

CITY OF FLORENCE PLANNING COMMISSION
December 19, 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 Brian Jagoe, Commissioner Clarence Lysdale, Commissioner Sandi Young and Commissioner Ron Miller were present. Commissioner Michael Titmus was absent and excused. Also present: Planning Director Wendy FarleyCampbell and Associate Planner Glen Southerland.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Commissioner Young motioned to approve the minutes of November 28, 2017. Commissioner Lysdale seconded. By voice, all ayes. The motion passed.

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 24 VAR 02 – SIDE YARD VARIANCE: An application from James Edwards for a side yard variance to construct a carport on the east side of the house located at 2535 Willow Crest Court. This request includes a proposed 16-foot wide extension of the existing roof leaving a 2 ½ - 8-foot east side yard setback. Property is located at Assessors Map #18-12-23-43, Tax Lot #00143 within the Restricted Residential Zoning District, regulated by FCC Title 10, Chapter 10.

Chairperson Murphey opened the public hearing at 7:03 p.m.

There were no conflicts of interest, bias, ex parte, contacts, or site visits declared by the Commissioners. There were no challenges.

PD FarleyCampbell presented the staff report (see attached). PD FarleyCampbell stated that in 2004 the property owner at that time submitted a request to construct a 20x40 RV barn. That request was not initiated and she indicated that it may have been due to the variance process. PD FarleyCampbell noted how the residence had not been constructed per the originally approved site plan and there had been no modification submitted to change that plan. She continued and pointed out the needed changes to the findings of fact. Those changes included the file reference number from VAR 01 to VAR 02, the property address from Willow Street to Willow Crest Court, Condition #3 to state only "Variance for a variable 2'6" to 8' eastern side yard setback", and Condition 6 regarding the expiration of the approval date change from April 2015 to December 19, 2018. These changes had been submitted to the Commissioners on the dais. PD FarleyCampbell concluded and explained that Condition #4 regarding the property owner having a survey done was so that there would be no confusion and measurements could be clearly and accurately made. PD FarleyCampbell then recommended that the findings be modified as presented and the proposal be approved.

Commissioner Bare asked if there had been a building final done on this property and PD FarleyCampbell responded that there had been that included two minor corrections. Commissioner Jagoe asked if the applicant requested the structure be enclosed and PD FarleyCampbell responded originally they had wanted it enclosed.

Applicant – Jim Edwards, Property Owner

Applicant – Jerry Jensen, Contractor

Mr. Edwards presented a letter from his neighbor, Alan and Pamela Stimmell across the street that expressed their favor of the proposed carport. Mr. Jensen explained that exceeding lot coverage, issues with a curb cut and the existing steep grade of the driveway were the reasons that the location of the proposed carport had been to install it on the east side of the garage. Mr. Jensen continued and stated that the concrete pad had been poured on the east side of the garage and the property owner had installed a fence on the property line. Commissioner Bare questioned the pour concrete and Mr. Jensen clarified that it had been poured so that Mr. Edwards could park his boat and he had worked with PD FarleyCampbell on the lot coverage requirements. Commissioner Lysdale questioned the size of the boat and Mr. Edwards replied that with the trailer it was approximately 30 feet long and 8 feet wide. There was discussion regarding the variance request in relationship to the actual amount of variance that may be needed. There was additional discussion regarding the site plan that was not to scale. Mr. Edwards read the neighbor's, Alan and Pamela Stimmell testimony that stated they had no objection to the proposed carport for the record. It was noted that the property owner from the east had been noticed but, had not submitted testimony. Chairperson Murphey asked if the applicant read and understood the conditions of approval and Mr. Edwards replied yes.

Proponent – Ian Eales, neighboring property owner across the street

Mr. Eales stated that he had no objection to the proposed carport.

Proponent – Alan Boss, neighboring property owner next door

Mr. Boss explained the difference of height and water line between the two properties.

There were no opponents or neutral parties. PD FarleyCampbell referred to page 4 of the staff report regarding the discussion of lot coverage in the Restricted Residential district and clarified that there was still 10% pervious coverage legally available as well as impervious coverage. She recommended modifications to the findings and resolution as indicated in the staff report and approval of the proposal be made based on the conditions of approval presented by Staff.

Mr. Jensen stated that the proposed location had been curved around to avoid utilities and a fire hydrant connection that were also present at the site.

Chairperson Murphey closed the public hearing at 7:49 p.m.

Commissioner Lysdale pointed out that the not-to-scale drawing also did not include north/south directional and stated he felt accurate measurements were needed and Mr. Jensen assured it would be measured accurately. Commissioner Jagoe suggested since the property owner had located 2 of the pins the survey requirement should be removed. There was discussion regarding the exact location of where the pins should be and PD FarleyCampbell stated that if the Building Official was able to confirm the setback she agreed to the request to remove Condition #4 regarding the survey requirement. Commissioner Jagoe expressed his concern regarding open storage and how it might impact the view of future development at the property located to the east and Mr. Jensen replied that the property owner agreed to constructing an enclosed storage. Vice Chairperson Bare expressed his concern regarding the proposed 2.5-foot side yard setback and Chairperson Murphey added concern that the proposed setback the roof line may be located right on the property line. As a point of order PD FarleyCampbell recommended a modification to Condition #4 to state "If the northern pin of the C10 Plat dimension for lot 50 is not present the applicant shall have that point demarcated on the site by a licensed professional surveyor." Commissioner Lysdale pointed out the loose variance language of Condition #3 and also commented on the importance of the north/south dimension regarding the location of the pad on the site plan. Mr. Jensen stated that the pad had been poured right up to the house. There was brief Commission discussion regarding the not-to-scale site plan. Mr. Jensen explained the site plan, pointed out the 2 spots where the 2.5' was proposed and clarified where modifications could be made. Commissioner Lysdale concluded and stated that it was not his intension to have the applicant modify or move things rather, that it appeared to be an incomplete site plan. Chairperson Murphey recommended that the Public Hearing be continued to a date certain so that an accurate site plan could be provided.

Vice Chair Bare motioned to continue the Public Hearing for Resolution PC 17 24 VAR 02 – Side Yard Variance to January 23, 2018 so that an accurate site plan drawn to scale could be provided and to leave the written and verbal record open. Commissioner Young seconded.

By roll call vote: Commissioner Jagoe, "yes"; Commissioner Miller, "yes"; Vice Chairperson Bare, "yes"; Commissioner Young, "yes"; Chairperson Murphey, "yes". Commissioner Lysdale, "no". Commissioner Titmus was absent and excused.

Motion passed 5-1.

HEOP FINDINGS REPORT

PD FarleyCampbell reported the consultant presented the findings at the December 5th meeting. She continued and said that a review of the documents was being conducted to ensure all of the recommendations of policies were a priority. She stated that when the documents were ready the consultant would take them before City Council work session tentatively on February 7, 2018 for adoption. There was discussion regarding a possible February date and time for a joint City Council/Planning Commission work session. PD FarleyCampbell said that there would be some comprehensive plan changes to multiple chapters and goal nine and ten and possibly goal two and seventeen. She concluded and stated that AP Southerland had been working on code revisions and changes in the residential districts.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

PLANNING DIRECTOR'S REPORT

PD FarleyCampbell reported that on January 8, 2018 there would be an initiation of the ADU code by City Council.

CALENDAR

January 23, 2018 Verizon Conditional Use and Design Review Extension Request & Side Yard Variance Continuance.

Chairperson Murphey adjourned the meeting at 8:14 p.m.

John Murphey, Chairperson
Florence Planning Commission

Date

Willow Crest Court Side Yard Variance

PC 17 24 VAR 02



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-6-3

Chapter 2: General Zoning Provisions, Section 2-13

Chapter 5: Zoning Variances, Sections 1 through 5

Chapter 10: Restricted Residential District, Sections 4 and 5

Florence Realization 2020 Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4 through 6

• Willow Crest Ct. Side Yard Variance - PC 17 24 VAR 02

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Introduction

- **2003** – Home constructed
- **2004** – Building Permit for 20' x 40' RV Barn with 5' eastern side yard
- **November 22, 2017** – Variance application submitted
- **November 27, 2017** – Application deemed complete
- **November 29, 2017** – Public Notice Mailed

• Willow Crest Ct. Side Yard Variance - PC 17 24 VAR 02

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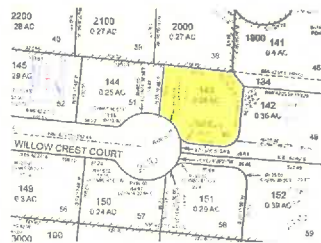
Aerial of Site



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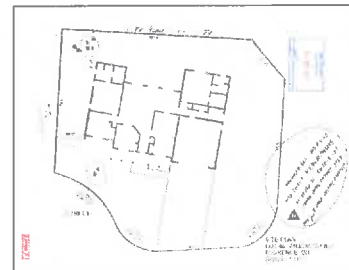
Lot Lines



• Willow Crest Ct. Side Yard Variance - PC 17 24 VAR 02

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2003 Approved Site Plan



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Comments/Testimony

None received

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Needed Changes

Findings of Fact

- File Reference Number: PC 17 24 VAR 02 (VAR 01)
- Address: Narrative-Willow Street to Willow Crest Ct.
- Condition 3: a variable 2'6" to 8' eastern side yard setback
- Condition 6: Date change to December 19, 2018

Resolution

- Condition 3 wording above
- Condition 6 wording above

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Conditions of Approval

3. Variance for a variable 2'6" to 8' eastern side yard setback
4. Demarcation of eastern side yard setback line by surveyor
5. No enclosure
6. Expiration of Variance

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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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Staff Recommendation

Staff finds that the application meets the applicable criteria and can be approved with changes as noted and conditions of approval.

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Questions?



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