Street (on the east side of Quince Street at the 8<sup>th</sup> Street right-of-way), as applied for by Laura Beam and Thomas Mosser of Premier Landscaping and Yard Care.

Commissioners Tilton and Peters stated that they did a site visit.

Commissioner Hoile stated that she did a site visit, viewing it from the Highway.

Chairperson Nieberlein opened the public hearing at 8:45 pm.

AP Anderson stated this is an application for a mural permit as well as design review for outdoor storage and display of merchandise in the main street zoning district. She provided the address and location of the property for the record. AP Anderson showed a

photo of where the mural would be located. She said the image is proposed to be wild rhododendrons and a misty forest image. AP Anderson stated that the application was received prior to the new mural code going into effect, so the old mural code criteria and review process still applies. She said two members of the Mural Advisory Board gathered on April 18, 2011 and the Board recommended approval of the mural as presented and found that it met all of the criteria. AP Anderson said staff concurred with the Board that the application has met all of the criteria and agrees with recommending approval.

AP Anderson spoke in regards to the design review permit. She said this was a health food store previously located at this site, which received design review approval in 1996. AP Anderson said there is no change proposed for the building, just approval for a fence that is to the rear of the building which wraps to the north side into an enclosed area for the storage of garden materials for sale. She said there is the unimproved 8<sup>th</sup> street right-of-way and the applicants have already received approval from the City to use this area; authorization for a revocable permit for use of the right-of-way is included in the Commission's packet. AP Anderson said this area will be used to park a car, put in some landscaping, and to store compost.

AP Anderson said she has reviewed the application and recommends approval of the design review permit for outdoor storage and display of merchandise with conditions. AP Anderson said there were only a few conditions, one was to update the striping of the parking and to ensure that they designate one of those parking spaces for ADA parking. Since writing the staff report, the applicant has restriped the parking and staff inspected the site to make sure this was done to standard. She said this was done to standard except that a sign marking the ADA space designation is still required to meet the code so staff would recommend a revision of the condition. The condition should state that within six months a sign must be installed to mark the ADA space in order to meet the code. She said another condition is that a backflow permit must be installed. AP Anderson said another condition was to maintain the vision clearance on the driveways. She said there were three conditions of approval for the 1996 design review permit. AP Anderson said the first condition was to pave and stripe the parking and this was done. She said the second condition was to provide a trash can enclosure, but this was never done. AP Anderson said the third condition was to provide a landscaping plan to be approved and implemented. She said the plan was submitted and approved but it was not completed or not maintained. AP Anderson said the site has been vacant for a year or so which may be the reason for the lack of landscape maintenance.

Larry Glickman (owners' representative) ~ Neskowin OR, 97149

Mr. Glickman gave a statement to the Planning Commission which outlined the applicant's business plan. He said this would be an appropriate use for the site.

Thomas Mosser ~ Florence, OR 97439

Mr. Mosser said they did restripe the parking lot and the sign for the ADA spot has been ordered and once it arrives it will be installed. He said the vision clearance by the driveway will be maintained. Mr. Mosser said they do not propose to use any trash bins at the location other than the standard 50-55 gallon type of can that a person would have at

their home. He said this trash can would be kept in the old kitchen area of the building. Mr. Mosser said this area is not the retail area and it would not be in view of the street. He said the front landscaping will be magnificent considering that they are a landscaping outfit and to have beautiful landscaping in the front is a selling point. Mr. Mosser said the compost pile is not debris or refuse type of material, it is a product that has already been cooked, it is rich, and full of nutrients. He said this is a short term project and the property is up for sale. Mr. Mosser said because of this, it is not economically feasible at this time to cut up the parking area in front, install a secondary water line and purchase a secondary meter. He said they could install the backflow prevention device though he does not think it is required by state code.

### **Public Testimony**

Nobody spoke for or against the application.

Chairperson Nieberlein closed the public hearing at 9:13 pm.

### **Planning Commission Discussion**

Commissioner Wise stated that he thinks this is a great addition.

Commissioner Peters said he loves the mural and he thinks it will be stunning. He said the expansion of land use is subjective and it does not seem that there is enough change going on to require a new standard although it looks as if the applicant will most likely meet the new standard on their own. Commissioner Peters said in his view the proposal is not an expansion of land use.

Commissioner Peters motioned that the Planning Commission approve PC 11 04-MUR01. Commissioner Tilton seconded the motion. The motion passed by unanimous vote.

Commissioner Tilton said he agrees with some of the previous discussion and he does not think that this is an expansion of the business and he thinks that the intent of the proposed landscaping plan meets the intent of the previous plan.

The Commission came to a consensus that this is not an expansion of the business and the proposed landscaping plan meets the intent of the previous plan.

Commissioner Peters asked if they agree that it would not be necessary for the applicant to apply for a backflow prevention device within 6 months. AP Anderson said this is a city code requirement. She said the Public Works Director states that all of the non-residential uses are required to have this.

The Commission came to a consensus that the backflow prevention device is to be installed within 12 months.

The Commission came to a consensus that the trash enclosure will not be required.

The Commission came to a consensus that a fence will not be required to hide the compost.

CDD Belson said as part of the Commission's motion, they will make sure that they recognize that they add the findings that the Commission has made that it is not an expansion and that the landscaping code meets the intent of the previous design review approval.

Commissioner Tilton made the motion that the Planning Commission approve resolution PC 11 05 DR02 a request for design review for limited outdoor storage and display in the Main Street District Area A located at 812 Quince Street map reference 18-12-26-32 Tax Lot 8101 as applied for by Laura Beam and Thomas Mosser with conditions of approval as amended tonight and with the findings of fact amended taking into account the decisions the Planning Commission made with no expansion of land use. Commissioner Wise seconded the motion. The motion passed by unanimous vote.

### **PLANNING COMMISSION DISCUSSION ITEMS**

Commissioner Hoile asked if the Texas Barbeque Grill the fence is going up or down. CDD Belson said she believes that a stop work order has been issued.

Chairperson Nieberlein stated that water pressure has increased in Florentine Estates and requested that CDD Belson check into why this is occurring.

### **DIRECTOR'S REPORT**

CDD Belson stated that she does not have anything to share tonight.

### **CALENDAR**

Tuesday, May 10, 2011 ~ 7:00 pm City Hall (Regular Session)

Tuesday, May 24, 2011 ~ 6:00 pm City Hall (Work Session on Housing Code)

### **ADJOURNMENT**

There being no further business to come before the Florence Planning Commission, Chairperson Nieberlein adjourned the meeting at 9:30 pm.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_ 2011.

\_\_\_\_\_  
**JAN NIEBERLEIN, CHAIRPERSON  
FLORENCE PLANNING COMMISSION**

**CITY OF FLORENCE PLANNING COMMISSION**  
**May 10, 2011 \*\* MEETING MINUTES\*\* Draft**

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**CALL TO ORDER ~ ROLL CALL ~ PLEDGE OF ALLEGIANCE**

Chairperson Nieberlein opened the meeting at 7:00 pm. Roll call: All Commissioners were present. Also present: CDD Belson, AP Anderson, AP Pezley and CM Willoughby. Commissioner Hoile led the Pledge of Allegiance. Mayor Brubaker was also in attendance for the Work Session.

**APPROVAL OF AGENDA**

The Agenda was approved as presented.

**APPROVAL OF MINUTES**

The minutes of April 12, 2011 were approved with corrections. *Please see the April 12, 2011 minutes for corrections.*

**PUBLIC COMMENTS**

*This is an opportunity for members of the audience to bring to the Planning Commission's attention, any items **NOT** otherwise listed on the Agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

**PUBLIC HEARING**

***PUBLIC HEARING ITEM:*** Chairperson Nieberlein read the following into the record: *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. Prior to the hearing tonight, staff will identify the applicable substantive criteria, which has also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use regulations, which you believe applies to the decision per ORS 197.7[6]3 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue, would preclude an appeal based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue precludes an action for damages in Circuit Court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such*

*challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner. Does any Commissioner wish to declare a conflict of interest, bias, ex-parte contact, or site visit?*

Commissioners Muilenburg, Wise and Tilton stated they had conducted a site visit.

Chairperson Nieberlein opened the public hearing at 7:07 pm.

**Port of Siuslaw Restroom and Laundry Facilities – PC 11 01 CUP 01:** An application for Conditional Use Permit and Design Review to replace the restroom and laundry buildings with new facilities at the Port of Siuslaw's RV Campground. The site is located east of Harbor Street, south of Quince Street and north of the Siuslaw boardwalk, near 100 Harbor Street, as applied by the Port of Siuslaw.

AP Pezley went over the staff report and listed the applicable criteria and location of the proposed buildings. She said staff waived a Resource Conditional Use Permit (CUP) Capability Assessment because the project had been reviewed under former Shorelands Code in 1992.

Commissioner Wise asked about entrances and AP Pezley responded that there would be access to all but the left side.

Commissioner Wise asked if staff had done a safety review of the building's location near a propane tank. AP Pezley said that BO Dependahl would review that as part of his review of the building permit.

Commissioner Wise stated that anytime Fire Marshal (FM) Barrett grants a waiver, that needs to be in writing. He said having that waiver in e-mail form wouldn't "hold water in court." Commissioner Wise said he would like to have FM Barrett's report before making any decisions. He commented that there were significant waivers made on the Events Center Generator building project and there is no record of those. The proposed building eliminated the ability for fire engines to be able to turn around and the access road does not meet state requirements for being paved. He stated that those are waivers and need to be in writing. CDD Belson responded that the Planning Commission (PC) decided that the generator building for the Event Center would be an administrative decision. Commissioner Wise said he recalled asking that the project come before the Board because of those waivers and that he didn't think it should be an administrative decision. Commissioner Muilenburg said he thought the PC had agreed it would be an administrative review. CDD Belson pointed out that the minutes from the April 12<sup>th</sup>, 2011 meeting stated that the PC agreed the project could be reviewed administratively. Commissioner Wise said he thought he "made it really clear" at that meeting he is concerned about the way fire inspections are conducted. He said e-mail records concerned him, because you can't prove who sent the message or what it contained. Commissioner Wise said he doesn't think it is an inconvenience for the Fire Marshal to put all of his reviews in writing and signed.

Chairperson Nieberlein asked what the rest of the PC felt about Commissioner Wise's concerns. Commissioner Tilton said he was under the impression that e-mail responses could be used as sufficient documentation and asked CM Willoughby's opinion. CM Willoughby said he didn't know the process for doing the reviews but in his judgment, things done by e-mail are considered in writing. Commissioner Wise said he didn't think those things CM Willoughby were talking about had the same consequences as a fire waiver. Chairperson Nieberlein said she assumes that they could put in a request to the Fire Marshal that he do waivers in writing, but noted that the PC has no control over the Fire Marshal.

In directing the discussion back to the Ports application, CDD Belson said the Commissioners would need to determine if they need that type of information for planning approval. If so, that night's decision would need to be postponed. She said if the PC is comfortable that the Building Official and Fire Marshall will do their reviews as part of the building permit process and that it is not a planning issue, then it would not come back before the PC and would be handled during the building permit process. Commissioner Wise said the PC has a fiduciary responsibility to the City, not to create a circumstance in which the City could become libel. He said they would not be able to defend themselves against a charge that they failed to maintain a proper access road because it was not documented they did so. Commissioner Wise reiterated he felt strongly that it is not an inconvenience for at least the Fire Marshall to provide in writing what he had done up until the point of the design review. He said he would like the Fire Marshal to come before the PC to discuss this. Commissioner Hoile commented she is not the fire expert and she said she is relying on the experts to tell her what is going on and she wasn't going to second-guess that. She noted she would ask questions if she had them but if the Fire Marshal emailed her they did something, she doesn't want all the details. Commissioner Muilenburg said he agreed with Commissioner Hoile. Commissioner Peters asked if would be proper to add as a condition of approval, a written statement from the Fire Marshal indicated any necessary waivers or his finding that everything is in compliance.

Chairperson Nieberlein said she would like the Fire Marshal to come before the PC and talk about his process with them. She also asked if the PC wanted the condition of approval suggested by Commissioner Peters. CDD Belson said the Fire Marshal could be invited back. In regards to the condition of approval, CDD Belson said that the applicant could be required to confer with the Fire Marshal prior to issuance of a building permit. Commissioner Peters requested that a written statement that the propane tank meets safety requirements. Commissioner Wise clarified that he wasn't challenging the safety of the propane tank, he had questions about the feed lines. Commissioner Muilenburg stated that the propane tank is not serving the restrooms, so he didn't think it had any bearing on this application.

Commissioner Muilenburg asked about the discrepancy in the setback stated in the staff report in relation to the drawing that was submitted. AP Pezley said there are no setback requirements for this property or zoning area. Commissioner Muilenburg pointed out the drawing submitted was not accurate in relation to the fence shown. He asked about a sidewalk outside the laundry facilities and AP Pezley said there is an ADA requirement for the sidewalk but it didn't get onto the site plan. Commissioner Muilenburg said he would like that added as a condition.

**Mark Freeman, Port of Siuslaw ~ Florence, OR 97439**

Mr. Freeman said at some point in the future, the Port will be trying to consolidate their offices and in the process, replace their existing RV Campground office. He said, at that time, the Port will be adding ADA spots. Mr. Freeman also discussed some of the reasoning for picking the type of restroom building they are applying for.

CDD Belson stated that the City Building Official will ensure any ADA compliance requirements on the site.

Chairperson Nieberlein asked Mr. Freeman if he had read the staff report and had any concerns with the conditions of approval. Mr. Freeman only questioned the need for irrigation on the landscaping since they were going to use existing native vegetation. He said they could water it themselves, like they are currently doing. Mr. Freeman said that if any of the existing turf grass was disturbed during construction, they would rather replace it with native vegetation instead of more turf grass. Commissioner Muilenburg commented that the site plan submitted wasn't accurate. He said he would like the drawings to depict the sidewalk around the laundry room as well. CDD Belson suggested that Mr. Freeman revise the site plan that night in order to more accurately depict what he is describing. Mr. Freeman explained the landscaping plan further. Commissioner Peters pointed out that time was wasted by not having an accurate site plan.

**Public Testimony**

Nobody in the audience spoke for or against the project.

Chairperson Nieberlein closed the public hearing at 8:20 pm.

**Planning Commission Discussion**

The Commission discussed the conditions of approval.

The Commission agreed to remove the condition that the Fire Marshal has to review the safety of the propane tank.

The Commission agreed that an ADA-compliant crosswalk be installed.

The Commission agreed to add a condition that a temporary irrigation system (soaker hose or sprinkler) be installed until the native vegetation is established, but that a permanent irrigation system was not required.

The Commission agreed that, as long as there is paved access to the entry of the laundry room and between the laundry room and the restrooms, a sidewalk would not be required around the whole building.

Commissioner Bare motioned to approve PC 11 01 CUP 01, an application for Conditional Use Permit and Design Review to replace the restroom and laundry buildings with new facilities at the Port of Siuslaw's RV Campground as modified with the additional conditions of approval. Commissioner Peters seconded the motion. The motion passed unanimously.

## **WORK SESSION**

### **Discussion with Mayor Brubaker regarding Council direction on Residential Code updates**

Chairperson Nieberlein said she had invited Mayor Brubaker to the Work Session to help lead the discussion on what the Council is looking for on the Residential Code update. Mayor Brubaker said he wanted to talk about why the Council established the goal of encouraging better use of some of the infill areas within the City. He said the intent was to make something better than what we see there today in terms of vacant lots and distressed housing in a manner that would allow some incentives for builders to take advantage of the resources that are available to help create (and recreate in some cases) housing stock for the City. Mayor Brubaker said there are some cluster housing opportunities where the homes could be rented or owned and that could help fill some multi-family type of needs. He said one of the reasons why the Council was encouraging this was the City could use some economic stimulus. Mayor Brubaker said that the area discussed the previous night with Chairperson Nieberlein was the west side of Highway 101, up Maple Street at 6<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> Street. He noted it took years to get a distressed property removed at 17<sup>th</sup> and Spruce streets. Mayor Brubaker said the Council sees an opportunity to encourage the replacement or re-establishment of housing of a modest scale and not have the focus be on large-scale subdivisions.

Mayor Brubaker said the “how” is really up to the Planning Commission with the help of staff. He said the one issue that leaps out to him, that is begging for a change is Common-wall Townhouses, where there is a separate ownership on either side of the wall. Mayor Brubaker said he views this as an opportunity that will evolve in time and this might be a way to get our local builders building again. He said, however, the Council didn’t view this goal as urgent as getting an emergency generator at the Events Center or completing the Highway 101 pedestrian crossings. Mayor Brubaker said it is not focusing on the big undeveloped areas such as next to the Justice Center, but instead, individual lots.

Chairperson Nieberlein asked Mayor Brubaker if it was a problem with the Council if this code update was carried over to next year. Mayor Brubaker responded that his hope for this public discussion was that it will get members of the community to start thinking about infill’s potential. He said that this update is “not an emergency,” but “in due course, it is something the Council continues to be interested in.” Chairperson Nieberlein asked Mayor Brubaker if the goal was to work on the code’s “impediments” so an applicant didn’t have to work on any variances. Mayor Brubaker said that one of the impediments that came up in the 598 Laurel house was the idea that there is a street right-of-way that couldn’t allow any reduction in setbacks. He suggested looking into a grid system, where the City collectively decides that certain streets would not be allowed to widen in the future. Mayor Brubaker said that had that setback issue been a real problem, and had it not been resolved through the variance process, there might still be a dilapidated, single-wide trailer there with overgrown berry bushes and deer carcasses on the property. He said that if Councilor Roberts were in attendance, she would make clear that this update is long overdue.

Commissioner Tilton asked if the Council was thinking that the result of this update would be an increase in the final built-out density in some parts of town. Mayor Brubaker said he

has learned through his government service that Oregonians hate two types of development: high-rise and sprawl. He said that leaves infill at a denser, urban standard.

Commissioner Muilenburg commented that a majority of the homes in Main Street Area 1 have parking accessed off an alley.

Commissioner Wise asked how the word gets out after changes are made. He commented that a lot of the public are not in tune with what the PC is doing and unaware of changes to code when they are made. Commissioner Wise asked rhetorically, what would happen if the PC sent a recommended code change to the Council for adoption at their next meeting? He asked, given the state of the economy, whether people would really be interested in this. Mayor Brubaker responded that there are some vacant lot opportunities throughout the area that would finally get some buyer interest. He said a lot of those lots already have their System Development Charges (SDC) paid and having a lot that would then be able to put two units on it makes it a lot more sellable. Mayor Brubaker said a large part of employment in town has been individual builder contractors who are eager to get back to work and he believes the word would get out quickly among those builders and Realtors about code changes.

Commissioner Tilton said one of the things that concerns him is how the PC would get feedback from residents in particular neighborhoods in regards to what types of zoning changes they feel would be compatible with their neighborhood. Mayor Brubaker agreed that there needs to be citizen participation and he said he believes the best way to start that is through the Realtors.

Commissioner Peters suggested bringing together builders and finding out what, exactly are the impediments to the current code that keeps them from building. He said they would also need to do some strategic work and identify properties that are distressed and has potential. Commissioner Peters said that would help them in creating a potential inventory of properties with potential. Mayor Brubaker said he, personally, would recommend focusing on vacant lots and using the Realtors experience and insight into the impediments builders are having. Commissioner Peters asked Mayor Brubaker what the next step should be. Mayor Brubaker recommended letting Realtors know of the staff changes the PC are considering in possibly a workshop setting. He said determining what the actual impediments are, is up to the PC.

Chairperson Nieberlein recommended Commissioners look at the Laurel Street infill project to see what kind of variances were granted on that.

### **Residential Code Update – Focus on Mainstreet West (west of Highway 101 and south of 10<sup>th</sup> Street)**

AP Anderson said the PC had requested looking at code changes related to housing infill on a geographic basis.

Commissioner Muilenburg commented that it would be nice to know where vacant lots are located within the City. AP Anderson said staff would be working on that. Commissioner Muilenburg said he believed there was a lot of work to be done and said he wanted to address these updates zone by zone rather than bounce all over the place.

Commissioner Hoile suggested first identifying impediments in each zone/area.

Chairperson Nieberlein suggested looking at the variances granted to Mayor Brubaker's and the Habitat for Humanity homes for an idea on the impediments.

Commissioner Muilenburg suggested focusing on Restricted Residential at the end of the process.

Commissioner Tilton suggested looking at Main Street Areas A and B first. Chairperson Nieberlein asked the PC if they were comfortable starting on Main Street Areas A and B. Commissioner Peters said that he believes they are the least promising areas with little flexibility and doesn't think it is right for multi-family development. He believes there is a lot more promise in the areas immediately to the west.

Commissioner Muilenburg suggested looking at empty, vacant lots and determining what would help encourage builders to put homes on those.

CDD Belson suggested that each Commissioner come up with one recommended code amendment that would take place in the Mainstreet West area and bring it to the next PC meeting. Commissioner Peters asked if the PC were sufficiently aware of what the impediments are in order to come up with possible solutions. CDD Belson noted that staff had provided some direction in the staff report in regards to past issues and suggested solutions. Commissioner Wise said he agreed with Commissioner Peters and commented that he didn't think there was anything the PC could do to help encourage home sales. Commissioner Bare said he has spoken with a contractor who had built two spec homes in the City and he has had a hard time selling those. Commissioner Bare recommended starting with talking to the builders and contractors to find out what they believe the impediments are.

Commissioner Tilton said when he looked at the Mainstreet West area, it seemed to him that there were some restrictions that didn't make a lot of sense to him. He asked if a ten-foot minimum setback should be considered for front yards in Area B. Commissioner Tilton asked if detached single-family dwellings should be permitted rather than conditional. He suggested also having a conversation about duplexes and townhomes. Commissioner Tilton asked if Multi-Family Housing should be allowed and mentioned looking at the 5-acre minimum requirement for Planned Unit Developments (PUD).

Chairperson Nieberlein said she is intrigued by the Cottage-style developments and stated she would be willing to do research on those.

Commissioner Peters asked about the protocol involved with him going out and talking to builders. CDD Belson said this is a Legislative process and the Commissioners were encouraged to go out and talk to the public. CDD Belson suggested the Commissioner each "adopt-a-builder" and possibly take them out to coffee. She also mentioned that staff has a list of contractors in the area and invitations could be sent out to invite them to give feedback. Chairperson Nieberlein reiterated that feedback from the contractors is important in understanding the actual impediments.

Chairperson Nieberlein brought up some projects had been given setback variances in that area and she asked if the PC was willing to adjust those setbacks. Commissioner Muilenburg said he was OK with looking at setbacks for Multi-Family in the Mainstreet area, but that he was “staying away” from Restricted Residential and Single-Family Residential setbacks. He said he was going to have to be “sold” on Accessory Dwelling Units.

Chairperson Nieberlein asked the PC to go through and look at changes they would even consider in the Mainstreet West area and they could go over those considerations at the next meeting.

Commissioner Muilenburg reminded staff that it would be helpful knowing what the impediments were with Mayor Brubaker’s and the Habitat for Humanity homes. AP Anderson said that setbacks were an issue on the Habitat project in order to allow attached single-family homes. She said Mayor Brubaker’s project had an issue with being an “undersized lot of record,” and a variance was given for a reduction in the setbacks.

### **PLANNING COMMISSION DISCUSSION ITEMS**

Chairperson Nieberlein said there is concern about having more accurate drawings presented to the PC. CDD Belson said staff has worked with the applicant in question for many years and has had a difficult time getting accurate drawings. Chairperson Nieberlein said that if the PC is uncomfortable with an application, they need to say the PC can’t work with something that is not complete. Commissioner Peters commented that the PC should have told the applicant earlier in the meeting that their application was incomplete. CDD Belson said rather than stating it was incomplete, the PC could inform the applicant it is inaccurate.

Commissioner Tilton said it would be helpful to have clarification on whether e-mail documentation is considered legally adequate for written documentation. CDD Belson said any e-mail referrals are included in the PC packet and is an official document at that point.

Commissioner Muilenburg asked if the City had any input on the rock beds being put in by ODOT at the pedestrian crossings throughout town. CM Willoughby said the City’s concept for the use of those rocks was the island at 35<sup>th</sup> and Kingwood streets, which has some vegetation. He said ODOT won’t allow vegetation so the options were either the style of crossing at 30<sup>th</sup> Street and Highway 101 crossing, which is plain concrete, or something with rocks. CM Willoughby said the rocks serve the function of channeling pedestrians into the crosswalks. He said, in his opinion, the rocks are more attractive than plain concrete and from a traffic engineering standpoint, they are more visible. CM Willoughby said if this had been a City project on City streets, it would have been done like 35<sup>th</sup> and Kingwood streets. He noted that the City had been trying to get these projects going for between six and 10 years.

Commissioner Wise asked if someone was responsible for keeping the land use decision pending signs up-to-date with flyers. He commented that the sign at the port had been filled with garbage. CDD Belson said that if Commissioners notice something like that, to please inform staff.

## **DIRECTOR'S REPORT**

### **Monthly Report**

#### **Electronic Packets**

CDD Belson said the City will soon have a new website that will offer staff greater control over the content. She also said that putting the packets together takes a lot of staff time. CDD Belson said that the costs of putting together packets for a year were substantial. She asked if there was any interest among the Commissioners in trying a digital format. Commissioner Tilton suggested possibly using an iPad. Commissioner Wise said he could load up that week's packet onto an iPad and give feedback.

## **CALENDAR**

Tuesday, May 24, 2011 ~ 6:00 pm City Hall (Work Session on Residential Code)

Tuesday, June 7, 2011 ~ 6:00 pm City Hall (Work Session)

Tuesday, June 28, 2011 ~ 6:00 pm City Hall (Regular Session)

## **ADJOURNMENT**

There being no further business to come before the Florence Planning Commission, Chairperson Nieberlein adjourned the meeting at 10:30 pm.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_ 2011.

\_\_\_\_\_  
**JAN NIEBERLEIN, CHAIRPERSON  
FLORENCE PLANNING COMMISSION**

**CITY OF FLORENCE PLANNING COMMISSION WORK SESSION**  
**May 24, 2011 \*\* MEETING MINUTES\*\* Draft**

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**WORK SESSION**

Chairperson Nieberlein opened the meeting at 6:30 pm. Roll call: All Commissioners were present. Also present: CDD Belson and AP Anderson.

**Residential Code Update – Study Area #1 Mainstreet West (west of Highway 101 and south of 10<sup>th</sup> Street)**

Commissioner Peters said he talked to two builders and one attorney who does land-use work.

Commissioner Peters summarized a conversation he had with local builder Roger Center:

- System Development Charges (SDC) are the same for large vs. small homes which is a problem.
- SDCs must be paid up front and go up automatically 3% every year.
- No demand for new housing now; 17% vacancy rate.
- Not much the Planning Commission can do to affect the housing market.
- Support the following specific code changes:
  - Cluster zoning
  - Accessory Dwelling Units (ADU)
  - Street width and design modifications
  - Lot coverage and dimensions
  - Planned Unit Developments (PUD) less than 5 acres
  - Smaller homes on reduced lots good, but should have reduced SDCs

Commissioner Peters said local builder Jim Archer told him that ADUs are a possibility but don't let them become vacation rentals.

Commissioner Peters said local attorney Greg Freeze commented that staff's interpretation of City Code is too cautious and too strict. He said Mr. Freeze also spoke of possibly having planning staff come out to each site and look around.

Commissioner Peters said the builders he spoke with told him that staff could be more proactive in assisting and accommodating people who want to build. He said nobody he spoke with thought there was anything the PC could do to increase builders' interest in engaging in infill right now.

Commissioner Bare said he spoke with developer Jim Hurst, who had built a couple of houses in the Fawn Ridge development. He said Mr. Hurst spoke of how difficult it is to sell homes because of the economy and he likely won't build another spec. home.

Commissioner Nieberlein spoke with custom-home builder Bob Nelson. Mr. Nelson said the price of land is too high to make building feasible and it is difficult to fit a custom-home into the downtown neighborhood.

Commissioner Wise stated that the Lane County Tax Assessor said home sales are down: 3,300 sales in 2010 vs. 5,400 sales in 2006; 30% of sales in 2010 are short-sale or bank-owned.

AP Anderson spoke with builder Jerry Prater. Mr. Prater said he would be interested in reviewing code changes after a proposal has been crafted. He commented that the lending industry in Florence is not providing loans on condominiums.

AP Anderson said local developer Ron Bruton will attend a future meeting after collecting photographs and information about different housing types, such as cottage housing.

AP Anderson summarized three site specific cases where there were code impediments to developing housing. She said the house that the Mayor currently owns needed a variance for reduced setbacks when it was originally built (by another owner). The Habitat for Humanity Rowhouses needed a variance for reduced setbacks so they could have attached single-family homes. They also needed a variance for reduced lot sizes. The Habitat for Humanity Planned Unit Development (PUD) needed flexibility through the PUD process. A conditional use permit was also required for single-family homes in the Multi-Family (RM) Zoning District. A detailed list of issues for each of these developments was included in the Commission's packet.

Commissioner Peters commented that having the ability to build attached-homes is something that keeps coming up.

Commissioner Muilenburg stated he was a little uncomfortable re-writing the code for the benefit of a few empty lots. AP Anderson said because there are so many site-specific issues with regard to lots adjacent to local streets with a right-of-way greater than 60 feet, the code should be written in a way that gives discretion to the City to reduce setbacks depending on site-specific information provided to the City.

Commissioner Wise said he is concerned about affecting property values and that citizens won't know about any changes ahead of time. He stated he did not want a "blanket change" to the code.

The Commission worked on a table of potential Code options for the Mainstreet West area (see attached table).

The Commission decided to also consider looking into potentially reducing the size of PUDs.

## **PLANNING COMMISSION DISCUSSION ITEMS**

### **Electronic Packets**

CDD Belson said she met with Chairperson Nieberlein and Commissioner Wise to discuss details involved with packets potentially going electronic. Commissioner Wise said he would give it a try and see how it works. Commissioner Hoile commented that when attending other meetings, she found laptops blocking the commissioners to be distracting. Chairperson

Nieberlein said the reason this was being looked at was for cost savings. She commented that trying a digital packet that evening didn't go well for her because the laptop she used did not function properly, but she believed it should still be looked into. Chairperson Nieberlein commented that it didn't make financial sense to her to have a Planner building the packets. Commissioner Tilton commented he preferred looking at paper maps. CDD Belson said one option is commissioners print certain items at home and bring them in to the meeting. CDD Belson asked how many Commissioners would not be comfortable looking at the screen or printing their own materials. Commissioner Wise said he would be willing to give it a try. Commissioner Peters said he would be willing to print items out himself, as long as it was under 50 pages. His preference is to work off of hard copies. Commissioner Tilton said he prefers to be able to mark-up hard copies. He asked what the potential cost-savings could be. CDD Belson said that the City Recorder had tabulated that laptops could be purchased for the entire City Council with the money saved over a year. CDD Belson estimated the savings for the Planning Commission would be about the same. Commissioner Peters suggested putting the packets online, which would save staff a step. Commissioner Bare said he deals with laptops a lot in his business travels, but expressed concern with how the Commission would interact with audience members if they had laptops in front of them. Commissioner Muilenburg commented he preferred hard copies. The Commissioners further discussed the advantages and disadvantages of having packets digitally available.

### **CALENDAR**

CDD Belson said the Siuslaw Estuary Partnership is doing a lot of work with stormwater and she said the City had designed a best-practices manual. CDD Belson said as a result of that manual, there are amendments that need to be added to the Comprehensive Plan, the City Code, the Stormwater Management plan, and the best-practices manual to make everything consistent. The Commission agreed to address stormwater during the June 7 meeting and housing would be addressed on June 28.

Tuesday, June 7, 2011 ~ 6:00 pm City Hall (Stormwater)

Tuesday, June 28, 2011 ~ 6:00 pm City Hall (Residential Code Work Session)

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_ 2011.

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**JAN NIEBERLEIN, CHAIRPERSON  
FLORENCE PLANNING COMMISSION**

MAINSTREET WEST HOUSING TYPES AND DEVELOPMENT STANDARDS						
Code Changes	RR Restricted Residential	RS Single Family Residential	RM Multifamily Residential	Mainstreet Area A & B	Old Town Area A	Professional Office
Attached single-family dwellings	NO	Yes IIII No III	Yes SFD Permitted	Yes, Permitted in B A – permitted B - conditional	NO  Not permitted w/o com.	NO
Accessory Dwelling Units	Yes II No IIII	Yes, w/Conditions	Yes	Yes	Yes with commercial IIII No II	NO
Mixed Use zoning (i.e. apartments over a business)	NO	Yes IIII No III	Yes	Yes, Permitted  Conditional	Leave as is 2 <sup>nd</sup> floor Permitted 1 <sup>st</sup> floor Conditional	Leave as is  Permitted
Cluster zoning / Cluster Subdivisions or Cottage Housing (w/o going through the PUD process, but still requires a homeowners association for common areas and parking)	Consider this at next meeting					
Single-room Occupancy Apartments (i.e. dormitory or boarding house)	Yes IIIII No I	Yes IIII No II	Yes	Yes	Yes IIIII No I	Yes I No IIIII
Development on Existing Small Platted Lots (Change Section FCC 10-8-3-A-3 “Undersized Lots of Record” to allow original platted lots to be “buildable” regardless of ownership)	Yes IIII No III	Yes IIIII No I	Yes	Yes	Yes	N/A
Setbacks: (e.g. zero lot line; and reduce front yard setback to allow 10’ with a driveway 19’, and 5’ side and rear yard or a minimum of 10’ combined between houses)	Yes for attached SFDs; and Yes for lots next to local streets >60’ with conditions					
Lot Dimensions	50’ x 80’ new subdiv. 80’ x 85’	50’ x 80’ new subdiv. Width 65’	50’ x 80’ new subdiv. 65’ x 80’	Width 25’	Width 25’	Width 100’
Lot Size	9,000 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	2,500 s.f.	1,500 s.f.	15,000 s.f.
Lot coverage	35% & 65%	35% & 65%	sfd 35% & 75% mfd 50% & 75%	DRB may allow up to 90%	DRB may allow up to 90%	None listed
Consider PUDs < 5 acres; and Attached SFDs, ADUs and Cluster Subdivisions will affect standards for lot dimensions, size and coverage.						