

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

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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 and Tilton 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 purpose is encourage restoration, revitalization and preservation of the District.

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 site.

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 Nieberlein 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**

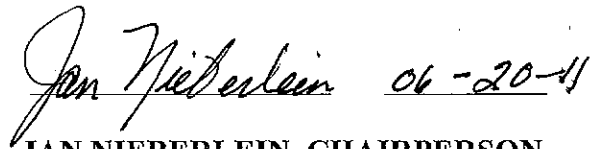
Tuesday, May 10, 2011 ~ 7:00 pm City Hall (Regular Session)

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 7<sup>TH</sup> DAY  
OF JUNE 2011.



**JAN NIEBERLEIN, CHAIRPERSON  
FLORENCE PLANNING COMMISSION**