

CITY OF FLORENCE PLANNING COMMISSION
May 9, 2017 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 7:00 p.m. Roll call: Chairperson John Murphey, Vice Chairperson Robert Bare, Commissioner Clarence Lysdale, Commissioner Sandi Young, Commissioner Brian Jagoe, Commissioner Michael Titmus and Commissioner Ron Miller were present. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland and Admin Assistant Vevie McPherran.

APPROVAL OF AGENDA

Vice Chairperson Bare motioned to approve the agenda. Commissioner Young seconded. By voice, all ayes. Motion passed 7-0.

APPROVAL OF MINUTES

Commissioner Miller motioned to approve the Minutes of April 11 and 25, 2017. Commissioner Miller seconded. By voice, all ayes. The motion passed 7-0.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

Chairperson Murphey announced there were three public hearings before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

RESOLUTION AR 17 02 MOD 01 – 76 Station Exterior Modification: An application from Dave Reed of Wayward R Studio, on behalf of Josh LaFranchi of Ron's Oil for an approval of a modification to Resolution PC 16 07 CUP 01. This is a request to change the originally proposed building materials and colors for the new convenience store to include a revised roof construction and building color selection. The property is located at 1544 Highway 101, Map #18-12-26-23, Tax Lots 00400 & 00402 in the Commercial Zoning District, regulated by Florence City Code Title 10, Chapter 15.

Chairperson Murphey opened the public hearing at 7:05 p.m.

AP Southerland presented the staff report (attached) that included details of the inconsistencies with approved plans:

- Building approved with composition shingle roofing material, built with blue standing-seam metal roofing material.
- Building approved with composite lap and straight-edge shingle siding, built full-height with lap siding.
- As of yet, no round, louvered gable end vents have been added to the building as originally proposed.
- As of yet, no belt course has been added to the building as originally proposed.
- As of yet, lap siding has not been replaced with composite shingles along the entrance cover gable ends, but this process appears to have been initiated.
- Building approved with three-foot roof eave overhangs on the entrance gables (north and south walls), built with two-foot (1'10") eave overhangs.
- Building approved with 12" eave overhang over entrance gable ends, built with approximately 4" overhang.
- As of yet, lap siding on the highway elevation has not been replaced with composite shingles.
- As of yet, trim boards have not been added as originally proposed along the flashing edge of the parapet wall (eastern side).

AP Southerland stated that staff found that the application met the applicable criteria of City Code and Florence Realization 2020 Comprehensive Plan and recommended approval (with changes to be outlined) of the application with conditions of approval. AP Southerland stated the alternatives and asked for questions.

Commissioner Jagoe asked why staff would recommend approval of the unapproved metal roof and AP Southerland stated the roof was of a common material and staff would accommodate the roof with the modified building colors. Commissioner Jagoe asked if the metal roof met design qualifications of the Revision Florence Highway Project and AP Southerland responded that standing-seam metal roofs were allowed.

Applicant, Dave Reed – Wayward R Studio

Mr. Reed did not have a presentation but was prepared to answer questions. Chairperson Murphey asked Mr. Reed if he could explain why the building had not been constructed as it was proposed and approved and Mr. Reed responded that he did not have a project management contract with the owner but felt it may have been a disconnect between the construction documents and the contractor. He also indicated that the construction was currently being adjusted to comply with the approved plans. Commissioner Lysdale asked if the contractor had access to the approved drawings and Mr. Reed stated that he did. There was Commission discussion regarding the replacement of the unapproved roof, modified building colors, the size of the overhangs and the windows. Mr. Reed clarified that the contractor had been given a set of the approved building plans.

Chairperson Murphey asked if there were any proponents, opponents, or neutral parties.

Neutral – Kathie Carmer

Ms. Carmer stated she felt the overhangs and awnings were acceptable.

Chairperson Murphey asked the applicant if he read and understood the conditions of approval and Mr. Reed said that he did. There was applicant and Commission discussion regarding the weather protection of the overhangs and building entrance and the option of painting the metal roof. Chairperson Murphey asked if the property owner had certificates of insurance from the contractor to show that he had insurance and Mr. Reed responded that the contractor worked under the contractor's number of Ron's Oil. Chairperson Murphey asked for staff recommendation. AP Southerland addressed the following points: factors surrounding the cost of a roof replacement, the issues associated with the limited options of durable paint over metal roofs, and width comparisons along with possible conflicts regarding the overhangs. He continued and stated that Staff did not accept the proposed modified building colors and presented alternate examples of what would be acceptable. AP Southerland said it was the opinion of Staff that if the metal roof stayed it would remain blue in color and if the Commission decided to have the applicant replace the roof that it return to the original approved colors.

Chairperson Murphey closed the public hearing at 7:43 p.m.

There was Commission deliberation regarding unapproved construction and the obligation of the applicant to comply to the conditions of approval that were agreed upon. There was also concern expressed regarding proposed future modification to the fuel station at that location.

Commissioner Lysdale motioned to approve Resolution AR 17 02 MOD 01 – 76 Station Exterior Modification with the blue metal roof and gray building. Vice Chairperson Bare seconded.

There was Commission discussion regarding the responsibility of the Planning Commission, the potential financial outcome of approval or denial and the message the decision could send to the community. Mr. Reed responded that the applicant would agree to the gray building color.

By roll call vote: Commissioner Lysdale, "Yes"; Commissioner Jagoe, "No"; Commissioner Miller, "No"; Commissioner Titmus, "No"; Commissioner Young, "No"; Chairperson Murphey, "No"; Vice Chairperson Bare, "Yes". The motion failed 5 to 2.

Commissioner Jagoe motioned to continue the public hearing to a time certain of June 13, 2017 with work allowed to continue to correct the unapproved construction. Commissioner Lysdale seconded.

By roll call vote: Vice Chairperson Bare, "No"; Commissioner Titmus, "Yes"; Commissioner Miller, "Yes"; Chairperson Murphey, "No"; Commissioner Lysdale, "Yes"; Commissioner Jagoe, "Yes"; Commissioner Young, "No". The motion was approved 4 to 3.

Chairperson stated that Resolution AR 17 02 MOD 01 – 76 Station Exterior Modification record was reopened for written and verbal testimony. The written testimony due seven days prior with a date of June 6, 2017 and verbal the day of the hearing with the date of June 13, 2017.

RESOLUTION PC 17 05 CUP 03 – Temporary Mobile Building Space: An application from Great Western Corporation for a Conditional Use Permit, seeking approval to install temporary buildings for construction equipment, materials and lodging (RV's) for onsite security while working on an ODOT project for the Siuslaw River Bridge. Property is located on the NE corner of Bay and Kingwood Streets, south of Dairy Queen, at Map #18-12-34-11 Tax Lots 10900 and 11000 within the Old Town/Area A District, regulated by FCC Title 10 Chapter 17.

Chairperson Murphey asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were no challenges. Chairperson Murphey opened the public hearing at 8:10 p.m.

AP Southerland presented the staff report (attached). He stated that staff found the application met the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and recommended approval (with changes outlined) of the application with conditions of approval. AP Southerland presented the alternatives and asked for questions.

Commissioner Jagoe requested clarification regarding the parking management. AP Southerland stated parking was allowed only on the street next to and along the staging yard site, at the Lotus parking lot site, and at the designated area under the bridge. There was discussion regarding trailers parking illegally on the street and AP Southerland assured the situation had been dealt with and would not be permitted. Commissioner Jagoe asked about the ownership and use of the bus and RVs and AP Southerland indicated that the bus was company owned, he believed the RVs were owned by the employees using them but he was uncertain about the ownership of the equipment trailer. There was discussion regarding rotation and usage of the security RV and AP Southerland stated that would be the effect of condition #8. AP Southerland continued and said he was uncertain to the exact usage of the RV at that time but a limit would be established if approved as proposed. Commissioner Young questioned the authorization of the CUP expiration date of May 9, 2019 and asked if it could be modified to state that the staging yard be removed upon completion of the work. AP Southerland explained that the construction had experienced unforeseen setbacks that required additional time to address repairs however, the Commissioners would be able to modify the expiration date.

Applicant – Wade Campbell, Great Western Project Superintendent

Mr. Campbell did not have a presentation but was prepared to answer questions. Commissioner Lysdale asked if the location of employee break room/office bus could be moved away from the curbside view. Mr. Campbell explained that it was possible however, if it was moved to another area of the yard the length of the bus would have an impact on the circulation of other construction equipment in the yard. Commissioner Jagoe asked for clarification regarding the security staff and rotation. Mr. Campbell replied the 34-foot RV was company owned and the function was to house someone to watch the lot at night when the employee in the security RV was not available. He continued and said the 34-foot RV was also used as an employee rest area between often required intense shift work. Mr. Campbell stated that the 25-foot RV had been removed, the restroom trailer was provided as an OSHA requirement and the 30-foot RV was provided for the employee who is also the night security guard. Commissioner Titmus stated that cleaning the gravel from the ADA sidewalk should be a priority and Mr. Campbell replied there would be more of an emphasis on keeping the sidewalk clear from gravel. Chairperson Murphey asked if the security employee was on the site full time and if so, was there anything provisioned to allow his family to visit on the weekends. Mr. Campbell indicated that his wife did stop by to visit. There was additional discussion between Mr. Campbell and Commissioner Jagoe regarding loading and unloading on Bay Street that included the possibility of using the Lotus parking area and Mr. Campbell said that using the Lotus parking lot for loading and unloading would be a great advantage. Chairperson Murphey asked the applicant if he read and understood the conditions of approval and Mr. Campbell said that he did.

Opponent – Kathie Carmer, Bay Street property owner

Ms. Carmer expressed her dissatisfaction regarding the continuous and loud noise from the equipment and explained the loss of rental income that had occurred because of the construction. She also stated that she felt the construction yard should have been located in another area that would not have had such a negative impact on the high traffic Bay Street area. There were no questions for Ms. Carmer.

Applicant – Wade Campbell, Great Western Project Superintendent, Response

Mr. Campbell explained the mitigation that had been done to bring the noise level down and stated that it had improved. The equipment had now been moved to the barge where work was being done farther down on the bridge. Commissioner Miller asked the applicant if he would be agreeable to use the Lotus parking lot for loading and unloading and Mr. Campbell said yes. Commissioner Lysdale asked the applicant if he could move the break room/office bus away from the curb and Mr. Campbell replied that it would be complicated but he would consider moving it if there were complaints. Mr. Campbell requested clarification of the City's parking expectations and requirements. AP Southerland restated the permitted areas and Mr. Campbell reported that the parking under the bridge was no longer being used.

AP Southerland concluded that the City did not own the Lotus parking lot but would explore the possibility of using it for loading and unloading. He also addressed Ms. Carmer's concerns regarding the noise and stated that the City would continue to ensure that the noise level would meet City Code or require the applicant to apply for a noise variance. AP Southerland restated that staff found the application met the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and recommended approval (with changes outlined) of the application with conditions of approval.

Chairperson Murphey closed the public hearing at 8:52 p.m.

Commissioner Bare expressed his awareness of the problem of theft in that area of Bay Street.

Vice Chairperson Bare motioned to approve Resolution PC 17 05 CUP 03 – Temporary Mobile Building Space for a conditional use permit to place a temporary office, two temporary trailers for security staff housing, and temporary storage to serve as the project staging site for Siuslaw River Bridge repairs. Commissioner Titmus seconded.

By roll call vote: Commissioner Titmus, "Yes"; Vice Chairperson Bare, "Yes"; Commissioner Miller, "Yes"; Commissioner Young, "Yes"; Chairperson Murphey, "Yes"; Commissioner Jagoe, "Yes"; Commissioner Lysdale "No". The motion passed 6 to 1.

RESOLUTION PC 17 09 TA 01 – Planned Unit Development Code Update: A proposal by the City of Florence, to change the minimum PUD size from five acres to no minimum size. The proposed amendments will provide definitions for common PUD terms, standardize existing PUD policies into industry standard policy language, provide standards and identify exemptions and prohibitions.

Chairperson Murphey asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were no challenges. Chairperson Murphey opened the public hearing at 8:55 p.m.

PD FarleyCampbell presented the staff report (attached). She provided examples and explained the varied prescriptive size criteria of other coastal codes regarding PUDs. She explained the purpose, criteria and policies of smaller PUDs and pointed out the recently approved PUDs that had not met the five-acre requirement. PD FarleyCampbell stated that Staff proposed a no acre version but was open to other recommendations. PD FarleyCampbell asked for comments or questions.

Commissioner Jagoe asked for clarification regarding the number of buildings allowed in a PUD in relationship to the size of the lot and PD FarleyCampbell said that our code was not prescriptive, but it needed to be compatible in density to the neighboring area and meet the open space and recreation criteria. She continued and stated expectations and requirements regarding smaller PUDs and that typical codes would not apply. She also explained that successful PUDs come with a set of CCRs. Commissioner Young commented that a no acre version may not provide the flexibility that a typical PUD allows and suggested that a modification of smaller acreage may be more reasonable than a no acre version at this time. Commissioner Lysdale asked for clarification regarding an HOA in relationship to the configuration of a smaller PUD and PD FarleyCampbell explained that dedicating it to the public was one example of how it could be established. There was discussion regarding other smaller PUD acre options and Chairperson Murphey added that possibly the buildable lands inventory should be completed first and all Commissioners agreed. Commissioner Titmus questioned the “five dwelling units per acre” language in Chapter 25 and PD FarleyCampbell explained it applied only to professional office and that would not change. Staff revised the recommendation of a no minimum version to a two-acre minimum. Chairperson Murphey closed the public hearing at 9:24 p.m.

There was no deliberation.

Commissioner Young motioned to approve Resolution PC 17 09 TA 01 – a Resolution recommending approval of proposed code changes to the Florence City Council to amend Florence City Code Title 10 Chapter 23 regarding Planned Unit Development project acreage minimum two acres and to leave the professional office minimum as one acre. Vice Chairperson Bare seconded.

By roll call vote: Commissioner Lysdale, “Yes”; Commissioner Jagoe, “Yes”; Commissioner Miller, “Yes”; Commissioner Titmus, “Yes”; Vice Chairperson Bare, “Yes”; Chairperson Murphey, “Yes”; Commissioner Young “Yes”. The motion passed 7 to 0.

PLANNING COMMISSION DISCUSSION ITEMS

None

PLANNING DIRECTOR’S REPORT

None

CALENDAR

PD FarleyCampbell provided an update with the upcoming Resolutions scheduled through June. She reported that the HEOP committee would be appointed on Monday, May 15th followed by a preliminary meeting prior to the official meeting with the consultant in June. PD FarleyCampbell concluded with the Building and Planning Departments adjusted office hours.

Chairperson Murphey adjourned the meeting at 9:29 p.m.

Chairperson, John Murphey
Florence Planning Commission

Date

76 Station Exterior Modifications

AR 17 02 MOD 01



6

Introduction

- CUP approved for convenience store and fuel station site on June 14, 2016.
- Construction began Sept. 9, 2016.
- Staff and Planning Commission noticed inconsistencies with approved plans.
- PC requested to see the application on Jan. 24th.
- Application for modification received on March 16th. Deemed complete on April 13th.

76 Station Exterior Modifications

5/9/2017 #2

Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Admin., Sections 1-6-2 and 1-6-3

Chapter 6: Design Review, Sections 5, 6-7, and 7 through 10

Chapter 15: Commercial District, Sections 2 through 6

76 Station Exterior Modifications

5/9/2017 #3

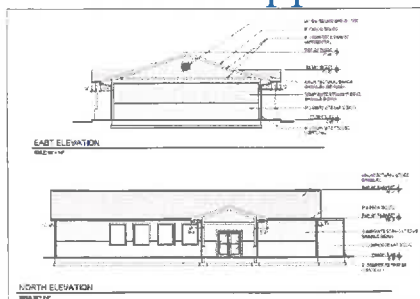
Aerial of Site



76 Station Exterior Modifications

5/9/2017 #4

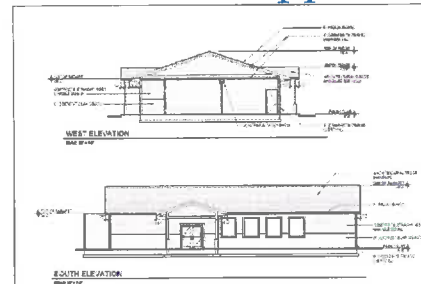
Elevations - Approved



76 Station Exterior Modifications

5/9/2017 #5

Elevations - Approved



76 Station Exterior Modifications

5/9/2017 #6

Elevations - Submitted



76 Station Exterior Modifications

5/9/2017 7

Elevations - Submitted



76 Station Exterior Modifications

5/9/2017 8

Site Photos



76 Station Exterior Modifications

5/9/2017 9

Site Photos



76 Station Exterior Modifications

5/9/2017 10

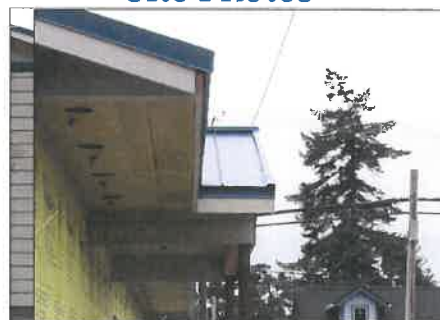
Site Photos



76 Station Exterior Modifications

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Site Photos



76 Station Exterior Modifications

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Site Photos



76 Station Exterior Modifications

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Testimony

Public Testimony:

- None Received

Referral Comments:

- None Received

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Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** (with changes to be outlined) of the application with the following conditions of approval:

76 Station Exterior Modifications

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Conditions of Approval

4. Exhibit D or similar paint colors.
5. May 9, 2018 Design Review approval.
6. **Zoning Requirements**
 - 6.1. No storage, display, etc.
 - 6.2. No unreasonable odor, dust, smoke, noise, vibration, appearance

76 Station Exterior Modifications

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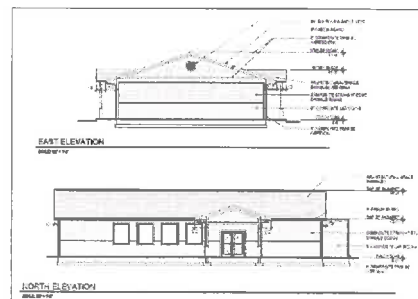
Alternatives

1. **Approve the application;**
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the proposal; or
4. Continue the Public Hearing to a date certain if more information is needed.

76 Station Exterior Modifications

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Questions?

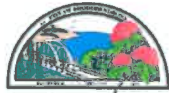


76 Station Exterior Modifications

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Siuslaw River Bridge Project Temp. Mobile Building Space

PC 17 05 CUP 03



Introduction

- Application for Conditional Use Permit received on February 15, 2017.
- Additional materials received on April 5 2017.
- Application deemed complete on April 11, 2017.

• ODOT/GW TMBS CUP

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Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Admin., Section 1-6-3

Chapter 3: Off Street Parking & Loading, Section 2

Chapter 4: Conditional Uses, Sections 3, 5 through 11 and 12E

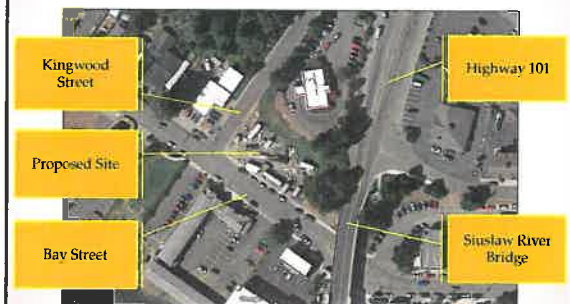
Chapter 17: Old Town/Area "A" District, Sections 17A -1 through 17A-4

Chapter 37: Lighting, Section 2

• ODOT/GW TMBS CUP

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Aerial of Site



• ODOT/GW TMBS CUP

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Site Photos (2012)



• ODOT/GW TMBS CUP

5/9/2017 • 5

Site Photos (Jan 2017)



• ODOT/GW TMBS CUP

5/9/2017 • 6

Site Photos (Jan 2017)



• ODOT/GW TMS CUP

5/9/2017 • 7

Site Photos (Jan 2017)



• ODOT/GW TMS CUP

5/9/2017 • 8

Site Photos (Jan 2017)



• ODOT/GW TMS CUP

5/9/2017 • 9

Site Photos (May 2017)



• ODOT/GW TMS CUP

5/9/2017 • 10

Site Photos (May 2017)



• ODOT/GW TMS CUP

5/9/2017 • 11

Site Photos (May 2017)



• ODOT/GW TMS CUP

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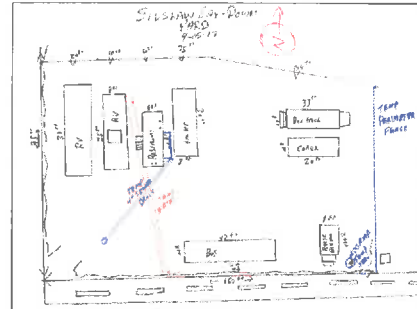
Site Photos (May 2017)



• CDDT/GW TMBS CUP

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Site Plan



• CDDT/GW TMBS CUP

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Testimony

Public Testimony:

- None Received

Numerous complaints about site from public in the past

Referral Comments:

- None Received

• CDDT/GW TMBS CUP

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Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** (with changes to be outlined) of the application with the following conditions of approval:

• CDDT/GW TMBS CUP

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Conditions of Approval

4. **CUP and Zoning Requirements**
 - 4.1. Authorization of CUP until **May 9, 2019**
 - 4.2. Removal constitutes discontinuance.
 - 4.3. No other uses permitted.
 - 4.4. Maintain fencing. Landscaping rehabilitated after completion of project.
 - 4.5. Restore sidewalk, landing, curb, access ramp.
 - 4.6. Maintenance of sidewalk during project.

• CDDT/GW TMBS CUP

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Conditions of Approval

5. Lighting shall meet reqs. of FCC 10-27.
- 6 & 7. Noise exceeding allowed code limits (on site) will need a noise variance. Mitigation required.
8. Two temporary structures for housing.
9. Parking management

• CDDT/GW TMBS CUP

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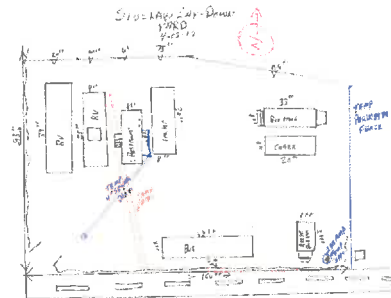
Alternatives

1. Approve the application;
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the proposal; or
4. Continue the Public Hearing to a date certain if more information is needed.

• ODOT/GW TMBSCUP

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Questions?



● DDDT/GW 1MBS CUP

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Planned Unit Development Code Amendment Proposal PC 17 09 TA 01

5/9/17



Introduction

- **March 20, 2017** – Council Initiated
- **April 4, 2017** – DLCD Notice
 - Form I Notice Submitted
- **May 9, 2017** – PC Public Hearing
 - 1st Evidentiary Hearing
- **June 5, 2017** – Tentative Council Public Hearing

PUD Code Changes

5/9/17

2

Summary of Changes

Located on Pages 1 & 2 of Findings

- **FCC 10-23-5-A & FCC 10-25-4-C:**
 - Remove PUD size code language

PUD Code Changes

5/9/17

3

Applicable Criteria

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Section 1-3-C Legislative Changes
- Chapter 23, Planned Unit Development (PUD): Sections 1 & 4

Realization 2020 Florence Comprehensive Plan:

- Chapter 1: Citizen Involvement, Policies 4, 5, and 6
- Chapter 2: Land Use, Residential Policies 1 and 5

Oregon Revised Statutes:

- ORS 197.610(1) through 197.610(3)

PUD Code Changes

5/9/17

4

Findings Key Points

Can smaller PUDs meet purpose, criteria & policies?

- **Purpose:** Coordinated attractive development = relaxation from density and some other codes
- **Criteria:** Location, design and size=compatible, well integrated, accommodate traffic, served by utilities & services, attractive, healthful, & stable.
- **Policies:**
 - G2 P1--Reduced size may encourage PUDs. (p 5)
 - G2 P2--Must provide open space and recreation area.

PUD Code Changes

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Testimony/Referrals

Public Testimony

- None Received

Referral Comments

- None Received

PUD Code Changes

6

Staff Recommendation

Approve Resolution PC 17 09 TA 01 – a Resolution recommending approval of proposed code changes to the Florence City Council.

8/9/17 RUD Code Changes

7

Questions?

8/9/17 RUD Code Changes

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