
AGENDA ITEM SUMMARY**ITEM NO:****FLORENCE CITY COUNCIL**

Meeting Date: December 5, 2011
Department: Community Development

ITEM TITLE: PUBLIC HEARING ON ORDINANCE 21, SERIES 2011 COAST VILLAGE ZONING AMENDMENTS

ITEM DESCRIPTION:

The City of Florence proposes to amend the zoning map boundaries and code requirements for Coast Village properties. The proposal includes an amendment to acknowledge the Coast Village District within the “Medium Density” text in Chapter 2, Land Use of *Florence Realization 2020 Comprehensive Plan*. The proposal also includes ancillary code changes related to the above mentioned code amendments.

Coast Village is a residential/recreational community which 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 A 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, specifically this includes:
 - permitting a variety of single family housing types (site-built, manufactured homes, park models and recreational vehicles) to suit various permanent housing needs.
 - permitting year-round placement of self-contained mobile structures in a temporary capacity (no foundation, permanent plumbing or electricity) supporting a needed housing type.
- Makes most 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”;
- 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.

Comprehensive Plan Text Amendments: 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: 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: 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).

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.) but presently 186 of the 259 lots (71%) are undersized for permanent dwelling construction or placement. Over time, Coast Village 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. On September 13, 2011 the Planning Commission held the first evidentiary public hearing on the quasi-judicial and legislative amendments and made a recommendation to City Council. This public hearing before City Council is the final decision on the proposal.

In addition to approving Resolution PC 11 08 ZC 02 and PC 11 09 TA 01, recommending that the Council approve the code and Comprehensive Plan amendments, the Planning Commission also passed the following motion recommending that the City Council examine the following language for either inclusion in the code associated with Coast Village or in the intent section of the resolution: “The City of Florence, by establishing this new land use zone does not create any right or benefit substantive or procedural enforceable by any Coast Village association nor does it delegate, convey, or transfer to any Coast Village association rights, responsibilities, or interests currently held by the City of Florence.” Following that meeting, staff checked with City Attorney Ross Williamson who advised against including that language at all.

As part of his review, Mr. Williamson commented on the final sentence in the Purpose section of the recommended Coast Village Chapter that reads: “Coast Village development is self-governed by a homeowners association.” He recommends deleting that sentence from the Code stating, “It adds nothing to the zoning regulations, and simply identifies a background fact that is true of most any PUD and many subdivisions. I would also argue that the phrase “self-governed” is inaccurate in the context of the City Code. Like any HOA that is established by CC&Rs, the Coast Village HOA operates in a separate realm from the City Code. The City does not have an interest in enforcing the CC&Rs and has little interest in the workings of the governing HOA. Mentioning the HOA in the Code begs the question as to why the City is now concerned with HOAs. The sentence also assumes that the HOA will be in existence into the future, which is a matter for the CC&Rs, not for the City.” The Exhibits to the Ordinance 21 have deleted that sentence. Other than that change and updates reflecting the public involvement process, the Exhibits provided to Council are the same as those recommended by the Planning Commission.

FISCAL IMPACTS:

As proposed, the City should benefit from an increase in building permit sales and tax revenues over time as much of the housing stock is older and the city can expect the present housing to be upgraded due to these zoning changes.

ALTERNATIVES:

1. Close the public hearing and adopt Ordinance 21 as recommended by the Planning Commission.
2. Close the public hearing and adopt Ordinance 21 as recommended by the Planning Commission with changes directed by Council.

3. Continue the hearing to a date and time certain in order to gather additional information.
4. Close the public hearing and keep the written record open to a date and time certain, postponing deliberations to a future meeting.
5. Close the public hearing and deliberate or postpone deliberations to a future meeting.

STAFF RECOMMENDATION:

Close the public hearing and adopt Ordinance 21 as recommended by the Planning Commission.

CITY MANAGER'S RECOMMENDATION: Approve/Disapprove/Other

EXHIBITS:

- Ordinance 21, Series 2011
 - 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
- Additional Exhibits referenced in the Findings
 - 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