

CITY OF FLORENCE PLANNING COMMISSION

May 8, 2018 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Vice Chairperson Sandra Young called the meeting to order at 5:30 p.m. Roll call: Vice Chairperson Sandra Young, Commissioner Michael Titmus, Commissioner Ron Miller, Commissioner Phil Tarvin, Commissioner Brian Jagoe, and Commissioner Eric Hauptman were present. Chairperson John Murphey was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland, and Planning Technician Dylan Huber-Heidorn.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A clerical error required the approval of minutes to be postponed.

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

Vice Chairperson Young announced there were two public hearings before the Planning Commission that evening. The hearings 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 hearings 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.

Seventh Day Adventist Modular Building - PC 18 11 CUP 02: An application from Donald Large on behalf of the Oregon Conference of Seventh Day Adventists requesting approval of a Conditional Use Permit to place a modular building for use as an addition and educational space. The site is located at 4465 Hwy 101, Assessor's Map no. 18-12-14-32, Taxlot 03200, in the Highway Zoning District regulated by Florence City Code Title 10, Chapter 16.

Vice Chairperson Young declared a site visit with no communication at the site. There were no challenges to impartiality.

Vice Chairperson Young opened the public hearing at 5:36 PM.

AP Southerland presented the staff report (attached) on the subject of Mr. Large's application. Criteria for this development and conditional use: Florence City Code Title 10 Chapter 1 Section 6-3; Chapter 3 Sections 2 through 5 and 8 through 11; Chapter 4 Sections 3 through 11, 12(A), and 12(C); Chapter 6 Sections 5, 7, and 10; Chapter 16 Sections 2, 4, 5, and 7; Chapter 34 Sections 2 and 3; Chapter 35 Sections 2 and 3; Chapter 37 Sections 2 through 4. No public testimony was received regarding this application prior to the public hearing. City staff recommended approval with numerous conditions.

Commissioner Jagoe asked for clarification about the property's proposed use, including the differentiation between a school and related uses in city code and how it applies to this proposal. The commissioner also commented on the adequacy of the building's two doors for emergency egress. Commissioner Titmus asked about traffic circulation plans and voiced concern that the three parking spaces required by staff would not be adequate for the proposed use as meeting space.

AP Southerland responded that staff had interpreted the proposal as an expansion of the church's operations from their church next door, including some use as classroom space. Staff had not interpreted the proposal as dedicated school use. He also pointed out that the church parking lot nearby would be functional as overflow parking.

Applicant – Don Large, representing the Oregon Conference of Seventh Day Adventists

Mr. Large testified on behalf of the Oregon Conference of Seventh Day Adventists (SDA). He stated that the modular building would be more accurately described as a school than as accessory educational space and that the SDA might wish to use the building for preschool or kindergarten. Asked for clarification by VC Young, Mr. Large described that the adjacent church property operates a school with grades 1 through 8. The proposed building would allow the church to expand operations to include younger students and greater overall enrollment. The SDA has been communicating with the local Montessori school about the possibility of the proposed structure's use for some or all of their operations.

Commissioner Titmus commented on the possibility of traffic snarls if enrollment expands and parents line up to drop children off at the proposed school. The commissioner suggested a more robust discussion of access and circulation issues. Mr. Large responded that the paved area of the property likely leaves adequate room for a drop-off area.

Commissioner Titmus stated to staff that the materials presented to the commission did not indicate a fully-utilized school and that the commission may not be prepared to make a decision without significant follow-up.

AP Southerland revised the recommendation of staff to either deny the application to allow for resubmittal or to continue the hearing at a later date.

VC Young pointed out that including the Montessori school in plans for the building would expand its use beyond the preschool/kindergarten levels and introduce significant new considerations for the commission. Commissioner Jagoe indicated that the commission would need to plan for the possibility that the proposed school would operate at full capacity.

Proponent – Nathan Large, SDA church member and organizer

Mr. Large testified that the intent of the project was to replace the old building on the property with a more modern building but that the final use of the property was not set in stone. The building could be leased as commercial space, used as a preschool, or utilized differently. The SDA church had talked with the Montessori school about using the building as a preschool but use as a grade school was not planned any time soon.

AP Southerland clarified the definition of a "day nursery" in city code and described that a use matching that description would be allowed without any kind of variance.

Proponent – Karen Nelson, SDA church member and organizer

Ms. Nelson asked if approval as a preschool would preclude use as commercial space, such as office space, at a later date.

AP Southerland explained that such a change would require a change of use application and additional review.

Ms. Nelson asked if a circle drive installed on the property would meet the requirements of codes pertaining to access.

AP Southerland responded that the property has two approved access points to Hwy 101, which would be sufficient. Office use would likely require one additional parking space.

Vice Chairperson Young closed the public hearing at 6:39 PM. Commissioner Titmus motioned to continue **Resolution PC 18 11 CUP 02** to June 12, 2018; Commissioner Hauptman seconded.

By roll call vote: Vice Chairperson Young, "Yes;" Commissioner Miller, "Yes;" Commissioner Titmus, "Yes;" Commissioner Hauptman, "Yes;" Commissioner Jagoe, "Yes;" Commissioner Tarvin, "Yes." Chairperson Murphy was absent and excused. Motions passed 6-0.

ADU/SB 1051 CODE AMENDMENTS RESOLUTION PC 18 10 TA 01: A recommendation to the City Council to amend Florence City Code Title 10, Chapters 1, 2, 3, 4, and 10 to address accessory dwelling units, permanent affordable housing provided by places worship, land use processing timelines, and other changes related to Senate Bill 1051.

Vice Chairperson Young opened the public hearing at 6:48 PM.

AP Southerland presented a staff report focused on the ongoing process of drafting code to comply with Senate Bill 1051. Applicable criteria include Florence City Code Title 10 Chapter 1-3(C); Realization 2020 Florence Comprehensive Plan Chapter 1, policies 4 through 6; Chapter 2, policies 1 through 3; Residential policies 2 and 8 as well as Recommendation 4; Chapter 9,

policy 1; Chapter 10, policies 1 through 3 as well as Recommendations 1 and 3; and Oregon Revised Statutes 197.610 Sections 1 and 6, ORS 227.186 Subsection 4. He explained proposed changes to Florence City Code point-by-point.

Commissioner Jagoe raised questions of whether stormwater management features required for ADUs may be tied to existing stormwater systems on a given property and how residential building codes for foundations and earthquake strapping would apply to de-axled tiny houses. He also advocated for reducing costs of ADU construction by removing requirements to pave alleyways when they are designated for use as primary parking access.

Neutral Testimony – Brenda Gilmer, Florence Resident

Ms. Gilmer commented that requirements for architectural consistency would be burdensome to companies going into the business of manufacturing ADUs — such requirements would not serve to provide relief for the housing crisis, and the same could be said for alleyway improvement requirements.

Neutral Testimony – Dean Lundy

Mr. Lundy stated a belief that affordable ADUs can be aesthetically compatible with Florence. He described his personal experience with smaller housing options and his confidence that the city can achieve positive changes with the new ADU codes. He relayed details from Springfield's development of ADU codes and the hang-ups he saw during that process, including parking, stormwater runoff and infiltration, utility connections, and waiving SDC fees if units are devoted to affordable housing.

Commissioner Hauptman stated incredulity that the city is taking bold steps to make ADUs a meaningful part of a solution to affordable housing issues.

PD FarleyCampbell responded that SDC fees are on the draft agenda for the coming City Council discussion of the proposed ADU codes. She pointed out that stormwater runoff issues are a major concern for the city and provided the impetus for paving requirements. She also reminded attendees that these codes are a first attempt and can be changed if needed.

AP Southerland reiterated that stormwater issues need to be addressed alongside housing needs. His hope was that codes implemented to support on-street parking and sections of the ADU code pertaining to on-site pedestrian access would suffice to reduce parking issues. He conveyed the staff recommendation to approve the resolution.

Chairperson Murphy closed the public hearing at 7:45 PM. Commissioner Jagoe motioned to approve **Resolution PC 18 10 TA 01 with the exception of proposed code FCC 10-3-8(M)** relating to alleyway improvement requirements; the motion died without a second.

Commissioner Titmus motioned to approve **Resolution PC 18 10 TA 01**, Commissioner Miller seconded.

By roll call vote: Vice Chairperson Young, "Yes;" Commissioner Miller, "Yes;" Commissioner Titmus, "Yes;" Commissioner Hauptman, "Yes;" Commissioner Jagoe, "No." Chairperson Murphy was absent and excused. Motions passed 5-1.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

PLANNING DIRECTOR'S REPORT/CALENDAR

AP Southerland relayed that River City Taxi Company had been awarded a 1-year grant to operate a shuttle service between Florence and Yachats.

The Planning Commission meeting on May 22nd will include two partitions as well as the final plat for Fairway Estates. June 12th will be the confirmed date for the continued hearing for the SDA modular building.

Vice Chairperson Young adjourned the meeting at 7:50 p.m.

Sandra Young, Vice Chairperson
Florence Planning Commission

Date

SDA Modular Building

PC 18 11 CUP 02



Introduction

- Application for Conditional Use Permit received on March 30, 2018.
- Application deemed complete on April 18, 2018.

• SDA Modular Building

5/8/2018 • 2

Criteria

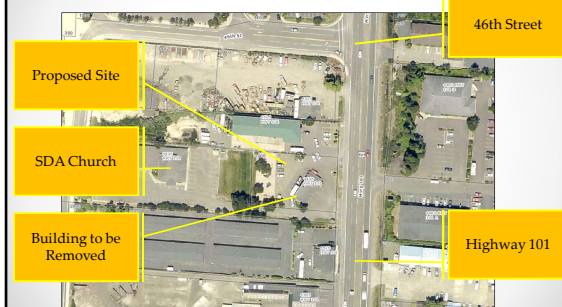
Florence City Code, Title 10:

- Ch. 1: Zoning Administration, Section 1-6-3
- Ch. 3: Off Street Parking & Loading, Sections 2 through 5 and 8 through 11
- Ch. 4: Conditional Uses, Sections 3 through 11, 12-A, and 12-C
- Ch. 6: Design Review, Sections
- Ch. 16: Highway District, Sections 2, 4, 5, and 7
- Ch. 34: Landscaping, Sections 2 and 3
- Ch. 35: Access and Circulation, Sections 2 and 3
- Ch. 37: Lighting, Sections 2 through 4

• SDA Modular Building

5/8/2018 • 3

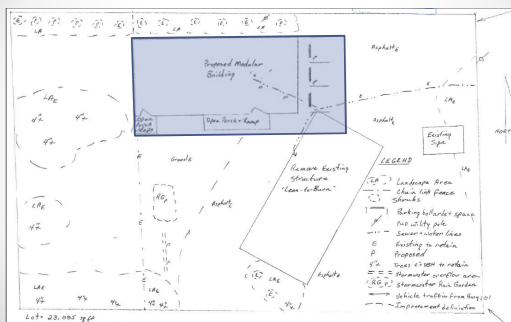
Aerial of Site



• SDA Modular Building

5/8/2018 • 4

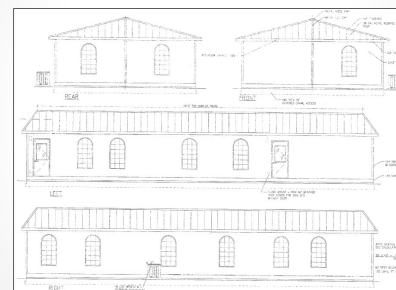
Site Plan



• SDA Modular Building

5/8/2018 • 5

Elevations



• SDA Modular Building

5/8/2018 • 6

Photos



• SDA Modular Building

5/8/2018 • 7

Photos



• SDA Modular Building

5/8/2018 • 8

Testimony

None received.

• SDA Modular Building

5/8/2018 • 9

Staff Recommendation

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

• SDA Modular Building

5/8/2018 • 10

Conditions of Approval

4. Parking

- 4.1. No storage
- 4.2. Changes to access require ODOT permitting.
- 4.3. No loading/unloading during business hours.
- 4.4. 3 spaces.
- 4.5. 1 ADA accessible parking space, 96" aisle
- 4.6. Unobstructed, hard-surfaced, ADA-accessible pathway.

• SDA Modular Building

5/8/2018 • 11

Conditions of Approval

- 4.7. ADA Van-Accessible w/ proper signage
- 4.8. Surfaced with permitted materials.
- 4.9. 6" Curb adjacent to landscaping.
- 4.10. Extend northern landscaping buffer.
- 4.11. Meet FCC 10-3-9. Submit parking plan.
- 4.12. 2 bicycle parking spaces.

• SDA Modular Building

5/8/2018 • 12

Conditions of Approval

5. Conditional Use Permit Requirements

- 5.1. May 8, 2019
- 5.2. Demolition or removal.
- 5.3. Non-Remonstrance for sidewalk improvements.
- 5.4. Trash enclosure.
- 5.5. Storm water plan or remove impervious equal.

• SDA Modular Building

5/8/2018 • 13

Conditions of Approval

6. Design Review Requirements

- 6.1. Changes to exterior colors or building materials.
- 6.2. Two other architectural features required.
- 6.3. May 23, 2018.

• SDA Modular Building

5/8/2018 • 14

Conditions of Approval

7. Zoning District Requirements

- 7.1. No storage. No nuisances.
- 7.2. Visual barrier 30" in height along all portions of the highway frontage.

• SDA Modular Building

5/8/2018 • 15

Conditions of Approval

8. Landscaping Requirements

- 8.1. Landscaping Plan.
- 8.2. 1 tree, 8 shrubs.
- 8.3. Meet 70%, 20 ft. requirements.
- 8.4. Pocket-planting.
- 8.5. Materials - FCC 10-34-3-4.
- 8.6. Irrigation or drought-tolerant, temp. irrigation until established.

• SDA Modular Building

5/8/2018 • 16

Conditions of Approval

9. Access and Circulation Requirements

- 9.1. Easement evidence or established.
- 9.2. Vision clearance.
- 9.3. Walkway from parking to entry.
- 9.4. Walkway 6" in height and curbed.
- 9.5. 5' wide walkway.

• SDA Modular Building

5/8/2018 • 17

Conditions of Approval

10. Lighting Requirements

- 10.1. All lighting on site shall come into compliance with FCC 10-37.
- 10.2. Lighting plan, fixture info, photometrics.
- 10.3. With building permit. All >20 ft. in height.

• SDA Modular Building

5/8/2018 • 18

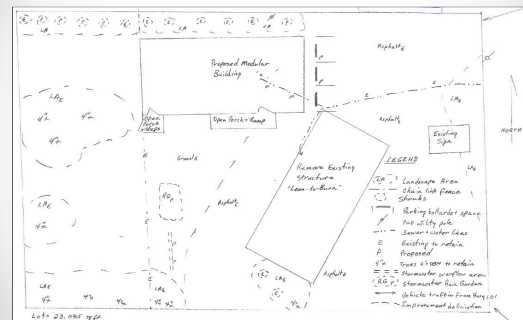
Alternatives

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.

• SDA Modular Building

5/8/2018 • 19

Questions?



• SDA Modular Building

5/8/2018 • 20

PC 18 10 TA 01 – ADU/SB 1051 Code Changes



Background

- Senate Bill 1051 signed by Governor Brown on August 15, 2017.
- SB 1051 becomes operative on July 1, 2018.
- Requirements for all cities over 5,000 (2,500 for ADUs)

• PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 • 2

Timeline

Action	Date
City Council Initiation	January 8, 2018
City Council Work Session	February 7, 2018
PC Work Session	February 13, 2018
Joint PC/CC Work Session	February 26, 2018
Joint PC/CC Work Session	March 26, 2018
PC Work Session	April 10, 2018
PC Public Hearing	May 8, 2018
CC Public Hearing (Possible)	May 21, 2018

• PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 • 3

Criteria

Florence City Code, Title 10:

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

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4 through 6

Chapter 2: Land Use, Policies 1 through 3

Residential, Policies 2 and 8 & Recommendation 4

Chapter 9: Economic Development, Policy 1

Chapter 10: Housing Opportunities, Policies 1 through 3,
Recommendation 1 and 3

Oregon Revised Statutes:

ORS 197.610(1) through 197.610(6)

ORS 227.186(4)

• PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 • 4

Exhibits

A summary of proposed changes by Chapter:

Exhibit:

- B. FCC 10-1: Zoning Administration: FCC 10-1-1-5.**
- C. FCC 10-2: General Zoning: FCC 10-2-13**
- D. FCC 10-3: Off-Street Parking and Loading.**
- E. FCC 10-4: Conditional Uses: FCC 10-4-12-A.**
- F. FCC 10-10: Restricted Residential District: FCC 10-10-7-2.**

• PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 • 5

FCC 10-1 (Exhibit B)

10-1-1-5: General Provisions (Page 6)

A. [...]

1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.

• PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 • 6

FCC 10-2 (Exhibit C)

Addition of Definitions:

Page 3: [Accessory Dwelling Units](#)

Page 7: [Cottage](#), [Cottage Cluster](#), [Density](#), [Develop](#)

Page 8: (Mod) Dwelling, [Secondary Dwelling](#) (Ref)

● PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 ● 7

FCC 10-3 (Exhibit D)

Addition of:

Page 2: "for non-residential uses," ADUs in table

Page 7: "Parking for A[DUs] may be covered or uncovered."

Page 8: M.1. Covered or uncovered.

M.2. Hard-surfaced.

M.3. On-street where available.

● PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 ● 8

FCC 10-4 (Exhibit E)

Addition of:

Page 4: Places of Worship

2.a Housing – 50% affordable

2.b Meets land use regulations

3. 60-Year Covenant

● PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 ● 9

FCC 10-10 (Exhibit F)

Addition of:

Page 3-4: 10-10-6 Accessory Dwelling Units

Page 5: 10-10-7 Residential Zone General Development Stds.

● PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 ● 10

Questions?

● PC 18 10 TA 01 - ADU/SB 1051 Code Changes

5/8/18 ● 11