
**City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
December 27, 2022**

Commissioners Present: Chairperson Sandra Young, Vice-Chairperson Andrew Miller, Commissioner Kevin Harris, Commissioner Ron Miller, Commissioner John Murphey, and Commissioner Phil Tarvin *(via Videoconference)*.

Commissioners Absent: Commissioner Hauptman.

Staff Present: Planning Director Wendy FarleyCampbell *(via Videoconference)*, Assistant Planner Clare Kurth, Contract Planner Roxanne Johnston, and Planning Technician Sharon Barker.

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

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

Planning Commission Years of Service Acknowledgement – Commissioner John Murphey and Commissioner Ron Miller

- Planning Director FarleyCampbell recognized and appreciated Commissioner John Murphey's and Commissioner Ron Miller's years of service with the Planning Commission, serving a combined 18 years. Commissioner Murphey joined the Commission in 2013 and Commissioner Miller joined in 2015 attending over 250 Public Hearings.
- Chairperson Sandra Young gave her thanks to Commissioners Murphey and Miller for their time and contributions to the Planning Commission.
- Very moving tributes to both Commissioners were given by PD FarleyCampbell and Commissioner Phil Tarvin.

1. APPROVAL OF THE AGENDA

Start Time: 5:41 p.m.
Action: Approve agenda as presented.
Motion: Commissioner Miller
Second: Commissioner Murphey

Vote: Unanimous 6-0

2. APPROVAL OF MINUTES

- December 13, 2022

Start Time: 5:41 p.m.

Action: No minutes were presented.

3. PUBLIC COMMENTS -Items Not on the Agenda

Start Time: 5:41 p.m.

Discussion: No Speaker's Cards or Written Comments were received.

PUBLIC HEARINGS:

4. RESOLUTION PC 22 18 COU 02 – 2686 Hwy 101 – Donnelly Food Truck POD

Continued from 12/13/2022...An application from Matt Donnelly requesting a Change of Use at 2686 Highway 101, located southeast of Highway 101 and 27th Street to allow for operation of a food truck POD. The vacant warehouse space is proposed to be remodeled as indoor storage, food prep area, dishwashing, and indoor beer garden and gathering area. Proposed outdoor changes include outdoor dining, additional ADA and bicycle parking, and water and electric connections for the food trucks.

Start Time: 5:42 p.m.

Process Reading: Commissioner Andrew Miller read the Public Hearing Script and Chairperson Sandra Young officiated the procedures.

Handouts: Public Hearing Script

Public Challenges: No public challenges were received.

No Commissioner declared a conflict of interest, ex-parte contact, or bias.

Public Hearing: Opened at 5:47 p.m.

Start Time: 5:47 p.m.

Handout: Staff Presentation

Discussion: AP Kurth presented the staff presentation. City of Florence does not have code specific to food trucks and food truck pods; application was processed as a restaurant. She presented the staff recommendation that the proposed application be approved with conditions.

- Issue 1 to accept an itemization methodology for establishing required parking.
- Issue 2 to accept color as proposed.

- Issue 3 to increase required percentage of landscaping; additional 1,400 square feet and bring tree and shrub count to current code.

Discussion: The Planning Commission discussed...

- No discussion.

Discussion: Applicants Matt Donnely and Dan Lofy...

- They have read the revised Findings of Fact and understand them.

Public Hearing: Closed at 6:06 p.m.

Discussion: The Planning Commission discussed...

- Calculating required parking methodology.
- Willing to accept parking proposed by applicant.
- Understanding parking space breakdown for food trucks.
- Proposed color palette does not meet muted northwest palette. Black is a primary color.

Comments: Commissioners Murphey, Andrew Miller, Chairperson Young.

Discussion: Staff discussed...

- The future Human Bean and Florence Motorsports storefront have similar palettes using dark grey and black exterior colors.
- Black and white are not considered primary colors.
- Requesting applicant to supply accent colors such as door, roof, and the trim; whether paint will be glossy, satin, or matte.
- Recommending Findings draw from the colors allowed in the Pacific View Industrial Park such as dark clay colors which includes dark grey. Clay does come in a variety of colors.
- Human Bean palette was approved by the Planning Commission and Florence Motorsports did not go through an approval process.

Comments: AP Kurth and PD FarleyCampbell.

Discussion: Applicant discussed...

- Paint would be either satin or matte. Most likely using satin as it would be easier to clean.
- Doors would be glass doors with trim being black or dark grey.
- Roof would be standard tin.

Comments: Mr. Donnelly.

Discussion: Planning Commission discussed...

- *Inaudible discussion on landscaping.*
- Allowing trees to be planted in containers?
- Allowing wooden fence with shrubs in front of it with trees in planters sized appropriately in the seating area.

Discussion: Applicant discussed...

- Possibility of installing a short fence and using rhododendrons for landscaping as they thrive here in Florence.
- Trees are more difficult to maintain.

Comments: Mr. Donnelly.

Discussion: Staff discussed...

- Fencing allowed by Florence City Code maximum height is four feet.
- Other cities allow trees to be planted in containers no smaller than twenty gallons.
- Adding conditions for grease interceptor requirement and parking required to be asphalt and stormwater treatment considered.
- Code does allow Planning Commission to make color adjustments or request applicant to tone color down to dark grey.

Comments: AP Kurth, Planner Johnston, and PD FarleyCampbell.

Action: Approval of the resolution with conditions of approval presented by staff along with Planning Commission decisions on parking, color and landscaping.

Motion: Commissioner Murphey

Second: Commissioner Ron Miller

Vote: 4-1

5. RESOLUTION PC 22 22 CUP 04 – Port of Siuslaw Bulkhead Repair:

An application for Conditional Use Permit from the Port of Siuslaw seeking approval to install approximately 900' of sheet pile wall at the damaged side bank along the Siuslaw River, adjacent and south along the Port of Siuslaw Campground. Property is located on the Siuslaw River at Map No. 18-12-26-00, Tax Lot 00701, in the Waterfront/Marine District regulated by FCC Title 10 Chapter 24 as well as Development Estuary regulated by FCC Title 10 Chapter 19.

Start Time: 6:42 p.m.

Public Hearing: Opened at 6:43 p.m.

Start Time: 6:43 p.m.

Handout: Staff Presentation

Discussion: Planner Johnston presented the staff presentation. She presented the staff recommendation that the proposed application meets the applicable criteria of City Code and Florence Realization 2020 Comprehensive Plan with conditions shown in amended resolution and amendments in exhibits with the following conditions:

- 4. Site shall be kept as clean as possible to reduce unsightliness. Equipment maintenance and repair will be confined to one location. The contractor shall have spill kits on site.
- 5. For the short duration of this project, the applicant shall adhere to a strict operations schedule. This will include the provision to not start any work before 8:00 a.m. and to cease all work by 5:00 p.m. Monday through Friday.
- 6. The applicant estimates the beginning of construction December 14, 2022 to its completion date of February 2023 (Exhibit C). These dates may change, however, and if the project is not completed within 6 months or upon expiration of required agency permits, the applicant shall notify the Planning Department.
- 7. The primary vegetation at the top of the bulkhead is grass. If vegetation removal is necessary, the applicant shall apply for a vegetation removal permit due to the property's location and potential scenic view implications (as per FCC 4-6-3).
- 8. Any significant design change to the proposal will be subject to a Conditional Use Permit Modification.
- 9. If construction results in loss of shoreline vegetation that are not included under the revetment application; native riparian vegetation shall be replanted in these areas. If construction results in loss of shoreline vegetation that are not included under the revetment application; native riparian vegetation shall be replanted in these areas.
- 10. The applicant shall ensure a buffer of riparian vegetation is provided in the space between existing land side uses and the top of the bank.

- 11. The DSL permit shall include erosion control measures that are at a minimum required. The applicant is required to adhere to DSL's erosion control conditions outlined in the permit authorization. Additional measures must be taken as applicable to comply with Portland Erosion and Control Manual to keep soil on site, out of water bodies, storm drainage systems, or the public right-of-way.
- 12. The property owner shall make no sand leaves the site during construction, except as occurring during tidal changes as sedimentation from the reconstruction.

Discussion: The Planning Commission discussed...

- Under condition 11 of Approval, recommend deleting first sentence as we are not able to condition DSL.

Comments: Chairperson Young.

Discussion: Staff discussed...

- In agreement that first sentence of Condition 11 of Approval will be removed.

Comments: Planner Johnston and PD FarleyCampbell.

Discussion: Applicant discussed...

- Existing wall cannot be repaired.
- Sheet pile wall will give many years of protection.
- Conditions of approval are understood.
- If window of repair is missed, will not be able to start until November 2023.

Comments: Port of Siuslaw Consultant John Akins.

Public Hearing: Closed at 7:09 p.m.

Action: Approval of the resolution with modifications to Condition 11.
 Motion: Commissioner Murphey
 Second: Commissioner Ron Miller
 Vote: Unanimous (5-0)

Planning Commission took a break from 7:11 p.m. to 7:22 p.m.

6. **RESOLUTION PC 22 15 DR 06 – Dairy Queen Design Review**

John Odom submitted a Design Review application for a complete reconstruction of Dairy Queen, a pre-existing nonconforming use destroyed by fire in 2021. The project would include use of the existing footprint and site conditions with minor changes. Site is located at 125 Highway 101, Old Town Way and Kingwood Street on the southern half of Assessor's Map No. 18-12-34-11, Tax Lot 10800. The

property is zoned Mainstreet District/ Area A regulated by Florence City Code Title 10 Chapter 27.

Start Time: 7:23 p.m.

Public Hearing: Opened at 7:24 p.m.

Start Time: 7:24 p.m.

Handout: Staff Presentation

Discussion: Planner Johnston and AP Kurth presented the staff presentation. They presented the staff recommendation that the proposed application meets the requirements of Florence City Code with the following conditions and recommended changes to the proposed Design Review findings and approve as amended with the following:

- 4.1 The new striping of the parking lot shall meet minimum requirements in accordance with FCC 10-3-9.
- 4.2 Required off-street parking for nonresidential uses shall not be used for loading and unloading during regular business hours, as outlined in FCC 10-3-2 D and F.
- Removing Condition 4.3 as it is the same as Condition 4.
- 4.4 Removed from Findings of Fact, but not Conditions of Approval. Will be removed for consistency.
- 4.5 The Public Works Director raises concerns (Exhibit G) that the width of the sidewalk connection from the drive isle to the sidewalk along Highway 101 (Exhibit D) is not indicated on Sheet A1.1 and does not meet ADA standards. The sidewalk shall be ramped down to the pavement of the Dairy Queen drive isle and meet all ADA requirements for slopes. The connector sidewalk should be a minimum of five feet in width.
- 4.6 Access to the street for both pedestrians and vehicle is clearly marked on the site plan. The change in drive-thru layout will result in pedestrians crossing traffic in the drive-thru queue. Pathways or walkways of a different material and/or a raised surface shall be installed at drive-thru crossings both on the northeast of the building, for pedestrians traveling from the parking lot to the main entrance, and on the southeast connecting the pedestrian path from Highway 101 and the four southeast parking spaces to the building and on-site sidewalks. Any future pedestrian access point

shall also have designated paths or walkways meeting these conditions in accordance with FCC 10-35-3-2.

- 4.7 Per FCC 10-3-9C, all striping in the parking area shall be a minimum of four inches wide.
- 4.8 All bicycle parking shall meet minimum dimensions in accordance with FCC 10-3-10A.
- 4.9 The bicycle parking area shall be clearly marked and reserved for bicycle parking only in accordance with this FCC 10-3-10G.
- 5.1 All approved Design Review conditions, unless otherwise stated, shall be met prior to final inspection.
- 5.2 The depth of the proposed cultured stone skirt and parapet facing is unknown. The applicant shall ensure that the proposed masonry contain a minimum 2 ½" solid veneer material per FCC 20-6-6-4 A2.
- 5.3 The applicant shall ensure that the proposed coping measures a minimum 4" per FCC 10-6-6-5A 6.
- 5.4 The applicant shall ensure that all roof-mounted components such as mechanical equipment is not visible from the street-level public rights-of-way per FCC 10-6-6-5 B6.
- 5.5 The applicant's approval for Design Review of the proposed exterior modifications shall expire on December 27, 2023 in accordance with FCC 10-6-11.
- 5.6 Per FCC 10-6-6-4 A1, neither metal nor vinyl siding shall be permitted (for Planning Commission review).
- 5.7 The color red is proposed for the panels under the roofline and the door handle and is not allowed per FCC 10-6-6-4 G. Therefore, all exterior materials and colors shall meet the Northwest Color Palette. This excludes signage (for Planning Commission review).
- 6.1 Per FCC 10-27-5 C3, all ADA access requirements shall be met prior to issuance of building permits.
- 7.1 The landscaping plan includes specification of soil to be used and states 'drip irrigation with automatic timer installed to plantings.' An anticipated planting schedule was not included. Landscaping required to screen headlights on the lot from Highway 101 traffic shall be installed prior to issuing a Certificate of Occupancy of final building permits. All other planting associated with this landscaping plan shall be completed within six months of approval.
- 7.2 Vine maples do not count towards the required number of trees, although they do count towards the total amount of landscaping required. Therefore, seven

of the seventeen trees required are proposed in this landscaping plan. The applicant shall provide an updated landscaping plan with the additional ten trees that meet minimum planting recommendations.

- 7.3 The proposed landscaping plan indicated a proposed one hundred thirty shrubs from the Tree and Plant list of approximately nineteen species and varieties. However, approximately one hundred two of these shrubs are on the property and the remaining approximately twenty-eight are in the public ROW. The applicant shall provide an updated landscaping plan with these two additional shrubs or an inventory of the native vegetation area that is on this lot to demonstrate meeting minimum shrub counts.
- 7.4 The applicant does not state the anticipated percentage of plants to cover the required landscaping areas within five years. However, the east property line appears to fall below the required 70% living plant material coverage. All landscaped areas required for this lot shall be maintained at 70% in accordance with this code section.
- 7.5 All ground cover plants are proposed to be planted from recommended container sizes. All plants shall be spaced no more than the maximum distance allowed in accordance with FCC 10-34-3-4 A1.
- 7.6 All shrubs planted shall be of at least the minimum recommended planting size or container size in accordance with FCC 10-34-3-4 A2.
- 7.7 All trees planted shall be of at least the minimum recommended planting size or container size in accordance with FCC 10-34-3-4-A3.
- In 1978, the land use decision (Exhibit K) approving the development of Dairy Queen on this lot established that this property required more extensive landscaping here than they do in other cities; due to this being more desirable to the people of Florence.” Landscaping surrounding the building shall be replaced to the same or greater square footage as before, but is not required in the same location as previously.
- 7.9 The applicant shall either install a variety of Escallonia or other evergreen shrub that will reach a minimum of three feet in height at maturity, or install a taller berm along the entire east side of the property to properly screen headlights from the Dairy Queen

parking lot to minimize vision interruptions to drivers on Highway 101.

- 7.10 A minimum of three-foot evergreen vegetation shall be installed constantly along the entire southern and eastern property lines in accordance with FCC 10-34-3-7A.
- 7.11 The native vegetation area on the southeast corner of the lot is necessary for screening headlights from the drive-thru. In accordance with FCC 10-34-3-7A, detailed information regarding the native vegetation shall be submitted to the City for review.
- 7.12 No maintenance schedule has been submitted. All plants shall be properly maintained to ensure health and success of the plantings. Any failed or removed planting shall be replaced with an equivalent specimen in accordance with this code section.
- 7.13 The 1978 Planning Commission (Exhibit K) established that "Dairy Queen would landscape the right-of-way immediately abutting the west end of their property to the street level." This continues to be in effect and the applicant or property owner shall landscape and maintain all landscaping from the west property line west to street level of Kingwood Street.
- 7.14 Root guards shall be installed as needed to protect the physical integrity of public sidewalks and public ROW per FCC 10-34-4 D.
- 8.1 Per FCC 10-37-3, the applicant shall submit a photometric plan that displays the lumen output for each exterior lighting fixture. This plan shall be submitted as a Type II application for Administrative Review to the Planning Department prior to issuance of building permits.
- 8.2 The applicant shall ensure lighting fixture selected are full cut-off fixtures or have a shielding method to direct light emissions downward below the horizontal plane onto the site and that lighting fixtures do not project light skyward or onto adjacent or nearby property. Lighting fixture information shall be provided for review and approved by the Planning Department prior to issuance of building permits.
- 8.3 The applicant states in Exhibit B that lighting is not proposed for the parking lot as it was not existing previously. Resolution PC 17 11 DR 03, Condition 6.3 required that light fixtures shall be added where parking illumination does not meet the two-foot candle

minimum. FCC 10-37-4 requires a minimum of at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The applicant shall ensure that sufficient plans are submitted meeting this code requirement.

- 8.4 The zoning west of the project site is Low Density Residential. All mounted lighting on the site shall be below twenty feet in height as outlined in FCC 10-37-4 C.
- 8.5 Per FCC 10-37-4 D, main exterior lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security issues.
- 8.6 All lighting for roadways signs and pedestrian ways shall be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position per FCC 10-37-4 G.

Discussion: Planning Commission discussed...

- Clarifying number of shrubs required on Condition 7.3.
- Clarifying verbiage of Condition 7.8

Comments: All Commissioners present.

Discussion: Staff Discussion

- Currently, there are a total of twenty-eight shrubs in the public ROW; thirty are required.
- Landscaping shall be replaced to the same or greater square footage as before; but it is not required to be placed in the same location as previously.

Comments: AP Kurth

Discussion: Applicant discussed...

- Keeping majority of site as is.
- Replacing existing curbs adjacent to building.
- Condition 7.8 will be technically impossible due to reorienting the building.
- Requesting to strike Condition 4.1. We do not have the ability to modify parking stalls. Current parking stalls are nine feet wide and would lose two parking stalls if modified. Requesting to restrike as is.
- Rain garden is a cost preventive item.

- Regarding Conditions 5.6 and 5.7, will be using burnt orange color and will be using same colors as prior to fire. Red door handles are Dairy Queen signature items and request to keep.

Comments: Mr. John Odom and Mr. M. Landon.

Discussion:

Planning Commission discussed...

- Clarifying color shown as red or burnt orange on exterior panels.
- Addressing not adding rain garden.
- Metal panel appears to be decorative and not structural.
- Adding condition for staff and applicant to work out a solution for the rain garden.
- SE facing elevation is a very bland wall; suggesting adding a band of the Dairy Queen striping to wall.

Comments: All Commissioners present.

Discussion:

Applicant discussed...

- Dairy Queen red is actually burnt orange.
- Do not have budget to add rain garden; it is cost prohibitive.
- City has already tested drainage; it is a preexisting system that works.
- Preferred panel is Apolic panel which is a high-end metal. It is a non-reflective metal.
- Using existing curbing.
- Could add material banding on the back side of building to improve appearance.

Comments: Mr. John Odom and Mr. M. Landon.

Discussion:

Staff discussed...

- Eye brow lighting can be amended.
- Code is written that neon is not permitted.
- Possibility of restriping parking stalls to code and not lose spaces. Needing to reword Condition 4.1.
- Code comes from Downtown Architectural Design.

Comments: Planner Johnston and PD FarleyCampbell.

Public Hearing:

Closed at 9:04 p.m.

Action:

Approval of the resolution with conditions as discussed.

Motion:

Commissioner Ron Miller

Second:

Commissioner Harris

Vote:

Unanimous (5-0)

7. REPORT & DISCUSSION ITEMS

- Planning Commission's Report & Discussion Items
- Director's Report & Discussion Items

Start Time: 9:06 p.m.
Discussion: Planning Commission discussed...

- No discussion.

Start Time: 9:06 p.m.
Discussion: PD FarleyCampbell discussed...

- System Transportation Plan open house has been moved.
- Final Stakeholder changed to February 2nd.

Comments: All Commissioners Present

8. PLANNING COMMISSION CALENDAR

Start Time: 9:07 p.m.
Discussion: The Planning Commission discussed...

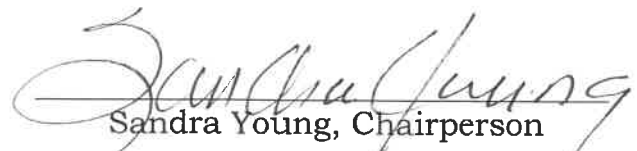
- Upcoming Planning Commission meetings and agenda items and correction to calendar.

Comments: All Commissioners present.

Meeting adjourned at 9:10 p.m.

ATTEST:


Sharon Barker, Planning Technician


Sandra Young, Chairperson