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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
November 8, 2022**

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

Chair Young called the meeting to order at 5:31 PM.

Commissioners Present: IN HOUSE: Chair Sandra Young, Vice-Chair Andrew Miller, Commissioner Eric Hauptman, Commissioner Phil Tarvin, Commissioner Kevin Harris, Commissioner Ron Miller  
Excused absence: Commissioner John Murphey

Staff Present: Planning Director Wendy FarleyCampbell. Assistant Planner Clare Kurth, Planning Technician Sharon Barker (virtually), Management Analyst Peighton Allen

At 5:31 PM, Chair Young opened the meeting, Kurth gave the Roll call. Commissioner Ron Miller led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:32PM

Action: Approved

Motion: Comm. R. Miller

Second: Comm. Hauptman

Vote: 6-0

There was no discussion on the agenda and it was approved unanimously.

**2. APPROVAL OF THE MINUTES: September 27, 2022, approved unanimously**

Start Time: 5:33

Action: Approved

Motion: Comm. A. Miller

Second: Comm Hauptman

Vote: 6-0

**APPROVAL OF THE MINUTES: October 11, 2022, approved unanimously**

Start Time: 5:34

Action: Approved

Motion: Comm. Tarvin

Second: Comm. Harris

Vote: 6-0

**3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:**

No public Comments:

Chair Young relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases and the right of the public to challenge any commissioner's ability to hear this matter.

Chair Young asked the Commissioners if they would like to declare a conflict of interest, ex-parte contacts/communications, or bias. There were no declarations of conflicts of interest.

There were no ex-parte contacts declared

There were no bias declared.

No citizen present wished to challenge any Commissioner.

Chair Young: 4th Item on the Agenda tonight is a Public Hearing for Resolution **PC 22 17 DR 07**

**Resolution PC 22 17 DR 07 — Holman Partial Design Review and Code Interpretation:** Continued from October 25, 2022. An application submitted by Matt Holman of P&B Holman, LLC, requesting a partial design review and code interpretation for a proposed mixed use building related to building height, use of a mezzanine/loft in relation to the number of stories allowed.

**Hearing opened 5:38 pm**

**Chair Young:** The written record was left open at the end of the hearing on October 11, 2022. The written record was left open for 7 days so that the applicant could submit final written argument. We will now hear an update from staff and start deliberations.

Chair Young asked Kurth to present the Staff Report. Kurth provided a brief review of the application PC 22 17 DR 07. The partial design review and code interpretation was requested by the applicant. The Planning Commission held a public hearing on October 11, 2022, followed all public meeting rules that were applicable, and the applicant requested to leave the written record open for the final statement. The final statement was received with the seven-day deadline on October 17, 2022. The deliberation was set for a date certain on October 25, 2022, and the staff had asked for an extension because of unforeseen staffing issues. The applicant was agreeable to the extension. The Planning Commission voted on the extension to allow us to continue to November 8, 2022. Just as a refresher the location was shown on a slide on the screen. The location of the property in Old Town District A. A reminder was given about the maximum height limitation of 30' and that there can only be 2 stories. Issues and decision points were discussed: Does the building design meet FCC for Old Town District A's maximum of a 2-story building? Does the uppermost level meet the definition of a story, or does the upper most level meet the definition of a mezzanine? The applicant submitted a final written rebuttal on October 17, 2022, which was received from Studio E Architecture on behalf of the applicant. They cited the 2021 the IBC complete code commentary (IBC Complete Code Commentary 505.2.3 exc.1). The IBC is the code that the Oregon Building Division bases all their building codes from which is why the applicant cited it. The applicant also cited the 2019 OSSC and the 2021 IBC mezzanine definitions are the same. The applicant stated in the rebuttal is that they met the openness exception 1: Mezzanine or portions thereof are not required to be open to the room in which the mezzanine is located, provided that the occupant load of the aggregate area of the enclosed space is not greater than 10. The mezzanine does have an occupant load less than 10. Applicants are stating that the floor area required allows for it to be enclosed. Also on the slide is a clarification from the 2021 IBC submitted in the written rebuttal and it talks about the reason for the openness and the 42" maximum wall for fire life safety issue, this is in your packet as Exhibit E. Kurth provided expert staff input, from the public hearing. Dave Mortier, City's Building Official and Building Inspector, stated that the building's uppermost level does not meet the criteria for a mezzanine. Mortier suggested that staff ask for a second opinion from another staff member of Northwest Code Pro, a third-party contractor for

the City of Florence. Staff contacted David Leifheit (Exhibit F) who stated that in his opinion this is a 3-story building and that the 3<sup>rd</sup> floor does not meet the definition of a mezzanine per 505.2.1 exc. 3. From The October hearing, we are going to review 'story' and 'mezzanine.' 'Story' is the portion of the building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling (FCC 10-2). 'Mezzanine' is that floor or mezzanine story. "1 a: a low-ceilinged story between two main stories of a building; an intermediate or fractional story that projects in the form of a balcony over the ground story also the definition from OSSC on October 11." David Leifheit provided a story overlay of the building design based on Mortier's overlay; Leifheit says that it meets the classification of a third story but at best it would be required to be an open mezzanine rather than a fully enclosed level. The Conclusions slide first given to the Commission on October 11<sup>th</sup> meeting was shown, and it demonstrates that the proposed building design does not meet the definition of a mezzanine or a loft. The uppermost level of this building most closely meets the definition of a story and the Old Town District A only allows 2 stories. Alternative slides were shown. Staff recommends Alternative 5.

Chair Young instructed staff that they will be entering directly into deliberations and asked the Commission for input.

Comm. R. Miller asked that if the Commission allowed this, would it be a third story? Chair Young said, "If Commissioners decide that it is a third story."

Comm. R. Miller: "So that would open the door for other people to have 3 stories where the code only allows 2."

Kurth said that her understanding is that what we are decided tonight is if the uppermost level meets the definition of a mezzanine. Is it therefore part of the second story, so if you were to approve as a two-story building you would still go through a full design review process later? She further explained that this is just a partial design review, which is her understanding, just to determine if this is a two-story building or something different.

FarleyCampbell said that the Commission is going to determine if they will use Webster's definition of a mezzanine or use the State's building codes definition of mezzanine. That is the first thing that the Commission should settle on and then once you do that, does it meet those definitions? "Planner Kurth has given in her presentation Webster's and that which is proposed does not meet Webster's, and then if you use the building codes definition, which is what the applicant is proposing then does it meet the building divisions definition of mezzanine? You basically have two entities; one says it meets it and the other says it doesn't. The Commission has to decide which definition that are going to go with."

Comm. Tarvin said that he doesn't know if the building code definition is of any import to the Commission, this is a zoning issue and that part of this situation is that there is a maximum of two stories with an additional profile that they won't be more than 30' tall. The reason for the two stories is probably part of a density situation. He also believes that zoning is not controlled by our third-party entities, and that the definition in the zoning code is quite clear.

Chair Young asked staff to put the proposed definition up on the screen. Young explained that the proposed resolution is in the packet that the PC received. The Commission looked at Alternative 5 as proposed by staff, and that at some point the Commission was either to make a decision on whether to approve the recommendation from staff or to approve something different depending on what the Commission thinks, and if that were to happen then the resolution would need to be modified, depending on whatever the Commission is basing their other decision on. Chair Young said that if there is no more discussion or questions we can proceed.

FarleyCampbell directed the Commission in their recommendation to state exactly what they would recommend – "I recommend approval of the Resolution," and to look at the third paragraph from the bottom as it says "the request for a partial design review found that the upper most level of the proposed building meets the definition

of a story.” If the Commission would like to make a different decision, then the Commission would modify highlighted part that was shown on the screen.

Chair Young thanked FarleyCampbell for the clarification and that to look at the final line in the paragraph that says “The proposed design is a 3-story building. The Planning Commission Design Review Board denies the partial design review permit. This is what the proposed resolution does, if that is what the Commission would like to do, can we have a motion to adopt this resolution or we can do something else?”

Comm. Hauptman motioned, “ In regards to Resolution PC 22 17 DR 07 that the request for partial design review found that the uppermost level of the proposed building meets the definition of a story, two stories are the maximum allowed out in the underlying zoning district, Old Town District A. The proposed design is a three-story building, the Planning Commission Design review board denies the partial design review permit.”

Motion: Comm Hauptman  
Second: Comm R. Miller  
Chair Young: yes  
Vice Chair Andrew Miller: yes  
Comm. Hauptman: yes  
Comm. Tarvin: yes  
Comm. Harris: yes  
Comm. R. Miller: yes  
Comm. Murphy: Absent  
Vote: 6-0 – Motion passed  
Hearing Started: 5:38  
Ended: 5:57

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**Agenda Item #5 PC 22 13 ANN 02 and PC 22 14 ZC 02 – 88265 Rhododendron Dr. Smoke-Heceta Investments Annexation and Zone Change**

Planning Commission will deliberate petitions from Alan Smoke and Greg Johnson, for Heceta Investments, LLC to annex approximately 2.60 acres of property and apply a City of Florence zoning designation to annexed lands. The applicant’s proposal consists of annexing property described as 88265 Rhododendron Drive Assessors Map No. 18-12-04-44, Tax Lot 04101 and assigning zoning of Medium Density Residential. The property is located approximately 739 feet SE of the intersection at Rhododendron Drive and Heceta Beach Rd. The Planning Commission decision will be a recommendation to City Council for consideration at a hearing tentatively scheduled for December 12<sup>th</sup>

Johnston presented staff report and talked about noticing requirements met and various criteria used. October 19, 2022 media notice was posted. Criteria from the ORS was listed; OAR statutes were listed. Comprehensive Plan criteria was listed: Urbanization 1-7. FCC Code Criteria was listed. Aerial of annexation area was shown. She pointed out properties that were recently annexed nearby. Tax map was shown. Proposed zoning assignment was shown and Johnston explained the maps. In Exhibit E, a referral comment from Lane County, they said they didn’t have a problem with this but cautioned traffic concerns with future development on Heceta Beach Road and Rhododendron Drive. Johnston showed a slide that provided details on Exhibits G and G1 which were public comments. It showed the following concerns: “Environment (loss of trees, dark skies), traffic (roadway congestion & danger at intersection at Heceta Beach/Rhody), sewer and water source.” There was a question on sewer and water source concerns. Water source will be Heceta Water. There could be in the future City water. Future development costs will be covered by system development charges. They will have City Police coverage. Property will still be covered by fire and water. The petition was 100%, representing more than half of the majority, she discussed, as pointing out the triple-majority rule on the slide. The contiguous property to City limits was shown to be Rhododendron Dr. Alternatives provide a recommendation to City Council, deny, or give a

different zone recommendation. The property is slated to be developed, but we are not talking about tonight we are just talking about the annexation.

**Questions:**

Comm. Tarvin asked if proposed zoning district is Medium Density Residential (MDR)? I noticed on development plan that you provided. Although the typical lot does meet the minimum plat first if they need an exception, they will bring it to Commission for approval. Johnston explained that if the lot sizes don't meet code, then the development application will require a hearing in front of the Commission.

Comm. Hauptman: Assuming they make a development plan, will they need a traffic plan?  
Johnston said that it may need one.

Applicant Alan Smoke said that he did not have anything to add. We are just asking to be annexed into the city to take an advantage of the services. Alan Smoke said that he understands staff report and findings of fact.

No verbal public testimony.

Chair Young asked for recommendation one more time.

Johnston recommended Alternative #1, that it gets sent to City Council as presented. Staff does not recommend any modifications.

Record was not continued and record was not left open.

Hearing ended 6:18 pm

Motion by: Comm. R. Miller to approve PC 22 13 ANN 02 and PC 22 14 ZC 02

Second: Comm. Hauptman

Comm. R. Miller

Comm. Harris: yes

Comm. Tarvin: yes

Comm. Hauptman: yes

Vice Chair A. Miller: yes

Chair Young: yes

Comm. John Murphey Absent

Motion Carried: 6-0

Hearing Started: 5:59

Hearing Ended: 6:18

**Committee Reports:**

Chair Tarvin in regards to veg perseveration, they will talk to the EMAC on 11/15 for them to vote on, bring that for a work shop and any other public meetings and then be brought to the City Council.

**Director's report:**

Mike Miller provided an update on development of 3 Mile Prairie, which he had visited recently. He explained they started 4 homes, 2 occupied and 2 models. There were 2 more being installed now and 4 of 5 foundations. As to Stonefield, he explained that he had been working with the engineer and the contractor working on storm water, and storm water management. They want to do standard curb instead of curb and gutter, but Miller wants them to do curb and gutter for stormwater. They are wanting to do the right thing for the City, they tried gravity sewer but not sure if that works, the developer will have to put in a sewer pump station, if the city gets gravity on Rhododendron, then the pump station will be removed. The other large develop is the HWY 101

complex they have completed connection to the city water system (Shore Pines). They poured and installed manholes in the pipe. PCP pipe will be removed. They are on schedule looking at 2024 for occupancy. Within the next 6 and 8 months is the realignment between Wild Winds and 35<sup>th</sup> going to construction in spring or summer 2023. This would take 2 years.

Miller said the Estuary Trail project is getting ready to go to land use and hoping this will happen this late spring. We have a number of grants, Miller Park playground equipment, that is moving forward, it is taking \$200,000 for the park project. Close to getting this fully funded through grants. Rolling Dunes would have pickle ball courts. Dedicated to restriping everything, with close to 9 pickle ball courts. A Grantor said to Miller that they have more money and if the City wanted to expand the project. We will receive \$151,000 for that grant. Miller has staff on hand that writes some of the grants.

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**Reports and Discussion Items:**

Comm. Tarvin provided a Vegetation Preservation update.

Chair Young asked if we are getting results on the housing survey.

**Directors Report and Discussion Items:**

Director FarleyCampbell discussed the Housing Implementation Plan. She said that it has had a tremendous response. The next housing open house is November 10, 2022. She talked about progress on the Transportation Systems Plan update, which had its 1<sup>st</sup> open house on November 3<sup>rd</sup>.

The Benedick zoning assignment was appealed to LUBA, then remanded and the City Council held a meeting where they adopted a supplemental ordinance to the findings acknowledging and remedying the reason for the remand. We are recruiting for 2 Planning Commissioners; recruitment period is open please encourage folks to apply. Nov 22 may be a hearing on Fairway Estates, in the area they cleared, that is the last date it can be heard before the 120-day period has ended. It has been noticed to the public. We do not have anything for the 13<sup>th</sup> and the 27<sup>th</sup> of December 2022.

**Calendar:**

On November 8<sup>th</sup> is an Annexation

November 7, 2022 the City Council will be hearing an application on a mural.

November 22, 2022, we do not have anything on that date but expect to have something for that date.

The meeting adjourned at 6:42 PM.

ATTEST:

  
Sharon Barker, Planning Technician

  
Andrew Miller, Planning Commission Vice-Chair

# Holman-Nopal Street Mezzanine Partial Design Review PC 22 17 DR 04



## Review

- Partial Design Review and Code Interpretation request for story/mezzanine
- PC held public hearing Oct 11, 2022
- Applicant requested to submit final argument
  - Received on Oct 17<sup>th</sup> before 7-day deadline
  - Deliberation set for date certain - Oct 27, 2022
  - Extension requested by the City for Nov 8, 2022 - applicant agreeable and PC voted to approve extension.

Holman St Mezzanine Partial Design Review  
PC 22 17 DR 04

11/08/2022 ●

## Vicinity Map



### Old Town District A

- Proposed building site;  
Nopal Street between 1<sup>st</sup>  
Street and Bay Street.



Holman St Mezzanine Partial Design Review  
PC 22 17 DR 04

11/08/2022 ●

## Title 10: Chapter 17: Old Town District

### 10-17-A-4 Site and Development Provisions for Area A

- A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area A shall be two (2) stories above grade with a maximum of thirty feet (30').**



Holman St Mezzanine Partial Design Review  
PC 22 17 DR 04

11/08/2022 ●

## Issues & Decision Points

- Does this building design meet Florence City Code Old Town District A as a maximum of a 2 story building
- Does the upper most level meet the definition of a story.
- Does the upper most level meet the definition of a mezzanine.



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## Applicant Rebuttal

- Written statement received Oct 17, 2022 from Studio.e Architecture on behalf of applicant.
- Cited 2021 IBC Complete Code Commentary
  - 505.2.3 exc. 1
- 2019 OSSC and 2021 IBC mezzanine definitions are the same

**505.2.3 Openings.** A mezzanine shall be open and unobstructed to the room in which the mezzanine is located except for walls not more than 42 inches (1067 mm) in height, columns and posts.

**Exceptions:**

1. Mezzanines or portions thereof are not required to be open to the room in which the mezzanine is located, provided that the occupant load of the aggregate area of the enclosed space is not greater than 10.
2. A mezzanine having two or more exits or access to exits is not required to be open to the room in which the mezzanine is located.
3. Mezzanines or portions thereof are not required to be open to the room in which the mezzanine is located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area.

Holman St Mezzanine Partial Design Review  
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## Applicant Rebuttal Cont'd

- The mezzanine has an occupant load less than 10 and meets floor area req. allowing it to be enclosed.
- 2021 IBC clarifies the reason for the 42" wall height and rules for openness for fire and life safety.

♦ A mezzanine presents a unique fire threat to the occupant. If a mezzanine is closed off from the larger room, an undetected fire could develop such that it would jeopardize or eliminate the opportunity for occupant escape. The initial requirement is for the mezzanine to be open to the room below so that the mezzanine will be in the same atmosphere as the room below. This should make fire recognition quicker. The 42-inch (1067 mm) height for the perimeter walls is to allow walls that meet the height requirements for guards (see Section 1015.3). The columns and posts should be limited to those that support the roof or floor above the mezzanine.

The exceptions address situations where the hazard is reduced. Exception 1 would allow for a small mezzanine, or a small portion of a larger mezzanine, to be enclosed where the occupant load for that enclosed area is 10 or less. Occupant load is calculated in accordance with Section 1004.1 for the use or function of the mezzanine space. Similarly, Exception 3 permits the enclosure of a limited portion of a mezzanine.

Report of Mezzanine Partial Design Review  
FC 22-17 DR 04

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## Expert/Staff Input

- Consulted with Dave Mortier, Building Official and Building Inspector.
  - States that the upper most level of the proposed building does not meet criteria for a mezzanine.
- Consulted with Senior Plan Reviewer NWCP David Leifheit (**Exhibit F**).
  - States in his opinion this is a 3 story building.
  - The "3rd floor does not meet the definition of a mezzanine per 505.2.1 exc. 3."

Report of Mezzanine Partial Design Review  
FC 22-17 DR 04

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## Definitions Review

**10-2-13: DEFINITIONS:** Terms not defined in this Code shall have their ordinary accepted meaning within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered a standard reference.

### Words Defined

- BUILDING HEIGHT
- Story
- Half Story
- Floor
- Level
- Mezzanine

### Definition Sources

- FCC 10-2
- Approved edition of Webster's
- Reviewed definitions from the 2019 OSSC as provided by the applicant

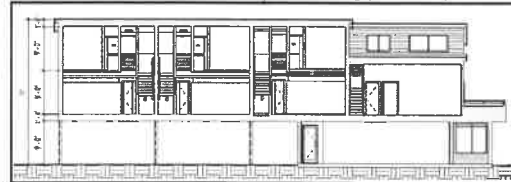
Report of Mezzanine Partial Design Review  
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## Definitions Cont'd

### Story

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling (FCC 10-2).



Note: Webster's definition of mezzanine included "low-ceilinged" story between 2 main stories. Please note the same height of all three levels.

Report of Mezzanine Partial Design Review  
FC 22-17 DR 04

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## Definitions Cont'd

### Mezzanine

**Mezzanine:** Also, mezzanine floor or mezzanine story. Is a low-ceilinged story between two main stories of a building; an intermediate or fractional story that projects in the form of a balcony over the ground story (Webster's).

### Response:

- The approved definition from Webster's includes the term "mezzanine story."



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## Definitions Cont'd

### Mezzanine Cont'd

**Mezzanine:** An intermediate level or levels between the floor and ceiling of any story in accordance with Section 505 (2019 OSSC).

**Response:** The proposed mezzanine is not an intermediate story, it is not projecting but fully situated and enclosed above the level below.



Report of Mezzanine Partial Design Review  
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## Further Consideration

- Expert/staff input states this as a 3<sup>rd</sup> story and does not meet the 2021 IBC or 2019 OSSC definition of a mezzanine.
- The building design submitted by the applicant shows a fully enclosed third floor.



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## Conclusions

- The uppermost level of the proposed building design does not meet the definition for mezzanine or loft.
- The uppermost level of this building most closely meets the definition of a story.
  - Exceeds maximum number of stories allowed in the underlying zoning district, Old Town District A.
- This decision will set a precedent for future development within the Old Town Districts.



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## Alternatives

1. Approve definition of mezzanine as proposed by the applicant, allowing the use of the interior mezzanine to be included as part of the second story residential units, or *(Revise Findings)*
2. Review and recommend changes to the proposed Findings of Fact for the partial design review and approve as amended, or *(Use in conjunction with another alternative)*
3. Continue hearing to a date certain if more information is required, or
4. Reject the upper most level as a mezzanine and accept the upper most level as a half-story based on applicable definitions, or *(Revise Findings)*
5. Reject the upper most level as a mezzanine and accept the upper most level as a third story based on applicable definitions. *(Approve Findings)*

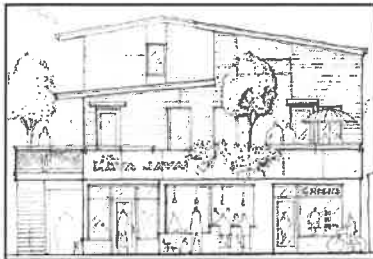
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## Staff Recommendation

**Alternative 5:** Reject the upper most level as a mezzanine and accept the upper most level as a third story based on applicable definitions.

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## Questions?



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Slides to be deleted from  
final presentation

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## Introduction

- Type III Land Use decision
- Applicant requested a partial Design Review and Code Interpretation regarding the proposed mezzanine
- Application received Aug 16, 2022
- Notice of Hearing
  - Posted on property and mailed to property owners within 100' Sept. 21, 2022
  - Published in Siuslaw News Sept. 28, 2022

• Hearing of Mezzanine Partial Design Review  
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## Review Criteria

### Florence City Code:

#### Title 10 Chapters:

- 1: Zoning Administration, Sections 1-6-2-A and 1-6-3
- 2: General Zoning Provisions, Sections 2-4 and 2-13
- 5: Zoning adjustments and Variances, Sections 5-2-B, 3, 4, 5-B, 6, and 7
- 6: Design Review, Sections 3, 5-1, 5-2, 6, 6-1, 6-3, 6-6, 8, and 11
- 17: Old Town District/Area A, Sections 10-17-2 and 10-17A-4

• Hearing of 317 Mezzanine Partial Design Review  
FC 22 17 DR 04

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## Testimony

### Total Testimony Received: 10

- **Neutral: 1**
- **Opposition: 5**
  - The size and style does not fit in this area
  - Maximum number of stories is 2 (10-17A-4-A)
    - Building is illustrated as a 3 story building
  - Increased traffic and noise on the street
  - Parking concerns (not the subject of this DR)
- **Proponents: 4**
  - Additional residential units more important than Code requirements for maximum stories and height
  - Has known the Holman family for 20 years and find them to be fair landlords and supportive of local businesses.
  - Conforms to the 30' height limit, less boxy, and more attractive than buildings on the block

• Hearing of 317 Mezzanine Partial Design Review  
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## Design Review Purpose and Intent

### 10-6-1: PURPOSE: The design review process is intended to:

- A. Create an attractive appearance that will enhance the City and promote the general welfare of its citizens.
- B. Provide property owner the means to protect and conserve the architectural tone of their neighborhood.
- C. Recognize areas of existing or potential scenic value.
- D. Protect and preserve buildings and sites that are of significant architectural or historic merit. (Ord. 625, 6-30-80)

• Hearing of 317 Mezzanine Partial Design Review  
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## Definitions Cont'd

### **OSSC 2019 Purpose and Intent**

#### 101.3 Purpose.

The purpose of this code, as provided in ORS 455.020(1) and noted in Section 101.2 is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations. It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

• Hearing of Mezzanine Partial Design Review  
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## Definitions Introduction

**10-2-13: DEFINITIONS:** Terms not defined in this Code shall have their ordinary accepted meaning within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered a standard reference.

### Words Defined

- Building Height
- Story
- Half Story
- Floor
- Loft
- Mezzanine

### Definition Sources

- FCC 10-2
- Approved edition of Webster's
- Reviewed definitions from the 2019 OSSC as provided by the applicant

• Hearing of Mezzanine Partial Design Review  
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## Definitions

### Floor

**Floor:** The structure of supporting beams, girders, and coverings that divided a building horizontally; broadly : a story of a building (Webster's).

**Response:** The structure supporting the upper most level of this building is defined by Webster's as a floor and therefore a story.



• Nepal SI Mezzanine Partial Design Review  
PC 24 11 DK 04

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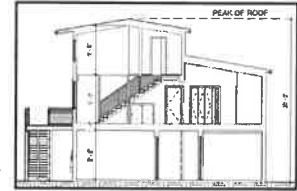
## Definitions Cont'd

### Building Height

**Building Height:** Vertical Distance from the average finished grade at the front of a building to the peak height of the highest gable (FCC 10-2).

**Response:** The Highest building Height allowed in Old Town District A is 30 feet

- The Building Height proposed is 30'



• Nepal SI Mezzanine Partial Design Review  
PC 20 11 DK 04

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## Definitions Cont'd

### Loft

**Loft:** A room or floor above another: an upper room or story : an attic one of the upper floors or a business or warehouse especially when not partitioned (Webster's).

**Response:** This definition does not include the loft in the story below and states it can be an upper story.

- Mezzanine and Loft are not interchangeable.



• Nepal SI Mezzanine Partial Design Review  
PC 20 11 DK 04

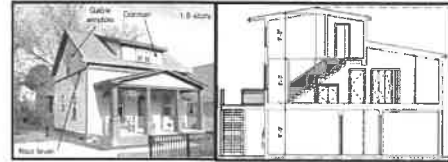
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## Definitions Cont'd

### Half Story

**Half Story:** The part of any building wholly or partly within the roof frame and not occupying more than 2/3 of the floor immediately below (FCC 10-2).

**Half Story:** An uppermost story is usually lighted by dormer window and in which a sloping roof replaces the upper part of the front wall (Webster's).



• Nepal SI Mezzanine Partial Design Review  
PC 20 11 DK 04

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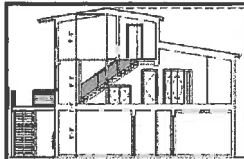
## Definitions Cont'd

### Half Story Continued

**Calculation on % of upper level floor space:**

- Units 2-4:  $720/240 = 33\%$  or  $1/3$
- Unit 1:  $864/288 = 33\%$  or  $1/3$

**Response:** Upper most level can meet the definition of a half story as they are less than 2/3 the main floors square footage and are wholly or partly within in the roof frame of the floor area below.



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## Definitions Cont'd

### Mezzanine Cont'd - 2019 OSSC Section 505

#### 505.2.1 Area Limitation.

The aggregate area of a mezzanine or mezzanines within a room shall be not greater than 1/3 of the floor area of that room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the mezzanine is located. In determining the allowable mezzanine area, the area of the mezzanine shall not be included in the floor area of the room.

#### Exceptions:

- The aggregate area of mezzanines in buildings and structures of Type I or II construction for special occupancy occupancies in accordance with Section 503.1.1 shall not be greater than two thirds of the floor area of the room.
- The aggregate area of mezzanines in buildings and structures of Type I or II construction shall be not greater than one half of the floor area of the room in buildings and structures equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 and an approved emergency voice/alarm/communication system in accordance with Section 907.5.2.2.
- The aggregate area of a mezzanine within a dwelling unit that is located in a building equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be greater than one-half of the floor area of the room, provided that:
  1. Except for enclosed closets and bathrooms, the mezzanine shall be open to the room in which such mezzanine is located.
  2. The opening to the room shall be unobstructed except for walls not more than 42 inches (1067 mm) in height, columns and posts, and
  3. Exceptions to Section 505.2.3 shall not be permitted.

• Nepal SI Mezzanine Partial Design Review  
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## Further Consideration

- Mr. Mortier, the City's Building Official and Building Inspector interpreted OSSC to mean that a mezzanine shall be open to the floor below.
- The building design submitted by the applicant shows a fully enclosed third floor.

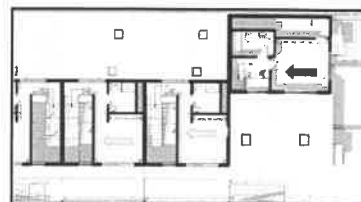


• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

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## Further Consideration

- Expert input states this as a 3<sup>rd</sup> story and does not meet the definition of a mezzanine.
- The building design submitted by the applicant shows a fully enclosed third floor.



• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

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## Considerations Cont'd

- Applicant states not allowing the upper most floor will not change the height of the building.
- Maximum height of a building in Old Town District A is 30'.
- Maximum number of stories in Old Town District A is 2. This is a building with the presentation of 3 stories.

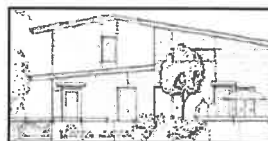


• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

10/11/2022 # 91

## Considerations Cont'd

- Similar residential structure by Studio.e Architecture Described on their website as having 2<sup>nd</sup> Stories.



Proposed Building on Nopal St



- Single Family Renovation
- est. completion in 2022
  - Similar exterior design as proposed Nopal St.
  - Webpage states the upper most level as a 2<sup>nd</sup> story.

• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

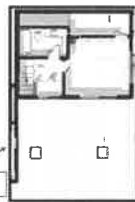
10/11/2022 # 31

## Considerations Cont'd

- Similar residential structure by Studio.e Architecture Described on their website as having 2<sup>nd</sup> Story



Main Residential Floor



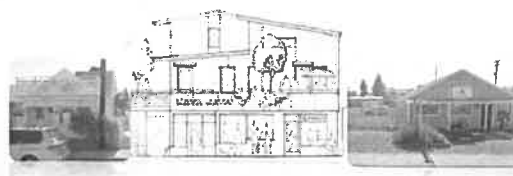
Upper Residential Floor

• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

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## Considerations Cont'd

- The upper most level does not meet the 2019 OSSC definition or the Webster's definition on a mezzanine.
- Based on approved definitions this is 3 story building design.



• Nopal St Mezzanine Partial Design Review  
PC 22.17 DR 04

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## Heceta Investments, LLC Annexation and Zone Assignment **PC 22 13 ANN 02** **PC 22 14 ZC 02**



## Introduction

- **May 18, 2022**—Petitions received
- **Sept. 23, 2022**—Application deemed complete
- **Oct. 4, 2022**—DLCD Notice made
- **Oct. 19, 2022**—Property Owner notices mailed, signage posted on property & 4 public postings
- **Oct. 19, 2022**—Newspaper notice posted
- **Nov. 8, 2022**—First evidentiary hearing (PC)
- **Dec. 12, 2022**—Final evidentiary hearing (CC)

Heceta Investments, LLC - PC 22 13 ANN 02 & PC 22 14 ZC 02

11/22/2022

## Annexation Criteria

### Oregon Revised Statutes:

222.050, 222.111; 222.120; and 222.170

### Oregon Administrative Rules (OAR)

OAR: 660-015-0000, 660-012-0060

### Florence Realization 2020 Comprehensive Plan:

- 1: Citizen Involvement, Policy 4
- 2: Land Use, Policy 6
- 14: Urbanization, Policies 1 and 3 through 7

Heceta Investments, LLC - PC 22 13 ANN 02 & PC 22 14 ZC 02

11/22/2022

## Zone Assignment Criteria

### Florence City Code, Title 10:

1: Zoning Regulations, Sections 10-1-1-4; 10-1-1-5; 10-1-1-6-3 & 4, 10-1-2-3 & 10-1-3 & 4

10: Residential Districts, Section 1

### Florence Realization 2020 Comprehensive Plan:

- 1: Citizen Involvement, Policy 4
- 2: Land Use, Policies 6 & 7, Residential Policies 2, 7, 8 & 10; Section on Residential Plan Designations
- 14: Urbanization, Policies 1 & 3 thru 7

### Oregon Land Use Planning Goals:

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

Heceta Investments, LLC - PC 22 13 ANN 02 & PC 22 14 ZC 02

11/22/2022

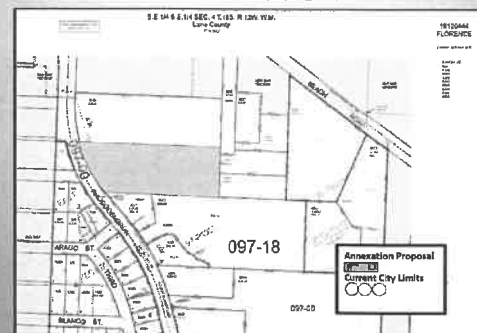
## Aerial of Annexation Area



Heceta Investments, LLC - PC 22 13 ANN 02 & PC 22 14 ZC 02

11/22/2022

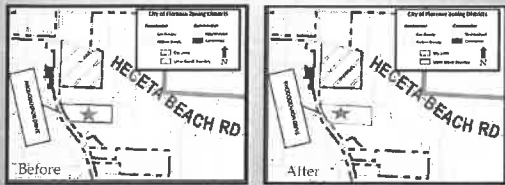
## Annexation



Heceta Investments, LLC - PC 22 13 ANN 02 & PC 22 14 ZC 02

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## Proposed Zoning Assignment



Medium Density Residential

## Referral Comments

- **Exhibit E - Lane County Public Works –** Cautions future development impact level of service at intersection of Agate St. and Rhododendron Dr.

## Public Comments

- **Exhibits G & G1 – Citizens:** concerns with environment (loss of trees, dark skies), traffic (roadway congestion & danger at intersection at Heceta Beach/Rhody), sewer and water source.

## Utilities & Access

- **Water:** Heceta Water
- **Sewer:** Ability to connect to existing main in Rhododendron Dr. – future coverage funded by System Development Charges, connection fees & property investment.
- **Access:** Rhododendron Dr.

## Other Service Providers

- **Will have City Police coverage**
- **Continue to be served by SVFR & Western Lane Ambulance**

## Consents

### **Triple majority method met:**

#### Petition received from:

- Owners of more than half of the land in that territory consent in writing to the annexation of their land
- Who own more than half of the land in the contiguous territory and of real property therein
- Who represent more than half of the assessed value of all real property in the contiguous territory

## Alternatives

1. **Provide a recommendation supporting the annexation and zone assignment to the City Council as presented or with modifications, or**
2. **Recommend denial of the annexation based on the Commissions' findings to support denial of the annexation, or**
3. **Recommend approval of the annexation but recommend a different zoning district for the rezoning, or**

Agenda Item 11.0 - PC 12 13 AMN CL & PC 14 15 PC 16

11/22/2022 11:11

## Alternatives

4. **Continue deliberations and defer recommendation.**

Agenda Item 11.0 - PC 12 13 AMN CL & PC 14 15 PC 16

11/22/2022 11:11

## Staff Recommendation

**#1 - Provide a recommendation supporting the annexation and zone assignment to the City Council as presented or with modifications**

Agenda Item 11.0 - PC 12 13 AMN CL & PC 14 15 PC 16

11/22/2022 11:11

## Questions?



Agenda Item 11.0 - PC 12 13 AMN CL & PC 14 15 PC 16

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