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**City of Florence  
City Council & Planning Commission  
Joint Meeting  
Florence Events Center  
715 Quince Street, Florence, Oregon  
Final Action Minutes  
November 18, 2019**

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

Meetings called to order at 5:30 p.m.

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Ron Preisler, Joshua Greene and Geraldine Lucio.

Councilors Absent: None

Commissioners Present: Chairperson John Murphey, Commissioners Sandi Young, Eric Hauptman, Brian Jagoe, Andrew Miller, Ron Miller and Phil Tarvin.

Commissioners Absent: None

Staff Present: City Manager Erin Reynolds, Public Works Director Mike Miller, Chief of Police Tom Turner, Planning Director Wendy FarleyCampbell, City Recorder / Economic Development Coordinator Kelli Weese and City Project Manager Megan Messmer.

Guests Present: Environmental Management Advisory Committee Member Michael Titmus.

**COMBINED COUNCIL – PLANNING COMMISSION PUBLIC HEARING**

**PUBLIC HEARING & ACTION ITEMS**

The public will have an opportunity to offer comments on public hearing items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speaker's cards are due at least five (5) minutes before the meeting. Comments will be limited to five (5) minutes per person. Speakers may not yield their time to others.

## **1. FLORENCE RESIDENTIAL HOUSING CODE AMENDMENTS**

### **A. RESIDENTIAL HOUSING CODE UPDATES**

Hear and consider written or oral testimony on the proposed amendments to Florence City Code Title 10 to adopt revisions to the residential development standards, definitions, and allowed uses, platting submissions and timelines, and housekeeping amendments and Title 11 to update land division code to reflect current state laws, permit additional lot types and permit phasing.

Start Time: 5:32 p.m.

Hearing Reading: CR Weese read the Land use Hearing Script and officiated the public hearing procedures.

Declarations: Commissioner Young – no conflicts;  
Commissioner Hauptman – no conflicts;  
Commissioner Jagoe – declared ownership of property within the medium-density residential district and holds a note on property within the Heceta Beach area, and that he is a current realtor in Oregon actively working with TR Hunter Real Estate.  
Commissioner Andrew Miller – no conflicts;  
Commissioner Ron Miller – no conflicts;  
Commissioner Tarvin – no conflicts;  
Chairperson Murphey – no conflicts;  
Councilor Woodbury – no conflicts;  
Councilor Preisler – no conflicts;  
Councilor Greene – no conflicts;  
Councilor Lucio – no conflicts;  
Mayor Henry – declared ownership of real estate within the City with no plans for any further development and declared his profession as a licensed mortgage originator.

Public Hearing: Opened at 5:36 p.m.

Handout: Staff Presentation  
Summary of Changes Table  
Public Testimony received from Ms. Brenda Gilmer

Discussion: The Planning Commission questioned staff on the following...

- Clarification on recommendation from FCC 10-10-4-E
- Clarification on if any feedback was received from the Department of Land Conservation and Development (DLCD),

Comments: Commissioners Jagoe, and Young.

Discussion: The City Council had no questions of staff.

Opponent 1: Brenda Gilmer  
Handout: Brenda Gilmer Speaker's Card  
Discussion: Ms. Gilmer discussed...

- Her status as an advocate for safe and legal shelter for those that do not have it,
- Clarification on the density increases and use allowances proposed
- Concern that the proposal only approves units that have their own toilet and kitchen as a dwelling. Belief that many people could not afford that type of unit and the proposed codes were not filling those needs.
- Concern that the definition of family is restrictive and does not respect alternative ways of living as a family including discrimination on the basis of marital status and sex.

Neutral 1: Kristie Wolfard  
Handout: Kristie Wolfard Speaker's Card  
Discussion: Ms. Wolfard discussed...

- Concern for the three spaces to be allowed at Churches and clarification for the requirements and term allowed for those sites,

Opponent 2: Jim Lindemann  
Handout: Jim Lindemann Speaker's Card  
Public Testimony received from Jim Linderman  
Discussion: Mr. Lindemann discussed...

- Concern that the proposed code amendments are unconstitutional, particularly as they relate to article 1 sections 9 and 10 of the United States Constitution and section 21 of the Oregon State Constitution,
- Clarification on the reasons for the unconstitutionality including restrictions on allowances for ex-post facto laws,
- Concern for the City passing retroactive zoning laws on existing residential neighborhoods,
- Concern the code amendments violate the separation of church and state by allowing monies to be appropriated to religion by allowing provisions that cross the line and raises questions of potential abuses of federal tax codes by tax exempt organizations,
- Concern that the proposed code amendments primarily benefit special interests and government bureaucrats over Florence residents,

- Concern for the infrastructure cost to the taxpayer, and decline in quality of life,

Neutral 2:

Nikolas Remer

Handout:

Nikolas Remer Speaker's Card

Public Testimony received from Nikolas Remer

Discussion:

Mr. Remer discussed...

- Working with LRS Architects and 3J consulting,
- Request for amendment to code section related to proposed building heights to propose heights be amended to allow for differentiation between single family and multi-family structures to allow for heights of 40 feet as opposed to 35 feet for multi-family structures, particularly to allow for the steeper roof pitches necessary in the coastal climate.

Staff Response:

Staff discussed....

- Clarification on the inclusion of a two-year time limitation for allowances of RVs at church locations, with the opportunity to apply for a two-year extension, and other requirements of the conditional use permit for such developments,
- Clarification on proposed density and use changes included in the code amendments,
- Review of the public testimony received from Mr. Reimer concerning heights allowed for multi-family residential structures and potential to allow for a limit for number of stories allowed,

Response:

PD FarleyCampbell and CM Reynolds

Discussion:

The Planning Commission questioned staff on the following...

- Clarification on the proposal from Mr. Reimer and its implications for the medium-density residential district,

Comments: Commissioners Jagoe and CM Reynolds

Discussion:

The City Council questioned staff on the following...

- Clarification on the proposal from Mr. Reimer and how roof pitch, and decision to wait until deliberation to discuss.
- Clarification on the constitutionality of the proposed code amendments.

Comments: Councilors Preisler, Greene and response from CM Reynolds

Public Hearing: The Planning Commission and City Council public hearing was closed at 6:53 p.m.

The City Council and Planning Commission took a break 6:54 p.m. – 7:01 p.m.

## **B. PLANNING COMMISSION DECISION**

Consider approval of **Resolution CC 19 03 TA 01**, a proposal to recommend the City Council approve Ordinance No. 7, Series 2019.

Discussion: The Planning Commission deliberated on the following...

- Consensus to approve recommendation from staff to amend Table 10-10-4-E,
- Review and consensus to approve potential amendments to Heceta Beach Neighborhood Cluster density requirements as recommended by staff to be 3,000 sq. ft, the average of medium and high density,
- Consensus to approve minor amendments to 10-10-8-C-4 and 10-35-3-1-B as recommended by staff,
- Discussion of request to extend maximum height allowances in the high and medium density zoning districts,
- Consensus to allow for a 40-foot height, three story maximum in the high-density residential zoning district,
- Code allowances for additional types of housing units, and lack of addressing affordability and methods to do so including addressing fees and other methods,
- Clarification on exceptions to construction of sidewalks,
- Discussion of testimony from the public on the definition of family and potential changes to allow the definition to be more inclusive, and consensus to amend code definition to allow for more kinds of families.

Comments: All Commissioners and Response from PD FarleyCampbell

Action: Approval of Resolution CC 19 03 TA 01 with the following amendments...

- Amendments to Exhibit I to...
  - Amend table 10-10-4-E to set density to 12 units per acre requirements for medium-density residential,
  - Allow for infill and existing lots sizes to use lot sizes in Table 10-10-4-B.

- Allow for a maximum height of 40 feet in the high-density residential zoning district by amending section 10-10-5-A-1.
- Amendments to Exhibit X to set the average density of the Heceta Beach Neighborhood Cluster district to 3,000 square feet per unit.
- Amendment to Exhibit B to amend the definition of family add adoption, guardianship or other custodial relationship, and continue to review during next code amendment process.

Motion: Commissioner Jagoe  
 Second: Commissioner Andrew Miller

Discussion: The Planning Commission and City Council discussed the following...

- Clarification on requirements for roof pitch,
- Comments: Councilors Preisler, Greene and Chairperson Murphey.

Roll Call Vote: Commissioner Young, 'Aye'  
 Commissioner Hauptman, 'Aye'  
 Commissioner Jagoe, 'Aye'  
 Commissioner A. Miller, 'Aye'  
 Commissioner R. Miller, 'Aye'  
 Commissioner Tarvin, 'Aye'  
 Chairperson Murphey, 'Aye'

### **C. CITY COUNCIL DECISION**

Consider approval of **Ordinance No. 7, Series 2019**, an Ordinance adopting legislative amendments to the Florence Realization 2020 Comprehensive Plan, Florence Zoning Map Legend, and Florence City Code Titles 10 and 11, to revise residential development standards and processes and amend land division processes.

Discussion: The City Council deliberated on the following...

- Clarification on when a 3/12 roof pitch would be required based on the Planning Commission's recommendation,
- Discussion on the allowance of flat roofs in any district,
- Clarification on the Planning Commission decision to set a 3,000 sq. ft. lot size for the Heceta Beach area,
- Potential to discuss opportunities for tiny houses with the next Code amendment process,

- Clarification as to whether the allowance for a 40 foot high roof in the high density residential district would apply to Planned Unit Developments.

Comments: Councilor Greene, Woodbury, Preisler, Mayor Henry and Chairperson Murphey. Response by CM Reynolds, PD FarleyCampbell, and CR Weese.

Action: First Reading of Ordinance No. 7, Series 2019 as amended with changes as recommended by the Planning Commission via approval of Resolution CC 19 03 TA 01, and the following additional amendments...

- Amendments to Exhibit I to...
  - Add high density residential to the statement in section 10-10-5-A for requiring at least a 3/12 roof pitch.

Vote: Unanimous

Action: Second Reading of Ordinance No. 7, Series 2019 as amended  
 Motion: Mayor Henry  
 Second: Councilor Woodbury  
 Roll Call Vote: Councilor Lucio, 'Aye'  
 Councilor Preisler, 'Aye'  
 Councilor Woodbury, 'Aye'  
 Councilor Greene, 'Aye'  
 Mayor Henry, 'Aye'

The Planning Commission Adjourned their Meeting at 7:36 p.m.

The City Council took a short break from 7:36 p.m. to 7:39 p.m.

## **CITY COUNCIL REGULAR SESSION**

### **2. PUBLIC COMMENTS – *Items Not on the Agenda***

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers Cards are due at least (5) minutes before the meeting. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 7:40 p.m.

Comments: There were no public comments.

Mayor Henry recognized Public Arts Committee Chairperson Harlen Springer for his appointment to the Oregon Arts Commission by governor Kate Brown.

## **CONSENT AGENDA**

### **3. ENGINEERING SERVICES FOR NORTH FLORENCE SEWER PROJECT**

Consider accepting the engineering services proposal from Kennedy Jenks Consultants in the amount of \$32,205 for engineering work related to the North Florence Sewer project and authorize the City Manager to proceed with a professional services contract.

### **4. EMERGENCY POWER GENERATOR PURCHASE**

Consider approving the purchase of a 175 KW emergency power generator from Cummins NW in the amount of \$44,897 as part of the Homeland Security Grant.

### **5. WASTEWATER PLANT PUMP PURCHASE**

Consider approving the purchase of a trailer mounted wastewater bypass pump for the Ivy Street pump station in the amount of \$35,500.

### **6. HOMEGROWN PUBLIC HOUSE & BREWERY LIQUOR LICENSE**

Consider recommendation of approval to the Oregon Liquor Control Commission (OLCC) for a new brewery liquor license for HG 541 Brew, LLC doing business as Homegrown Public House located at 294 Laurel Street.

Start Time: 7:41 p.m.

Action: Approve the consent agenda as presented.

Motion: Councilor Lucio

Second: Councilor Preisler

Vote: Unanimous

## **ACTION ITEMS**

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### **7. TREE CITY USA APPLICATION**

Consider approval of **Resolution No. 26, Series 2019**, a resolution authorizing the City of Florence Environmental Management Advisory Committee (EMAC) to apply for the designation of Tree City USA on behalf of the City of Florence.

Start Time: 7:42 p.m.

Handout: EMAC Presentation

Discussion: The City Council discussed...

- Appreciation for the work of the Environmental Management Advisory Committee,
- Comments: Mayor Henry and Councilor Preisler



Action: Approve Resolution No. 26, Series 2019  
Motion: Councilor Preisler  
Second: Councilor Greene

Comment 1: Sally Wantz  
Handout: Sally Wantz Speaker's Card  
Discussion: Ms. Wantz discussed...

- Question regarding the committee structure and the expenditure of \$20,000,

Response: CM Reynolds and PD FarleyCampbell

Vote: Unanimous

## **8. REGIONAL ACCELERATOR & INNOVATION NETWORK**

### **A. USDA RURAL BUSINESS DEVELOPMENT GRANT**

Consider approval of **Resolution No. 27, Series 2019**, a resolution authorizing staff to accept the US Department of Agriculture (USDA) Rural Business Development Grant in conjunction with the Regional Accelerator & Innovation Network (RAIN) for continued support of coastal entrepreneurship programs.

### **B. MEMORANDUM OF UNDERSTANDING**

Consider approval of the memorandum of understanding between RAIN and the City of Florence to support the increased entrepreneurship programs as a result of the USDA Rural Business Development grant.

Start Time: 7:53 p.m.

Guest: Aerial Rubin – RAIN Coastal Venture Catalyst  
Discussion: Ms. Rubin discussed...

- Appreciation for the Council's attendance at the Entrepreneur activation event and the tour of the Florence Maker's Space

Response: Mayor Henry

Action: Approve Resolution No. 27, Series 2019  
Motion: Councilor Greene  
Second: Councilor Lucio  
Vote: Unanimous

Action: Authorize the City of Florence to enter into a memorandum of understanding with RAIN.  
Motion: Councilor Lucio  
Second: Councilor Greene  
Vote: Unanimous

**9. FLORENCE EVENTS CENTER CATERING**

Consider providing direction to staff to proceed with a change to the Florence Events Center catering to provide in-house catering services.

Start Time: 7:59 p.m.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Staff time allocated to administration of catering services currently and potential future employees,
- Potential to work with school's catering program,
- Potential to perform catering outside the FEC activities,
- Availability of experienced temporary chefs,
- Clarification on the number of positions to be added,
- Potential to make the commercial kitchen available to local businesses,
- Appreciation for the increase in control over the commercial kitchen,

Comments: Mayor Henry, Councilors Preisler, Greene and Woodbury. Response by FEC Dir. Rhodes and CM Reynolds.

Action: Approve City Manager and FEC staff to implement the model of providing in-house food and beverage services at the FEC as proposed.

Motion: Councilor Greene

Second: Councilor Preisler

Vote: Unanimous

**REPORT & DISCUSSION ITEMS**

**10. QUARTERLY FINANCIAL REPORT**

Report on the City of Florence Fiscal Year 2019-2021 financials for the period ending September 30, 2019.

Start Time: 8:15 p.m.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Clarification on the property tax portion that is not paid,

Comments: Councilor Preisler

**11. OCTOBER COMMITTEE & COMMISSION REPORTS**

Report on the Committees & Commissions for the month of October 2019.

Start Time: 8:20 p.m.

Discussion: None

**12. CITY MANAGER REPORT & DISCUSSION ITEMS**

Start Time: 8:20 p.m.

Discussion: The City Council discussed...

- Appreciation for work on the housing code update
- Upcoming Council Meeting

**13. CITY COUNCIL REPORTS & DISCUSSION ITEMS**

Start Time: 8:22 p.m.

Discussion: The City Council discussed...

- Council activities in the community and community announcements

Meeting adjourned at 8:29 p.m.

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Joe Henry, Mayor

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John Murphey, Chairperson

**ATTEST:**

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Kelli Weese, City Recorder