

FINDINGS for ORDINANCE No. 21, Series 2011
Exhibit "A"

City Council Public Hearing Date: December 5, 2011
Planner: Wendy Farley Campbell
File: PC 11 08 ZC 02 and PC 11 09 TA 01

I. PROPOSAL

The City of Florence proposes to amend the zoning map boundaries and create a new zoning district for Coast Village. This residential/recreational community consists of approximately 42 acres subdivided into one centrally located common area, two common areas adjacent to Highway 101, and 259* privately owned lots. The area east of Spruce St. consisting of 235 lots, private roads, and common areas is designated Medium Density in the Comprehensive Plan and zoned Single-Family Residential District. The area west of Spruce St. consisting of 24 lots, private roads, and common areas is plan designated Medium Density and zoned Highway District. The specific amendments are presented in Exhibits "B" through "G" and are summarized as follows:

- Changes all of Coast Village into one new zoning district;
- Expands the land uses allowed in the Coast Village subdivision, maintaining the recreational land use approved in their subdivision approvals dated 1970-1982, and provides additional non-conventional residential land use opportunities;
- Makes all private numerically platted lots legal building lots;
- Implements development standards in coordination with the Home Owner Association Covenants, Conditions and Restrictions and Architectural Review Committee Policies and Procedures;
- Amends definition for "Recreational Vehicle" in the Florence City Code;
- Updates regulations regarding siting emergency housing;
- Removes language inconsistent with state law regulating manufactured homes;
- Acknowledges Coast Village District within the "Medium Density" text in Chapter 2, Land Use of *Florence Realization 2020 Comprehensive Plan*.

The proposal includes minor Comprehensive Plan text changes and both zoning map and code changes. These are described below.

* Coast Village consists of 259 original numerically platted lots (not including Lot 4-Community Center area). Five numerically platted lots in CV East were consolidated into adjoining lots by legal property adjustments or by Coast Village CC&R acknowledgement. The owners of 2 lots in CV West have assumed ownership of Lots B & C, originally HOA ownership.

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Mgt. Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Dept. of Land Conservation and Development.

Comprehensive Plan Text Amendments (PC 11 09 TA 01): The proposed Comprehensive Plan text changes would amend the *Florence Realization 2020 Comprehensive Plan*, Chapter 2 – Land Use, Residential--Medium Density Residential.

Zoning Code Amendments (PC 11 09 TA 01): The proposed zoning code changes would amend the Florence City Code (FCC) Title 10, Chapter 1 – Zoning Administration, Chapter 2 – General Zoning Provisions, Chapter 12 – Mobile/Manufactured Home District and add Chapter 29 – Coast Village District.

Zoning Map Amendments (PC 11 08 ZC 02): The proposed zoning map changes are quasi-judicial amendments, and the specific properties proposed to be rezoned are illustrated in a map in Exhibit B. The proposed map amendments:

- Rezone the eastern 38.5 acre Coast Village property from “Single-Family Residential District” (FCC 10-11) to “Coast Village District” (FCC 10-29); and
- Rezone the western 3.4 acre Coast Village property from “Highway District” (FCC 10-16) to “Coast Village District” (FCC 10-29).

II. BACKGROUND

Coast Village is a unique development because it was originally developed as a campground with privately-owned camp lots and then transitioned toward recreational vehicle use, storage and permanent housing. There are a variety of lot sizes in Coast Village, some are a standard lot size for the Single-Family Residential zoning district (6,000 sq. ft.) and some do not meet the minimum lot size for the Single-Family zone. Over time, the Coast Village development has grown to be a year-round residential community for many of its residents.

Some individuals have or want to construct a standard site-built home on their lot, while some want to place a manufactured home on their lot and others want to stay in their RV or park-model throughout the year. The existing Single-Family zone prohibits some residents from constructing a new home because the lot size does not meet the code requirements. Coast Village is one example of affordable housing for many individuals living in that community. Due to its unique evolution over time, a new zoning district is proposed for Coast Village.

In order to create a new zone for this development, staff reviewed the Covenants, Conditions and Restrictions (CC&Rs), Bylaws, and Architectural Review Committee Policies and Procedures for the community and met with Coast Village residents on April 1st, 2011, to establish standards for a new code. Staff met again with Coast Village residents on June 10th to review a draft code and receive comments on the proposal. Based on this input from Coast Village residents, as well as input from City staff the Planning Commission on June 28th held a public hearing and subsequently initiated a new zoning district for Coast Village.

Following initiation of the Coast Village rezone, the Planning Commission on July 12, 2011 met with members of the Coast Village Home Owners Association to tour the Coast Village community and see the various housing styles and development patterns. The tour included the opportunity for question and answer scenarios but did not include a deliberation session of the proposed changes. This type of land use decision is both quasi-judicial and legislative and requires a public hearing before the Planning Commission, who makes a recommendation to the City Council. The Council will hold another public hearing prior to making the final decision on the proposal.

III. SUMMARY OF PROPOSED CHANGES

The proposed zoning district for Coast Village establishes the following basic standards:

1. Permanent residence in motor-homes, RVs and park models is allowed.
2. Only one permanent dwelling unit --site built, pre-manufactured, or self-contained mobile structure on a lot is allowed, and accessory dwelling units are prohibited.
3. Partitions and lot line adjustments are prohibited; buildable lots are limited to the existing platted numerical lots, excluding Lot 4 of Block 1 of Coast Village (Coast Village Home Owner Association owned community center, laundry, playground and pool).
4. Site-built, manufactured and pre-manufactured homes are allowed on small lots.
5. No minimum floor area is required for dwellings.
6. Only two parking spaces is required on a lot.
7. No garage or carport is required, and parking is allowed within the front yard.
8. Driveways and parking spaces do not have to be paved.
9. Lot coverage is limited to 35% for enclosed structures and 65% for all impervious surfaces (e.g. structures and pavement (excluding encroaching platted streets)); gravel driveways and parking do not count toward the 65% lot coverage.
10. Height limit is 16 feet, measured from the ground to the highest point of the roof.
11. A 5 foot greenbelt buffer is required on three sides of the lot (sides and rear), consistent with the CC&R standards.
12. A 3 foot fire safety clearance standard is required around residential units and propane tanks.
13. The setbacks combine the greenbelt and fire safety clearance requirements, by requiring 8 foot side yards, 10 foot rear yards and 20 foot front yards.
14. Only fences that are located along the perimeter of the entire development are regulated under the City code.
15. Only signage visible from the public rights-of-way and public property are regulated under the City code.

Additionally ancillary changes related to the above mentioned code amendments include:

1. FCC 10-1-4: The definition of “Recreational Vehicle” changes to include exceptions allowed in Coast Village.
2. FCC 10-1-4: The definition of “Dwelling” changes to include an exception allowed Coast Village.
3. FCC 10-2-9: Replaces the section permitting manufactured home regulations to apply to all mobile homes and pre-manufactured housing.
4. FCC 10-12-2-3: Removes language inconsistent with state law regulating manufactured homes and revises and relocates text regarding emergency housing siting.
5. Comprehensive Plan: Chapter 2, Medium Density is revised to include Coast Village as an implementing district.

IV. NOTICE AND REFERRALS

1. Notice:

The notice of the Planning Commission public hearing was mailed to Coast Village property owners and surrounding property owners and posted at all Coast Village property entrances on August 24, 2011, and posted on the City website August 25, 2011, as well as published in the Siuslaw News on September 7, 2011 as required by State law and the Florence City Code. The written comments received from the public are included in the Exhibits.

The notice of the City Council public hearing was mailed to Coast Village property owners and surrounding property owners and posted at the main entrance to Coast Village and on the City website on November 23, 2011. Notice was published in the Siuslaw News on November 30, 2011.

2. Referrals:

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on June 29, 2011 not less than 45 days prior to the proposed first evidentiary hearing of September 13, 2011, as required by State law and the Florence City Code.

On August 22nd, 2011 referrals were also sent to:

Central Lincoln PUD—No response received

Confederated Tribes of Coos, Lower Umpqua and Siuslaw—Written response received citing no issues

Florence Code Enforcement—No response received

Florence Building Official—No written response but verbal consultation received

Florence Police Department—Written response received citing issues with lack of adequate addressing

Florence Public Works Department—No response received

Lane County Land Management—No response received

Siuslaw Valley Fire & Rescue—Written response received, citing no issues

State of Oregon Department of Land, Conservation and Development—No response received

State of Oregon Department of Transportation—Verbal response received, citing no issues

Western Lane Ambulance District—No response received

The written comments received from these agencies and organizations are included in the Exhibits.

V. ISSUES

The issues listed here were selected to express the Planning Commission's rational that is not documented elsewhere in the findings.

“As Platted” language use: Warren Scherich of Lot 158 Outer Drive wrote about his concern with using “as platted” language in the 10-37-5 “Lot and Yard Provisions” section of the proposed code, specifically the “Minimum Lot Area” and “Minimum Lot Dimensions” sections. He states that surveying was not performed and the streets are not located as platted and in many instances encroach into properties as much as 10-20 feet. He recommends using “as developed” language instead to make it easier to comply with the proposed zoning and reduce the possibility of legal actions.

Response: *To address the issues discussed above and mentioned by Mr. Scherich, the Planning Commission added language excluding street pavement in the 65% coverage calculation and how to measure the 20' front yard where a street encroaches onto private property.*

Accessory Dwelling Units: Commissioner Muilenburg of the Planning Commission stated at the initiation hearing held on June 28, 2011 that the language referenced 10-32-4 (A) that states “Two or more dwelling units that are occupied more than six (6) months in any twelve (12) month period.” was unclear. Specifically, the confusion seemed to be around the allowance of Accessory Dwelling Units (ADUs). At the initiation hearing Coast Village stated they did not want ADUs.

Response: *To make the intent clear FCC 10-29-4-A was added to disallow Accessory Dwelling Units, while provision for guests staying in an additional RV was added as an allowed use to FCC 10-29-3.*

VI. APPLICABLE CRITERIA

1. Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1, Zoning Administration:
 - Section 1-3 Amendments and Changes:
 - Section B Quasi-Judicial Changes
 - Section 1-1-5 Land Use Hearings
 - Section 1-2-2 Change of Boundaries on Zoning Map

2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use
 - Chapter 10: Housing Opportunities
 - Chapter 13: Energy Facilities and Conservation
3. **Statewide Planning Goals: (for Comprehensive Plan Amendments)**
 - Goal 1: Citizen Involvement [OAR 660-015-0000(1)]
 - Goal 2: Land Use [OAR 660-015-0000(2)]
 - Goal 10: Housing [OAR 660-015-0000(10)]
4. **Oregon Revised Statutes (ORS)**
 - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission
 - ORS 197.763: Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures
 - ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost

VII. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-1-5: LAND USE HEARINGS:

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

Finding: The proposal is consistent with this criterion because the Planning Commission held a public hearing on the proposed rezone and code changes on September 13, 2011, prior to making a recommendation on the matter to the City Council for a final decision.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a 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.**
 - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4.**

- b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.
- c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).

Finding: The proposal is consistent with these criteria because notice of hearing was sent to all Coast Village owners and owners of property within 300 feet of the Coast Village Community, on August 24, 2011, at least 10 days prior to the first evidentiary hearing with the Planning Commission and was posted on the City's web site August 25, 2011.

- a. Notice of this proposal was not required under ORS 227.175 and FCC 10-21-2-4 to the Florence Municipal Airport, Oregon Department of Aviation and Federal Aviation Administration.
- b. Notice of hearing was sent August 24, 2011 to all owners of record of property that are proposed to be rezoned in accordance with ORS 227.186; the criteria of ORS 227.186 are addressed in a following section and those findings are incorporated herein.
- c. The properties proposed to be rezoned do not include mobile home or manufactured home parks; therefore, ORS 227.175(8) does not apply.

2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.

Finding: The proposal is consistent with this criterion because a public notice was published in the Siuslaw News on September 7, 2011, prior to the initial evidentiary hearing with the Planning Commission.

10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP: The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity.

Finding: The proposal to rezone property to the Coast Village District is consistent with these criteria because:

- The new zoning map shall be filed with the adopting ordinance with the City Recorder and kept in perpetuity;
- Future amendments to the zoning map boundaries will be indicated on subsequent maps and filed with the City Recorder; and

- The new zoning map boundaries shall be signed by the Planning Commission Chair.

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Quasi-Judicial Changes:

1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

Finding: The proposal to rezone properties to the Coast Village District is a quasi-judicial change and consistent with this criterion because the Planning Commission initiated the amendments by resolution at a regularly scheduled meeting held on June 28, 2011.

3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.

Finding: The proposal to rezone properties to the Coast Village District is consistent with this criterion because the notice for public hearing was prepared in accordance with the criteria of FCC 10-1-1-5, which was addressed in the previous section and those findings are incorporated herein.

Realization 2020, Florence Comprehensive Plan

Policies: Policies are the positions the City will take in order to reach the Goals. Policies are more specific and are subject to interpretation by the Planning Commission and City Council. They are intended to be used on a day-to-day basis and deal with particular aspects or ramifications of the broad goal stated for each category.

Recommendations: Recommendations are particular actions that should be initiated and implemented to assist in achieving the goals and policies set forth.

The below review includes both policies and recommendations. However, only policies are hearing criteria. The inclusion of recommendations is informational

to illustrate progression towards implementation of the comprehensive plan goals and policies.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

Finding: The proposal for the rezone and code amendments is consistent with this policy because the notice of the Planning Commission public hearing was mailed to Coast Village property owners and property owners within 300 feet on August 24, 2011 in accordance with FCC 10-1-1-5 and ORS 227.186 and was published in the Siuslaw News September 7, 2011. Additionally, land use signs with the notices were posted at all Coast Village property entrances (3) on August 24, 2011 and the agenda and proposed amendments were posted on the City's web site, prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

Notice of the City Council public hearing was mailed to all those who had commented previously as well as the property owners of Coast Village and property owners within 300 feet of Coast Village in accordance with FCC 10-1-1-5 on November 23, 2011. Notice was also posted on the entrance to Coast Village and the City website on November 23, 2011. The City published an article about the rezoning in its November newsletter. The staff report, Ordinance 21, and associated exhibits were posted to the city's website on November 28, 2011.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

- 6. Planning documents and background data shall be available to interested citizens.**

Finding: The proposal for these actions is consistent with this policy because the initiated documents (resolution & proposed code amendments) were posted on the city's website on August 24th and the staff report was made available seven days prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use

Residential

Policies:

- 2. The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.**

Finding: The proposal is consistent with this policy because evaluation of the residential zoning code and subsequently changing it to make all Coast Village numerically platted lots (excepting Lot 4 of Block 1 of Coast Village) buildable lots increases the opportunity for residential density. The lots in Coast Village were platted as campground lots and are therefore mostly under the 6000 sq. ft. minimum lot size allowed in the Single Family Residential zone. The proposed zone changes make the remaining 186 lots (71%) of the original 259 lots buildable. The zoning map and code amendments will encourage permanent development within the Coast Village.

- 7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.**

Finding: This policy directly relates to subdivision and design review staff reports. This staff report is for comprehensive plan, zone text and zone changes. However, it is worth mentioning information available on known utility systems in Coast Village. All internal utility systems within Coast Village are privately owned by the Coast Village Homeowners Association. Coast Village has recently invested significant expense in replacing water lines within the development. Siuslaw Valley Fire and Rescue on August 24th performed fire flow testing of fire hydrants and water mains within Coast Village and found them all to meet the current fire code requirements. Public Works has not indicated any problems with any sewer or stormwater connections.

- 8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.**

Finding: The proposal is consistent with this policy because Coast Village is an existing 40 year old platted subdivision. While approved for recreational purposes many of the lots over the decades have evolved into full-time occupancy.

While some lots have converted from recreation use to permanent housing, many lots have recreational type vehicles on them full-time with accessory structures constructed and attached to them or over them. The proposed text change would essentially provide criteria for permitting this type of development in a legal and organized fashion. For the most part the Coast Village Development has developed overtime consistent with a more dense subdivision. The proposed land uses are therefore not incompatible with adjacent residential uses and districts.

- 9. The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District permits manufactured homes as a permitted permanent use. Additionally, text from FCC 10-12-2-3 that limits the location of manufactured homes to certain Districts and development scenarios is removed.

Recommendations

- 3. Development standards should be amended as necessary to encourage the protection of significant natural land forms, historic drainage patterns, and large areas of significant native vegetation or individual specimen trees.**

Finding: The proposal is consistent with this recommendation because the proposed code amends the existing setback development standards to require the retention of 5' green belts around each lot.

- 4. City Codes should be amended to encourage innovative housing types and subdivision layouts which embrace new trends in residential living and promote neighborhoods within the Florence community.**

Finding: The proposal is consistent with this recommendation because the proposed Coast Village District (FCC 10-29) expands the allowable land uses to permit single family dwellings on all numerically platted lots and recreational and permanent use of mobile residential structures; and development standards, such as lot size and parking have been relaxed.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential. Single family homes and manufactured homes

meeting certain minimum standards are allowed. Duplexes are a conditional use.

Finding: The proposal is consistent with this policy because the proposed Coast Village District has an average density of 6.5 lots per acre which equates to an average of 6,626 sq. ft. lots. This calculation excludes the common area acreage 2.6 acres but includes street acreage). Coast Village lot sizes range from approximately 21,500 sq. ft. to 3,500 sq. ft. (One lot is 1,300 sq. ft. and is presently used as a driveway for another adjoining lot.) Coast Village is similar to today's Planned Unit Development which permits relaxation of development standards in exchange for common open space dedication. The Coast Village District name will be added as a corresponding zoning district to the above Medium Density Residential language.

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources

Policies:

- 2. City Code currently requires minimal landscaping. The City shall evaluate its codes, to determine whether landscaping requirements need to be increased. The integration of native vegetation into site plans should reduce costs of additional landscaping as well as the need for irrigation once plantings are established.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District zoning text FCC 10-29-5 requires the retention of a 5' native vegetative buffer along all side and rear yards within individual lots.

Chapter 10: Housing Opportunities

Goal: To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.

Policies:

- 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.**

Finding: Many Coast Village property owners over the years have indicated a desire to build or place a permanent home on their lot but have been unable to due to their lot being undersized for home construction (less than 6,000 sq. ft.) Presently 186 of the 259 lots are undersized for permanent dwelling construction or placement. The proposal is consistent with this policy because Coast Village District will permit all numerical lots in Coast Village to be buildable. There are a variety of lot sizes (from approximately 21,500 sq. ft. to 3,500 sq. ft. & one 1,300 sq. ft.) within the 42 acre property creating areas of differing densities to suit multiple interests and needs. Also, the Coast Village District, FCC 10-29-3, will permit a variety of single family housing types (site-built, manufactured homes, park

models and recreational vehicles) to suit various permanent housing needs. The zoning change also permits year-round placement of self-contained mobile structures in a temporary capacity (no foundation, permanent plumbing and electricity) supporting a needed housing type.

4. The City shall implement policies and practices that insure equal housing opportunity for all the City's residents.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3, provide more housing opportunities (permanent and temporary dwellings) than previously offered. Previously only temporary self-contained mobile structures and single family structures (site built and multi-sectional manufactured homes) on lots at least 6,000 sq. ft. were permitted. The proposed expanded uses let someone convert from temporary use to retirement or a permanent dwelling later on the same lot. The Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable for permanent dwellings, creating affordable housing options for both owner-occupied and rental. The "Florence Quick Market Facts" dated June 30, 2011 and provided by Steve Earnshaw, Principle Broker at Windermere states the average sale price for the Florence area was \$177,700. During the same time-frame Coast Village's average sale price was \$61,600. These proposed code changes will increase the opportunity for first time home buyers to own a home and for retirees to down-size and maintain home ownership.

Chapter 12: Transportation

Policies

2. Vision clearance provisions shall be enforced.

Finding: The above transportation criteria states that "Vision clearance provisions shall be enforced". "Provisions" is defined by Merriam Webster as 1. Providing 2. Preparation and 3. Stipulations. Stipulations seems to be the intent of the word's use in this situation and means "conditions" or "requirements". The Comprehensive Plan does not list vision clearance standards to be implemented. The Florence City Code provides the regulations.

As quoted from the Comprehensive Plan and placed at the beginning of the findings section, "*Policies are more specific and are subject to interpretation by the Planning Commission and City Council.*" Therefore this policy is open to interpretation by Planning Commission and City Council as to whether the intent was to require the regulations stated in code to be enforced or the conditions placed on a development to be enforced.

Florence City Code Title 10 Chapter 35-2-13 requires 20' vision clearance at the intersection of two streets, 10' at the intersections of alleys or driveways and streets. Tom Nicholson, Attorney for Coast Village Home Owners Association requested 10' vision clearance for Coast Village, citing 10 mph speed limits, nar-

row street widths (20' platted) and one-way traffic pattern as reasons for the reduction.

PC finds that the intent was to require the regulations placed on a development to be enforced. They supported this finding by stating that the code also provides the opportunity for the Public Works director to require a different vision clearance amount. The proposed 10' vision clearance for Coast Village meets this criterion.

14. Streets shall be designed to efficiently and safely accommodate emergency service vehicles.

Finding: The streets in Coast Village are platted 20' wide (the entrances are wider) and constructed for one-way traffic with one exception, Driftwood St. which permits two-way traffic. Coast Village West has access onto Spruce Street and emergency access onto Highway 101. Coast Village East has one access into and out of the development. Two emergency accesses are required for the east side to meet fire codes.

Florence Police Chief, Maurice Sanders states in his referral comments that the Coast Village roads meet their needs. Fire Marshall, Sean Barrett states in his referral comments that the Coast Village internal road system meets the code requirements for fire and emergency vehicle access. Mr. Barrett also states in his referral that he is working with Coast Village to resolve the need for a secondary access. He states that the lack of secondary access should not hold up the proposed zone change as the process will take time to resolve. He concludes that he will work with the Building Official to make sure public safety is maintained in Coast Village. Staff finds the proposal, based on these responses, to be consistent with this policy.

28. On-site parking for motor vehicles shall continue to be provided, unless another adopted City plan expressly provides otherwise.

Finding: The proposal is consistent with this policy because the Coast Village District regulations require the provision of at least one parking space on-site. The community center area also has guest parking available.

Chapter 13: Energy Facilities and Conservation

Policies

3. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable thereby increasing density from 1.8 buildable lots per gross acre (excluding common area) to 6.5 buildable lots per gross acre (excluding common area). This opportunity

creates infill within the city limits within an existing development thereby conserving land and resources.

Recommendations

9. The conservation, restoration, and rehabilitation of older buildings and neighborhoods should be encouraged.

Finding: The proposal is consistent with this recommendation because the proposed zoning code and map amendments encourage the rehabilitation and redevelopment of Coast Village. Coast Village was platted from 1970-1982 as campground lots. Overtime many of the recreational vehicle uses of the lots became year round residences. In the recent years several lots of legal buildable size have redeveloped with permanent housing. However, much of the housing stock is older and the city can expect over time the present housing to be upgraded due to these zoning changes.

Oregon Revised Statutes (ORS)

The procedures for quasi-judicial decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments are listed below with findings to address consistency with these State laws.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with ORS 197.610 because notice to DLCD was sent on June 29, 2011; at least 45 days prior to the September 13, 2011 (first) Planning Commission public hearing and the notice contained the information required in this statute.

ORS 197.763: Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements; Hearing Procedures.

The following procedures shall govern the conduct of quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body or hearings officer on application for a land use deci-

sion and shall be incorporated into the comprehensive plan and land use regulations:

Finding: The procedures for quasi-judicial land use hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law ORS 197.763. These procedures have been met as described in the criteria listed above, FCC 10-1-1-5, and are incorporated herein.

ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

Finding: The proposal is consistent with ORS 227.186 as it pertains to the proposed amendments to the Zoning Text and Map because:

On August 24, 2011 at least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the zoning text and map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this part of the proposal; the notice was approved by the City; the notice contained the text required in ORS 227.186.

Statewide Planning Goals

Goal 1: Citizen Involvement [OAR 660-015-0000(1)]

- 3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

Finding: The proposal is consistent with Statewide Planning Goal 1 because the proposal was advertised in the Siuslaw News; notice was mailed to property owners of all affected properties; and citizens were given the opportunity to comment on the proposal in writing or in person at public hearings before the Planning Commission and City Council.

Goal 2: Land Use [OAR 660-015-0000(2)]

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Finding: The proposal is consistent with Goal 2 because the Comprehensive Plan amendment is undertaken to address changing public circumstances related to a development approved 40 years ago. Citizens and affected governmental units have been provided an opportunity for review and comment on the proposal.

Goal 10: Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (3) zoning and land use controls;

Finding: The proposal is consistent with Goal 10 because the new zoning district proposes to implement the medium density plan designation which does not negatively impact the supply of residential land in the urban area. The proposed amendments will make all of the lots within Coast Village buildable, permit a diverse range of mobile housing styles and continue to permit recreational housing use. Most lots within Coast Village are less than 6000 sq. ft and thereby better matching the lot sizes listed for medium density. These zoning changes provide needed housing units and smaller lots at lower prices thereby providing much needed affordable housing options for the Florence community.

VIII. CONCLUSION

The amendments to the Florence City Code Title 10, zoning text and map are consistent with the applicable criteria in the Florence City Code, Florence Realization 2020 Comprehensive Plan, Statewide Planning Goals and Oregon Revised Statutes.

IX. EXHIBITS

- A. Findings of Fact
- B. Amendments to Zoning Map
- C. Amendments to FCC Title 10 Chapter 1, Zoning Administration
- D. Amendments to FCC Title 10 Chapter 2, General Zoning Provisions
- E. Amendments to FCC Title 10 Chapter 12, Mobile Home/Manufactured Home Regulations
- F. Amendments to FCC Title 10 adding Chapter 29, Coast Village District
- G. Amendments to Florence Realization 2020 Comprehensive Plan, Chapter 2
- H. Comment from Maurice Sanders, Chief of Police, City of Florence (8-23-11)
- I. Comment from Agnes Castronuevo, Tribal Historic Preservation Officer, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (8-30-11)
- J. Comment from Sean Barrett, Fire Marshall, Siuslaw Valley Fire & Rescue (9-1-11)
- K. Comment from Warren Scherich, Coast Village Resident (8-31-11)
- L. Comment from Tom Nicholson, Attorney for Coast Village HOA (9-1-11)
- M. Subdivision Plat: Coast Village, dated July 31, 1970
- N. Subdivision Plat: Coast Village First Addition, dated November 25, 1970
- O. Subdivision Plat: Coast Village Second Addition, dated March 10, 1972
- P. Subdivision Plat: Coast Village Third Addition, dated March 7, 1975
- Q. Subdivision Plat: Coast Village Fourth Addition, dated May 4, 1982
- R. Coast Village Lots with Approximate Sq. Ft.
- S. Coast Village Development Inventory Map
- T. Record of Survey Lot 59, BLK 2, Coast Village 2nd Addition (Easy St. Encroachment)
- U. Comment from Anita Vincent, 933 30th Way, Florentine (9/1/11)
- V. Planning Commission September 13, 2011, Public Hearing Final Minutes

P:\Community Development 2\All Post-2007 LU Decisions\Zoning Code Text Amendments\Ordinance #21, Series 2011 - Coast Village\Dec 5 2011 CC meeting\A- Findings.DOC