

**CITY OF FLORENCE PLANNING COMMISSION**  
**February 13, 2018 \*\* MEETING MINUTES \*\***

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

Chairperson John Murphey called the meeting to order at 5:30 p.m. Roll call: Chairperson John Murphey, Commissioner Michael Titmus, Commissioner Phil Tarvin, Commissioner Sandi Young and Commissioner Ron Miller, and Commissioner Eric Hauptman were present. Commissioner Brian Jagoe was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland, Adm. Assistant Vevie McPherren, and City Recorder Kelli Weese.

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Chairperson Murphey introduced the new Planning Commissioners, Phil Tarvin and Eric Hauptman.

**APPROVAL OF AGENDA**

Commissioner Young motioned to approve the agenda. Commissioner Miller seconded. By voice, all ayes. The motion passed.

**PLANNING COMMISSION ORIENTATION AND TRAINING**

Kelli Weese presented the Planning Commission Orientation and Training (see attachment)

**APPROVAL OF MINUTES**

Commissioner Miller motioned to approve the minutes of December 19, 2017. Commissioner Young seconded. By voice, all ayes. The motion passed. The minutes of January 23, 2018 were postponed until the March 27, 2018 meeting.

**CHAIR NOMINATIONS AND VOTE**

Commissioner Miller nominated Chairperson John Murphey as Chairperson. Commissioner Titmus seconded. There were no other nominations. By voice, all ayes. The nomination was accepted and passed 6 to 0.

Chairperson Murphey nominated Commissioner Sandra Young as Vice Chairperson. Commissioner Titmus seconded. There were no other nominations. By voice, all ayes. The nomination was accepted and passed 6 to 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 was one public hearing 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 PC 17 28 EAP 02 – Extension of Approval Period:** A request for an extension of approval period, ending January 24, 2018 for Resolution PC 16 28 CUP 09 - a request for a conditional use permit to open and operate a retail recreational marijuana facility, in the Commercial District regulated by FCC Title 10 Chapter 15. The building is located at 1541 Highway 101, on the SW corner of Highway 101 and 16th Street, Assessor's Map 18-12-26-23, Tax Lot 00700.

Chairperson Murphey stated he had a direct conflict of interest and recused himself. There were no other conflicts, bias, ex parte contacts, or site visits declared by the Commissioners. There were no challenges. Vice Chairperson Young opened the public hearing at 6:35 p.m.

AP Southerland presented information connected to the application for an extension to the approved conditional use permit and design review, Resolution PC 16 28 CUP 09. He stated the applicable criteria that included FCC 10-1-1-6-3 and FCC 10-4-8. He continued and said there had been no testimony or referral comments received. AP Southerland stated that the zoning code had not changed, and that the application met applicable City codes and requirements. He said that staff recommended approval of the extension provided that the following new conditions of approval were met: Condition #3 regarding the conditions of approval of Resolution PC 16 28 CUP 09, and Condition #4 regarding the new expiration date of February 13, 2019.

Commissioner Hauptman asked if there was a limit to the number of facilities allowed in the City and AP Southerland explained that there was not a numerical limitation however, the City had buffering requirements that eliminated particular areas that were not in the Highway 101 corridor.

#### **Applicant – Ryan Korando of Beryl Industries**

Mr. Korando explained the challenging delays surrounding the State inspection process. He continued and said that they had now been cleared by the State, the OLCC, and the Oregon Department of Agriculture and were awaiting the printing of their license. Mr. Korando stated that they had everything in place to complete the conditions from the original approval. Vice Chairperson Young asked Mr. Korando if he had read, understood, and agreed to the conditions of approval and he replied that he did. Commissioner Titmus asked if the applicant had already fulfilled some of the original conditions of approval and Mr. Korando responded that they had completed most of the conditions.

There were no proponents, opponents, or neutral parties. AP Southerland restated that staff determined that the application met the requirement of City code with the conditions as listed in the Resolution and recommended approval of the extension.

Vice Chairperson Young closed the public hearing at 6:47 p.m.

Commissioner Hauptman motioned to approve Resolution PC 17 28 EAP 02 – Beryl Extension of Approval Period to February 13, 2018 with conditions of approval. Commissioner Miller seconded.

By roll call vote: Vice Chairperson Young, “yes”; Commissioner Miller, “yes”; Commissioner Tarvin, “yes”; Commissioner Titmus, “yes”; Commissioner Hauptman, “yes”. Commissioner Jagoe was absent and excused. Chairperson Murphey recused himself for a direct conflict of interest. Motion passed 5-0.

#### **HEOP RESULTS / ADU CODE CHANGES PRESENTATION**

AP Southerland gave the presentation with updates and results of the HEOP project and ADU proposed code changes (see attachments)

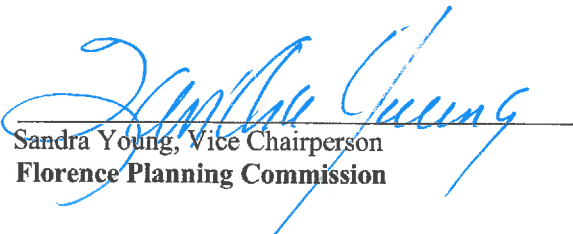
#### **PLANNING COMMISSION DISCUSSION ITEMS**

There were none.

#### **PLANNING DIRECTOR’S REPORT/CALENDAR**

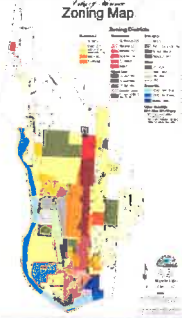
PD FarleyCampbell reported there were two Contractor Huddles scheduled for February 14<sup>th</sup> in the a.m. and February 15<sup>th</sup> in the p.m., there was the next CC/PC work session scheduled for March 26<sup>th</sup> at 5:30 p.m. and a Planning Commission regular session scheduled for March 27<sup>th</sup> at 5:30 p.m.

Chairperson Murphey adjourned the meeting at 7:17 p.m.

  
Sandra Young, Vice Chairperson  
Florence Planning Commission

4-9-2018  
Date

## THE ROLE OF THE PLANNING COMMISSION, PUBLIC MEETINGS LAWS, OREGON ETHICS LAWS, PLANNING COMMISSION 101



## ROLE OF THE PLANNING COMMISSION

- Comprehensive Plan & Zoning Codes
  - Quasi-Judicial (Land Use Approvals)
    - Conduct hearings and take action on specific land use applications
  - Legislative (Code / Comprehensive Plan)
    - Propose policy & legislation to the Council
    - Conduct hearings and make recommendations to Council

## AUTHORITY

- There is only power in numbers
  - A quorum (4) members must be present for the Commission to hold a meeting, and
  - A majority vote is required for all decisions
- Commission only has authority to deliberate / make recommendations on topics allocated to it by the City Council, which include...
  - Items within the Council's established work plan
  - Quasi-judicial land use applications
- Council is the final decision maker



## COMMITTEE MEMBERSHIP



- Consists of 7 members, of which...
  - 2 may reside within Urban Growth Boundary
  - 5 shall reside in City Limits
  - No more than 3 members may engage in buying / selling / developing real estate
  - No more than 3 members involved in same occupation

## MEETINGS HELD

- 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 5:30 p.m.
- During busy times, or periods of legislative work sessions, Commission may hold more meetings as needed.
- Commission may meet more / less often depending on work load.



## ROLE OF CHAIRPERSON & VICE-CHAIRPERSON

- First meeting in February
- Chair presides over meeting
  - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
  - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions

## ROLE OF CHAIR CONTINUED...

- Chair will...
  - Open the meeting
  - Moderate discussion
  - Ask speakers (if any) to identify themselves & sign in
  - Lead deliberations...
    - Summarize the issues, Ask for input from the committee as a whole, Make sure motions are understandable before full vote is taken, encourage the meeting to move in a timely manner
  - Official Signature on Decisions



## Land Use Procedures

1. Oregon State Legislature establishes state laws regarding land use policies for the State of Oregon.
  1. 19 Statewide Planning Codes
  2. Oregon Administrative Rules
2. Oregon State Planning Laws are implemented & enforced by the Land Conservation & Development Commission – and staffed by the Oregon Department of Land Conservation & Development
3. City & County establish Comprehensive Plan to show compliance with State Planning Laws
  1. Comprehensive Plan is approved by DLCD
4. City establishes Zoning Map & Development Code to implement Comprehensive Plan (and in turn state laws)



## TYPES OF ACTIONS

- **Legislative (Recommendation on Laws)**
  - Making policy decisions that apply to many
  - Code text / plan text
  - Discretionary within
- **Quasi-Judicial (Like a Judge)**
  - Specific land use proposal to one or few properties
  - Must apply criteria in code – limited discretion



## REQUIREMENTS FOR ACTION

- Actions before the Planning Commission (legislative & quasi-judicial) require...
  - Notice to public
  - Public Hearing
  - Script for Chairperson
  - Written decision and findings
  - 120-day deadline (quasi-judicial)

**MUST HAVE**

## PUBLIC MEETINGS LAW

- Regulated by State of Oregon – Department of Justice
  - From ORS 192
  - Attorney General's Public Meetings and Open Records Manual



## WHO MUST FOLLOW?

- The City governing body (City Council) and
- Any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter
  - Aka the Planning Commission



## WHAT IS THE LAW?

- ORS 192.620: "The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly."
- "A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690"
- Note: Public Participation does not always mean public conversation



## WHAT IS A MEETING?

- Any instance where a quorum (4 or more) members are discussing / deliberating toward a decision.
- This includes:
  - Standard meetings where a quorum is present (3 or more)
  - Electronic meetings (Emails, IMs, Texts, Social Media)
  - Serial Discussions
- Does NOT include Social Gatherings  
If possible, staff publishes agenda noting the social nature of event

## PROCEDURAL REQUIREMENTS FOR MEETINGS

- Public Notice at least 24 hours in advance (*Agenda*)
- Space, Location, Accessibility and Attendance  
(*Meeting location must be accessible to all public*)
- Voting (*Decisions must be made and recorded*)
- Records (*Digital Recording / Minutes, Public Records Law*)

## PRACTICAL TIPS

- Avoid replying to emails when City business information is shared
  - To request more information on item ask Staff who will prepare for all agency members
  - To request agenda item ask Chairperson to add to future agenda
- Avoid conversations (in person or via email) between commissioners where the views of fellow commissioners are shared
- Avoid sharing opinions on items the Commission would need to vote on

## PUBLIC RECORDS



- What is a public record?
  - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
  - All items before the Commission are public records
    - Emails, formal letters, photos, handwritten napkin drawings, etc.
  - Must be available to the public
  - Records used for decision deliberation (i.e. distributed at meeting)
    - = Permanent Retention

## OKAY – SO HOW DOES THE CITY COMPLY WITH THESE LAWS?

- Agendas & Meeting Materials are prepared in advance
  - Posted Online and at Public Works Facility
  - Distributed to all interested parties
- Public Hearing notices published as required by state law
- Public records for body retained according to records law, including...
  - Agenda
  - Meeting Materials
  - Items Distributed at Meeting
  - Digital Recording / Minutes

## AGENDA PREPARATION

- Agenda prepared by staff
- If you would like to request something on the agenda:
  - Notify chairperson – who will determine best timeline for discussion
- Can always bring things up at end of meeting for further discussion later on
- All items (pertinent to body) can be discussed at meeting all decisions need to be specified on agenda
- The Point: To allow the public enough information to understand what the commission will discuss and decide whether or not to attend the meeting

## PREPARING FOR THE MEETING

- Agenda & Meeting materials distributed to Commission:
  - Friday before the meeting (goal earlier)
- If Possible:
  - If you have questions about information provided, ask Staff prior to the meeting.
  - This allows staff to address thoughts in advance, and relay information to all commission members at the meeting
  - Saves everyone time!

## OREGON GOVERNMENT ETHICS LAW

- ORS Chapter 244
- Oregon Government Ethics Commission
  - 503-378-5105
  - [www.Oregon.gov/ogec](http://www.Oregon.gov/ogec)



## WILL COVER RULES FOR:

- Public Officials
- Prohibited use of office
- Gifts
- Conflicts of interest
- Violations & Sanctions



## AM I A PUBLIC OFFICIAL?

- ORS 244.020(14): "Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services."
- Includes Elected & Appointed Officials, Employees, Members of Boards and Committees and Volunteers



## KELLI'S ETHICS CLIFF NOTES

- Don't use your position on the Commission for personal gain



## PROHIBITED USE OF OFFICE (ORS 244.040(1))

- A public official may not use or attempt to use official position or office to:
  - obtain financial gain or avoidance of financial detriment
- Who applies?
  - The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated
- Disclaimer:
  - If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office (The 'But-For' Test)

## RELATIVE (ORS 244.020(15))



- Spouse
- Children of the Public Official or the Public Official's Spouse
- The following of Public Official or Public Official's Spouse
  - Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter-in-Law
- Anyone for whom the public official has a legal support obligation or provides employment benefits
- Note: Don't forget member of the Public Officials Household (i.e. anyone living with public official irrespective of relationship)

## SIMPLE QUESTION

- Would I have this opportunity if I was NOT a public official?
- If NO – Then Don't Do It



## DOES NOT APPLY TO:

- Compensation or Reimbursement
- Unsolicited awards
- Gifts or Honoraria (within limits)

## GIFTS (ORS 244.020(6)(A))

- Something of value given to a:
  - Public Official, Candidate, Relative, Or Member of the Household
- Without valuable consideration of equivalent value (i.e. not a trade)
  - Including: Full or partial forgiveness of indebtedness
- Which is not extended to others on the same terms or conditions
- Gifts are limited to \$50 per year, per giver

## THE GIFT RULE:



1. You (your relative or member of household)
2. Cannot ask for, receive, or give
3. Or even hint at getting / giving
4. Gifts over \$50 from any single source in one year
5. If your source has an interest in your official actions: i.e., a decision or vote

### A GIFT IS NOT LIMITED IF IT IS A:

- Present from relatives or household members
- Unsolicited award / token of appreciation with a resale value <\$25
- Discounted registration at a professional education event
- Informational material related to your official duties
- Part of a customary private business practice and not related to your public office
- Food, beverage, and entertainment when acting in official capacity (i.e. representing City)

### CONFLICTS OF INTEREST

• Kelli's Cliff Note Definition:

- Situations that affect your ability to make a decision in an ethical manner



### ORS 244.020(12) DEFINITION:

- Any action or any decision or recommendation by a person acting in a capacity as a public official
- The effect of which would/could
- Be to the private pecuniary (financial) benefit or detriment of
- The person or the person's relative or any business with which the person or relative of the person is associated

### "BUSINESS WITH WHICH PERSON IS ASSOCIATED"

- Any private business in which you or a relative are:
  - an owner, director, officer,
  - Employee, or
  - in which you or a relative has \$1,000+ worth of interest
- Any publicly held corporation in which you or a relative has:
  - \$100,000 of interest, or
  - an officer / director



### TWO TYPES OF CONFLICTS

- Actual Conflicts
  - Would result in financial benefit or detriment
- Potential Conflicts
  - Could result in financial benefit or detriment



### HOW TO DEAL WITH A CONFLICT (BOTH ACTUAL ⚡ & POTENTIAL ⚡)

#### When in doubt: Shout it Out!

- State the nature of your conflict
- Do it before voting or discussing the manner
- Do it on the record
- Do it each meeting issue is discussed





## IF **ACTUAL** CONFLICT OF INTEREST



### When in doubt: Shout it Out...and then Shut It Up

In addition to Declaring the conflict:

- **No** talking and **No** voting
- Unless Commission cannot act without you (but still no talking)
- We recommend you leave the room during agenda item



## DISCLAIMERS:

It is **Not** a conflict if the financial benefit happens because of:

- Membership in a class (any large, distinguishable group of citizens that the Oregon Government Ethics Commission determines is a class)
- Membership in a non-profit (501c status)

## SANCTIONS

- Civil penalty = Up to \$5,000 per violation
- Forfeiture = twice the amount of financial benefit realized
- Letters of reprimand, explanation or education

## RESOURCES & INFORMATION

Oregon Government Ethics Commission  
3218 Irving Rd SE, Suite 220  
Salem, OR 97302

(503) 378-5105  
(503) 373-1456 Fax

ogec@mail@state.or.us - E-mail  
ogec.state.or.us - Web

## CITY'S FRAUD POLICY (RESOLUTION NO. 32, 2012 - 12.17.12)

- What the policy does...
  - Observes procedures for reporting and investigating fraud, theft, waste, abuse, and ethical misconduct
- Who is it applied to?
  - Employees, Elected Officials, and Volunteers



## FRAUD POLICY - OVERVIEW

- Fraud, Abuse of Position, and Ethical Misconduct are defined in the policy; the following examples being included in one of the definitions
  - Unauthorized use or willful destruction of City Equipment / Supplies
  - Accepting or seeking anything of material value from contractors or vendors
  - Many More...
- If you suspect someone is performing a fraudulent act, either notify the City Manager or Mayor

## PLANNING COMMISSION 101



## THE STAFF REPORT & RECORD (I.E. HOW TO PREPARE FOR A MEETING)

- Meeting Materials are Generally Distributed the Thursday / Friday Before the Meeting
- What is included?
  - Resolution
  - Staff Report / Findings of Fact
  - Land Use Application & Supplemental Information
  - Site and Other Drawings / Plans
  - Public Comments Received

## THE STAFF REPORT (THE MOST IMPORTANT PART OF MEETING MATERIALS)

### What is included?

- **1. Proposal** Description (Bulleted Overview)
- **2. Narrative** (Verbal Description of Project)
- **3. Issues** (Verbal Description of Issues for Commission To Pay Particular Attention To)
- **4. Applicable Review Criteria** (List of Criteria)
- **5. Proposed Findings** (Detailed Write Up on How Application Meets or Does Not Meet All Criteria)
- **6. Alternatives** (Decision Points for Commission)
- **7. Conclusions / Recommendations** (Staff Recommended Decision)
- **8. Conditions of Approval** (Particular Conditions Staff Recommends Be Placed on the Applicant)

## PUBLIC HEARING PROCEDURE (I.E. WHAT HAPPENS THE NIGHT OF THE MEETING)

- **Step One:** Chairperson Reads Public Hearing Script
- **Step Two:** Commissioners declare conflicts of interest, bias, ex-parte contact, and/or site visits
- **Step Three:** Staff gives their report
- **Step Four:** Public Hearing proceeds
- **Step Five:** Staff gets opportunity for rebuttal
- **Step Six:** Applicant gets opportunity for rebuttal
- **Step Seven:** Planning Commission decides to close or leave the hearing open
- **Step Eight:** Planning Commission deliberates and comes to a decision

## PUBLIC HEARING PROCEDURE (STEP ONE: THE PUBLIC HEARING SCRIPT)

The Public Hearing Script is required to be read prior to each and every land use hearing per state law.

- The Script Formally Notifies the Audience of the Public Hearing Procedures and Contains:
  - Formal declaration that the proceedings will be recorded (via minutes as well as digital and video recordings)
  - Notification that testimony and evidence needs to be directed toward the criteria
  - Notification that applicants must raise their issue during the public hearing procedure, or they will not be able to appeal the decision
  - Notification that audience members may challenge the qualification of any Commissioner to participate in the hearing based on:
    - Conflict of interest, ex-parte contacts or biases

## PUBLIC HEARING PROCEDURE (STEP TWO: COMMISSIONER DECLARATIONS)

- **Step Two:** Commissioners declare conflicts of interest, bias, ex-parte contact, and/or site visits
  - **Conflict of Interest:** A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity
  - **Bias:** Prejudice in favor of or against one thing, person, or group compared with another usually in a way considered to be unfair
  - **Ex Parte Contact:** A commissioner talking to a party, or otherwise obtaining information prior to the decision (i.e. talking to property owner, local residents, etc.)
    - **Ex parte:** A decision is one decided by a judge (commissioner) without requiring all of the parties to the controversy to be present
  - **Site Visit:** A type of ex-parte contact where a commissioner visits a site prior to the decision and obtains information from that site visit

### PUBLIC HEARING PROCEDURE (STEP THREE: STAFF GIVES THEIR REPORT)

- Talks broadly about the application
  - Who is the applicant?
  - Where is the property?
  - What is the zoning?
  - What criteria is applied?
  - Particular things for Commission to look for
  - Overview of comments received
- This is the main opportunity for the Planning Commission to publicly ask questions of staff concerning the application

### PUBLIC HEARING PROCEDURE (STEP FOUR: PUBLIC HEARING PROCEEDS)

- Public Hearing Proceeds, with comments in the following order:
  - Applicant
  - Proponents
  - Opponents
  - Neutral Parties
- Commission has an opportunity to ask questions of party after each person who testifies

### PUBLIC HEARING PROCEDURE (STEP FIVE: STAFF REBUTTAL)

- Staff gets the opportunity to respond to any of the questions and comments that were heard during the testimony.
- This is also the opportunity for the Commission to bring up any final questions for staff (i.e. last opportunity before closing hearing)

### PUBLIC HEARING PROCEDURE (STEP SIX: APPLICANT REBUTTAL)

- Opportunity for the applicant to get the final say and respond to:
  - Public Testimony Received
  - Staff Rebuttal
  - Any other final statements
- Also a time for applicant to request / Planning Commission to decide on:
  - Decision to waive 120 days (if applicable)
  - If the applicant would like to submit final written argument (extends timeline by 7 days)

### PUBLIC HEARING PROCEDURE (STEP SEVEN: DECISION TO CLOSE HEARING)

- The Planning Commission decides whether to close the public hearing:
  - For quasi-judicial decisions – If any participant has requested an opportunity to present additional evidence, argument or testimony, the City **MUST** either:
    - Leave the record open for 7 (or more days) for written comments OR
    - Continue the hearing to a date/time certain
    - Either way – Commission must delay decision

### PUBLIC HEARING PROCEDURE (STEP SEVEN: DECISION TO CLOSE HEARING)

- Decision points for the Planning Commission are:
  - Close the Public Hearing
  - Leave the record open for written comments for 7 or more days
  - Continue the public hearing to a specific meeting date / time
- **NOTE** Once you close the public hearing you **CANNOT** obtain more information from either staff, the applicant or any other party

## PUBLIC HEARING PROCEDURE (STEP EIGHT: COMMISSION DELIBERATION)

- The Planning Commission deliberates on the decision:
  - Chairperson facilitates discussion making sure each Commissioner has an opportunity to speak on each decision point
  - Staff can help assist the Planning Commission in their decision points for the application, but **CANNOT** supply additional information after the public hearing is closed
- Decision is generally via Resolution and is made via motion / second and roll call vote

## LOTS MORE INFORMATION ON ALL THESE TOPICS:

- Planning Commission Overview - <http://www.ci.oregonia.or.us/bcsp>
- Oregon Department of Land Conservation & Development - An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon
  - [http://www.oregon.gov/odlcd/publications/introductory\\_guide\\_to\\_land\\_use\\_planning\\_in\\_oregon.pdf](http://www.oregon.gov/odlcd/publications/introductory_guide_to_land_use_planning_in_oregon.pdf)
- Public Meetings / Records Law -
  - League of Oregon Cities: Public vs. Private Meetings Training - <http://www.oregoncities.org/Training/LOCTV/tabcod/6768/language/en-US/Default.aspx>
  - Oregon Public Records and Meetings Manual - [http://www.oregon.gov/odlcd/public\\_records\\_and\\_meetings\\_manual.pdf](http://www.oregon.gov/odlcd/public_records_and_meetings_manual.pdf)

## LOTS MORE INFORMATION ON ALL THESE TOPICS:

- Oregon Government Ethics Law -
  - League of Oregon Cities: Avoiding Problems - Conflicts of Interest - <http://www.oregoncities.org/Training/LOCTV/tabcod/6768/language/en-US/Default.aspx>
  - League of Oregon Cities: Gifts - <http://www.oregoncities.org/Training/LOCTV/tabcod/6768/language/en-US/Default.aspx>
  - Oregon Government Ethics Commission "Guide for Public Officials" - <http://www.oregon.gov/OGEC/pages/training.aspx>

The End

## Humane Society Thriftstore Temp. Mobile Building Space

PC 18 19 EAP 02



## Introduction

Conditional Use  
Permit

Extension

- Application received June 1, 2015
- CUP granted July 14, 2015
- Application received June 7, 2018
- Noticed June 19, 2018

• OCHS CUP Storage Container Extension

7/10/2018 • 2

## Criteria

### Florence City Code, Title 10:

Chapter 1: Zoning Administration, Sections 1-4 & 1-6-3  
Chapter 4: Conditional Uses, Section 4-8

• OCHS CUP Storage Container Extension

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## Aerial of Site



• OCHS CUP Storage Container Extension

7/10/2018 • 4

## Site Plan



• OCHS CUP Storage Container Extension

7/10/2018 • 5

## Testimony

### Public Testimony:

- None Received

### Referral Comments:

- None Received

• OCHS CUP Storage Container Extension

7/10/2018 • 6



## Extension Criteria

- Made in writing prior to expiration
  - June 7<sup>th</sup> for July 14<sup>th</sup> expiration
- Special or Unusual Circumstances
  - Building unused & organization identifying best use for property. Container needed for storage.
- No material changes of surrounding land uses or zoning has occurred.
  - No zone changes since 2015
  - No material change of land use—ODOT contractor vacating CUP east of Kingwood.

• OCHS CUP Storage Container Extension

7/10/2018 • 7

## Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and **recommends approval** of the application with the following conditions of approval:

• OCHS CUP Storage Container Extension

7/10/2018 • 8

## Conditions of Approval

- 3.1. Approval ends: July 12, 2019.
- 3.2. Abide by applicable conditions of PC 15 12 CUP 07.
  - Applicable-#5 Replacement of lighting fixtures
  - Not applicable-#1, 2, 3, & 4.
- 3.3. No nuisances – clean and clutter free.

• OCHS CUP Storage Container Extension

7/10/2018 • 9

## Alternatives

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

• OCHS CUP Storage Container Extension

7/10/2018 • 10

## Questions?

• OCHS CUP Storage Container Extension

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## Beryl Recreational Marijuana Retail Facility

**PC 16 28 CUP 09**



## Introduction

- Application for Conditional Use Permit
- Staff determined need for variance in resp. to Fire Marshal comments
- 1,704 sq. ft. building const. in 2003
- Application received on Oct. 18, 2016.\*
- Application deemed complete on Nov. 16, 2016.

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## Criteria

### Florence City Code, Title 10:

- Ch. 1: Zoning Admin., Section 1-6-3
- Ch. 3: Off-Street Parking and Loading, Sections 2 through 5 & 8 through 10
- Ch. 4: Conditional Uses, Sections 3 through 11, & 12-1
- Ch. 5: Zoning Variances, Sections 2 through 7
- Ch. 6: Design Review, Sections 5, 6 & 9

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## Criteria – Cont.

### Florence City Code, Title 10:

- Ch. 15: Comm. District, Sections 3 through 5
- Ch. 34: Landscaping, Sections 3 through 5
- Ch. 35: Access and Circulation, Sections 2-12, 2-14 & 3
- Ch. 37: Lighting, Sections 2 & 3

### Realization 2020 Florence Comprehensive Plan:

- Ch. 2: Land Use, Comm. Policies 3, 4, 6 & 9

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## Aerial of Site



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## Aerial w/ Buffers



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## Site Plan



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## Current Site



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## Testimony

### Public Testimony:

- None Received

### Referral Comments:

- SVFR: Secondary egress needed.
- ODOT: Work in ROW requires permit.

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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 the changes recommended by staff) of the application with the following conditions of approval:

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## Conditions of Approval

### 4. Parking

- 4.1. Storage/Loading prohibited during business hours
- 4.2. Western hedge to six feet in height.
- 4.3. Provide four parking spaces.
- 4.4. Narrow driveway condition sign.
- 4.5. Provide two bicycle parking spaces.

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## Conditions of Approval

### 5. Timeline/CUP Requirements

- 5.1. CUP Authorization – Jan. 24, 2018  
CoA Deadline – July 24, 2017
- 5.2. Discont. of use. Non-transferrable.
- 5.3. Existing trash enclosure.
- 5.4. Cigarette receptacle.
- 5.5. Retain existing doorways.
- 5.6. Odor control system.
- 5.7. OLCC licensure.
- 5.8. Current and active registration at all times.

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## Conditions of Approval

- 6. Variance/Design Review**
  - 6.1.** Variance granted for duration occupied by RMJRF
  - 6.2.** Building color changes.
  - 6.3.** No major modifications granted. DR expiration on Jan. 24, 2018.
- 7.** Outdoor storage, etc. not permitted. Unreasonable odor, dust, smoke, noise, etc. not permitted. Odors may not emanate from the facility.

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## Conditions of Approval

- 8. Landscaping**
  - 8.1.** Revised landscaping plan by July 24, 2017.
  - 8.2.** Five trees.
  - 8.3.** Pocket-planting, soil-compost blend.
  - 8.4.** Plantings from Tree and Plant List. Irrigation.
  - 8.5.** Replacement of failed plantings.
- 9.** Free of visual obstructions from 2'6" to 8' in height.

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## Conditions of Approval

- 10. Lighting**
  - 10.1.** All fixtures comply with FCC 10-37.
  - 10.2.** Any additional lighting approved by Dept.
  - 10.3.** Shall not project skyward or adjacent properties.
  - 10.4.** Extinguished at end of bus. hours. Lighting for security.
- I. 1** Contact Fire Marshal to review sec. plans.
- I. 2** ODOT permitting for work in ROW.

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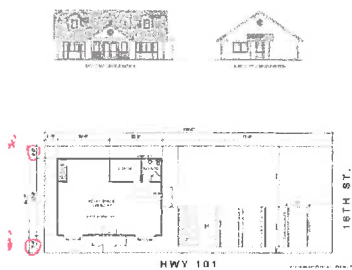
## Alternatives

- 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.**

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## Questions?



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## Florence Planning Commission Housing Work Session



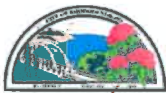
(In two parts:)

SB 1051  
(ADUs)

HEOP



SB 1051  
(ADUs)



## Introduction

### Senate Bill 1051 –

- Operative **July 1, 2018**
- **Review and decide** - housing developments containing affordable housing units within **100 days**.
- **Prohibited** - denying applications for housing developments which comply with clear and objective standards.
- **Prohibited** - reducing the density or height of housing applications if at or below those authorized for the zone where the proposal is located.

• PC Housing Work Session

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## Introduction

### Senate Bill 1051 –

- **Must allow** - nonresidential places of worship to use real property for affordable housing.
- **Must report** - related to their applications received for needed housing annually to the Department of Land Conservation and Development.
- **Barred** - prohibiting the building of Accessory Dwelling Units (1 per SFR) in areas zoned for SFR.

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## Accessory Dwellings

### Accessory Dwelling Units – ADUs

- Can be detached, attached, or interior
- Life style changes
  - Younger persons/couples
  - Empty nesters
- Lack of available housing
  - Smaller footprint
  - Affordable option for rental/owner-occupied units
  - Cities, Counties and States struggling with issue turn to ADUs

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## Other Housing

### Nonresidential Places of Worship

- Places providing:
  - Worship services
  - Religion classes
  - Weddings
  - Funerals
  - Meal programs
  - Child care – not including K-12 or higher education
- Detached from place of worship
- 50% affordable units to <60% median income
- Zoned for residential use & complies with zoning

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## Considerations Possible

- Parking
- Setbacks
- Yards
- Setbacks from existing structures
- Attached or detached? Only?
- Conversion of existing structures
- Architectural requirements

### Considerations to be made by others:

- Systems Development Charges
- Other services/utilities & billing

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## Other Cities

ADUs & housing at places of worship are currently permitted in many other cities in Oregon.

These cities have a variety of requirements such as size, parking, attached/detached structure design, setbacks, etc.

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## HEOP



## HEOP

### Housing and Economic Opportunities Project

Buildable Lands Analysis  
Economic Opportunities Analysis  
Housing Needs Analysis

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## Buildable Lands Analysis

- Need 231 Acres buildable land
- 488 Acres buildable land available

=

No Urban Growth Expansion Needed

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## Housing Needs Analysis

- 1624 Net New Dwellings Needed
  - 764 owner occupied
  - 597 renter occupied
  - 263 short-term rentals
- Housing Mix
  - 858 traditional detached SFR
  - 145 manufactured SFR
  - 265 attached (duplex/townhome)
  - 357 multi-family
  - 40 special needs

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## Comprehensive Plan Amendments

Changes to:

- Chapter 2: Land Use
- Chapter 9: Economic Development
- Chapter 10: Housing

Preview coming soon.

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## Title 10 Zoning Code Amendments

Changes to:

- Chapter 10: Restricted Residential
- Chapter 11: Single-Family Residential
- Chapter 12: Mobile Home/Manufactured Home
- Chapter 13: Multi-Family Residential
- Chapter 29: Coast Village District

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## Title 10 Zoning Code Amendments

Combine into one chapter:

- Residential Development Standards
  - Districts renamed to reflect desired DENSITY
  - All information in one place
  - Sections of text into tables for ease of use

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Add permitted uses for housing

- Cottage housing, corner duplexes, etc.

Lot Size

- Reduce lot size requirements

Setbacks

- Reduce setback requirements (e.g. front or ADU setbacks)

Lot Coverage

- Increase maximum enclosed building coverage for ADUs

Building Height

- Increase maximum building height

Parking

- Add parking criteria for duplexes, evaluate reductions based on surrounding geography

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## Questions?

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