



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 13, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 005-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 27, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Michelle Pezley, City Of Florence

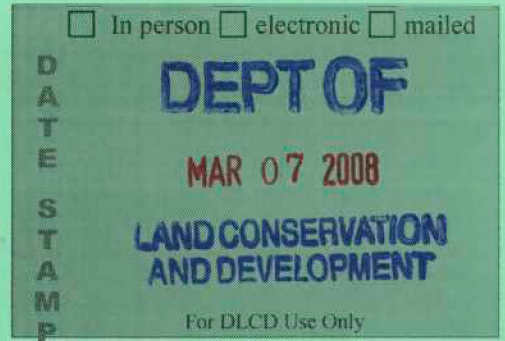
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NRDF 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Florence**

Local file number: ~~PG 07-33-TA-01~~

Date of Adoption: **3/21/2008**

Date Mailed: **3/6/2008** 0734TA02

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/26/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Zoning Text Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adding "dental clinic" to the allowed uses within Florence City Code Title 10, Chapter 32 Industrial Park District

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **none**

to:

Zone Map Changed from: **none**

to:

Location: **City Limits of Florence**

Acres Involved:

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 005-07 (16546)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Florence

Local Contact: **Michelle Pezley**

Phone: **(541) 997-8237** Extension:

Address: **250 Highway 101 N.**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439-**

E-mail Address:

michelle.pezley@ci.florence.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101
Florence, OR 97439-7628
TDD: (541) 997-3437

PH: (541) 997-8237
PH: (541) 997-2053
FAX: (541) 997-4109

March 6, 2008

Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Dear Mara Ulloa;

Enclosed is the Notice of Decision for the text amendments for the Florence City Code Title 10, Chapter 3: Off-Street Parking and Loading and Chapter 32: Industrial Park.

The City Council was decided to adopt the changes that are enclosed; however, directed staff to have more standards for the lighting, which will be placed in 10-3-8-G. The public hearing is scheduled on April 7, 2008 at 7:00 p.m.

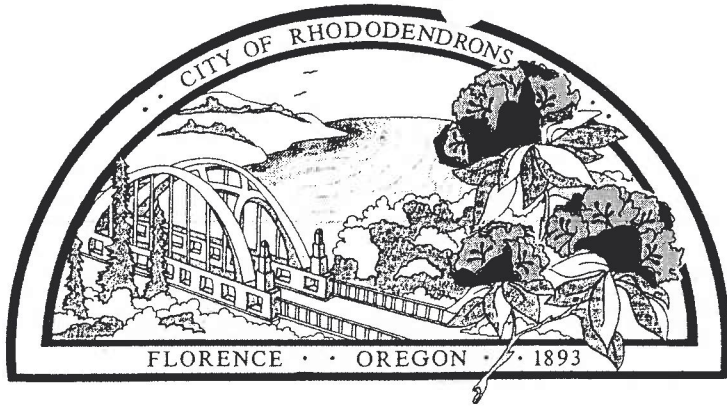
We will send another notice of that decision once it is finalized by Ordinance.

If you have any questions or comments, please feel free to contact me by email at michelle.pezley@ci.florence.or.ur or 541.997.8237.

Sincerely,

Michelle K. Pezley
Assistant Planner





City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101
Florence, OR 97439-7628
TDD: (541) 997-3437

PH: (541) 997-8237
PH: (541) 997-2053
FAX: (541) 997-4109

NOTICE OF DECISION CITY OF FLORENCE

On February 19, 2008, the Florence City Council adopted **Ordinance No. 5, to allow dental clinics as a permitted use. Series 2008**

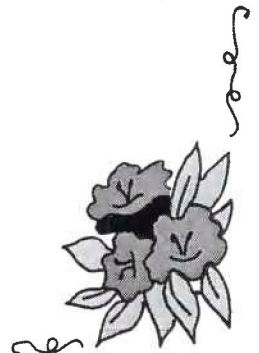
IN THE MATTER OF AMENDING THE FLORENCE CITY CODE (FCC) TITLE 10 CHAPTER 32 INDUSTRIAL PARK DISTRICT.

The amendment to FCC Title 10 Chapter 32 Industrial Park District and adopted findings may be viewed at the Florence City Hall, 250 Highway 101 in Florence, between the hours of 8:00 am and 3:00 pm, Monday thru Friday, excluding holidays.

If you wish to appeal the Council's decision, you must file a notice of intent to appeal to the Land Use Board of Appeals and the City of Florence within 21 days of the date of this notice. Please refer to Oregon Revised Statutes (ORS) 197.830-197.845 for specifics about the appeal process. If you have any questions, you may contact Sandra Belson, Community Development Director, at 541-997-8237.

This notice of decision will be deposited in the mail on March 6, 2008.

Certified by: 
Darby Conner, Administrative Assistant



PC 07 34 TA 02
Holmes Industrial Park-CA
NOD
US Mailed 3-6-08

10

Paul Jensen
P.O. Box 1300-A
Florence, OR. 97439

4MPS LLC
PO BOX 21503
EUGENE, OR 97402
1812224301400

Dan Means
1703 Joshua Lane,
Florence, OR. 97439

BURNS ALAN & KAREN
PO BOX 250
FLORENCE, OR 97439
1812224200800

HOLMES BRIAN G & TAMMY R
7 MARINERS LN
FLORENCE, OR 97439

AGENDA ITEM SUMMARY

ITEM NO: **5**

FLORENCE CITY COUNCIL

Meeting Date: 02/19/08

Department: Community Development

ITEM TITLE: **AMENDMENT TO TITLE 10, CHAPTER 32: INDUSTRIAL PARK DISTRICT**

DISCUSSION/ISSUE:

The requested action is to amend the Florence City Code, Title 10 Chapter 32, Industrial Park District. The Planning Commission recommended adoption of the proposed amendments in Resolution PC 07 34 TA 02.

BACKGROUND:

Because the Planning Commission is no longer working on a comprehensive update of the code, and instead updating individual chapters, the Planning Staff has given citizens the opportunity to apply for text amendments to the Florence City Code (FCC) in addition to the Planning Commission updates. Dr. Holmes has requested a review of the allowed uses in the Industrial District to determine if a dental clinic could be included as a permitted use. The applicant owns property within the Industrial Park District and would like to move his dental clinic to the Industrial Park. Staff made recommendation to the Planning Commission to deny the application, however, the Planning Commission choose pass Resolution PC 07 34 TA 02, which makes recommendation to the City Council to approving the Text Amendment and approved positive findings of fact for the application.

STAFF ANALYSIS:

Staff has found that the proposed Text Amendment does not meet the following criteria from Realization 2020 Florence Comprehensive Plan:

Chapter 2: Land Use

Policy 1: Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impact on environmental, economic, and social and energy factors.

Cities first used zoning started to separate incompatible land uses. Zoning Codes were also created with the idea to assure light and air circulation.¹ Zoning minimizes the impact of non-compatible uses next to each other. The designation and location for land uses in Florence was based on an analysis of need for land uses of various types. This analysis can also apply to adding uses within a district. Dental clinics are currently allowed in the following districts as permitted uses or conditional uses: Multi-Family

¹ American Planning Association. (2006). Planning and Urban Design Standards. Hoboken, New Jersey: John Wiley & Sons, INC.

Residential, Commercial, Highway, Old Town, Professional Office/Institutional, Mainstreet, and North Commercial.

The applicant stated in his application there is “virtually no other available space for this facility at this time.” With seven other districts where a dental clinic is already allowed, there are other adequate buildable lands within the listed districts to build a new dental clinic. If there is a lack of buildable lands within those districts, then the City should look into expanding the UGB to allow more land within the commercial and multi-family districts.

Furthermore, on February 27, 2007, the Planning Commission approved the design review for a dental clinic at 10th and Elm (PC 06 25 DR 08) which is within the Professional Office/ Institutional District as applied by Dr. Holmes. Also that day, the Planning Commission approved a setback variance for the dental office (PC 07 04 VR 03). The approval for the two land use applications expire March 2, 2008.

Industrial (page 25) Goal: To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage, and distribution, construction, and development-related uses, and airport-related uses.

The current code meets this goal in that the Industrial Park District purpose (10-32-1) states, “The Industrial Park District is intended to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.”

The applicant has stated, “a dental clinic is very much ‘a related activity that does not create a significant detrimental impact on adjacent districts’”. As the goal states, the industrial zones are for suitable heavier uses such as research and development, manufacturing, processing, assembly, storage and distribution, construction and development-related uses, and airport-related uses, which does not include a health service use of a dental clinic; therefore, the proposed text amendment is not in compliance with this goal.

Policy 1: The City shall encourage development of the City’s Pacific View (Kingwood) Business Park which has been planned, zoned and for which infrastructure is provided, to readily accommodate suitable light industrial and research and development uses and to provide for businesses and industries which provide family wage year-round employment.

The proposal does not meet this policy. The Pacific View Business Park has two zoning districts, which are the Chapter 28 Pacific View Business Park District and Chapter 32 Industrial Park District. Pacific View Business Park District has uses that are service businesses, light manufacturing, research and development while the Industrial Park District has uses that are airport related uses and manufacturing and assembly. A dental clinic is a health service and not light industrial or research and development use; therefore, the proposed text amendment is not in compliance with this goal.

Policy 5: The City shall encourage development of heavy commercial uses, such as the construction and development industries, within industrial lands planned and zoned for such uses.

The City is working to promote the Industrial Park District / Pacific View Business Park District as a place for new companies to come in. The City has created an E-Commerce Zone and an Enterprise Zone for the entire Pacific View Business Park to have incentives for companies to move those lots. One incentive for the enterprise zones is a three to five year property tax exemptions for "businesses of all sizes to make additional investments that will improve employment opportunities, spur economic growth and diversify business activity."² Allowing the land zoned for industrial uses to be developed with non-industrial uses limits the city's future options for industrial development that could take advantage of these tax breaks.

Planning Commission Concerns:

During the Planning Commissions discussion on this land use decision, they also discussed their concerns on the lack of direction that has been provided by the City Council for the Industrial Park. The Planning Commission also discussed their concerns with the City's CCR's and how they conflict with the Zoning Code for the area and what is already allowed in the Pacific View Business Park. The Planning Commission agreed that the purpose of the Industrial Park and the CCR's should be revisited at a later time.

FISCAL IMPACTS: There are no direct or indirect fiscal impacts anticipated.

ALTERNATIVES:

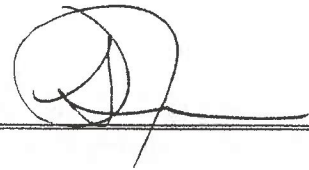
- 1 – Adopt the proposal by passing the Ordinance and attached findings as presented.
 - 2 – Adopt the proposal with changes to the Ordinance and/or attached findings.
 - 3 – Deny the proposal and direct staff to prepare an Ordinance for denial based on the staff's findings with or without modifications.
-

PLANNING COMMISSION RECOMMENDATION: Adopt of the proposal as presented in Resolution PC 07 34 TA 02, which includes:
Exhibit A: Findings of Fact

CITY MANAGER'S RECOMMENDATION: Approve/Disapprove Other whether you agree w/ the PC's findings or staff's proposed findings is a

² Oregon Economic and Community Development. May 2004. What are Oregon Enterprise Zones? Retrieved December 21, 2007 from <http://www.econ.state.or.us/enterthezones/whatare.htm#tax>.

Policy decision for the Council.



ATTACHMENTS:

Resolution PC 07 34 TA 02

Exhibits:

- A. Findings of Fact
- B. Application and additional information from the applicant
- C. Current Chapter 32 Industrial Park District
- D. Letter to Brian G. Holmes, D.M.D. from Sandra Belson dated September 27, 2007
- E. Letter from Brian G. Holmes D.M.D. to Planning Commission dated May 7, 2007
- F. Letter to Brian G. Holmes from Darby Conner letter dated June 5, 2007
- G. Letter to Brian Holmes from Michelle Pezley dated October 5, 2007
- H. Email to Brian Holmes and Paul Jensen from Michelle Pezley dated October 19, 2007
- I. Email from Brent McLean with attached letter from Brent McLean, Barbara McLean, Rick Paslay and Cheryl Paslay dated January 5, 2008.
- J. Letter from Dan Means received January 8, 2008.

ITEMS UNDER SEPARATE COVER:

- 1. Ordinance Number 5, Series 2008
- 2. Exhibit A: Findings of Fact for Ordinance Number 5, Series 2008

CITY OF FLORENCE
PLANNING COMMISSION

RESOLUTION NO. PC 07 34 TA 02

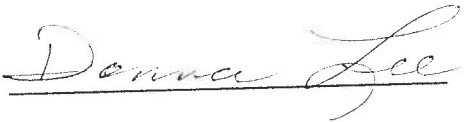
IN THE MATTER OF RECOMMENDATION FROM THE PLANNING COMMISSION TO THE CITY COUNCIL FOR A TEXT AMENDMENT THE FLORENCE CITY CODE, TITLE 10, CHAPTER 32 INDUSTRIAL PARK DISTRICT.

WHEREAS, the Planning Commission held a duly advertised public hearing on January 8, 2008 in accordance with FCC 10-1-3 (C) to consider the legislative amendment;

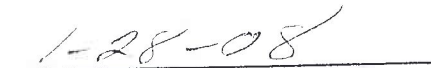
WHEREAS, the Planning Commission after considering the evidence in the record found the proposed text amendments to be in consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED that, based on the Findings of Fact in Exhibit A and the evidence in record makes recommendation to Florence City Council to approve the text amendment.

APPROVED BY THE FLORENCE PLANNING COMMISSION this 22th day of January 2008.



DONNA LEE, Chairperson
Florence Planning Commission



DATE

**Exhibit A: Planning Commission Finding of Fact
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission**

Public Hearing Date: January 8, 2008 **Planner:** Michelle Pezley
Date of Report: December 19, 2007
Application: 07 34 TA 02

I. PROPOSAL DESCRIPTION

Proposal: The applicant request Text Amendment to allow "dental clinic" as an allowed use within Title 10, Chapter 32 Industrial Park District.

Applicant/Property Owner: Brian Holmes, DMD

Agent: Paul Jensen, Architect

Location: Lower section of the Pacific View Business Park, North of 20th Street along Kingwood Street to 30th Street
Between the Airport and Siuslaw School District

Comprehensive Plan Map Designation: Limited Industrial

Zone Map Classification: Industrial Park District

Surrounding Zoning

North: Pacific View Business Park
South: Airport and Single Family Residential
East: Multi-Family/ Siuslaw School District
West: Airport

Notice: Notice was mailed to property owners within the Industrial Park District and published in the Siuslaw News on December 19th, 22nd and January 5th. As of this writing, no written comments were received.

II. NARRATIVE

Because the Planning Commission is no longer working on a comprehensive update of the code, the Planning Staff has given citizens the opportunity to apply for text amendments to the Florence City Code (FCC) in addition to the Planning Commission updates (see Exhibit D). Dr. Holmes has requested a review of the allowed uses in the Industrial District to determine if a dental clinic could be included as a permitted use.

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Department of Land Conservation and Development.

The applicant owns property within the Industrial Park District and would like to move his dental clinic to the Industrial Park.

The State of Oregon has deemed that the Florence Realization 2020 Comprehensive Plan is consistent with the Statewide Planning Goals. Therefore, Statewide Planning Goals is not used as criteria for the findings of this report.

III. REFERRALS

Referrals were emailed to Department of Land Conservation and Development, Lane County Land Management, Florence Public Works, Florence Area Chamber of Commerce and Oregon Department of Aviation. No referrals have been received.

IV. APPLICABLE REVIEW CRITERIA

1. Realization 2020 Florence Comprehensive Plan

Chapter 1: Citizen Involvement

Chapter 2: Land Use

Chapter 9: Economic Development

2. Oregon Revised Statute (ORS) 197.610

V. FINDINGS

The criteria are listed on bold followed by the findings of fact.

Realization 2020 Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Implementation of the Plan takes many forms. The most obvious are zoning, subdivision, design review, and special land use ordinances. These ordinances must conform to the Plan (page 3)

The following findings demonstrate how the proposed change does or does not conform to the Plan.

Chapter 1: Citizen Involvement

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The proposal meets this goal because a citizen in the community initiated this text change, which is the start of the planning process. There will be two public hearings as well at which other citizens have the opportunity to be involved with the process. The public hearing was published in the Siuslaw News on December 19th, 22nd, and 5th. Notices also went out to all property owners within the Industrial District on December 14th.

Policy 4: Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.

The City is meeting this policy by providing notice of public hearing for this land use decision. The notice of public hearing was published in the Siuslaw News on December 19th, 22nd, and 5th. Notices also went out to all property owners within the Industrial District on December 14th. The Planning Commission agenda packet will be posted on the City's website and is available for review at City Hall.

Chapter 2: Land Use

Policy 1: Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impact on environmental, economic, and social and energy factors.

The proposed use is consistent with the uses that are currently there as shown in Exhibit J.

Industrial (page 25) Goal: To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage, and distribution, construction, and development-related uses, and airport-related uses.

The applicant has stated, "a dental clinic is very much 'a related activity that does not create a significant detrimental impact on adjacent districts'".

Policy 1: The City shall encourage development of the City's Pacific View (Kingwood) Business Park which has been planned, zoned and for which infrastructure is provided, to readily accommodate suitable light industrial and research and development uses and to provide for businesses and industries which provide family wage year-round employment.

Dental clinics provides family wage year-round employment

Policy 4. The City shall maintain lands planned and zoned for industrial use within Industrial zones free from the encroachment of incompatible

land uses such as residential, public or private school and day care center, active parks, or retail use as a principal use.

The policy is to protect the industrial zones from incompatible land uses. A dental clinic would not be harmful or detrimental to an industrial use.

Policy 5: The City shall encourage development of heavy commercial uses, such as the construction and development industries, within industrial lands planned and zoned for such uses.

The City has allowed uses that are similar to a dental clinic in the Industrial Park District.

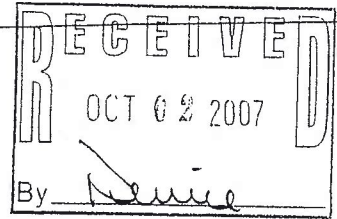
VI. CONCLUSION

The proposed Text Amendment to have dental clinic as an allowed use is consistent with the applicable criteria in the Florence Realization 2020 Comprehensive plan.

VII. EXHIBITS

- B. Application and additional information from the applicant
- C. Current Chapter 32 Industrial Park District
- D. Letter to Brian G. Holmes, D.M.D. from Sandra Belson dated September 27, 2007
- E. Letter from Brian G. Holmes D.M.D. to Planning Commission dated May 7, 2007
- F. Letter to Brian G. Holmes from Darby Conner letter dated June 5, 2007
- G. Letter to Brian Holmes from Michelle Pezley dated October 5, 2007
- H. Email to Brian Holmes and Paul Jensen from Michelle Pezley dated October 19, 2007
- I. Letter from Brent McLean, Barbara McLean, Rick Paslay and Cheryl Paslay dated January 5, 2008.
- J. Map of current uses in the Industrial Park District

CITY OF FLORENCE
LAND USE APPLICATION
Community Development Department
250 Highway 101, Florence, OR 97439
(541) 997-8237 voice (541) 997-4106 fax



TYPE OF REQUEST

- | | | |
|---|---|---|
| <input type="checkbox"/> Minor Design Review (DR)
(less than 10,000 sq ft) | <input type="checkbox"/> Major Design Review (DR)
(more than 10,000 sq ft) | <input type="checkbox"/> Modification to approved plan |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Zone Change (ZC) | <input type="checkbox"/> Comprehensive Plan
Amendment (CPA) | <input checked="" type="checkbox"/> TEXT AMENDMENT |
| | | <input type="checkbox"/> Administrative Review (AR) |

APPLICANT INFORMATION

Name: BRIAN G. HOLMES P.M.D. Phone: 541.997.3535
E-Mail Address: HOLMES@OREGONFAST.NET Cell Phone: _____
Address: P.O. BOX 2956 FLORENCE, OR 97439
Signature: [Signature] Date: 10.02.07
Applicant's Representative (if any) PAUL K. JENSEN, ARCHITECT

PROPERTY OWNER INFORMATION

Name: SAME AS ABOVE Phone: _____
E-Mail Address: _____ Cell Phone: _____
Address: _____ Date: _____
Signature: _____
Applicant's Representative (if any) _____
If applicant and property owner are not the same, either sign or submit a letter of authorization to allow the applicant to act as agent for the property owner.

PROPERTY DESCRIPTION

Property Address: _____
General Location (Example: southwest corner of Second St and Hwy 101) NORTH - EAST
CORNER KINGWOOD & 27 TH STREETS
Map and Tax Lot Number: 1812 22 42 TL 1300 Lot Size 48,541 S.F.
Zoning Designation: INDUSTRIAL PARK

CONTINUED ON NEXT PAGE

PROJECT DESCRIPTION

Sq. ft. of Building: 3,500 SF APPROX

Number of parking spaces required: 14

Sq. ft. of Addition: FUTURE 1,500 S.F.

Number of spaces provided: 28

Proposal (attach an additional sheet if necessary. Describe the project in detail, what is being proposed, size, objectives, what is desired by the project)

SEE ATTACHED

OFFICE USE ONLY

Date Submitted: _____

Fee: _____

Received By: _____

Receipt Number: _____

CONTINUED ON NEXT PAGE

ADDITIONAL COMMENTS

REQUEST:

We are asking that a "Dental Clinic" be added to the permitted uses for the Industrial Park District. Specifically we wish to construct a dental clinic on Lot No. 40 located on the north-east corner of Kingwood and 27th Streets.

The habit of listing specific permitted uses in zoning is becoming outdated because business and the needs of the community are changing so rapidly that the "freezing" of this language and the inability to adjust, will doom areas within the city to lie fallow for years to come.

The stated purpose of the Industrial Park District is "to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.

We would suggest that a dental clinic is very much "a related activity that does not create a significant detrimental impact on adjacent districts and should have been listed as an approved use.

A LOOK AT ADJACENT DISTRICTS:

To the East – we find the schools. Locating a dental clinic within walking distance of the schools seems to us to make perfect sense.

To the North – we find the Pacific View Business Park where the stated purpose is "to provide areas for offices, service businesses, light manufacturing, research and development facilities and supporting uses. A nearby dental clinic would be very convenient for any employees.

To the West – we find a crematory, storage facilities and the airport. As stated earlier, it is quite possible to look at a dental clinic as being an accessory to an industrial district or for that matter an accessory to a small regional airport, since raw materials and finished products will be shipped to and from this location.

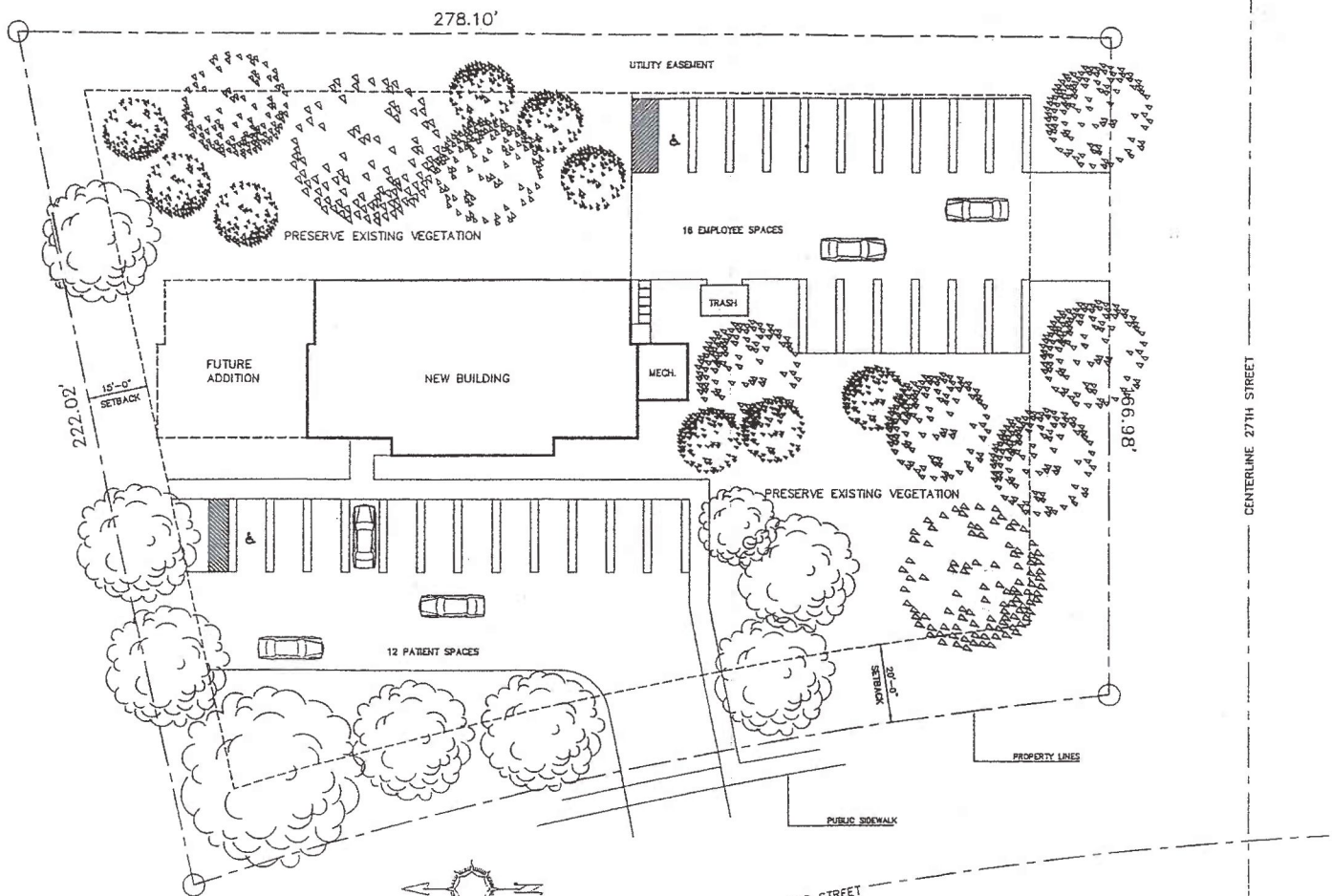
To the South – we find the offices of the Oregon State Forestry, and other non-listed compatible uses.

OTHER FACTORS:

The real purpose of this entire area has always been to create employment opportunities for family wage earning workers. That is precisely what this dental clinic would do. The business making this request has already demonstrated its ability to expand successfully and now wishes to do even more including the hiring of additional professional workers.

It is very much the desire of every resident of Florence to preserve as much as possible of the natural environment. This particular owner is dedicating natural landscaping in two specific areas where he is not required to do so. First, the corner of Kingwood and 27th Street is left in its natural state. Secondly, the area to the east of the proposed building is also left natural so that visiting patients may enjoy the scenery while receiving treatment. In addition, we have created a 15 foot setback in lieu of the 5 foot setback permitted by code along the northerly property line. This will create a much nicer greenbelt.

There is currently much unused industrial space within the city limits. There is virtually no other available space for this facility at this time. It is the responsibility of a city to provide for space for all needed services and the city has already evidenced this by permitting other businesses not specifically listed, within the Industrial District. We respectfully request that you approve this text amendment.



PAUL K. JENSEN
ARCHITECT

2806 HIGHWAY 101-N. P.O. BOX 1500-A
FLORENCE OREGON 97439
TEL. 541/987-7629 FAX 541/902-0260



SCALE: 1" = 30'
DATE: 10.02.07

THE BRIAN HOLMES DENTAL BUILDING

PAUL K. JENSEN, ARCHITECT

88896 Highway 101-N (Mailing address P. O. Box 1300-A) Florence, OR 97439

Tel: 541.997.7509

Fax: 541.902.0260

E-Mail: jensen@harborside.com

October 23, 2007

Ms. Michelle K. Pezley, Assistant Planner
City of Florence, Community Development Department
250 Highway 101
Florence, OR 97439

Re: Our Land Use Application 07 34 TA 02, dated October 2, 2007
Your letter to Dr. Brian Holmes DMD, dated October 5, 2007
Our meeting of October 12, 2007
Your E-Mail to Dr. Brian Holmes DMD & to me, dated October 19, 2007



Dear Michelle,

We wish to have this letter included as part of the above mentioned Land Use Application.

Item No. 1

For the record, in your letter dated 10.05.07 you state that we need to submit "how the Comprehensive Plan relates to the proposed parking requirements". Parking is not mentioned in the Comprehensive Plan and our Land Use Application 07 34 TA 02, clearly states that we are providing 28 spaces vs. the required number of 14.

Per our discussion of 10.12.07, I believe this issue was mutually agreed.

Item No. 2

In your E-Mail dated 10.19.07 you state that Industrial Policy 1 states that "The City shall encourage development of the City's Pacific View (Kingwood) Business Park which has been planned, zones and for which infrastructure is provided, to readily accommodate suitable light industrial, and research and development uses and to provide for businesses and industries which provide for family wage year-round employment".

As you also suggest, this issue was covered in my "Additional Comments" which were a part of the original Land Use Application 07 34 TA 02 where I discuss the hiring of additional professional workers with family wages.

Item No. 3

In you E-Mail dated 10.19.07 you state that Industrial Policy 4 states that "The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible lands uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use".

Page 2

City of Florence Community Development Department
October 23, 2007

This was covered in my "Additional Comments" which, again, was part of the original Land Use Application, where we claim that a dental clinic is "a related activity that does not create a significant detrimental impact on adjacent districts" namely the airport and the schools. In fact we claim that it is an asset to those districts. Furthermore, there is no residential use proposed for this site.

Item No. 4

In your E-Mail dated 10.19.07 you state that Industrial Policy 5 states that "The City shall encourage development of heavy commercial uses, such as the construction and development industries, within industrial lands planned and zoned for such uses".

On page 10 of Comprehensive Plan, at the bottom of the page, it states that "Where it is found that the Plan no longer meets one or more of the above objectives, the City shall pursue a timely amendment of the Comprehensive Plan".

There are many unused industrial sites within the city and there is no suitable site for a dental clinic of the size and type we are proposing, evidenced by our previous failed attempt to locate the clinic at the corner of 10th and Elm Streets. The City has recognized this fact by allowing other non-listed uses within the industrial zone, in the past.

Since the City's Community Development Department has decided that this is now not acceptable, we have found it necessary to, simply, request that you amend the list of "Permitted Uses" to include "Dental Clinic". This right is given to us on page 3 of the Comprehensive Plan where it states that "Amendments to the Plan may be initiated by Citizens etc".

We ask that you attach this letter to our Land Use Application and we will be prepared to respond to any other questions that the members of the Planning Commission may have at the time of the hearing. With this, we request that you deem our application to be complete and further request that you schedule the Planning Commission hearing at the earliest possible date.

Very truly yours,



Paul K. Jensen, Architect

Cc Dr. Brian Holmes, DMD

All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to monument signs only.

Ord. No. 4, Series 2004

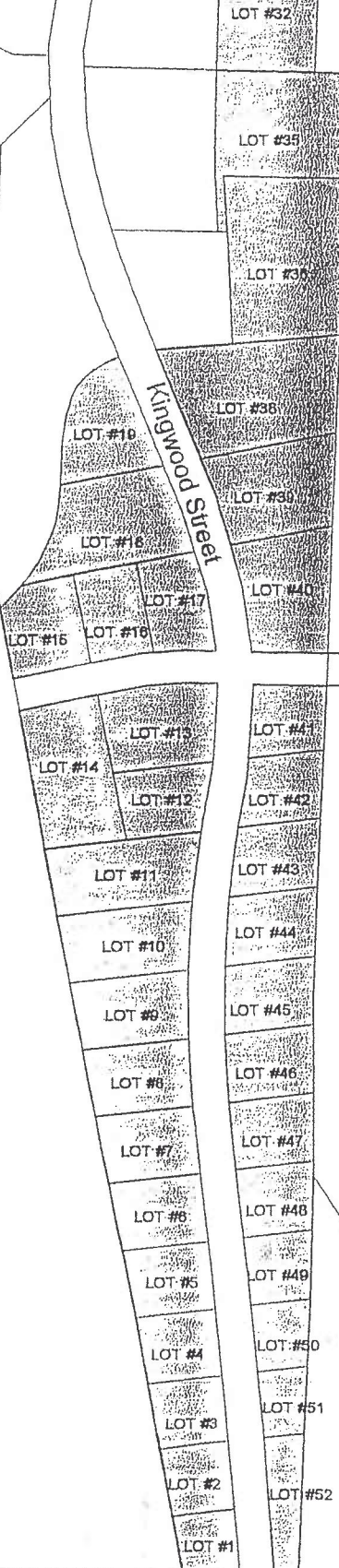
Pacific View Dr

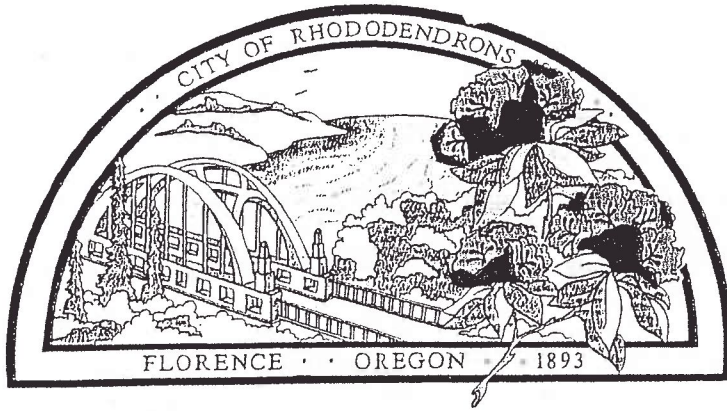
Kingwood Street

INDUSTRIAL
PARK

ATTACHMENT "A"
Ordinance No. 4, Series 2003

27th Street





City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101
Florence, OR 97439-7628
TDD: (541) 997-3437

PH: (541) 997-8237
PH: (541) 997-2053
FAX: (541) 997-4109

September 27, 2007

Brian G. Holmes, D.M.D.
PO Box 2956
Florence, OR 97439

Dear Dr. Holmes,

After talking with you and Paul Jensen on Monday after the Council work session, it became clear that there is still confusion as to the processes available to you in order to ultimately apply for design review to allow a dentist clinic on your property. This letter is an attempt to encapsulate the options we have discussed at various times over the past six months.

First, I would like to outline the facts of the situation.

Facts

You own a lot at the northeast corner of the intersection of 27th Street and Kingwood Street. This lot is designated Limited Industrial on the Comprehensive Plan map. The lot is zoned Industrial Park. The following is an excerpt from the Florence City Code as to the uses allowed in the Industrial Park District.

10-32-1 Purpose: The Industrial Park District is intended to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.

10-32-2: Permitted Buildings and Uses:

1. Any building or use which meets the intent of the Purpose Statement of this District, with the exception of those uses allowed as Conditional Uses in this District, and which also meet all the requirements of this District.
2. Public buildings and facilities which meet the intent of the Purpose Statement of this District.
3. Crematories, and associated mortuaries and funeral homes.

10-32-3: Buildings and Uses Permitted Conditionally:

The Planning Commission, subject to procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

1. Trucking yards and terminals
2. Utility distribution plants and service yards
3. Automobile painting shops
4. Radio towers, transmitters and receiving stations



5. Airplane hangars, provided that the lot abuts the Florence Municipal Airport
6. Building materials sales, provided that materials are stored and displayed inside enclosed structures
7. Public buildings and facilities not included in 10-32-2.
8. A single residential unit for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.
9. Any other business or activity which have a potential for off-site impacts, but which meet the purpose of the Industrial Park District.

In your letter to the Planning Commission dated May 7, 2007, you wrote that you and your architect, Paul Jensen, understand that a dental clinic is not currently a use that the City Planning Commission could approve, even under a Conditional Use Permit. As I reiterated to you on Monday, as Community Development Director, I could not in good conscience recommend approval of the dental office as a conditional use in the Industrial Park District as it clearly does not meet the purpose of that District. Florence has many other zoning districts appropriate for a dental clinic including:

- Multi-Family Residential,
- Commercial,
- Highway,
- Old Town,
- Professional Office/Institutional,
- Mainstreet, and
- North Commercial.

Your letter of May 7, 2007 requested that the Planning Commission and City Council consider amending the rules so that a dental clinic would be some type of allowed use. At that time, the Planning Commission had scheduled a work session to review the industrial zoning districts on June 6, 2007 as part of its code update process. On June 5, 2007, we sent you a letter explaining that the code update process had been postponed. As you know, the Planning Commission is currently focused on the Old Town District and it is not known when it would consider initiating changes to the industrial zoning districts. As a property owner, you have the option of initiating a change to the rules rather than waiting for the city to initiate changes.

Option 1

Apply for a change to the text of the Industrial Park District to allow a dental clinic. You would fill out the general application form I provided to you and attach a statement indicating:

- how you would like the text to be changed and
- findings of fact to show compliance with the Comprehensive Plan

Along with your application, you would need to pay the \$1500 fee. The Planning Commission would hold a public hearing on your application and make a recommendation to the City Council. The City Council would then hold a public hearing and make a final decision.

Option 2

Change the zoning for your property. As we discussed, changing the zoning for your property alone (spot zoning) is not allowed. Therefore, you would need to propose changing the zone of a group of properties that created a rational, justifiable boundary. You would also need to identify an appropriate zoning district that complied with the Comprehensive Plan. As stated previously, the property is designated Limited Industrial. There are three zoning districts that implement that plan designation. They are:

Limited Industrial (Chapter 20),
Pacific View Business Park (Chapter 28), and
Industrial Park District (Chapter 32).

None of these would clearly allow a dental clinic, but the one that comes closest is the Pacific View Business Park. You would need to fill out the application provided to you for that purpose and again show compliance of the proposed rezone to with the Comprehensive Plan. The application fee is \$1500. The Planning Commission would hold a public hearing on your application and make a recommendation to the City Council. The City Council would then hold a public hearing and make a final decision.

Option 3

If you do not want to take on the burden of proof as an applicant requesting changes to City Code, you have the option of continuing to be involved in city discussions about the city code. Change would happen on the city's timeline rather than yours.

Option 4

Proceed with construction of the your approved plans for a new dental clinic at 10th and Elm or find another location that currently allows construction of a dental clinic.

Should you have any further questions about your options or the process, feel free to contact me here are City Hall.

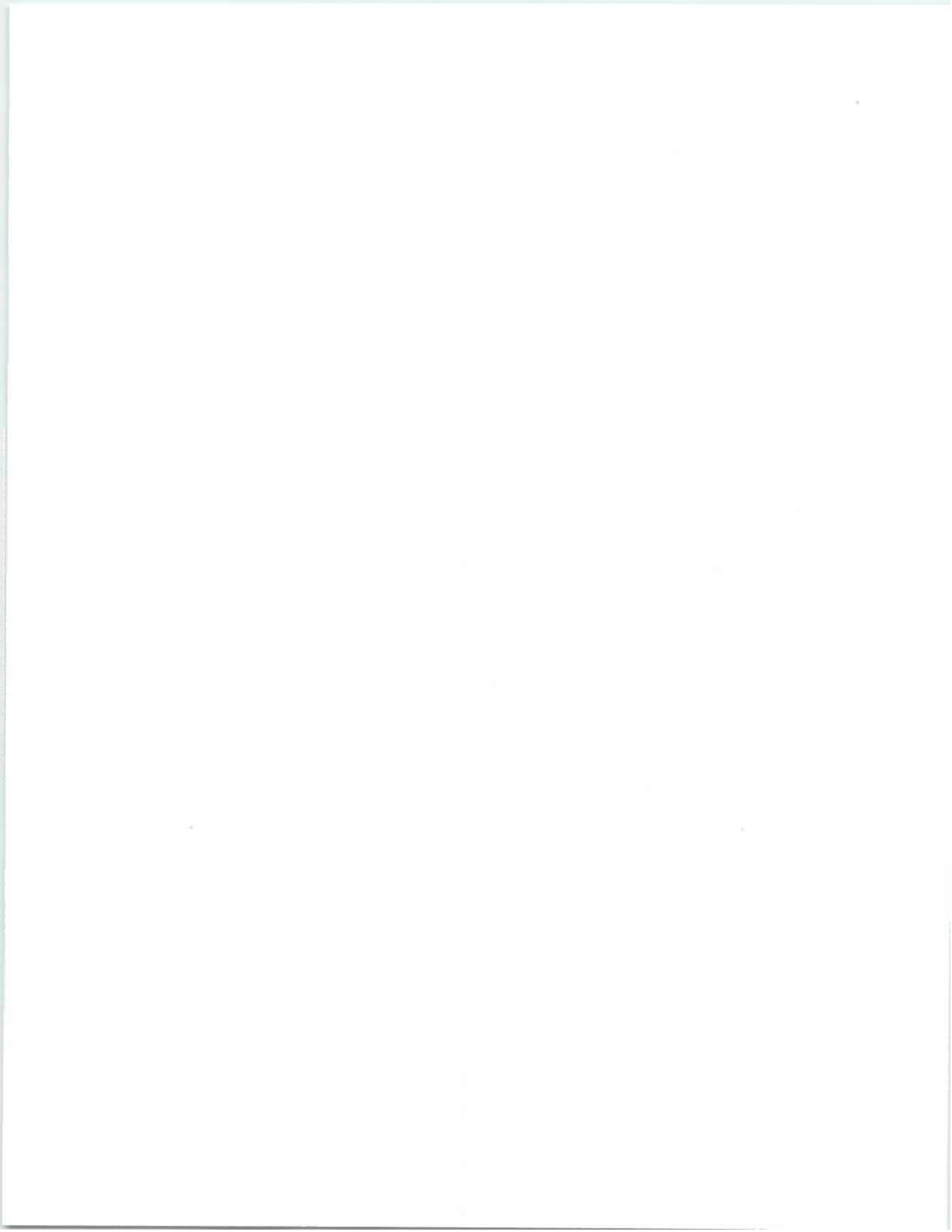
Respectfully submitted,



Sandra W. Belson
Community Development Director

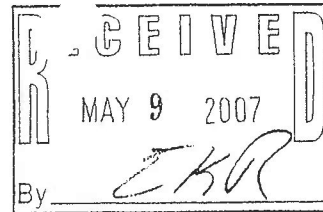
Cc: Paul K. Jensen, Architect
Robert Willoughby, City Manager
Planning Commission
City Council

P:\Community Development\Inquiries\Holmes options letter.doc





BRIAN G. HOLMES, D.M.D.



1254 Bay Street
P.O. Box 2956
Florence, OR 97439
Telephone: (541) 997-3535

May 7, 2007

Members of the Planning Commission
City of Florence
250 Highway 101
Florence, OR 97439

Dear Planning Commission Members,

Re: Your Work Session June 6, 2007
Pacific View Business Park

I am interested in acquiring a lot in Pacific View Business Park and in locating my new dental clinic there, rather than at the previously approved location at 10th and Elm Streets. My architect and I understand that this is not currently a use that the City Planning Commission could approve, even under a Conditional Use Permit.

I request that you, and the City Council, consider amending the rules so that this use could be approved by the commission if they chose to do so, I have enclosed a schematic site plan indicating what we would like to accomplish, for your reference.

You will note that we intend to offer the city considerably more parking and more landscaping than normally required, and specifically preservation of more existing vegetation. If you and the Council agree to accommodate us in this matter the Site Plan will of course be submitted to the Commission along with our request for a Design Review in the usual manner.

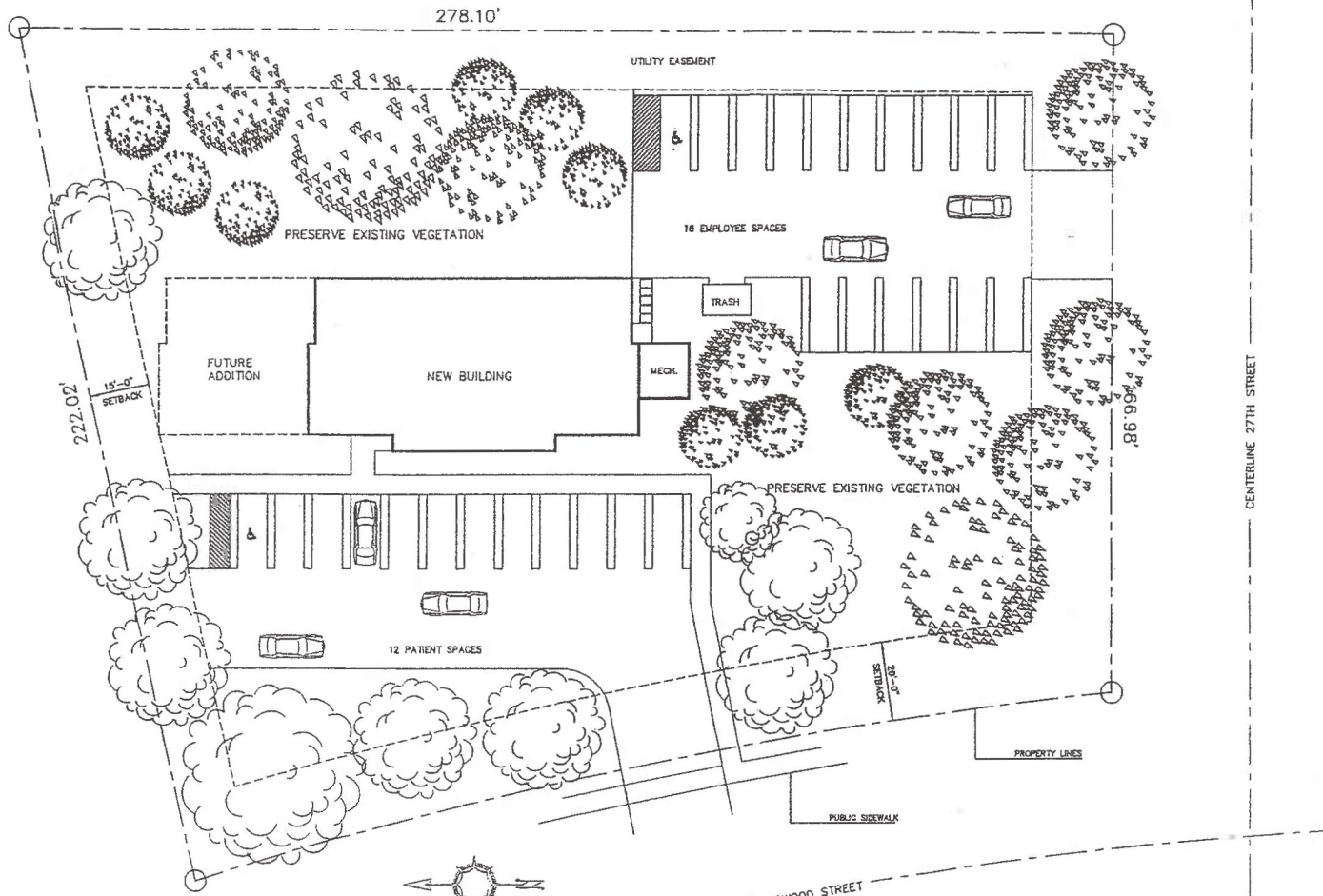
Should you have any questions, please do not hesitate to call my architect, Paul K. Jensen or myself.

Very truly yours,

Brian Holmes, D.M.D.

CC Sandra Belson, Community Services Director
City Council Members
Paul K. Jensen, Architect

EXHIBIT E



SCALE: 1" = 30'
 DATE: 10.02.07

PAUL K. JENSEN
 ARCHITECT

3896 HIGHWAY 101-N, P.O. BOX 1300-A
 FLORENCE, OREGON 97436
 TEL. 541/997-7609 FAX 541/902-0260

THE BRIAN HOLMES DENTAL BUILDING

June 5, 2007

Brian G. Holmes, D.M.D
1254 Bay Street
P.O. Box 2956
Florence, OR. 97439

Dear Brian Holmes,

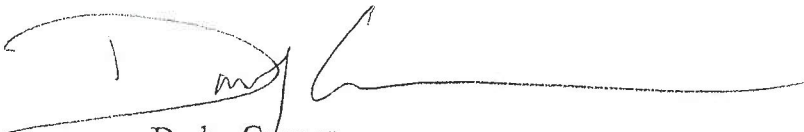
This letter is sent in regards to your request that the City Council consider amending the rules so that you are able to acquire a lot in the Pacific View Business Park for your dental clinic.

We have filed your request letter in with the Code Update public comments. The Planning Commission is in the process of updating the code book. Unfortunately this process will be postponed until the City has proper staffing again.

When they resume the Code Update process we will send you a calendar of dates showing the sections to be covered at each meeting .When the Planning Commission reviews the approved uses for the Pacific View Business Park in the code update they will consider your request.

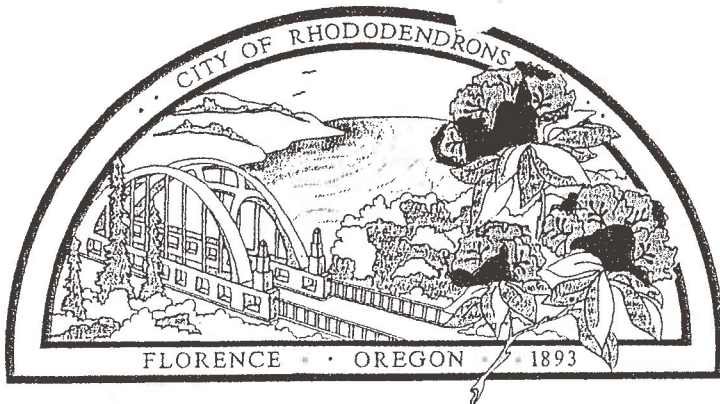
If you have any questions feel free to call the building and planning department.

Thank you,



Darby Conner
Administrative Assistant
City of Florence

CC Sandra Belson, Community Development Director
Paul K. Jensen, Architect
Planning Commission
City Council



City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

250 Highway 101
Florence, OR 97439-7628
TDD: (541) 997-3437

PH: (541) 997-8237
PH: (541) 997-2053
FAX: (541) 997-4109

October 5, 2007

Brain Holmes, DMD
P.O. Box 2956
Florence, Oregon 97439

RE: Land Use Application 07 34 TA 02

Dear Mr. Homes:

This letter is submitted as part of the Community Development Department's review of your application for Text Amendment for the Industrial Park District, in the Florence City Code Title 10 Chapter 32.

In reviewing the materials that you have submitted, your application is not complete. In Florence City Code (FCC) Title 10 section 1-1-5-E, the applicant has the burden to provide evidence to support the application. The Comprehensive Plan states, "...ordinances must conform to the [Comprehensive] Plan." You need to submit how the Comprehensive Plan relates to the proposed parking requirements. We do not have the Comprehensive Plan on the website but we do have the Plan you can purchase at our office for \$20.

If you have any questions, please feel free to call me at 997.8237 or email me at michelle.pezley@ci.florence.or.us.

Sincerely,

Michelle Pezley
Assistant Planner

Cc: Land Use File 07 34 TA 02
Paul Jensen, Architect

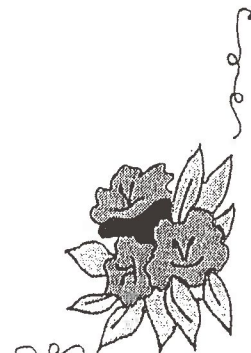


EXHIBIT G

Michelle Pezley

From: Michelle Pezley [michelle.pezley@ci.florence.or.us]
Sent: Friday, October 19, 2007 3:10 PM
To: 'jensen@harborside.com'
Cc: 'holmes@oregonfast.net'
Subject: Zoning Code Text Amendment

Mr. Jensen,

From the letter that was sent on October 5, 2007 and our conversation last Friday, October 12, I had stated that your application is not complete. You need to submit how the Comprehensive Plan relates to your proposal. I was able to talk to Sandra more about your application (07 34 TA 02), and she feels it is important to have findings from the Comprehensive Plan. For more direction, she pointed out the following policies:

(page 25) Industrial Policy 1. The City shall encourage development of the City's Pacific View (Kingwood) Business Park which has been planned, zones and for which infrastructure is provided, to readily accommodate suitable light industrial, and research and development uses and to provide for businesses and industries which provide family wage year-round employment.

(page 26) Industrial Policy 4. The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible lands uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal Use.

(page 26) Industrial Policy 5. The City shall encourage development of heavy commercial uses, such as the construction and development industries, within industrial lands planned and zoned for such uses.

In your Additional Comments part of your application, you mentioned that the intent of moving to the industrial zone is to expand the clinic, which includes hiring additional professional workers. That would be a finding for Policy 1. So how would your proposal meet the other two policies? In connecting the Comprehensive Plan to what you are wanting to do, it will provide a stronger case for you.

From our meeting on Friday, October 12, I do realize that you felt that your application is complete, if you still feel this way, you will need to provide that in writing. For we can move forward.

Please feel free to contact me if you have any questions or concerns.

Thank you,

Michelle

Michelle K. Pezley
Assistant Planner
City of Florence
250 Highway 101 N.
541.997.8237
541.997.4109 (f)
www.ci.florence.or.us

January 5, 2008

City of Florence
Planning Department
250 Highway 101
Florence, OR 97439

Attn: Ms. Michelle Pezley

Re: Proposed Changes to the Industrial Park Allowed Uses

Dear Ms. Pezley:

We recently purchased a lot (Lot 49) with friends of ours in the Kingwood Industrial Park. Our desire is to build a facility which would service the ever increasing retirement community that this area is becoming. We are weekend residents every weekend that our schedule allows. We do truly love this town.

We recently approached a planner over the counter with a proposal for a local non profit group to build them a facility that would cater to their business needs. Basically they needed a 5,000 sq ft building with about 4,000 sq ft of office and 1,000 sq ft of warehouse. They desired to locate near the high school as some of their cliental would train at the facility and being a close walking distance made this the best location.

Obviously we reviewed the CC & R's and allowed uses in this area prior to purchasing. What disturbed us is that there is no flexibility in the allowed uses in this park to accommodate a already established local organization's wants and needs.

We feel that the current requirements are not flexible enough to allow more uses in this area. With the ever increasing need for service industry businesses in Florence, you must consider a change in this area.

We hope that the City of Florence Planning Department will support more allowed uses in this industrial corridor. Uses that have the flexibility to look at each proposal with an open eye to accommodate the upcoming needs that clearly wont always be welding shops and contractor storage facilities. We will attend the meeting Tuesday night and would be thankful to read this letter to your group if allowed.

Respectfully Submitted.

4 MPs, LLC
Brent McLean, Barbara McLean, Rick Paslay and Cheryl Paslay

Brent McLean is a commercial Real Estate Broker licensed in the State of Oregon

Michelle Pezley

From: Mclean1031@aol.com
Sent: Saturday, January 05, 2008 10:12 AM
To: michelle.pezley@florence.or.us
Subject: Support for the Proposed Increased Uses in Kingwood Industrial Park
Attachments: Lot 49 Kingwood testimony.doc

Hello Michelle !!!

Would you please place the attached letter to be part of the record regarding the proposed increase in uses that would be allowed in this corridor.

I will be there with one of my partners to testify if allowed regarding the change.

Thanks again for the notification:

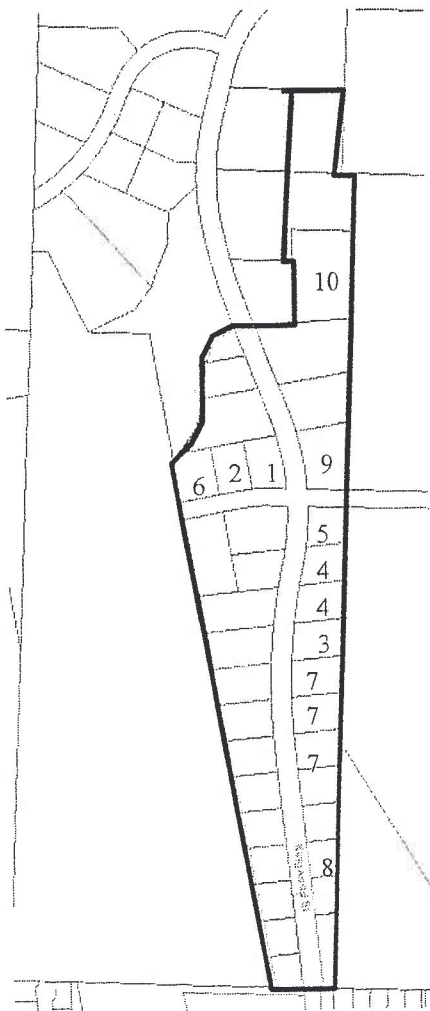
Best Regards:

Brent McLean, Real Estate Investment Broker 541-913-1031
Pacwest Real Estate Investments, LLC a commercial brokerage firm based in Eugene, OR

Start the year off right. [Easy ways to stay in shape](#) in the new year.

Industrial Park District

- 10-32-1: Purpose: The Industrial Park District is intended to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.
- 10-32-2: Permitted Buildings and Uses:
1. Any building or use which meets the intent of the Purpose Statement of this District, with the exception of those uses allowed as Conditional Uses in this District, and which also meet all the requirements of this District.
 2. Public buildings and facilities which meet the intent of the Purpose Statement of this District.
 3. Crematories, and associated mortuaries and funeral homes.
- 10-32-3: Buildings and Uses Permitted Conditionally:
The Planning Commission, subject to procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:
1. Trucking yards and terminals
 2. Utility distribution plants and service yards
 3. Automobile painting shops
 4. Radio towers, transmitters and receiving stations
 5. Airplane hangars, provided that the lot abuts the Florence Municipal Airport
 6. Building materials sales, provided that materials are stored and displayed inside enclosed structures
 7. Public buildings and facilities not included in 10-32-2.
 8. A single residential unit for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.
 9. Any other business or activity which have a potential for off-site impacts, but which meet the purpose of the Industrial Park District.



1. Burns Riverside Chapel
2. Classic Auto Repair Shop
3. Chuck's Plumbing and Duman Inc.
4. Vic's Powerhouse and The Archive LLC
5. Oregon State Department of Forestry
6. Gerber Wood Works
7. Siuslaw School District 97J Bus Parking
8. 2230 Kingwood Street- Owner: Heceta Properties LLC Business unknown
9. Holmes Property
10. PUD

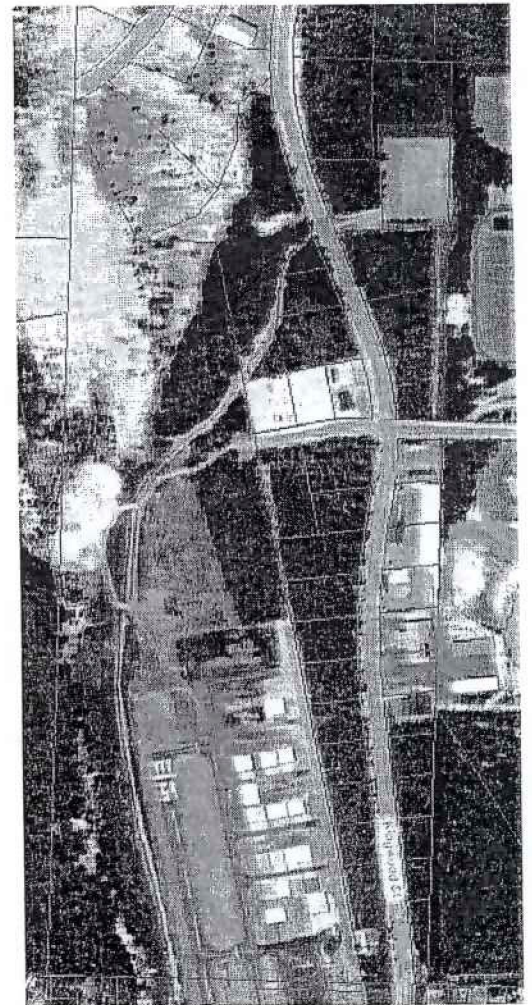


Exhibit J: Map of Current Uses to the Industrial Zone

I DAN MEANS 703 JOSHAW LANE. THANK THE CCRS
TO STAY THE SAME AND EACH ITEM OR CASE GO FOR REVOON
I THINK THE DENASS OFFICE IS O.K., BUT NOT EVERYTHING
TO SELL THE LOTS EACH BUSINESS MUST BE OK BY THE
PEOPLE VOTE. I THINK CHANGING THE C.C.D.S. AND WRITING UP
WITH SOMETHING LIKE A BOMB FACT-TYPE OR SUMMERS
LIKE THAT WITH OUT PEOPLE INPUT BY CHANGING THE
CCR'S C.C.D'S ABOUT THE INDESTALL PARK BY THE GOLF COURSE
ROUTE THANK YOU DAN MEANS.

RECEIVED
JAN 08 2008
By *mp* @

after close of
hearing 9/5.

07 34 TA 02 Holmes

EXHIBIT H

CITY OF FLORENCE
Ordinance No. 5, Series 2008

**IN THE MATTER OF AMENDING THE FLORENCE CITY CODE (FCC) TITLE
10 CHAPTER 32 INDUSTRIAL PARK DISTRICT.**

WHEREAS, Paul Jensen, Agent for Brian Holmes, applied for a text amendment to the Industrial Park District (FCC 10-32) to add "Dental Clinics" as a permitted use within the Industrial Zone; and

WHEREAS, The Planning Commission held a public hearing on January 12, 2008 at Florence City Hall Council Chambers, and the City sent notice of proposed code amendments to the Department of Land Conservation and Development on November 26, 2008, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City code; and

WHEREAS, the public hearing was noticed in the Siuslaw News on December 19 and 22, 2007 and January 5, 2008, and notice was also mailed to all property owners within the Industrial Park District; and

WHEREAS, the Planning Commission after considering the evidence in the record found that proposed text amendment to add "Dental Clinics" as a permitted use within the Industrial Park District is consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan; and

WHEREAS, the City Council held a public hearing on February 19, 2008 at Florence City Hall Council Chambers, and the public hearing notice was mailed to all property owners within the Industrial Park District; and

WHEREAS, The City Council finds the text amendment to add "Dental Clinics" to the permitted uses of Title 10, Chapter 32: Industrial Park District is consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan; and

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1: The addition of "Dental Clinics" to the list of permitted uses in Florence City Code Title 10, Chapter 32 Industrial Park District, Section 2; and

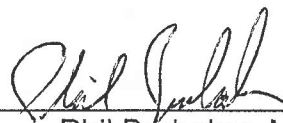
Section 2: Adopt Findings of Fact (Exhibit A)

Section 3: This ordinance becomes effective 30 days after adoption.

Passed by the Florence City Council this 19th day of February, 2008.

AYES 5, Councilors Burns, Holman, Roberts, Xavier and Mayor Brubaker
NAYS 0
ABSTAIN 0
ABSENT 0

APPROVED BY THE MAYOR, this 21st day of February, 2008.



Phil Brubaker, MAYOR

ATTEST:



Barbara Miller, CITY RECORDER

**Exhibit A: Finding of Fact
Florence City Council**

Public Hearing Date: February 19, 2008 **Planner:** Michelle Pezley
Application: PC 07 34 TA 02 (Ordinance No. 5, Series 2008)

I. PROPOSAL DESCRIPTION

Proposal: The applicant request Text Amendment to allow “dental clinic” as an allowed use within Title 10, Chapter 32 Industrial Park District.

Applicant/Property Owner: Brian Holmes, DMD

Agent: Paul Jensen, Architect

Location: Lower section of the Pacific View Business Park, North of 20th Street along Kingwood Street to 30th Street
Between the Airport and Siuslaw School District

Comprehensive Plan Map Designation: Limited Industrial

Zone Map Classification: Industrial Park District

Surrounding Zoning

North: Pacific View Business Park
South: Airport and Single Family Residential
East: Multi-Family/ Siuslaw School District
West: Airport

Notice: Notice of the Planning Commission public hearing was mailed to property owners within the Industrial Park District and published in the Siuslaw News on December 19 and 22, 2007 and January 5, 2008. Notice of the City Council public hearing was mailed to property owners within the Industrial Park District.

The Planning Commission received a letter of support for the text amendment from Brent McLean, Barbara McLean, Rick Paslay and Cheryl Paslay. After the Planning Commission closed the Public Hearing, Dan Means submitted a letter of support to allow the dental clinic as well.

II. NARRATIVE

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Department of Land Conservation and Development.

Because the Planning Commission is no longer working on a comprehensive update of the code, the Planning Staff has given citizens the opportunity to apply for text amendments to the Florence City Code (FCC) in addition to the Planning Commission updates (see Exhibit D). Dr. Holmes has requested a review of the allowed uses in the Industrial District to determine if a dental clinic could be included as a permitted use.

The applicant owns property within the Industrial Park District and would like to move his dental clinic to the Industrial Park.

The State of Oregon has deemed that the Florence Realization 2020 Comprehensive Plan is consistent with the Statewide Planning Goals. Therefore, Statewide Planning Goals is not used as criteria for the findings of this report.

III. REFERRALS

Referrals were emailed to Department of Land Conservation and Development, Lane County Land Management, Florence Public Works, Florence Area Chamber of Commerce and Oregon Department of Aviation. No referrals have been received.

IV. APPLICABLE REVIEW CRITERIA

1. **Realization 2020 Florence Comprehensive Plan**
Chapter 1: Citizen Involvement
Chapter 2: Land Use
2. **Oregon Revised Statute (ORS) 197.610**

V. FINDINGS

The criteria are listed on bold followed by the findings of fact.

Realization 2020 Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Implementation of the Plan takes many forms. The most obvious are zoning, subdivision, design review, and special land use ordinances. These ordinances must conform to the Plan (page 3)

The following findings demonstrate how the proposed change does or does not conform to the Plan.

Chapter 1: Citizen Involvement

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The proposal meets this goal because a citizen in the community initiated this text change, which is the start of the planning process. There were two public hearings as well at which other citizens have the opportunity to be involved with the process. Notice of the Planning Commission public hearing was mailed to property owners within the Industrial Park District and published in the Siuslaw News on December 19 and 22, 2007 and January 5, 2008. Notice of the City Council public hearing was mailed to property owners within the Industrial Park District.

Policy 4: Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.

The City is meeting this policy by providing notice of public hearing for this land use decision. Notice of the Planning Commission public hearing was mailed to property owners within the Industrial Park District and published in the Siuslaw News on December 19 and 22, 2007 and January 5, 2008. Notice of the City Council public hearing was mailed to property owners within the Industrial Park District. The Planning Commission and City Council agenda packets are posted on the City's website and are available for review at City Hall before each hearing.

Chapter 2: Land Use

Policy 1: Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impact on environmental, economic, and social and energy factors.

The proposed use is consistent with the uses that are currently there as shown in Exhibit J.

Industrial (page 25) Goal: To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage, and distribution, construction, and development-related uses, and airport-related uses.

The applicant has stated, "a dental clinic is very much 'a related activity that does not create a significant detrimental impact on adjacent districts'".

Policy 1: The City shall encourage development of the City's Pacific View (Kingwood) Business Park which has been planned, zoned and for which infrastructure is provided, to readily accommodate suitable light industrial and research and development uses and to provide for businesses and industries which provide family wage year-round employment.

Dental clinics provides family wage year-round employment

Policy 4. The City shall maintain lands planned and zoned for industrial use within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private school and day care center, active parks, or retail use as a principal use.

The policy is to protect the industrial zones from incompatible land uses. A dental clinic would not be harmful or detrimental to an industrial use.

Policy 5: The City shall encourage development of heavy commercial uses, such as the construction and development industries, within industrial lands planned and zoned for such uses.

The City has allowed uses that are similar to a dental clinic in the Industrial Park District.

VI. CONCLUSION

The proposed Text Amendment to have dental clinic as an allowed use is consistent with the applicable criteria in the Florence Realization 2020 Comprehensive plan.

VII. EXHIBITS

- B. Application and additional information from the applicant
- C. Current Chapter 32 Industrial Park District
- D. Letter to Brian G. Holmes, D.M.D. from Sandra Belson dated September 27, 2007
- E. Letter from Brian G. Holmes D.M.D. to Planning Commission dated May 7, 2007
- F. Letter to Brian G. Holmes from Darby Conner letter dated June 5, 2007
- G. Letter to Brian Holmes from Michelle Pezley dated October 5, 2007
- H. Email to Brian Holmes and Paul Jensen from Michelle Pezley dated October 19, 2007
- I. Letter from Brent McLean, Barbara McLean, Rick Paslay and Cheryl Paslay dated January 5, 2008.
- J. Map of current uses in the Industrial Park District



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Mailed From 97439
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