



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/12/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 28, 2011

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sandra Belson, City of Florence
Angela Lazarean, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

DEC 08 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Florence**

Local file number: **Ord. 21 Series 2011**

Date of Adoption: **December 6, 2011**

Date Mailed: **12/7/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6/29/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Approval includes: 1. Amend City Code Title 10 creating Coast Village District. 2. Rezone approx. 259 lots from Highway & Single Family Residential Districts to Coast Village District. 3. Ancillary changes removing code inconsistent with state law regarding manufactured housing 4. Revise siting of emergency housing code for disaster victims and relief workers. 5. Comprehensive Plan Chapter 2--add Coast Village as implementing district in Medium Density Residential Plan Designation.

Does the Adoption differ from proposal? Yes, Please explain below:

Remove manufactured housing code conflicting with state law. Comp Plan amendment as described above.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **Single Family & Highway** to: **Coast Village District**

Location: **North of 23rd St. east & west of Spruce St.**

Acres Involved: **45**

Specify Density: Previous: **5.8 homes per acre**

New: **same**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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 File No. 002-11 (18879) [16855]

DLCD file No. _____

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

ODOT, Lane County

Local Contact: **Wendy Farley**

Phone: (541) 997-8237 Extension:

Address: **250 Highway 101**

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

City: **541-997-8237**

Zip: **97439**

E-mail Address: **wendy.farley@ci.florence.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. **Send this Form 2 and one complete paper copy** (documents and maps) of the adopted amendment to the **address below**.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

**CITY OF FLORENCE
ORDINANCE NO. 21, SERIES 2011**

IN THE MATTER OF QUASI-JUDICIAL ZONING MAP AMENEDMENTS AND LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE TITLE 10 AND COMPREHENSIVE PLAN RELATING TO COAST VILLAGE.

WHEREAS, the City Council established a goal in 2009 and carried it forward in 2010 and 2011 to amend City Code to create affordable housing opportunities through code amendments;

WHEREAS, the Planning Commission held general work sessions on housing related code changes, and is now recommending approval of amendments to the zoning code, zoning map, and Comprehensive Plan to establish a new district for the Coast Village development and make other related text changes;

WHEREAS, Florence City Code (FCC) Title 10, Chapter 1, Sections 3-B and -C provides that a quasi-judicial zoning change and legislative changes to the text of Title 10 and the Comprehensive Plan may be initiated by resolution of the Planning Commission;

WHEREAS, the Planning Commission initiated amendments to the Florence City Code by resolution on June 28, 2011;

WHEREAS, the City sent notice of the proposed amendments to the Department of Land, Conservation and Development on June 29, 2011, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, at its July 12, 2011 meeting the Planning Commission participated in a guided tour of the Coast Village community that was open to the public to see the housing types and development pattern of the Coast Village community;

WHEREAS, on August 22, 2011, the City sent notice to Referral Agencies about the proposed amendments and the public hearing;

WHEREAS, on August 24, 2011, the City sent notice to affected and surrounding property owners about the public hearing, posted the information on the web site, at all three Coast Village entrances and at City Hall on August 24th and 25th, prior to the public hearing;

WHEREAS, the City published a notice of hearing in the Siuslaw News on September 7th prior to the Planning Commission conducting a public hearing September 13, 2011;

WHEREAS, the Planning Commission held a public hearing on September 13, 2011 and recommended amendments to the Florence City Code and Comprehensive Plan;

WHEREAS, the City sent notice of the City Council public hearing to affected and sur-

rounding property owners and to people who had commented during the Planning Commission public hearing process on November 23, 2011;

WHEREAS, the City posted notice on the website on November 23, 2011 and published the notice in the Siuslaw News on November 30, 2011, and included an article about Coast Village Rezoning in the City's November newsletter;

WHEREAS, the City Council held a public hearing, closed the public record and deliberated to a final decision on December 5, 2011;

WHEREAS, the zoning map amendments consolidate the Coast Village properties into one zoning district, and the proposed text amendments to Title 10 expand the allowed land uses and coordinate development standards consistent with the Coast Village CC&Rs and Architectural policies;

WHEREAS, the City Council finds the proposed text, zoning map and Comprehensive Plan amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Statewide Planning Goals, Oregon Administrative Rules and Oregon Revised Statutes;

NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

- Section 1. Adopt the Findings of Fact (Exhibit A);
- Section 2. Amend the Zoning Map (Exhibit B);
- Section 3. Amend FCC, Title 10 Chapter 1, Zoning Administration (Exhibit C);
- Section 4. Amend FCC, Title 10 Chapter 2, General Zoning Provisions (Exhibit D)
- Section 5. Amend FCC, Title 10 Chapter 12, Mobile Home/Manufactured Home Regulations (Exhibit E);
- Section 6. Add FCC, Title 10 Chapter 29, Coast Village District (Exhibit F);
- Section 7. Amend Realization 2020, Florence Comprehensive Plan Chapter 2, Land Use (Exhibit G)

Passed by the Florence City Council this 5th day of December, 2011.

AYES	<u>5</u> - Councilors Jagoe, Xavier, Roberts, Holman ; Mayor Brobaker
NAYS	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>0</u>

APPROVED BY THE MAYOR, this 6th day of December, 2011.



Phil Brubaker, MAYOR

ATTEST:



Kelli Weese, CITY RECORDER

**FINDINGS for ORDINANCE No. 21, Series 2011
Exhibit "A"**

City Council Public Hearing Date: December 5, 2011
Planner: Wendy Farley Campbell
File: PC 11 08 ZC 02 and PC 11 09 TA 01

I. PROPOSAL

The City of Florence proposes to amend the zoning map boundaries and create a new zoning district for Coast Village. This residential/recreational community consists of approximately 42 acres subdivided into one centrally located common area, two common areas adjacent to Highway 101, and 259* privately owned lots. The area east of Spruce St. consisting of 235 lots, private roads, and common areas is designated Medium Density in the Comprehensive Plan and zoned Single-Family Residential District. The area west of Spruce St. consisting of 24 lots, private roads, and common areas is plan designated Medium Density and zoned Highway District. The specific amendments are presented in Exhibits "B" through "G" and are summarized as follows:

- Changes all of Coast Village into one new zoning district;
- Expands the land uses allowed in the Coast Village subdivision, maintaining the recreational land use approved in their subdivision approvals dated 1970-1982, and provides additional non-conventional residential land use opportunities;
- Makes all private numerically platted lots legal building lots;
- Implements development standards in coordination with the Home Owner Association Covenants, Conditions and Restrictions and Architectural Review Committee Policies and Procedures;
- Amends definition for "Recreational Vehicle" in the Florence City Code;
- Updates regulations regarding siting emergency housing;
- Removes language inconsistent with state law regulating manufactured homes;
- Acknowledges Coast Village District within the "Medium Density" text in Chapter 2, Land Use of *Florence Realization 2020 Comprehensive Plan*.

The proposal includes minor Comprehensive Plan text changes and both zoning map and code changes. These are described below.

* Coast Village consists of 259 original numerically platted lots (not including Lot 4-Community Center area). Five numerically platted lots in CV East were consolidated into adjoining lots by legal property adjustments or by Coast Village CC&R acknowledgement. The owners of 2 lots in CV West have assumed ownership of Lots B & C originally HOA ownership.

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Mgt 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 Dept. of Land Conservation and Development.

Comprehensive Plan Text Amendments (PC 11 09 TA 01): The proposed Comprehensive Plan text changes would amend the *Florence Realization 2020 Comprehensive Plan*, Chapter 2 – Land Use, Residential–Medium Density Residential.

Zoning Code Amendments (PC 11 09 TA 01): The proposed zoning code changes would amend the Florence City Code (FCC) Title 10, Chapter 1 – Zoning Administration, Chapter 2 – General Zoning Provisions, Chapter 12 – Mobile/Manufactured Home District and add Chapter 29 – Coast Village District.

Zoning Map Amendments (PC 11 08 ZC 02): The proposed zoning map changes are quasi-judicial amendments, and the specific properties proposed to be rezoned are illustrated in a map in Exhibit B. The proposed map amendments:

- Rezone the eastern 38.5 acre Coast Village property from “Single-Family Residential District” (FCC 10-11) to “Coast Village District” (FCC 10-29); and
- Rezone the western 3.4 acre Coast Village property from “Highway District” (FCC 10-16) to “Coast Village District” (FCC 10-29).

II. BACKGROUND

Coast Village is a unique development because it was originally developed as a campground with privately-owned camp lots and then transitioned toward recreational vehicle use, storage and permanent housing. There are a variety of lot sizes in Coast Village, some are a standard lot size for the Single-Family Residential zoning district (6,000 sq. ft.) and some do not meet the minimum lot size for the Single-Family zone. Over time, the Coast Village development has grown to be a year-round residential community for many of its residents.

Some individuals have or want to construct a standard site-built home on their lot, while some want to place a manufactured home on their lot and others want to stay in their RV or park-model throughout the year. The existing Single-Family zone prohibits some residents from constructing a new home because the lot size does not meet the code requirements. Coast Village is one example of affordable housing for many individuals living in that community. Due to its unique evolution over time, a new zoning district is proposed for Coast Village.

In order to create a new zone for this development, staff reviewed the Covenants, Conditions and Restrictions (CC&Rs), Bylaws, and Architectural Review Committee Policies and Procedures for the community and met with Coast Village residents on April 1st, 2011, to establish standards for a new code. Staff met again with Coast Village residents on June 10th to review a draft code and receive comments on the proposal. Based on this input from Coast Village residents, as well as input from City staff the Planning Commission on June 28th held a public hearing and subsequently initiated a new zoning district for Coast Village.

Following initiation of the Coast Village rezone, the Planning Commission on July 12, 2011 met with members of the Coast Village Home Owners Association to tour the Coast Village community and see the various housing styles and development patterns. The tour included the opportunity for question and answer scenarios but did not include a deliberation session of the proposed changes. This type of land use decision is both quasi-judicial and legislative and requires a public hearing before the Planning Commission, who makes a recommendation to the City Council. The Council will hold another public hearing prior to making the final decision on the proposal.

III. SUMMARY OF PROPOSED CHANGES

The proposed zoning district for Coast Village establishes the following basic standards:

1. Permanent residence in motor-homes, RVs and park models is allowed.
2. Only one permanent dwelling unit --site built, pre-manufactured, or self-contained mobile structure on a lot is allowed, and accessory dwelling units are prohibited.
3. Partitions and lot line adjustments are prohibited; buildable lots are limited to the existing platted numerical lots, excluding Lot 4 of Block 1 of Coast Village (Coast Village Home Owner Association owned community center, laundry, playground and pool).
4. Site-built, manufactured and pre-manufactured homes are allowed on small lots.
5. No minimum floor area is required for dwellings.
6. Only two parking spaces is required on a lot.
7. No garage or carport is required, and parking is allowed within the front yard.
8. Driveways and parking spaces do not have to be paved.
9. Lot coverage is limited to 35% for enclosed structures and 65% for all impervious surfaces (e.g. structures and pavement (excluding encroaching platted streets)); gravel driveways and parking do not count toward the 65% lot coverage.
10. Height limit is 16 feet, measured from the ground to the highest point of the roof.
11. A 5 foot greenbelt buffer is required on three sides of the lot (sides and rear), consistent with the CC&R standards.
12. A 3 foot fire safety clearance standard is required around residential units and propane tanks.
13. The setbacks combine the greenbelt and fire safety clearance requirements, by requiring 8 foot side yards, 10 foot rear yards and 20 foot front yards.
14. Only fences that are located along the perimeter of the entire development are regulated under the City code.
15. Only signage visible from the public rights-of-way and public property are regulated under the City code.

Additionally ancillary changes related to the above mentioned code amendments include:

1. FCC 10-1-4: The definition of "Recreational Vehicle" changes to include exceptions allowed in Coast Village.
2. FCC 10-1-4: The definition of "Dwelling" changes to include an exception allowed Coast Village.
3. FCC 10-2-9: Replaces the section permitting manufactured home regulations to apply to all mobile homes and pre-manufactured housing.
4. FCC 10-12-2-3: Removes language inconsistent with state law regulating manufactured homes and revises and relocates text regarding emergency housing siting.
5. Comprehensive Plan: Chapter 2, Medium Density is revised to include Coast Village as an implementing district.

IV. NOTICE AND REFERRALS

1. Notice:

The notice of the Planning Commission public hearing was mailed to Coast Village property owners and surrounding property owners and posted at all Coast Village property entrances on August 24, 2011, and posted on the City website August 25, 2011, as well as published in the Siuslaw News on September 7, 2011 as required by State law and the Florence City Code. The written comments received from the public are included in the Exhibits.

The notice of the City Council public hearing was mailed to Coast Village property owners and surrounding property owners and posted at the main entrance to Coast Village and on the City website on November 23, 2011. Notice was published in the Siuslaw News on November 30, 2011.

2. Referrals:

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on June 29, 2011 not less than 45 days prior to the proposed first evidentiary hearing of September 13, 2011, as required by State law and the Florence City Code.

On August 22nd, 2011 referrals were also sent to:

Central Lincoln PUD—No response received
 Confederated Tribes of Coos, Lower Umpqua and Siuslaw—Written response received citing no issues
 Florence Code Enforcement—No response received
 Florence Building Official—No written response but verbal consultation received
 Florence Police Department—Written response received citing issues with lack of adequate addressing
 Florence Public Works Department—No response received
 Lane County Land Management—No response received
 Siuslaw Valley Fire & Rescue—Written response received, citing no issues

State of Oregon Department of Land, Conservation and Development—No response received
State of Oregon Department of Transportation—Verbal response received, citing no issues
Western Lane Ambulance District—No response received

The written comments received from these agencies and organizations are included in the Exhibits.

V. ISSUES

The issues listed here were selected to express the Planning Commission's rational that is not documented elsewhere in the findings.

“As Platted” language use: Warren Scherich of Lot 158 Outer Drive wrote about his concern with using “as platted” language in the 10-37-5 “Lot and Yard Provisions” section of the proposed code, specifically the “Minimum Lot Area” and “Minimum Lot Dimensions” sections. He states that surveying was not performed and the streets are not located as platted and in many instances encroach into properties as much as 10-20 feet. He recommends using “as developed” language instead to make it easier to comply with the proposed zoning and reduce the possibility of legal actions.

Response: *To address the issues discussed above and mentioned by Mr. Scherich, the Planning Commission added language excluding street pavement in the 65% coverage calculation and how to measure the 20' front yard where a street encroaches onto private property.*

Accessory Dwelling Units: Commissioner Muilenburg of the Planning Commission stated at the initiation hearing held on June 28, 2011 that the language referenced 10-32-4 (A) that states “Two or more dwelling units that are occupied more than six (6) months in any twelve (12) month period.” was unclear. Specifically, the confusion seemed to be around the allowance of Accessory Dwelling Units (ADUs). At the initiation hearing Coast Village stated they did not want ADUs.

Response: *To make the intent clear FCC 10-29-4-A was added to disallow Accessory Dwelling Units, while provision for guests staying in an additional RV was added as an allowed use to FCC 10-29-3.*

VI. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1, Zoning Administration:
 - Section 1-3 Amendments and Changes:
 - Section B Quasi-Judicial Changes
 - Section 1-1-5 Land Use Hearings
 - Section 1-2-2 Change of Boundaries on Zoning Map

2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use
 - Chapter 10: Housing Opportunities
 - Chapter 13: Energy Facilities and Conservation
3. **Statewide Planning Goals: (for Comprehensive Plan Amendments)**
 - Goal 1: Citizen Involvement [OAR 660-015-0000(1)]
 - Goal 2: Land Use [OAR 660-015-0000(2)]
 - Goal 10: Housing [OAR 660-015-0000(10)]
4. **Oregon Revised Statutes (ORS)**
 - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission
 - ORS 197.763: Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures
 - ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost

VII. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-1-5: LAND USE HEARINGS:

- A. **Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

Finding: The proposal is consistent with this criterion because the Planning Commission held a public hearing on the proposed rezone and code changes on September 13, 2011, prior to making a recommendation on the matter to the City Council for a final decision.

- B. **Notification of Hearing:**

1. **At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
 - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4.**

- b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.
- c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).

Finding: The proposal is consistent with these criteria because notice of hearing was sent to all Coast Village owners and owners of property within 300 feet of the Coast Village Community, on August 24, 2011, at least 10 days prior to the first evidentiary hearing with the Planning Commission and was posted on the City's web site August 25, 2011.

- a. Notice of this proposal was not required under ORS 227.175 and FCC 10-21-2-4 to the Florence Municipal Airport, Oregon Department of Aviation and Federal Aviation Administration.
- b. Notice of hearing was sent August 24, 2011 to all owners of record of property that are proposed to be rezoned in accordance with ORS 227.186; the criteria of ORS 227.186 are addressed in a following section and those findings are incorporated herein.
- c. The properties proposed to be rezoned do not include mobile home or manufactured home parks; therefore, ORS 227.175(8) does not apply.

- 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.

Finding: The proposal is consistent with this criterion because a public notice was published in the Siuslaw News on September 7, 2011, prior to the initial evidentiary hearing with the Planning Commission.

10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP: The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity.

Finding: The proposal to rezone property to the Coast Village District is consistent with these criteria because:

- The new zoning map shall be filed with the adopting ordinance with the City Recorder and kept in perpetuity;
- Future amendments to the zoning map boundaries will be indicated on subsequent maps and filed with the City Recorder; and

- The new zoning map boundaries shall be signed by the Planning Commission Chair.

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Quasi-Judicial Changes:

1. **Initiation:** A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

Finding: The proposal to rezone properties to the Coast Village District is a quasi-judicial change and consistent with this criterion because the Planning Commission initiated the amendments by resolution at a regularly scheduled meeting held on June 28, 2011.

3. **Notice and Public Hearing:** Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.

Finding: The proposal to rezone properties to the Coast Village District is consistent with this criterion because the notice for public hearing was prepared in accordance with the criteria of FCC 10-1-1-5, which was addressed in the previous section and those findings are incorporated herein.

Realization 2020, Florence Comprehensive Plan

Policies: Policies are the positions the City will take in order to reach the Goals. Policies are more specific and are subject to interpretation by the Planning Commission and City Council. They are intended to be used on a day-to-day basis and deal with particular aspects or ramifications of the broad goal stated for each category.

Recommendations: Recommendations are particular actions that should be initiated and implemented to assist in achieving the goals and policies set forth.

The below review includes both policies and recommendations. However, only policies are hearing criteria. The inclusion of recommendations is informational

to illustrate progression towards implementation of the comprehensive plan goals and policies.

Chapter 1: Citizen Involvement

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.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

Finding: The proposal for the rezone and code amendments is consistent with this policy because the notice of the Planning Commission public hearing was mailed to Coast Village property owners and property owners within 300 feet on August 24, 2011 in accordance with FCC 10-1-1-5 and ORS 227.186 and was published in the Siuslaw News September 7, 2011. Additionally, land use signs with the notices were posted at all Coast Village property entrances (3) on August 24, 2011 and the agenda and proposed amendments were posted on the City's web site, prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

Notice of the City Council public hearing was mailed to all those who had commented previously as well as the property owners of Coast Village and property owners within 300 feet of Coast Village in accordance with FCC 10-1-1-5 on November 23, 2011. Notice was also posted on the entrance to Coast Village and the City website on November 23, 2011. The City published an article about the rezoning in its November newsletter. The staff report, Ordinance 21, and associated exhibits were posted to the city's website on November 28, 2011.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

- 6. Planning documents and background data shall be available to interested citizens.**

Finding: The proposal for these actions is consistent with this policy because the initiated documents (resolution & proposed code amendments) were posted on the city's website on August 24th and the staff report was made available seven days prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use

Residential

Policies:

- 2. The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.**

Finding: The proposal is consistent with this policy because evaluation of the residential zoning code and subsequently changing it to make all Coast Village numerically platted lots (excepting Lot 4 of Block 1 of Coast Village) buildable lots increases the opportunity for residential density. The lots in Coast Village were platted as campground lots and are therefore mostly under the 6000 sq. ft. minimum lot size allowed in the Single Family Residential zone. The proposed zone changes make the remaining 186 lots (71%) of the original 259 lots buildable. The zoning map and code amendments will encourage permanent development within the Coast Village.

- 7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.**

Finding: This policy directly relates to subdivision and design review staff reports. This staff report is for comprehensive plan, zone text and zone changes. However, it is worth mentioning information available on known utility systems in Coast Village. All internal utility systems within Coast Village are privately owned by the Coast Village Homeowners Association. Coast Village has recently invested significant expense in replacing water lines within the development. Siuslaw Valley Fire and Rescue on August 24th performed fire flow testing of fire hydrants and water mains within Coast Village and found them all to meet the current fire code requirements. Public Works has not indicated any problems with any sewer or stormwater connections.

- 8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.**

Finding: The proposal is consistent with this policy because Coast Village is an existing 40 year old platted subdivision. While approved for recreational purposes many of the lots over the decades have evolved into full-time occupancy.

While some lots have converted from recreation use to permanent housing, many lots have recreational type vehicles on them full-time with accessory structures constructed and attached to them or over them. The proposed text change would essentially provide criteria for permitting this type of development in a legal and organized fashion. For the most part the Coast Village Development has developed overtime consistent with a more dense subdivision. The proposed land uses are therefore not incompatible with adjacent residential uses and districts.

9. **The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District permits manufactured homes as a permitted permanent use. Additionally, text from FCC 10-12-2-3 that limits the location of manufactured homes to certain Districts and development scenarios is removed.

Recommendations

3. **Development standards should be amended as necessary to encourage the protection of significant natural land forms, historic drainage patterns, and large areas of significant native vegetation or individual specimen trees.**

Finding: The proposal is consistent with this recommendation because the proposed code amends the existing setback development standards to require the retention of 5' green belts around each lot.

4. **City Codes should be amended to encourage innovative housing types and subdivision layouts which embrace new trends in residential living and promote neighborhoods within the Florence community.**

Finding: The proposal is consistent with this recommendation because the proposed Coast Village District (FCC 10-29) expands the allowable land uses to permit single family dwellings on all numerically platted lots and recreational and permanent use of mobile residential structures; and development standards, such as lot size and parking have been relaxed.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential. Single family homes and manufactured homes

meeting certain minimum standards are allowed. Duplexes are a conditional use.

Finding: The proposal is consistent with this policy because the proposed Coast Village District has an average density of 6.5 lots per acre which equates to an average of 6,626 sq. ft. lots. This calculation excludes the common area acreage 2.6 acres but includes street acreage). Coast Village lot sizes range from approximately 21,500 sq. ft. to 3,500 sq. ft. (One lot is 1,300 sq. ft. and is presently used as a driveway for another adjoining lot.) Coast Village is similar to today's Planned Unit Development which permits relaxation of development standards in exchange for common open space dedication. The Coast Village District name will be added as a corresponding zoning district to the above Medium Density Residential language.

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources

Policies:

- 2. City Code currently requires minimal landscaping. The City shall evaluate its codes, to determine whether landscaping requirements need to be increased. The integration of native vegetation into site plans should reduce costs of additional landscaping as well as the need for irrigation once plantings are established.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District zoning text FCC 10-29-5 requires the retention of a 5' native vegetative buffer along all side and rear yards within individual lots.

Chapter 10: Housing Opportunities

Goal: To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.

Policies:

- 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.**

Finding: Many Coast Village property owners over the years have indicated a desire to build or place a permanent home on their lot but have been unable to due to their lot being undersized for home construction (less than 6,000 sq. ft.) Presently 186 of the 259 lots are undersized for permanent dwelling construction or placement. The proposal is consistent with this policy because Coast Village District will permit all numerical lots in Coast Village to be buildable. There are a variety of lot sizes (from approximately 21,500 sq. ft. to 3,500 sq. ft. & one 1,300 sq. ft.) within the 42 acre property creating areas of differing densities to suit multiple interests and needs. Also, the Coast Village District, FCC 10-29-3, will permit a variety of single family housing types (site-built, manufactured homes, park

models and recreational vehicles) to suit various permanent housing needs. The zoning change also permits year-round placement of self-contained mobile structures in a temporary capacity (no foundation, permanent plumbing and electricity) supporting a needed housing type.

4. The City shall implement policies and practices that insure equal housing opportunity for all the City's residents.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3, provide more housing opportunities (permanent and temporary dwellings) than previously offered. Previously only temporary self-contained mobile structures and single family structures (site built and multi-sectional manufactured homes) on lots at least 6,000 sq. ft. were permitted. The proposed expanded uses let someone convert from temporary use to retirement or a permanent dwelling later on the same lot. The Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable for permanent dwellings, creating affordable housing options for both owner-occupied and rental. The "Florence Quick Market Facts" dated June 30, 2011 and provided by Steve Earnshaw, Principle Broker at Windermere states the average sale price for the Florence area was \$177,700. During the same time-frame Coast Village's average sale price was \$61,600. These proposed code changes will increase the opportunity for first time home buyers to own a home and for retirees to down-size and maintain home ownership.

Chapter 12: Transportation

Policies

2. Vision clearance provisions shall be enforced.

Finding: The above transportation criteria states that "Vision clearance provisions shall be enforced". "Provisions" is defined by Merriam Webster as 1. Providing 2. Preparation and 3. Stipulations. Stipulations seems to be the intent of the word's use in this situation and means "conditions" or "requirements". The Comprehensive Plan does not list vision clearance standards to be implemented. The Florence City Code provides the regulations.

As quoted from the Comprehensive Plan and placed at the beginning of the findings section, "*Policies are more specific and are subject to interpretation by the Planning Commission and City Council.*" Therefore this policy is open to interpretation by Planning Commission and City Council as to whether the intent was to require the regulations stated in code to be enforced or the conditions placed on a development to be enforced.

Florence City Code Title 10 Chapter 35-2-13 requires 20' vision clearance at the intersection of two streets, 10' at the intersections of alleys or driveways and streets. Tom Nicholson, Attorney for Coast Village Home Owners Association requested 10' vision clearance for Coast Village, citing 10 mph speed limits, nar-

row street widths (20' platted) and one-way traffic pattern as reasons for the reduction.

PC finds that the intent was to require the regulations placed on a development to be enforced. They supported this finding by stating that the code also provides the opportunity for the Public Works director to require a different vision clearance amount. The proposed 10' vision clearance for Coast Village meets this criterion.

14. Streets shall be designed to efficiently and safely accommodate emergency service vehicles.

Finding: The streets in Coast Village are platted 20' wide (the entrances are wider) and constructed for one-way traffic with one exception, Driftwood St. which permits two-way traffic. Coast Village West has access onto Spruce Street and emergency access onto Highway 101. Coast Village East has one access into and out of the development. Two emergency accesses are required for the east side to meet fire codes.

Florence Police Chief, Maurice Sanders states in his referral comments that the Coast Village roads meet their needs. Fire Marshall, Sean Barrett states in his referral comments that the Coast Village internal road system meets the code requirements for fire and emergency vehicle access. Mr. Barrett also states in his referral that he is working with Coast Village to resolve the need for a secondary access. He states that the lack of secondary access should not hold up the proposed zone change as the process will take time to resolve. He concludes that he will work with the Building Official to make sure public safety is maintained in Coast Village. Staff finds the proposal, based on these responses, to be consistent with this policy.

28. On-site parking for motor vehicles shall continue to be provided, unless another adopted City plan expressly provides otherwise.

Finding: The proposal is consistent with this policy because the Coast Village District regulations require the provision of at least one parking space on-site. The community center area also has guest parking available.

Chapter 13: Energy Facilities and Conservation

Policies

3. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable thereby increasing density from 1.8 buildable lots per gross acre (excluding common area) to 6.5 buildable lots per gross acre (excluding common area). This opportunity

creates infill within the city limits within an existing development thereby conserving land and resources.

Recommendations

- 9. The conservation, restoration, and rehabilitation of older buildings and neighborhoods should be encouraged.**

Finding: The proposal is consistent with this recommendation because the proposed zoning code and map amendments encourage the rehabilitation and redevelopment of Coast Village. Coast Village was platted from 1970-1982 as campground lots. Overtime many of the recreational vehicle uses of the lots became year round residences. In the recent years several lots of legal buildable size have redeveloped with permanent housing. However, much of the housing stock is older and the city can expect over time the present housing to be upgraded due to these zoning changes.

Oregon Revised Statutes (ORS)

The procedures for quasi-judicial decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments are listed below with findings to address consistency with these State laws.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with ORS 197.610 because notice to DLCD was sent on June 29, 2011; at least 45 days prior to the September 13, 2011 (first) Planning Commission public hearing and the notice contained the information required in this statute.

ORS 197.763: Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements; Hearing Procedures.

The following procedures shall govern the conduct of quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body or hearings officer on application for a land use deci-

sion and shall be incorporated into the comprehensive plan and land use regulations:

Finding: The procedures for quasi-judicial land use hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law ORS 197.763. These procedures have been met as described in the criteria listed above, FCC 10-1-1-5, and are incorporated herein.

ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

Finding: The proposal is consistent with ORS 227.186 as it pertains to the proposed amendments to the Zoning Text and Map because:

On August 24, 2011 at least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the zoning text and map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this part of the proposal; the notice was approved by the City; the notice contained the text required in ORS 227.186.

Statewide Planning Goals

Goal 1: Citizen Involvement [OAR 660-015-0000(1)]

3. **Citizen Influence – To provide the opportunity for citizens to be involved in all phases of the planning process.**

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

Finding: The proposal is consistent with Statewide Planning Goal 1 because the proposal was advertised in the Siuslaw News; notice was mailed to property owners of all affected properties; and citizens were given the opportunity to comment on the proposal in writing or in person at public hearings before the Planning Commission and City Council.

Goal 2: Land Use [OAR 660-015-0000(2)]

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Finding: The proposal is consistent with Goal 2 because the Comprehensive Plan amendment is undertaken to address changing public circumstances related to a development approved 40 years ago. Citizens and affected governmental units have been provided an opportunity for review and comment on the proposal.

Goal 10: Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (3) zoning and land use controls;

Finding: The proposal is consistent with Goal 10 because the new zoning district proposes to implement the medium density plan designation which does not negatively impact the supply of residential land in the urban area. The proposed amendments will make all of the lots within Coast Village buildable, permit a diverse range of mobile housing styles and continue to permit recreational housing use. Most lots within Coast Village are less than 6000 sq. ft and thereby better matching the lot sizes listed for medium density. These zoning changes provide needed housing units and smaller lots at lower prices thereby providing much needed affordable housing options for the Florence community.

VIII. CONCLUSION

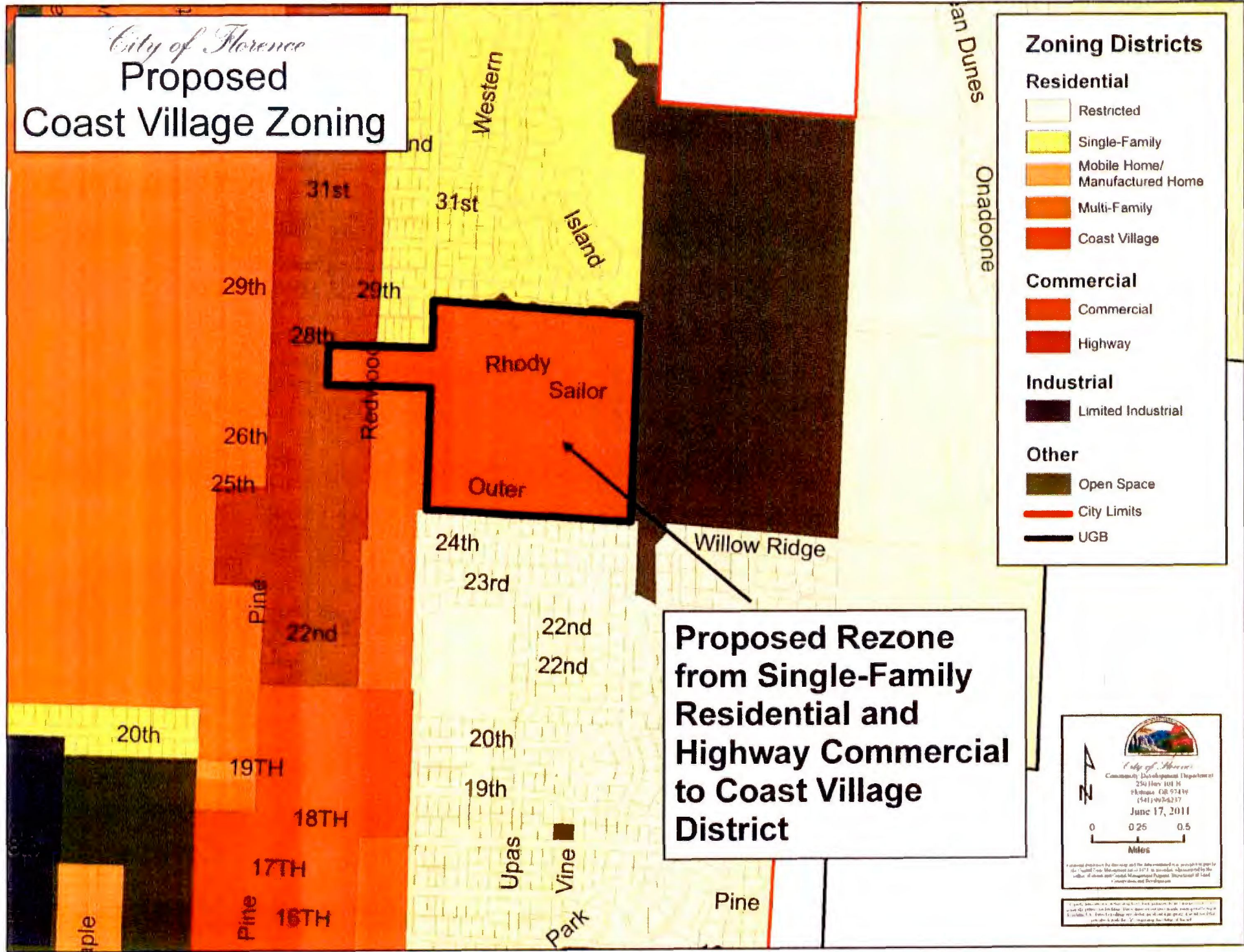
The amendments to the Florence City Code Title 10, zoning text and map are consistent with the applicable criteria in the Florence City Code, Florence Realization 2020 Comprehensive Plan, Statewide Planning Goals and Oregon Revised Statutes.

IX. EXHIBITS

- A. Findings of Fact
- B. Amendments to Zoning Map
- C. Amendments to FCC Title 10 Chapter 1, Zoning Administration
- D. Amendments to FCC Title 10 Chapter 2, General Zoning Provisions
- E. Amendments to FCC Title 10 Chapter 12, Mobile Home/Manufactured Home Regulations
- F. Amendments to FCC Title 10 adding Chapter 29, Coast Village District
- G. Amendments to Florence Realization 2020 Comprehensive Plan, Chapter 2
- H. Comment from Maurice Sanders, Chief of Police, City of Florence (8-23-11)
- I. Comment from Agnes Castronuevo, Tribal Historic Preservation Officer, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (8-30-11)
- J. Comment from Sean Barrett, Fire Marshall, Siuslaw Valley Fire & Rescue (9-1-11)
- K. Comment from Warren Scherich, Coast Village Resident (8-31-11)
- L. Comment from Tom Nicholson, Attorney for Coast Village HOA (9-1-11)
- M. Subdivision Plat: Coast Village, dated July 31, 1970
- N. Subdivision Plat: Coast Village First Addition, dated November 25, 1970
- O. Subdivision Plat: Coast Village Second Addition, dated March 10, 1972
- P. Subdivision Plat: Coast Village Third Addition, dated March 7, 1975
- Q. Subdivision Plat: Coast Village Fourth Addition, dated May 4, 1982
- R. Coast Village Lots with Approximate Sq. Ft.
- S. Coast Village Development Inventory Map
- T. Record of Survey Lot 59, BLK 2, Coast Village 2nd Addition (Easy St. Encroachment)
- U. Comment from Anita Vincent, 933 30th Way, Florentine (9/1/11)
- V. Planning Commission September 13, 2011, Public Hearing Final Minutes

P:\Community Development 2\All Post-2007 LU Decisions\Zoning Code Text Amendments\Ordinance #21, Series 2011 - Coast Village\Dec 5 2011 CC meeting\A- Findings.DOC

City of Florence
**Proposed
 Coast Village Zoning**



Zoning Districts

Residential

- Restricted
- Single-Family
- Mobile Home/
Manufactured Home
- Multi-Family
- Coast Village

Commercial

- Commercial
- Highway

Industrial

- Limited Industrial

Other

- Open Space
- City Limits
- UGB

**Proposed Rezone
 from Single-Family
 Residential and
 Highway Commercial
 to Coast Village
 District**

City of Florence
 Community Development Department
 250 Hwy 17B S
 Florence, SC 29504
 (843) 666-2277
 June 17, 2011

0 0.25 0.5
 Miles

Information for this map and the data contained herein is provided to you for informational purposes only. It is not intended to be used as a basis for any legal action. The City of Florence is not responsible for any errors or omissions in this map. The City of Florence is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Florence is not responsible for any damages, including consequential damages, arising from the use of this map.

Exhibit C
Ordinance No. 21, Series 2011

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-4: Definitions

DWELLING	A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding <u>Coast Village</u> , hotels, motels and tourist courts.
RECREATIONAL VEHICLE	A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes <u>(except as permitted in Coast Village District)</u> and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

Exhibit D
Ordinance No. 21, Series 2011

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

- 10-2-1: Conformance and Permits
- 10-2-2: Similar Uses
- 10-2-3: Building Setback Requirements
- 10-2-4: Height
- 10-2-5: Completion of Buildings
- 10-2-6: Who May Apply
- 10-2-7: Contract Purchasers Deemed Owners
- 10-2-8: Guarantee of Performance
- 10-2-9: ~~Mobile Homes and Pre-manufactured Housing~~ Siting Emergency Housing
- 10-2-10: Public Uses
- 10-2-11: Exemption From Partitioning Requirements
- 10-2-12: Uses and Activities Permitted in All Zones

~~10-2-9: **MOBILE HOMES AND PREMANUFACTURED HOUSING:** The definitions, standards and provisions of the mobile home regulations of the City may be applied to all mobile homes and pre-manufactured housing, as applicable. (Ord. 625, 6-30-80)~~

SITING EMERGENCY HOUSING: In the event of a disaster situation, the City Council may designate sites or allow the siting of RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and relief workers until said conditions have been alleviated as determined by the City Manager.

Exhibit E
Ordinance No. 21, Series 2011

TITLE 10
CHAPTER 12

MOBILE HOME/MANUFACTURED HOME REGULATIONS

SECTION:

- 10-12-1: Mobile Home/Manufactured Home Residential District (RMH)
- 10-12-1-1: Administrative Provisions
- 10-12-1-2: Design Standards
- 10-12-1-3: Building and Uses Permitted Conditionally
- 10-12-1-4: Lot and Yard Requirements
- 10-12-1-5: Site and Development Provisions
- 10-12-2: Mobile Home/Manufactured Home Regulation
- 10-12-2-1: Administrative Provisions
- 10-12-2-2: Definitions
- ~~10-12-2-3: Mobile Home/Manufactured Home Restrictions Deleted~~
- 10-12-3: Mobile Home/Manufactured Home Parks
- 10-12-3-1: Administrative Provisions
- 10-12-3-2: Design Standards
- 10-12-3-3: Site and Development Plan
- 10-12-3-4: Development Plan Procedure
- 10-12-3-5: Mobile Home/Manufactured Home Park License
- 10-12-3-6: Basic Regulations and Provisions
- 10-12-3-7: Park Administration

~~**10-12-2-3: MOBILE HOME/MANUFACTURED HOME RESTRICTIONS:**~~

~~A. Permitted Locations: Unless otherwise provided herein, upon compliance with applicable regulations and processes, mobile homes/manufactured homes for dwelling purposes shall be permitted only in:~~

- ~~1. Licensed and approved mobile home/manufactured home parks.~~
- ~~2. Approved mobile home/manufactured home subdivisions.~~
- ~~3. Approved planned unit developments.~~
- ~~4. Mobile Home/Manufactured Home Residential Districts (HR).~~

~~B. Temporary Location: In the event of a disaster situation, the City Council may designate sites or allow the siting of mobile homes/manufactured homes in areas in which mobile homes/manufactured homes were previously excluded, to provide housing on a temporary basis for disaster victims until said conditions have been alleviated. (Ord. 614, 9-10-79)~~

Exhibit F
Ordinance No. 21, Series 2011

TITLE 10
CHAPTER 29

COAST VILLAGE DISTRICT (CV)

SECTION:

- 10-29-1: Purpose
- 10-29-2: Definitions
- 10-29-3: Permitted Buildings and Uses
- 10-29-4: Prohibited Buildings and Uses
- 10-29-5: Lot and Yard Provisions
- 10-29-6: Site Development Provisions

10-29-1: PURPOSE: The Coast Village District is intended to provide a quality environment for residential uses and other compatible land uses within the Coast Village development. Coast Village began as a campground and has evolved into a residential community that accommodates permanent and seasonal residents; it is a unique residential community that allows a blend of recreational vehicles and conventional single-family homes, surrounded by greenbelt buffers between each lot to maintain a park-like setting.

10-29-2: DEFINITIONS:

- Greenbelt:** An area on a lot extending five feet (5') from the side and rear property lines for "natural vegetation" to grow, to serve as a visual screen and to protect privacy between adjacent lots.
- Height:** The height of a structure is the vertical distance between the average finished grade at the base of the structure to the peak or crest of the roof of the structure.
- Lot:** Any private platted numerical lot within Coast Village, excepting Lot 4 Block 1 of Coast Village which shall not constitute a buildable lot for residential purposes; all numerical lots modified by lot line adjustments recorded prior to the effective date of this chapter and the following listed properties in which two parcels combined shall constitute one lot hereunder:
- Coast Village First Addition: Lot 32, Block 2, and that real property described as PARCEL II in deed recorded at Reel 1489R, Reception #8752204 in Lane County Official Records (tax lots 200 and 301)
- Coast Village Second Addition: Lots 12 & 13, Block 10, (tax lots 22200 and 22300); Lots 15 & 16, Block 10, (tax lots 21900 and 22000); Lots 12 and 13, Block 11, (tax lots 16500 and 16600); Lots 40 and 41, Block 2, (tax lots 17800 and 17900); Lots 42 and 43, Block 2, (tax lots 17600 and 17700); and
- Coast Village Third Addition: Lots 14 and Lot C, (tax lots 1907 and 1908) and Lots 6 and Lot B, (tax lot 1905)
- Natural Vegetation:** Vegetation indigenous to the Florence region or other drought-tolerant species, which includes: Shore Pine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinnikinic and Salal or as provided for in the City's plant list.

Permanent Dwelling: Site-built single-family dwelling; manufactured home, modular home, or other pre-manufactured home (no minimum floor area size); or mobile structures such as park models, recreational vehicles and motor homes that cannot be easily driven or pulled from the site. Permanent dwellings may be occupied year-round or less.

Screening or Buffering: Screening or buffering shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as required by vision clearance.

Temporary Dwelling: Mobile structure such as park model, recreational vehicle and motor home that can easily be driven or pulled from the site (i.e. wheels and tongue still attached). There shall be no obstructions that would prevent the easy removal of the structure. Obstructions include but are not limited to: attached accessory structures, accessory structures placed to block the mobile structure, in-ground vegetation or landscaping, retaining or landscaping walls, foundation, hard-wired utilities, and hard-piped utilities. Temporary structures may be occupied year-round or less.

10-29-3: PERMITTED BUILDINGS AND USES:

- A. One permanent or temporary dwelling per lot.
- B. In addition to the dwelling allowed by A (above), one mobile structure may be permitted for use as guest quarters for up to six months in a twelve month period, if there are at least two parking spaces on a lot in addition to the parking area for the mobile structure.
- C. Accessory structures such as ramadas, cabanas, patio slab, carport or garage and multi-purpose/storage buildings, when built on a lot in conjunction with A above.
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.
- E. Recreation and community facilities for use of Coast Village residents or guests and management staff.
- F. Home occupations that do not require customer roadway traffic within Coast Village.

10-29-4: PROHIBITED BUILDINGS AND USES:

- A. Accessory Dwelling Units.

10-29-5: LOT AND YARD PROVISIONS:

- A. No partitions or lot line adjustments are allowed.
- B. Lot Coverage: The maximum coverage by all enclosed structures shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all impervious areas, including all structures and paved surfaces (excepting Home Owner Association streets and roads encroaching on private lots) shall not exceed sixty five percent (65%) of the lot area.
- C. Yard and Buffer Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and buffer regulations shall be indicated below:
 - 1. Front Yards: All dwellings and structures shall be set back at least twenty feet (20') from the front property line unless the street pavement encroaches onto the lot. then the dwelling portion of the structure may be setback a minimum of 10' from the closest edge of pavement and the garage or carport shall be set back 20 feet from the closest edge of pavement.
 - 2. Side Yards: A greenbelt buffer of not less than five feet (5') shall be maintained on each side of the lot. All dwelling units shall be set back not less than eight feet (8') from the side

property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the side property line.

3. Rear Yards: A greenbelt buffer of not less five foot (5') shall be maintained on the rear yard of a lot. All dwelling units shall be set back not less than ten feet (10') from the rear property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the rear property line.
4. Propane Tank Setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet (3') from all greenbelts and vegetation.

10-29-6: SITE DEVELOPMENT PROVISIONS:

- A. Building or Structural Height Limitations: All structures are limited to a single story and shall not exceed sixteen feet (16') in height.
- B. Fences: Coast Village development perimeter fencing shall comply with Code Section 10-34-5 of this Title.
- C. Vision Clearance: Shall be ten feet (10'). Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.
- D. Off-street Parking: Dwellings shall have at least two (2) permanent parking spaces on-site. Such a parking space area, garage or carport shall provide for the ingress and egress of standard size automobiles at least nineteen feet long and nine and one-half feet wide (19' x 9 1/2'). The Building Official may allow one permanent parking space if he determines a second parking space is not physically feasible. The required on-site parking space may be uncovered and gravel driveways and parking spaces are allowed. Regular off-street parking is allowed within the front yard setback. These requirements supersede any conflicting requirements in Section 10-3 of this Title.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Title.
- F. Landscaping: A five foot (5') greenbelt buffer consisting of natural vegetation shall be maintained on the side and rear yards of a lot in order to provide screening and privacy between adjacent lots. The green belt buffer shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as necessary to accommodate vision clearance requirements.
- G. Applicable Building and Fire Codes shall be met.

**Exhibit G
Ordinance No. 21, Series 2011**

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, APRIL 2011
CHAPTER 2

LAND USE

Residential Plan Designation Categories and Background

Medium Density Residential

The Medium Density Residential designation is intended for areas with a density based on where existing lot sizes averaging are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts is are Single Family Residential and Coast Village. Single family homes and manufactured homes meeting certain minimum standards are allowed. Self-contained mobile structures are permitted in the Coast Village District. Duplexes are a conditional use in the Single Family Residential District.

From: Maurice Sanders
Sent: Tuesday, August 23, 2011 8:05 AM
To: Wendy Farley
Subject: FW: Coast Village -- Zone Change
Wendy,

Here is the input from the Police Department in regard to the proposed Zone Change. I would be more interested in the Western Lane Ambulance and Siuslaw Fire and Rescue's input in this proposed change as they have larger equipment than the police department.

Maury

Maurice K. Sanders, Chief of Police
900 Greenwood Street
Florence, Oregon 97439

(Office) 541 997-3515
(Fax) 541 997-4104
(Email) maurice.sanders@ci.florence.or.us
(Website) www.florencepolice.net

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty." - Sir Winston Churchill

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From: John Pitcher
Sent: Monday, August 22, 2011 6:12 PM
To: Maurice Sanders
Cc: Ray Gutierrez; Harry Johnson
Subject: RE: Coast Village -- Zone Change

Chief

The roads are sufficient for our needs. The vast majority of the properties have a pole at the front of the driveway that have the house # on it, which I think works well for us. Driving thru there were a few that the pole was missing or the numbers were not readable, but most are marked.

John P.

From: Maurice Sanders
Sent: Monday, August 22, 2011 9:13 AM
To: Harry Johnson; John Pitcher
Cc: Ray Gutierrez; Wendy Farley
Subject: FW: Coast Village -- Zone Change

Harry/John,

Are the roads in Coast Village sufficient for police vehicles to operate in the entire gated community? Are addresses readily visible and on all properties?

Thank you.

Maury

Maurice K. Sanders, Chief of Police
900 Greenwood Street

Exhibit H



**CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT OFFICES**

1245 Fulton Ave. • Coos Bay, OR 97420 • (541) 888-9577 • 1-888-280-0726
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

August 30, 2011

Wendy Farley
Senior Planner
City of Florence
250 Highway 101
Florence, OR 97439
541-997-8237
Via Email wendy.farley@ci.florence.or.us

Re: *Proposed amendments to the Florence City Code (FCC) to create a new zoning district for Coast Village. Files PC 11 08 ZC 02 & PC 11 09 TA 01*

Dear Ms. Pezley,

Based on the description of the proposed work provided in the applicant's request, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have no objections to the proposal to create a new zoning district. Please be aware that the proposed area is in proximity to known cultural resource sites and so may contain as yet undiscovered cultural resources. In accordance with ORS 390.910 and federal law 36 CFR 800.13 (as applicable), we request that we be contacted immediately if any known or suspected cultural resources are encountered during any phase of the work.

Please also be aware that state laws ORS 358.920 and ORS 390.235(1) (a) and federal law 43 CFR 7.4(a) prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. Federal law 43 CFR 10.3 and ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object; or removal of an archaeological object from public or private lands.

Please feel free to contact me if I may be of any further assistance.

Sincerely,

Agnes F. Castronuevo
Tribal Historic Preservation Officer / Archaeologist

CC: Files

Exhibit I



Siuslaw Valley Fire and Rescue

2625 Highway 101 North
Florence, OR 97439-9702
(541) 997-3212

September 1, 2011

City of Florence
Planning Department
Wendy Farley
250 Hwy 101
Florence, OR 97439

RE: Coast Village fire and life safety

Dear Ms. Farley,

1. On August 24, 2011 I conducted a fire flow test of all of the Coast Village fire hydrants and water mains. I wanted to let you know that all of Coast Village's water system does meet current fire code requirements.
2. Another issue that has come to light is the need for a secondary emergency vehicle access. This is required by code. I want to let you know that even though this has not been accomplished as of yet, I have been working with Coast village to get this resolved. I have had excellent cooperation from the Board on this matter. This should in no way hold up the proposed zone change. This process may take time to resolve.
3. The internal road system of Coast village meets our and code requirements for emergency vehicle access for both fire and EMS.
4. Addressing is adequate. I will be working with the Board to make sure that all lots have visible address.

From a fire and life safety standpoint emergency services are satisfied with Title 10, Chapter 37, with the agreed upon requirements between the fire district and Coast Village in regards to the secondary access. Both the City Building Official and Fire Code Official will work closely together to make sure public safety is maintained in Coast Village.

Should you have any questions or concerns, please do not hesitate to contact me.

SIUSLAW VALLEY FIRE AND RESCUE

A handwritten signature in black ink that reads "Sean P. Barrett".

SEAN P. BARRETT
Fire Marshal

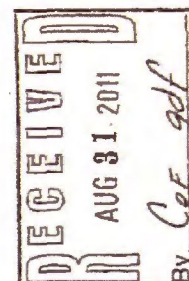
Exhibit J

Warren H. Scherich
PO Box 817 (Lot 158, Block 2 Lot 15, Coast Village)
Florence, Oregon 97439

August 27, 2011

Wendy Farley
Community Development Dept., City of Florence
250 Highway 101, Florence, Oregon 97439

Dear Wendy:



Thank you for your letter regarding the re-zoning of Coast Village. From your letter I went onto the internet and made a copy of the map (well done), and Exhibit B.

In reference to "10-37-5" it reads: "LOT AND YARD PROVISIONS:" "A. Minimum Lot Dimensions: As platted" and "B. Minimum Lot Area: As platted."

I suggest we add, in both A and B, after "platted" or as developed. Thus they would read as follows:

- A. Minimum Lot Dimensions, As platted or As Developed.
- B. Minimum Lot Area, As platted or As Developed.

The reasons for this addition are: (1) Over half of the lots have NEVER BEEN FULLY SURVEYED. (2) When developing the park the road was located as convenient - I talked with one man who was on this work crew and he said they basically were told "don't worry about being exact, just get them in as easily as possible.-.After all it's just a camp ground." - This resulted in some streets, and lots, being as much as 10 to 20 feet, or more, off. This affects just about every lot in Coast Village.

Exhibit K

PAGE 2 OF LETTER TO Wendy Farley dated 8-27-011

A few years back I talked with the state about this and they said to the effect that we live with it or make the major changes to comply with "AS PLATTED". That would mean relocating all the streets, moving all utilities, and doing any other changes necessary to be "as platted".

"As platted means that the development be surveyed, all streets, lots, and utilities, etc. will be located as shown on the plat (map). {And as you know "located as platted", is not how Coast Village was developed.}

I am not an attorney, - but it seems to me that by adding "Or as developed" would lessen the possibilities of legal action against Coast Village and the City of Florence, and make it easier for compliance as required by zoning.

I have been asked several times why someone hasn't brought a legal suit against the Board of Directors of Coast Village as well as the City of Florence for allowing Cost Village to be developed without compliance to "As Platted.":

I am giving all Board of Directors of Coast Village, and Tom Nicholson (Coast Village's attorney), a copy of this letter

If there is anything I can do to help get this done please let me know.

Sincerely

Warren S.

Wendy Farley

From: Thomas Nicholson [tnicholson@nicholsonlaw.biz]
Sent: Thursday, September 01, 2011 9:51 AM
To: Wendy Farley
Cc: 'John Mawhinney'
Subject: Coast Village District

1. Per our meeting of August 29, 2011 and our telephone conversation of this morning, Coast Village is requesting that vision clearance requirements under proposed 10-32-6 C be reduced from the standard 20' to 10' due to the 10 mph speed limit and the narrow streets in all of Coast Village. It is my understanding both police and fire department personnel have no objection to this 10' vision clearance request.

2. Please email me a draft of the proposed Coast Village District as soon as you have the draft prepared. Thank you for your continuing efforts on this project.

Thanks,

Tom

Thomas C. Nicholson
552 Laurel St.
P.O. Box 308
Florence, OR 97439
(541) 997-7151
(541) 997-7152 fax
tnicholson@nicholsonlaw.biz
OSB#813265

Confidentiality Notice and Notice Regarding Electronic Signature

This communication may contain information that is privileged and confidential. It may only be used by the intended addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, use, distribution or copying of this communication is prohibited. Nothing in this e-mail should be construed as an electronic signature or an act constituting a binding contract. If you have received this communication and are not the intended recipient, please notify us immediately by return e-mail and by calling us at 541 997-7151, and permanently delete and destroy the original and any electronic, printed, or other copies of this communication. Thank you.

IRS CIRCULAR 230 Notice

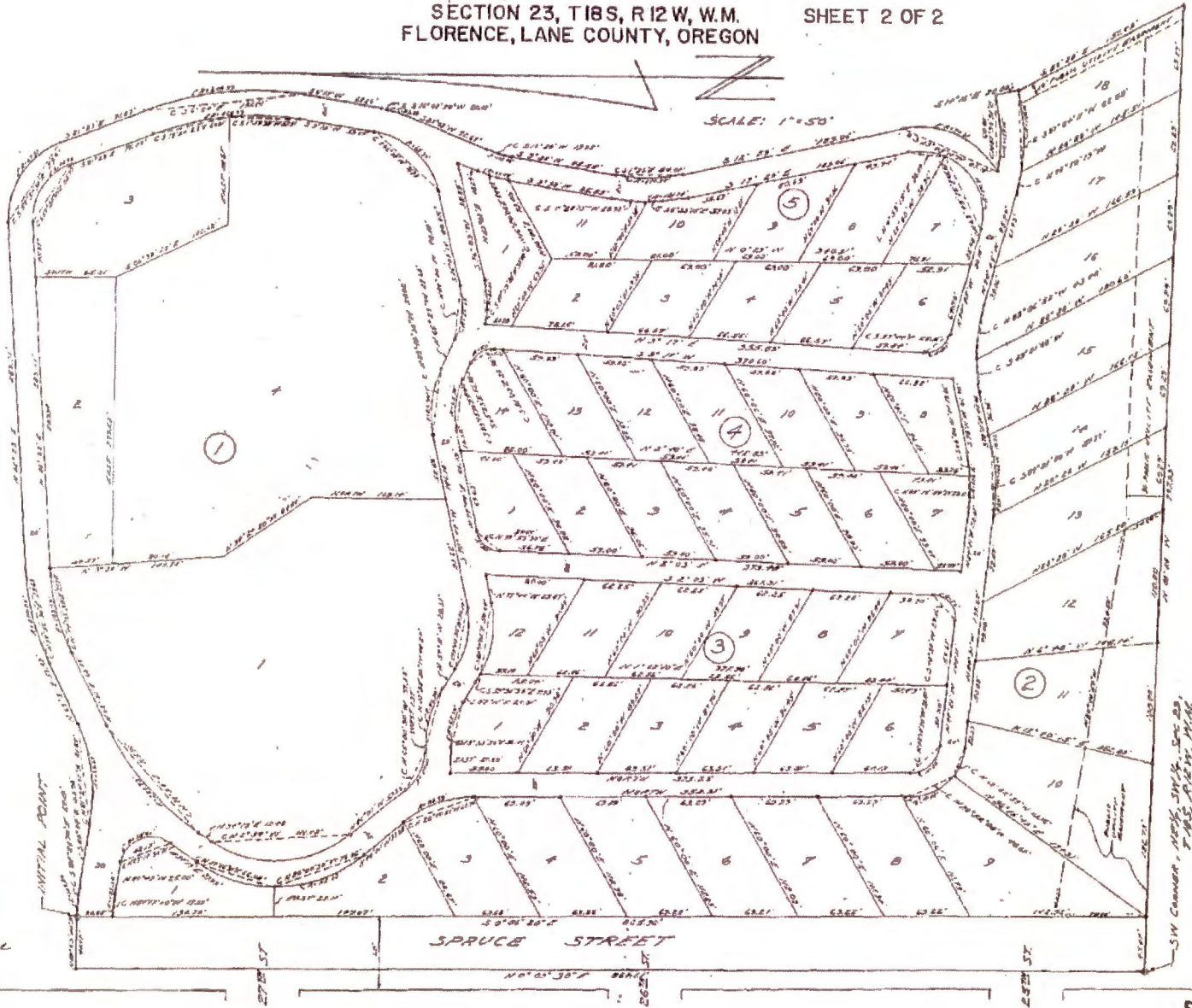
To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

9/1/2011

Exhibit L

COAST VILLAGE
SECTION 23, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

SHEET 2 OF 2



STATE OF OREGON
 COUNTY OF LANE
 I, _____, County Clerk, do hereby certify that this is an
 exact copy of the original plat on file in my office.
 WITNESSED my hand and the seal of said county this _____ day of _____, 1970.

 County Clerk, Lane County, Oregon

NOTE: ALL INTERESTS ARE TO BE
 CONVEYED BY DEED TO THE
 STATE OF OREGON

FILED
 OCT 12 1970
 AUG 12 1970
 E. W. TROTT, County Clerk
 Lane County, Oregon

Exhibit M

COAST VILLAGE FIRST ADDITION
SECTION 23, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

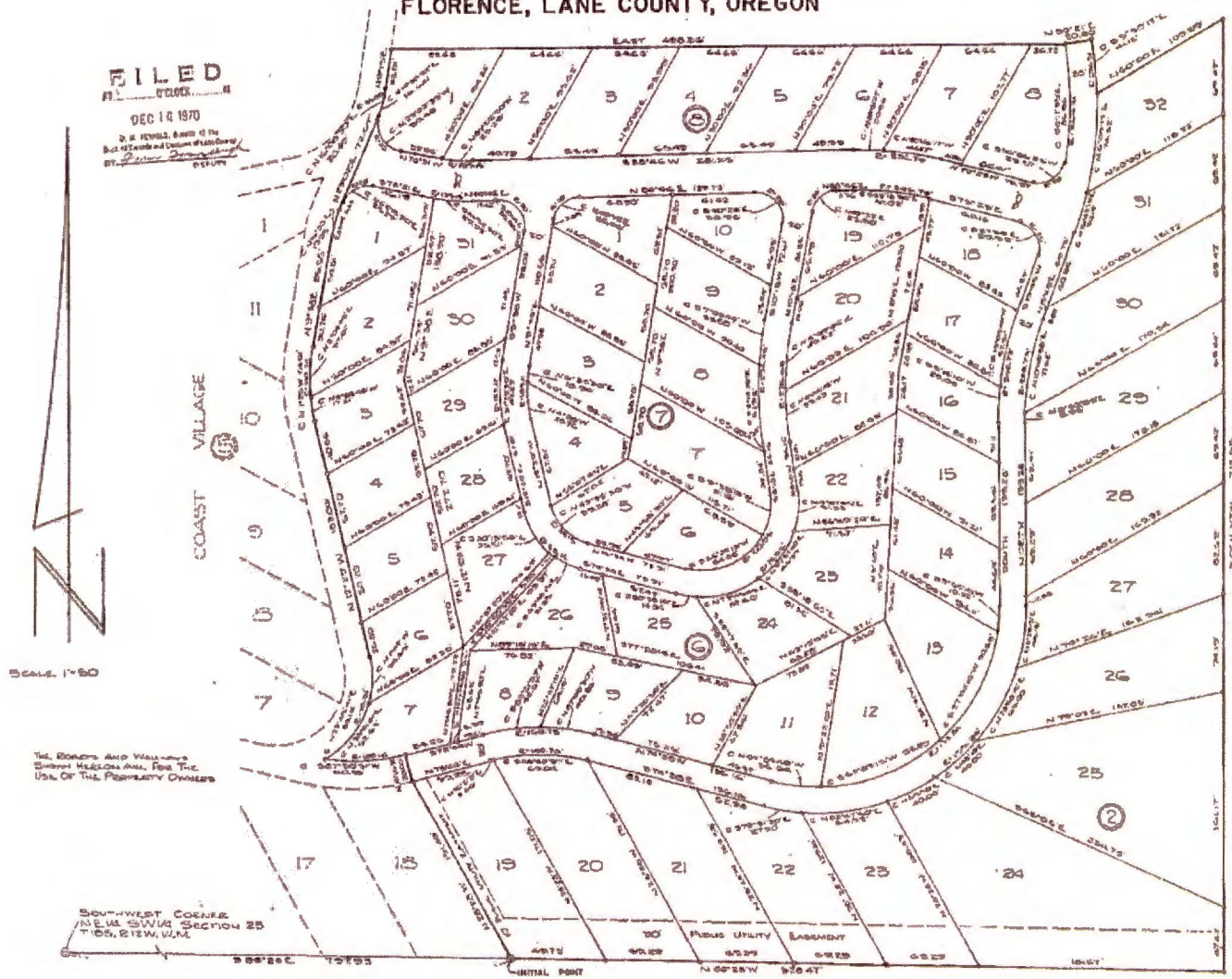


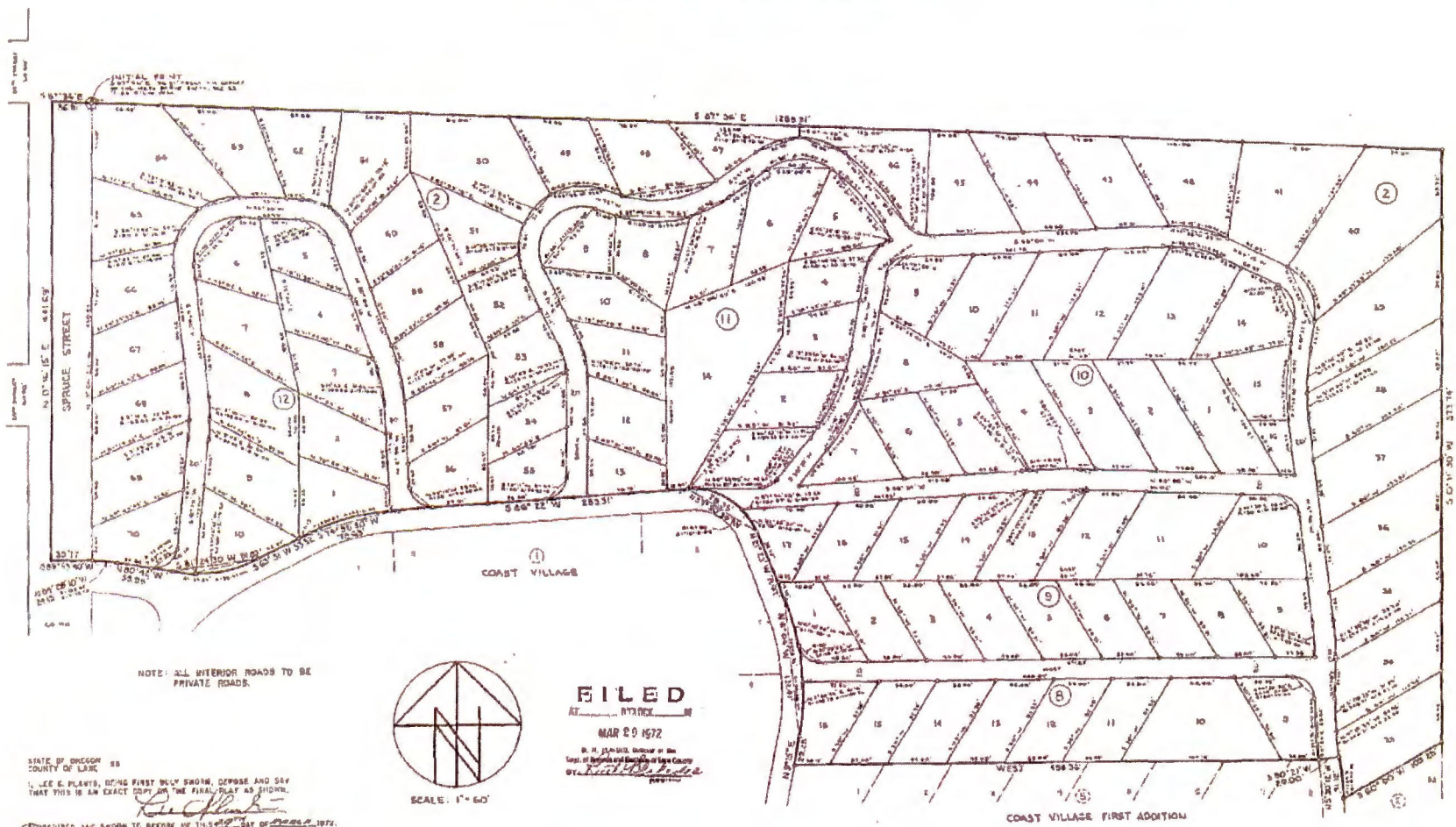
Exhibit N

S 189741

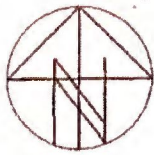
COAST VILLAGE SECOND ADDITION
SECTION 23, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

BOOK 61 PAGE 26

SHEET 2 OF 2



NOTE: ALL INTERIOR ROADS TO BE PRIVATE ROADS.



FILED

MAR 29 1972

RECORDED

STATE OF OREGON
COUNTY OF LANE

Subscribed and sworn to before me this 29th day of March 1972.
Notary Public for Oregon

Exhibit O

S 1972

COAST VILLAGE THIRD ADDITION
SECTION 23, T.18S., R.12W., W.M.
FLORENCE, LANE COUNTY, OREGON
REPLAT OF BLOCKS 41 & 42, FRASIER AND BERRY'S PART
OF THE CITY OF FLORENCE

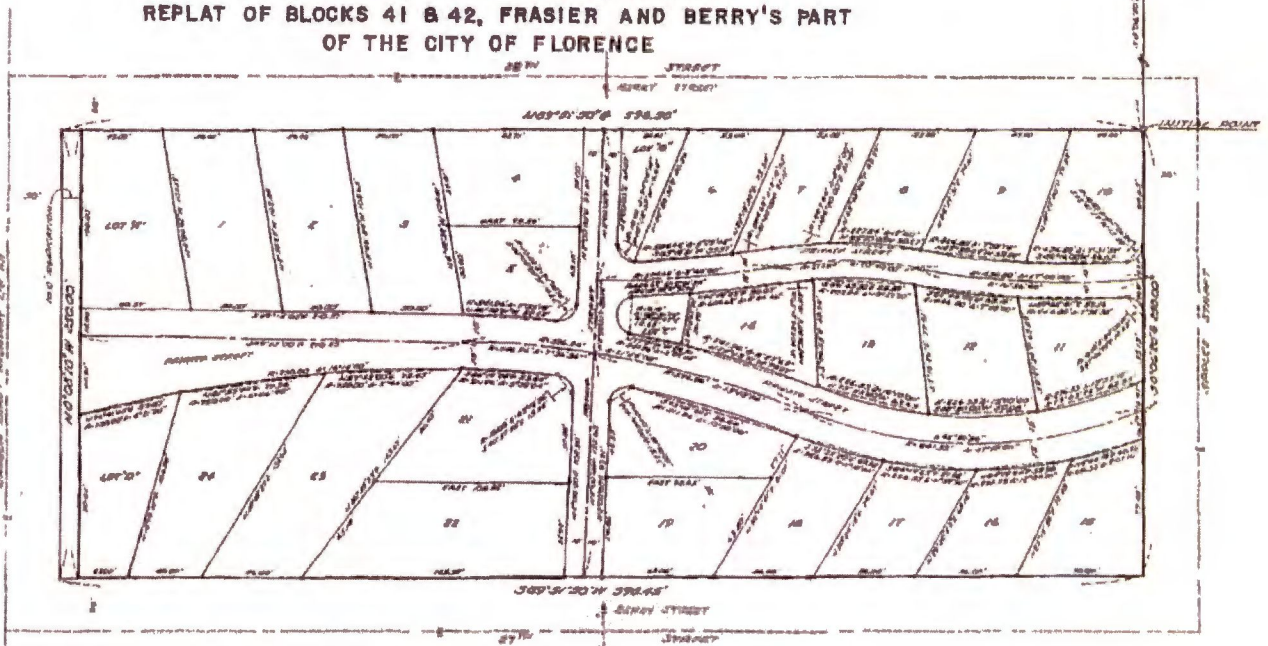
State of Oregon } ss
County of Lane }

I, Lee C. Plante, being first duly sworn, depose and say that this is an exact copy of the final plat as shown.

Subscribed and sworn to before me this 9th day of March, 1975.
Lee C. Plante
Notary Public for Oregon



SCALE: 1" = 40'



EDWARDS CERTIFICATE: State of Oregon } ss
County of Lane }

I, Lee C. Plante, a registered professional engineer, being first duly sworn on oath say that I have caused to be surveyed and marked with proper monuments the following described plat: Beginning at the Initial Point which is marked by a 2" x 3/8" aluminum iron pipe driven 6" below the surface of the ground, said Initial Point being North 87°31'00" West 23.09 feet and South 0°06'30" East 309.55 feet from the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 23, Township 18 South, Range 12 West, Willamette Meridian; thence South 0°06'30" East 290.00 feet, thence South 89°21'50" West 290.45 feet to a point on the East margin of U.S. Highway 101; thence along said East margin North 0°08'10" West 230.00 feet, thence North 89°21'50" East 290.98 feet to the Initial Point of Beginning in Lane County, Oregon, containing 3.37 acres, more or less.



Subscribed and sworn to before me this 22nd day of June, 1975.
Lee C. Plante, P.E.

Sharon M. Smith
SHARON M. SMITH
Notary Public-Oregon
My Commission Expires 3-5-77

Sharon M. Smith
SHARON M. SMITH
Notary Public-Oregon
My Commission Expires 3-5-77

NOTE: All interior streets are private streets.

DEDICATION:

Know all men that Century Park, Inc., an Oregon Corporation, is the owner of the above described property and does hereby lay out and subdivide the same as shown on the annexed plat and does hereby dedicate to the public forever the street (U.S. 101) as shown on this plat.

CENTURY PARK, INC.

Carl Christensen
Carl Christensen, Sec.

ACKNOWLEDGMENT: State of Oregon } ss
County of Lane }

Personally appeared Ted R. Simonsen and Carl Christensen, who being duly sworn say that they are the president and secretary, respectively, of Century Park, Inc., an Oregon Corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the same instrument was signed and sealed in behalf of said corporation by the above named officers, and they acknowledge said instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 22nd day of June, 1975.

APPROVALS:

County Commissioner: Frank A. Elliott
County Commissioner: Henry M. Hammond
County Commissioner: Robert E. Wilson
County Assessor: Kenneth J. Eubank
County Surveyor: Lawrence D. Glass

Florence City Planning Commission

Chairman: Donald R. B...
Secretary: Donald R. B...
Mayor: Paul D. Gray

FILED
AT CLATSOP COUNTY, OREGON
MAY 10 1975
Notary Public

S14126

Exhibit P

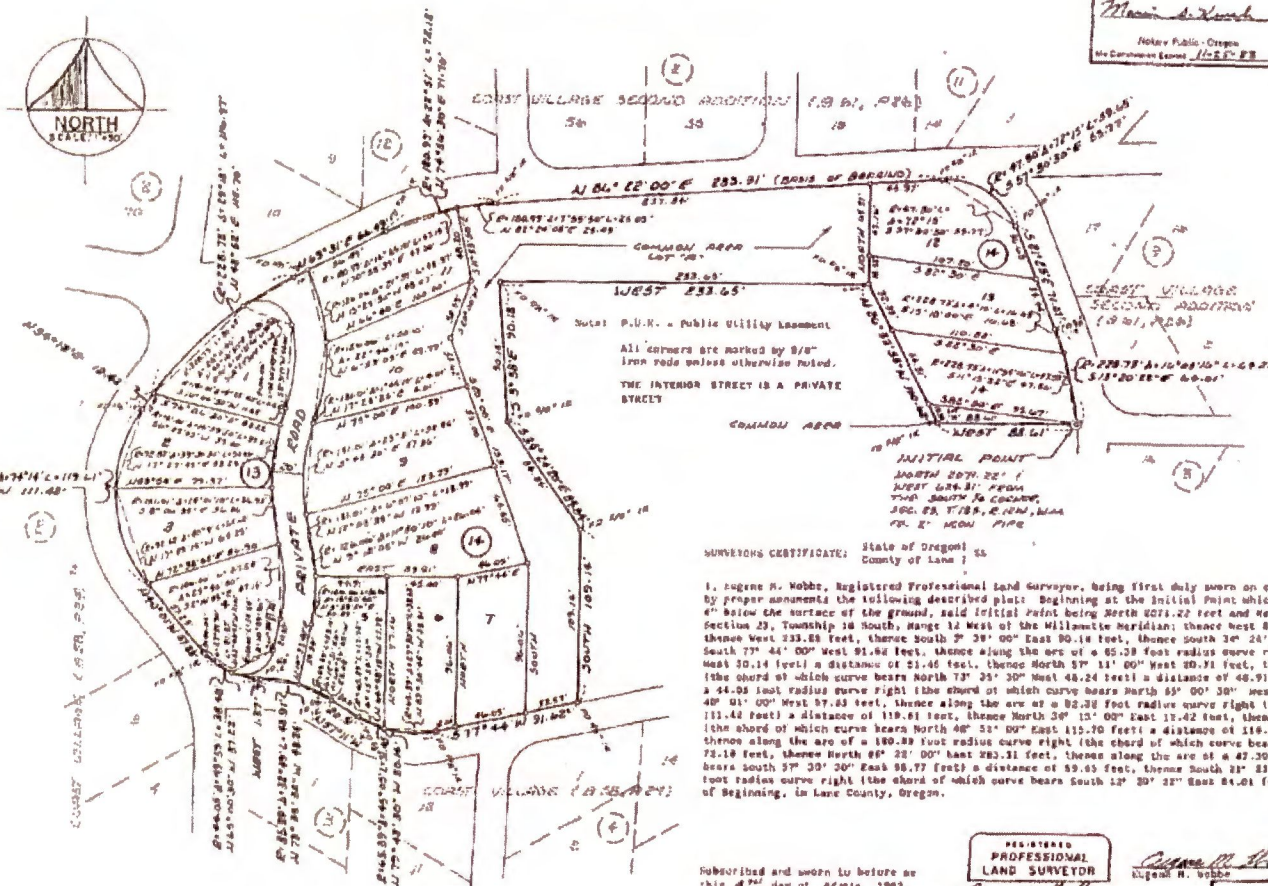
COAST VILLAGE FOURTH ADDITION
REPLAT OF LOTS 1, 2 & 3, BLOCK 1, COAST VILLAGE
SECTION 23, T.18 S., R.12 W., W.M.
FLORENCE, LANE COUNTY, OREGON

FILED

FILE 73 SLIDE 540

DATE Nov 7 1982
 NOTARY PUBLIC & SECRETARY
 OF OREGON
 COUNTY Lane
 My Commission Expires 11-25-83

Notary Public - Oregon
 My Commission Expires 11-25-83



SURVEYOR'S CERTIFICATE: State of Oregon ss
 County of Lane I

I, Eugene M. Hobbs, Registered Professional Land Surveyor, being first duly sworn on oath say that I have caused to be surveyed and marked by proper monuments the following described plat: Beginning at the Initial Point which is marked by a 2" by 2" galvanized iron pipe driven 6" below the surface of the ground, said Initial Point being North 82° 22' East and West 824.22 feet from the South one-quarter (1/4) corner, Section 23, Township 18 South, Range 12 West of the Willamette Meridian; thence West 88.61 feet, thence North 26° 43' 55" West 100.62 feet, thence West 233.88 feet, thence South 3° 28' 00" East 80.18 feet, thence South 34° 24' 20" East 84.84 feet, thence South 109.14 feet, thence South 77° 44' 00" West 91.84 feet, thence along the arc of a 85.28 foot radius curve right (the chord of which curve bears North 78° 43' 30" West 30.14 feet) a distance of 21.86 feet, thence North 57° 11' 00" West 20.31 feet, thence along the arc of a 88.29 foot radius curve left (the chord of which curve bears North 73° 25' 30" West 48.24 feet) a distance of 48.91 feet, thence West 1.27 feet, thence along the arc of a 84.05 foot radius curve right (the chord of which curve bears North 65° 00' 30" West 37.52 feet) a distance of 36.42 feet, thence North 40° 01' 00" West 57.63 feet, thence along the arc of a 82.28 foot radius curve right (the chord of which curve bears North 2° 34' 00" West 111.42 feet) a distance of 119.81 feet, thence North 30° 12' 00" East 13.42 feet, thence along the arc of a 228.73 foot radius curve right (the chord of which curve bears North 40° 53' 00" East 115.70 feet) a distance of 119.97 feet, thence North 67° 21' 00" East 66.49 feet, thence along the arc of a 180.89 foot radius curve right (the chord of which curve bears North 74° 58' 30" East 71.70 feet) a distance of 73.18 feet, thence North 86° 28' 00" East 283.31 feet, thence along the arc of a 42.30 foot radius curve right (the chord of which curve bears South 37° 30' 30" East 88.77 feet) a distance of 59.65 feet, thence South 21° 21' 00" East 71.07 feet, thence along the arc of a 218.73 foot radius curve right (the chord of which curve bears South 12° 20' 22" East 84.01 feet) a distance of 84.32 feet to the Initial Point of Beginning, in Lane County, Oregon.

APPROVED:
 [Signature] Planning Commission Chairman
 [Signature] Planning Commission Secretary
 [Signature] Mayor
 [Signature] County Assessor
 [Signature] County Surveyor

Subscribed and sworn to before me this 4th day of May 1982.

ACKNOWLEDGMENT: State of Oregon ss
 County of Lane I

Personally appeared Frederick D. Gent and Cary H. Pennington who being duly sworn, say that they are the President and Secretary, respectively of Century Park, Inc., an Oregon Corporation, that the seal attested to the foregoing instrument is the corporate seal of said corporation, and that the same instrument was signed and sealed in behalf of said corporation by the above named officers and they acknowledged said instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 5th day of May 1982.

REGISTERED PROFESSIONAL LAND SURVEYOR
 Eugene M. Hobbs
 OREGON
 EUGENE M. HOBBS
 1982

NOTARY PUBLIC - OREGON
 My Commission Expires 11-25-83

NOTARY PUBLIC - OREGON
 My Commission Expires 5-12-84

WITNESSES:
 know all men by these presents, that Century Park, Inc., an Oregon Corporation, is the owner in fee simple of the above described property, that it caused the same to be subdivided and platted as herein shown.

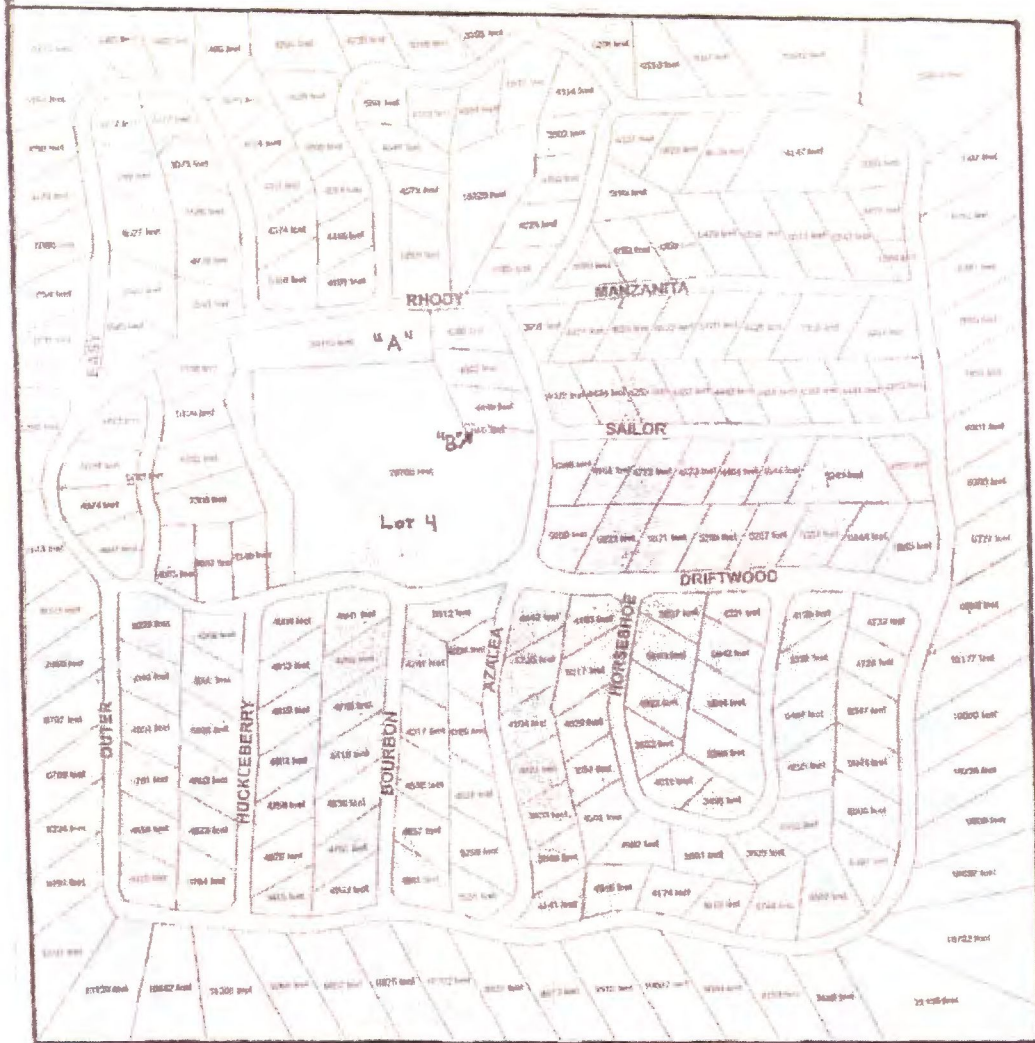
Century Park, Inc.
 [Signature] Frederick D. Gent, President
 [Signature] Cary H. Pennington, Secretary

Century Park, Inc.
 [Signature] Frederick D. Gent, President
 [Signature] Cary H. Pennington, Secretary

S27205

Exhibit Q

Coast Village Lots with Approximate Sq. Ft.



This exhibit contains maps illustrating the approximate lot sizes in sq. feet for Coast Village. The Coast Village East map (above) originated from ARCVIEW calculations. The Coast Village West map (below) originated from the Regional Land Inventory Database managed by the Lane Council of Governments. Neither of the maps is accurate for land use development purposes. However, they are provided to give a general idea of the lot sizes in Coast Village and varying density levels within the development.

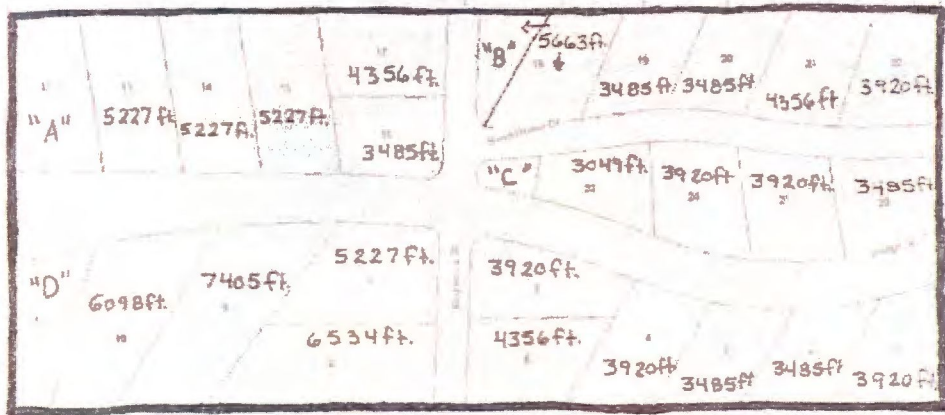
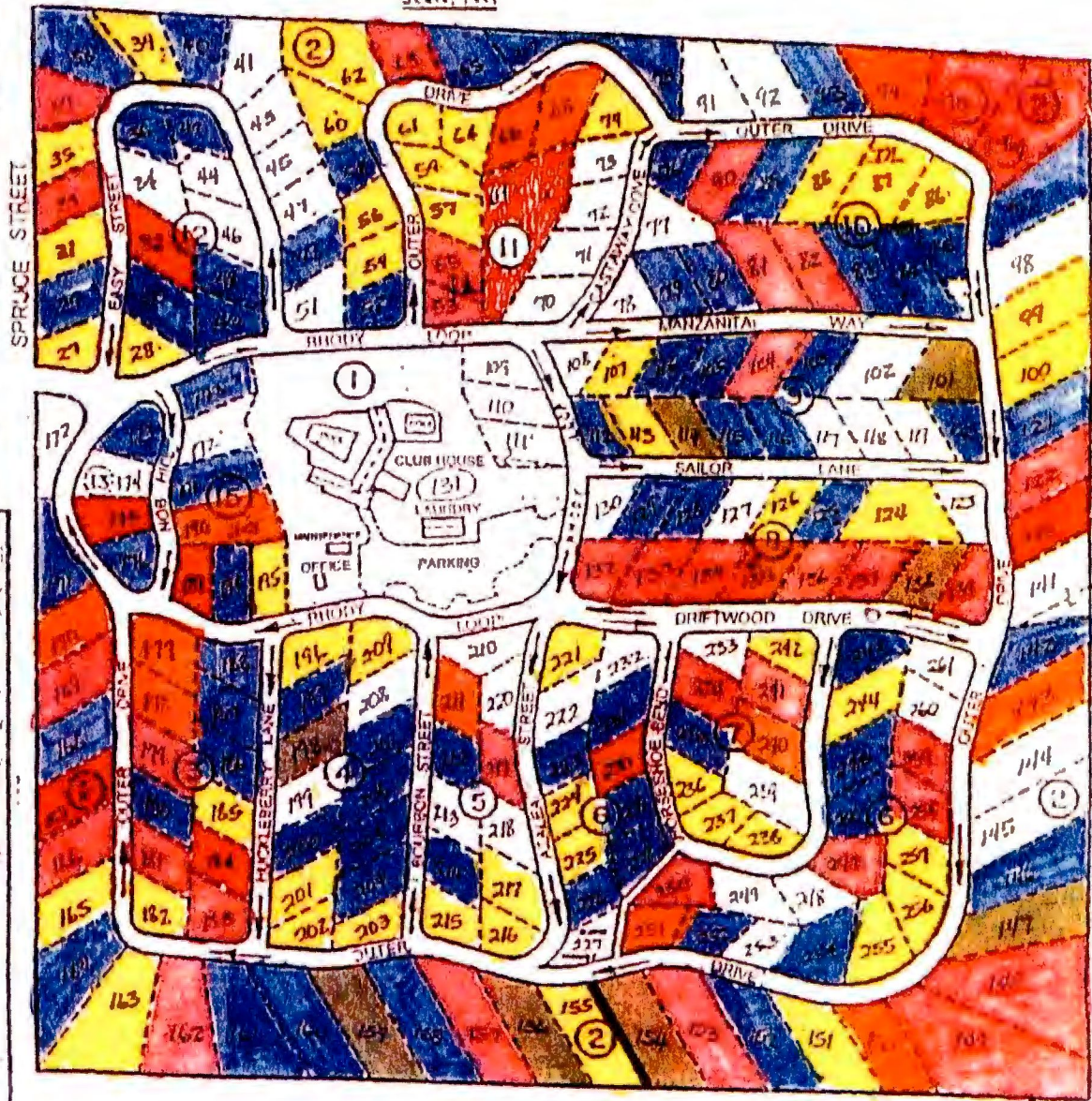
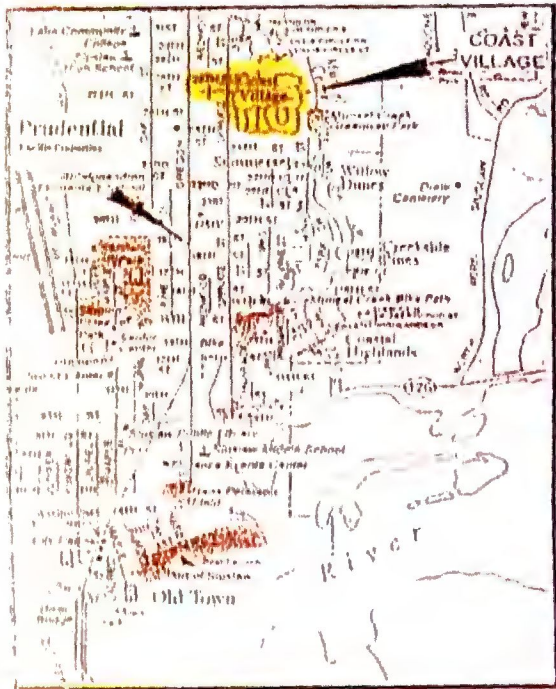
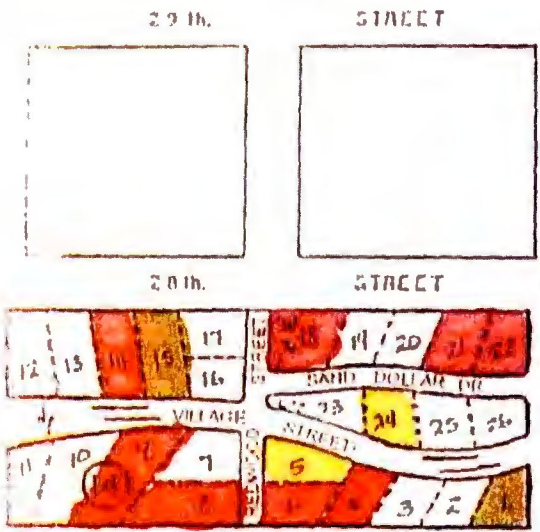
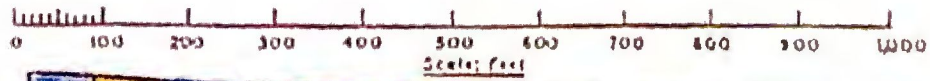


Exhibit R

FOR MORE INFORMATION CONTACT:
 PRUDENTIAL PACIFIC PROPERTIES
 1875 HWY 101, FLORENCE
 541-997-6000 • 800-788-3319
 www.realestateflorence.com

COAST VILLAGE

COAST VILLAGE
 2750 HWY 101 • FLORENCE • OR 97439

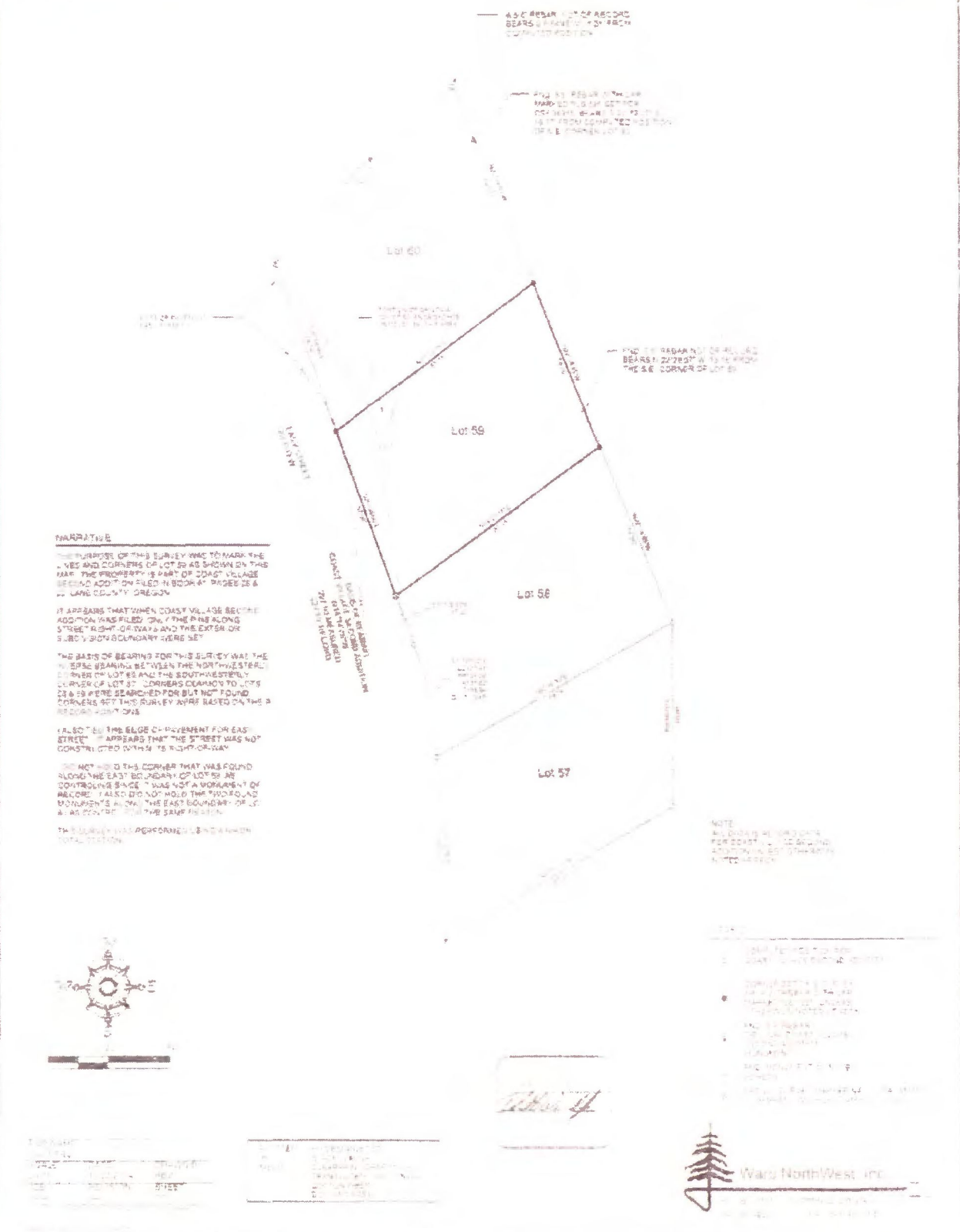


- 10 Strip
 11 Strip
 20 PMMH
 44 Double side
 Empty
 RV
 perm trailer
 Structure
 234 lots
 34 Temporary
 11 empty
 189 perm.

Exhibit S

RECORD OF SURVEY
 FOR WAYNE & PATRICIA CAJE
 LOT 59 BLK 2 COAST VILLAGE 2ND ADDITION
 18 17 23 3 1 TAX LOT 14800
 FLORENCE LAKE COUNTY OREGON
 10/22/2004

389.00
 2 Nov 04 C



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MARK THE CORNERS AND CORNERS OF LOT 59 AS SHOWN ON THIS MAP. THE PROPERTY IS PART OF COAST VILLAGE SECOND ADDITION FILED IN BOOK 47 PAGE 25 & 26 LAKE COUNTY OREGON.

IT APPEARS THAT WHEN COAST VILLAGE SECOND ADDITION WAS FILED OR THE PINS ALONG STREET RIGHT-OF-WAY AND THE EXTENSION SUBDIVISION BOUNDARY WERE SET.

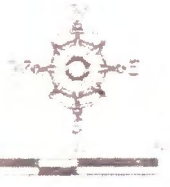
THE BASIS OF BEARING FOR THIS SURVEY WAS THE 1983 BEARING BETWEEN THE NORTHWESTERLY CORNER OF LOT 58 AND THE SOUTHWESTERLY CORNER OF LOT 57. CORNERS DEARNO TO LOTS 58 & 59 WERE SEARCHED FOR BUT NOT FOUND. CORNERS SET THIS SURVEY WERE BASED ON THE 1983 RECORD DOCUMENTS.

ALSO THE EDGE CHAYMENT FOR EAST STREET APPEARS THAT THE STREET WAS NOT CONSTRUCTED WITH A 15' RIGHT-OF-WAY.

DO NOT HOLD THIS CORNER THAT WAS FOUND ALONG THE EAST BOUNDARY OF LOT 59 AS CONTROLLING SINCE IT WAS NOT A MONUMENT OF RECORD. IT ALSO DID NOT HOLD THE MONUMENTS ALONG THE EAST BOUNDARY OF LOT 59 AS CONTROLLING FOR THE SAME REASON.

THIS SURVEY WAS PERFORMED USING A TRIPLET TOTAL STATION.

NOTE:
 THIS SURVEY IS PROVIDED FOR COURT RECORD. ADDITIONAL SETS OF THIS SURVEY ARE AVAILABLE.



Robert H. [Signature]

- LEGEND
1. LOT 59, LOT 58, LOT 57, LOT 60
 2. COAST VILLAGE 2ND ADDITION
 3. STREET RIGHT-OF-WAY
 4. MONUMENTS
 5. MONUMENTS
 6. MONUMENTS
 7. MONUMENTS
 8. MONUMENTS

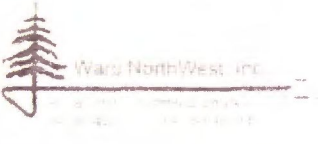


Exhibit T

Testimony submitted after finalization of the staff report and exhibits lists for publishing.

9/1/11

V Anita Vincent
933 30th Way
Florence, OR 97439-8208

City of Florence
Community Development Dept
250 Highway 101
Florence, OR 97439

I own my home in Florentine Estates
My neighbor to the South borders
Coast Village. I am against any
part of the rezoning of that land
that will allow such infractions
of the regular standards of build-
ing regulations.

Clean up what is there -
don't legalize it!

Respectfully,

Anita Vincent

Exhibit "U"

CITY OF FLORENCE PLANNING COMMISSION
September 13, 2011 ** MEETING MINUTES**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson Nieberlein opened the meeting at 7:00 pm. Roll call: All Commissioners were present except Commissioner Bare (excused) and Commissioner Peters (excused). Also present: Community Development Director (CDD) Sandra Belson, Building Official (BO) Carl Dependahl, and Senior Planner (SP) Wendy Farley-Campbell.

1. APPROVAL OF THE AGENDA

The Agenda was approved as presented.

2. PUBLIC COMMENTS

Chairperson Nieberlein read the following into the record: *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 3 minutes per person, with a maximum time of 15 minutes for all items.*

There were no public comments.

3. APPROVAL OF THE MINUTES

Commissioner Muilenburg made the motion to approve the 08/09/2011 Planning Commission meeting minutes as presented. Commissioner Hoile seconded the motion. The motion passed by vote of 2 ayes and 2 abstains (Commissioner Tilton and Commissioner Wise).

Commissioner Muilenburg made the motion to approve the 08/23/2011 Planning Commission meeting minutes as presented. Commissioner Wise seconded the motion. The motion passed by vote of 3 ayes and 1 abstain (Commissioner Hoile).

4. PUBLIC HEARING

Resolution PC 11 08 ZC 02 and PC 11 09 TA 01

Chairperson Nieberlein stated that they will hold one Public Hearing tonight. She stated that the hearing is on Resolution PC 11 08 ZC 02 and PC 11 09 TA 01, a proposal to create a new Coast Village Zoning District as Title 10 Chapter 29 and re-zone the Coast Village Development from Single-Family Residential District (east side of Spruce Street) and Highway Commercial District (west side of Spruce Street) to Coast Village District and other related text changes in the Florence Realization 2020 Comprehensive Plan and to the zoning code in Title 10 of the Florence City Code.

Before we begin, I would like to ask all those in attendance to turn off their cell phones.

Chair Nieberlein read the following into the record:

These proceedings will be recorded. These hearings will be held in accordance with the land use procedures required by the City and the State of Oregon.

Prior to the hearing 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 the City and parties involved an opportunity to respond to the issue, would preclude an appeal based on that issue. Prior to the conclusion of this initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application.

Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification 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, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Nieberlein asked if there is any Commissioner who wishes to declare a conflict of interest, bias, ex-parte contact, or a site visit and all Commissioners stated that they had a site visit.

Chairperson Nieberlein asked if there is any member of the public who wishes to challenge a Commissioner's impartiality and no one spoke.

Chairperson Nieberlein opened the public hearing at 7:09 pm.

PRESENTATION OF STAFF REPORT

SP Farley-Campbell stated that before the Commission this evening is a quasi-judicial and legislative public hearing for proposed amendments to Coast Village and this is the second step in the land use process. There are a number of other steps that have been completed up to this point and for the benefit of the people who are present and the people who are watching on television, she will reiterate. Back in April and June, staff met with the Coast Village residents regarding this process. This has been a collaborative process between the Coast Village Home Owners Association, the residents, and the City where they have worked together to come to a resolution that is beneficial for all. The Planning Commission held a public hearing and a work session on 06/28/2011 and at that public hearing the Planning Commission initiated the proposed amendments to the Coast Village Zoning District, other ancillary amendments to city code, and the proposed amendments to the zoning map. On 07/12/2011, the Planning Commission went on a tour of the Coast Village properties to view the development layout. There were members of the Homeowners Association present and there was no deliberation during this tour. After the initiation process, they began the notification process which requires a 45-day notice to the Department of Land Conservation and Development (DLCD). At the end of August the property owner notices were mailed which included both property owners that are directly affected by this (meaning the people that own property within Coast

Village) and as required by the State, the property owners within 300-feet of the Coast Village boundary. Land Use signs were posted at each of the Coast Village entrances. These signs included the notice and the proposed amendments. On 09/07/2011 there was a notice published in the Siuslaw Newspaper that also announced this public hearing and the amendments that are proposed in general.

SP Farley-Campbell stated that tonight will be the first evidentiary hearing of a quasi-judicial process and legislative process so the Planning Commission will hear testimony and consider making a recommendation to City Council for proposed amendments to code and the City's Comprehensive Plan. Following that recommendation there will be a City Council public hearing. This will allow for another opportunity to testify on this matter and the date of this hearing is to be determined but will be a minimum of 20-days after the Planning Commission makes their announcement.

SP Farley-Campbell read the following into the record: *There are multiple criteria that are involved in this matter. The City criteria applicable to the proposed changes include the Florence City Code (FCC) Title 10 Zoning Regulations, specifically Chapter 1, Sections 1-3-B and Section 1-1-5 and Section 1-2-2. City criteria includes the Florence Realization 2020 Comprehensive Plan and there are additional chapters that have been added since this was initiated. The chapters include Chapter 1-Citizen Involvement, Chapter 2-Land Use, Chapter 5-Open Spaces and Scenic, Historic, and Natural Resources, Chapter 10-Housing Opportunities, Chapter 12-Transportation, Chapter 13-Energy Facilities and Conservation. There are also some state criteria that are applicable which include the are Statewide Planning Goals and these are applicable because there are some Comprehensive Plan amendments proposed. The applicable goals include: Goal 1-Citizen Involvement, Goal 2-Land Use, and Goal 10-Housing. Finally, there are three Oregon Revised Statutes (ORS) that are applicable to this proposal. These include ORS 197.610, ORS 197.763, and ORS 227.186.*

SP Farley-Campbell said that the proposal will add a new Coast Village District. It was re-numbered from Chapter 37 since the initiation. After consultation with the City Recorder they decided to assume Chapter 29. SP Farley-Campbell stated that the proposal will re-zone the properties. The eastern part of Coast Village would be re-zoned from Single-Family Residential to Coast Village District and the western part would be re-zoned from Highway District to Coast Village District.

She said that the proposal also includes ancillary amendments. These include changing the definition of recreational vehicle in Chapter 10. Presently, it says it is a "temporary structure" and they will incorporate "except as permitted in Coast Village" into that language. In FCC 10-2-9, the proposal would remove some language related to manufactured home regulations because it is obsolete. In FCC 10-12-2-3, the proposal would remove language that is inconsistent with state law regulating manufactured homes and revises and relocates text regarding emergency housing siting. In the Comprehensive Plan under Chapter 2, the proposal will amend the Medium Density section to include Coast Village as an implementing district.

SP Farley-Campbell stated that Coast Village is a unique place that was developed as a campground through five different plats that were recorded between the years 1970 and 1982. There are roughly 259 lots as platted and they are sized between 21,500 square feet and 3,500 square feet. Of those 259 lots, there are about 73 lots (28%) that meet the current zoning requirement for size. The proposal would allow site built homes on any lot, it would allow

manufactured homes without regards to size, and it would permit motor homes, recreation vehicles and park models both permanently and temporarily.

SP Farley-Campbell summarized the proposal stating that the setbacks would be 20-feet in the front with parking to be allowed in the front yard, 8-foot side yards with a 5-foot wide native vegetation greenbelt (minimum 6-foot in height) and 3-foot fire access as required between the greenbelt and the dwelling, and 10-feet in the rear yard with a 5-foot wide native vegetation greenbelt (minimum 6-foot in height) and fire access. She stated that these setbacks are only for the dwelling as accessory structures can be built up against the greenbelt.

SP Farley-Campbell said that the proposal will have the dwelling structure height reduced from 28-feet to 16-feet as measured to the highest point of the roof.

SP Farley-Campbell said the proposal will have all the perimeter signs and fences regulated under the FCC. The Covenants, Conditions, and Restrictions (CC&R's) presently do not permit any signs and they have their own fence standards.

SP Farley-Campbell stated since this process was initiated on 06/28/2011, there have been some changes that were done to the code and those are included in Exhibit F. These were done to address some concerns that the Commissioners had and also to address some concerns received from the public. These included creating a definition for the word "lot" and adding two definitions for dwellings, making the permitted uses section briefer. They moved the guest section to what is permitted rather than having it as what is prohibited and to clarify they can have one permanent or temporary dwelling per lot and if they so desire, they can have an additional mobile structure on the site as a guest quarters. Lot coverage had the word "structures" under the 35% rule and in looking at Coast Village regulations, they used the word "enclosed structures" so they modified the proposal to include the word "enclosed." They received some testimony that expressed concern over street encroachments so they also excluded calculating street pavement in that 65% coverage. They changed measuring the front setback beginning at the pavement rather than from the lot line. They clarified that parking can be gravel or paved.

SP Farley-Campbell referenced Exhibit A stating that there was concern over the "as platted" language use and it was recommended that they use the term "as developed." The Police had some concerns over addressing, which will be handled during the permitting process. Tom Nicholson, Attorney for Coast Village Home Owners Association has requested 10-foot vision clearance for Coast Village. He cites the 10 mph speed limits, narrow street widths (20'platted) and one-way traffic pattern as reasons for the reduction. Regarding accessory dwelling units, to make the intent clear, FCC 10-29-4-A was added to disallow accessory dwelling units while provision for guests staying in an additional RV was added as an allowed use to FCC 10-29-3. Regarding parking and service vehicles and visitors, she included language from the FCC in the "Issues" section of the staff report. Regarding the removal of wheels and tongue, staff came up with the definitions of permanent and temporary and specifically removed references to wheel and tongue in the definition of permanent.

SP Farley-Campbell stated that there have been some additional changes that have come up since the packet has come out. The homeowner's association requested to change the "lot" definition to nearly match what is in the CC&R's. There was also some reference to joined lots in the CC&R's where the City does not have them as joined and will leave them as such so

they could be developed in the future. They removed all references to "self contained." Under lot coverage they took out "privately platted streets" and added "homeowners association" before streets. They also addressed setback concerns. They added the provision to allow lot line adjustments. They kept the disallowing of partitions. They also would remove the definition of "dwelling" under Title 10, Chapter 1.

Commissioner Wise asked if the term "dwelling" is used anywhere else under Title 10. SP Farley-Campbell responded that she is sure the term is used in other areas under Title 10. Commissioner Wise asked how they could reconcile this. SP Farley-Campbell responded that there are specific definitions of "dwelling" so they would go to one of those definitions to whichever the case applies. Commissioner Muilenburg stated that he does not understand why they are deleting the word "dwelling." SP Farley-Campbell said this is because the definitions proposed are more inclusive. Commissioner Wise said 10-1 is the foundation document for definitions and he does not know why they didn't just redefine it in the code that they are putting in place for Coast Village instead of removing it from all of the zoning documents. SP Farley-Campbell responded that this suggestion came up within the last 24-hours and they are open to suggestions of re-wording.

Commissioner Muilenburg said there are two definitions, one is "permanent dwelling" and one is "temporary dwelling," not just the word "dwelling." SP Farley-Campbell stated that "dwelling" is only under FCC 10-1-4 and under Coast Village; it is "permanent dwelling" and "temporary dwelling." These two terms are not used anywhere else in the FCC but under Title 10, Chapter 1 there is more specificity to also include multi-family, duplex and single-family. Commissioner Wise stated that it would seem the most direct way of doing this would be to say that for the purposes of the title that deals with Coast Village that the definition of "dwelling" in 10-1 does not apply. Commissioner Tilton stated he was concerned about this as well and maybe the cleanest way would be to include the term "this is applicable to every part of the City except for the Coast Village Zone."

Commissioner Muilenburg stated that he is concerned that they received this change only within the last 24-hours and SP Farley-Campbell clarified that the Commission will make a decision after they have had the opportunity to hear the testimony.

Chairperson Nieberlein asked if any of the Commissioners had any questions of staff.

Commissioner Tilton stated he had a question about the reduction of vision clearance. When he looked at Exhibit L, it states that it was Mr. Nicholson's understanding that both the Police and the Fire Department had no objection to the 10-foot reduction but when he looked through the rest of the material, he could not find any evidence of this and he (Commissioner Tilton) just wondered if they could get some more information on this.

SP Farley-Campbell stated that Fire Marshall (FM) Sean Barrett is here this evening and he is planning to testify and he has verbally stated that he did not have a problem with this and he knew that they were requesting this. The Chief of Police did not specifically address this because his statement came in before the 10-foot request.

Commissioner Muilenburg asked if the 5-foot greenbelt is part of the 8-foot side yard and 10-foot rear yard setbacks or is it in addition. SP Farley-Campbell stated that it is included as part of the setback measurement.

Commissioner Muilenburg referenced Exhibit F, under Permitted Buildings and Uses item "C", stating that this language does not make it clear. He referenced the next page, item C, at the top, the yard and buffer regulations stating he is curious if they need to define pavement or do they need to define the edge of pavement. SP Farley-Campbell handed out the code that the homeowners association has been looking at. She stated that "the front edge of the pavement" has been added.

Commissioner Muilenburg stated he has some big issues but he does not know when to bring them up. Chairperson Nieberlein suggested Commissioner Muilenburg's issues be addressed under discussion. He agreed with Chairperson Nieberlein. He asked if they know how many properties are affected by this street issue and SP Farley-Campbell responded that she does not know the specific number. Commissioner Muilenburg stated that it seems to him that their numbers are getting skewed a little bit because it is more of a minority than a majority that these issues are dealt with and maybe that is the point of it all but he will discuss this during the discussion period.

Chairperson Nieberlein asked if there are any other questions for staff.

Commissioner Wise stated that in the findings-of-fact on page 3, item number 14, it says only signage and fences that are located along the perimeter of the entire development are regulated under the FCC because the Coast Village CC&R's already have standards for fences and CC&R's do not allow signs within the development. Commissioner Wise said he does not think this is true. The reason that we only do the perimeter is because that is the only place where the City has jurisdiction. We are not recognized in any kind of association as having authority to implement city law, city code, or anything else. The code for signs FCC 4-7-4 *Exempt Signs* says "signs not visible from the public right-of-way or from public property." There are no public right's-of-way in Coast Village. We do not have the authority to implement this, what they do is not part of the FCC and he wants to recognize their association as having some partnership with the City in enforcing the code. He would rather they just stopped by saying "only signage and fences that are located along the perimeter of the entire development are regulated under the City Code." He does not see any purpose in including the rest. This is on page 3, item 14 under the summary of proposed changes. We make reference to the Coast Village Association somehow having control over signage that the City would have control over. We do not delegate those authorities to anybody.

SP Farley-Campbell said that if it states in the sign code that Coast Village falls under the exempt category, then by having this in here, signs shall be in accordance with Title 4, Chapter 7 of this title and you go to exemptions and it says it is exempt, then they are exempt but they would not want to take it out.

Commissioner Wise said he wants to take out "because the Coast Village CC&R's already... (to the end of the sentence.)" Chairperson Nieberlein clarified that the sentence would read as follows: "Only signage and fences that are located along the perimeter of the entire development are regulated under the City Code." SP Farley-Campbell suggested it reads "only signage within visibility of the public right-of-way or public property is subject to City Code...." rather than saying perimeter and that the fences is a perimeter issue.

Commissioner Wise referenced page 4 line 2 under referrals. He wonders if they ever receive an acknowledgement of receipt or if they ever receive anything back from Central Lincoln PUD, Lane County Land Management, or State of Oregon Department of Land Conservation and Development. SP Farley-Campbell stated that she does receive comment from these entities. She did hear back verbally from the Oregon Department of Transportation and Lane County Land Management, and neither one had any concerns. Commissioner Wise stated that they should have a note for the record that they did respond.

Commissioner Wise referenced page 6 regarding vision clearances. The reference Title 10-35-2-13 says in its last paragraph "vision clearance requirements may be modified by the Public Works Director on finding that more or less site distance is required. For example, due to traffic speeds, roadway alignments, etc." He sees this to say that they can turn over the decision about this whole issue of vision clearance to Public Works Director (PWD) Mike Miller and allow him to make the judgment rather than all of these hoops and other things that they are trying to resolve. Chairperson Nieberlein stated that she thinks this should come up under discussion.

Commissioner Wise referenced page 15, paragraph 4 that states "as of June 2011 the average sales price for the Florence area was \$177,700. During the same timeframe, Coast Village's average sales price was \$61,600. He asked what the source of that information is.

SP Farley-Campbell stated they receive these periodically from a real estate agent named Steve Earnshaw. She stated that she will add this information.

Commissioner Wise stated he did not understand why they were moving emergency housing. SP Farley-Campbell responded that this was an opportunity to discover far reaches of code that have not been touched in 20-years. She said that moving it out of Chapter 12 and to Chapter 2 makes emergency housing applicable city-wide.

Commissioner Wise referenced Exhibit F under Permitted Building and Uses, 10-29-3-B where it states "guests may stay in an additional self contained mobile structure for up to 6-months in any 12-month period." He was not sure what Coast Village is trying to accomplish here or whether or not there was some slight of hand that could go on where they could say "well really it is three people but they've only stayed 3-months each." He asked if they are trying to restrict any other person living on that property for 6-months out of the year. SP Farley-Campbell stated that she would let the applicants respond to this question.

Commissioner Wise referenced Exhibit F, page 3, 10-29-5-C-3 where it references the accessory structures. It appears that they can be on the line of the greenbelt but there doesn't appear to be any limit on the size of these accessory structures and therefore they lack a 3-foot fire buffer between them and the green zone where they require this properly everywhere else. SP Farley-Campbell stated that it is her understanding that the fire code requires the 3-foot buffer on an occupied space, a dwelling space, and accessory structures are not intended for dwellings. SP Farley-Campbell stated this information came from the Fire Marshal and perhaps he could clarify what the fire code specifically regulates. Commissioner Wise said he thought earlier that someone made a mention of somebody actually bunking out there during the summer so if someone is going to actually be physically living in there, then he would like to hear the Fire Marshal's opinion on the buffer.

TESTIMONY OF PROPONENTS

Chairperson Nieberlein stated that they will be taking testimony from the applicants, proponents, and opponents. Copies of the written comments received have been distributed to the Planning Commission.

Tom Nicholson (Applicant's Representative) – PO Box 308 – Florence, OR 97439

Mr. Nicholson stated that the consensus of the Coast Village community is that Exhibit F as revised and distributed at the hearing is in acceptable form and his purpose here tonight is to say thank you and encourage the adoption of this which is a much better fix in comparison to the existing situation. He has requested by email for the record that the community is requesting the 10-foot vision clearance reduction from the standard 20-feet. The reason for this is that it is a one-way street, it has a 10 mph speed limit and things are quite condensed. The 20-foot setback is really not necessary. There was also come concern regarding unnecessary removal or damage to the existing vegetation and part of the amenities of Coast Village is when you walk in there, it feels cozy because of this vegetation and if you establish 20-foot vision corridors throughout, it would cause too much vegetation removal and it would destroy the harmony and ambience of the neighborhood. His understanding is that the Fire Marshal and the Police have approved this. In general, the membership is in favor of this proposed change. The only text changes that they are suggesting is on page 1 of Exhibit F under the definition of "Lot," the third line down right now states "all lots" and they would insert the words "all numerical lots" because all the private lots in Coast Village are numerical. On page 2 under 10-29-3 Permitted Buildings and Uses, under item B, Guest Structures, he proposes because of the definitions of a permanent dwelling and a temporary dwelling, his understanding is that if you have a kitchen facility, this puts you into the definition of a dwelling which the goal of Coast Village is to have one primary dwelling and then have some other arrangement where guests can come and stay up to but not exceeding 6-months a year. He suggests under item B that they add "in addition to "A" above...guests may stay in an additional mobile structure for up to 6-months in any 12-month period" and then adding the additional language "which structure shall not be deemed to be a temporary dwelling." The code prohibits two dwellings on one lot and the typical example of a guest facility will most likely be a fifth wheel. Because many fifth wheels have a sink and an oven, one could argue that it could be considered a dwelling. His fix was to exempt out the guest structure as not deeming it as a dwelling unit.

Commissioner Wise asked for the intent of the 6-month limit. Mr. Nicholson responded that this is covered in the declaration. They have tried to make the Coast Village CC&R's and the FCC as close as possible but it is impossible to make them identical. The CC&R's regulations focus on occupancy whereas the City has their focus on the structures. The idea is to preclude two living situations on one lot.

Commissioner Wise asked if they could get a commitment from Coast Village to have all of their houses have addresses posted by a certain date. He would like to see them make an effort to place proper house numbers up for Fire and Police. Mr. Nicholson stated this is a great idea but he does not know if it is within the four corners of the issue before them. He thinks if this question is presented to the president that they could initiate this procedure. It makes sense for fire and safety purposes.

Mary McGann – PO Box 3037 – Florence, OR 97439

Ms. McGann stated that she is the President of the Board of Directors for Coast Village. About four weeks ago, they started a walk about program where members of the architectural review committee and members of the board, walk one morning per week around the village to make sure that things are as they would like them to be. One of the items they are checking on is the signage to make sure that every lot has a number on it and that this number is visible. This is in their rules and regulations. They are about 1/3 of the way through and she is committing to the Commission tonight that there will be numbers placed on every lot within the next couple of months.

Mr. Nicholson stated under 10-29-3-C dealing with accessory structures, he agrees that the language is ambiguous.

Commissioner Muilenburg stated he was thinking all along that they already had the 20-foot vision clearance and the comments made tonight lead him to believe that the intersections may not have a 20-foot clearance now and this is why they want to not have this because they may be going in there and cutting brush out. Mr. Nicholson said this is correct.

Commissioner Muilenburg asked if anyone has checked to see if there is a 10-foot clearance on all of them. Mr. Nicholson said he does not know if anyone has done this. If the Fire Marshal and Police believe this should be done then they will follow up on it. Commissioner Muilenburg said if it is part of the code changes then it would have to be done. Regarding Exhibit F, there is some language that includes some lots where they are combining two parcels and he wants to understand what he is or is not approving and he does not know how many lots this deals with. Mr. Nicholson said they are not doing anything. They are simply going forward and trying to make FCC consistent with what is already in the CC&R's. The CC&R's state that several lots in past history were allowed to be treated as one large lot. This was prior to 1997 and in 1997 the definition of a lot was "any private platted numerical lot." But all of a sudden they have some lots that are really two separate lots but are being treated as one lot. They are trying to make the City's definition of a lot the same as Coast Village's definition of a lot.

Commissioner Muilenburg spoke in regards to the dwelling issue that they have discussed tonight. They wanted to take out "self contained" and he understands the problem of trying to make this work but he does not think the intent is to have someone throw up a cot in the shed and allow them to stay for 6-months. Mr. Nicholson stated that the CC&R's prohibit this.

Commissioner Muilenburg asked if a shed would fall under an accessory structure and Mr. Nicholson said yes. Mr. Nicholson stated that any structure that is not a dwelling or a guest facility would be deemed an accessory structure. Before you could build a shed, you would need approval of the City and you would need approval of the Architectural Review Committee (ARC). Commissioner Muilenburg asked if the review would still be required if the accessory structure was under 200 sq ft. Mr. Nicholson stated the ARC would control this. A gentleman from the audience stated that the ARC has to approve any structure. Commissioner Muilenburg stated that they would upfront deem it as either a shed or living quarters. Self contained means that someone could have a cot out there but may not have a restroom or a sink. If you allow someone to build a structure and have someone throw a cot in

it, he would see this as another dwelling. CDD Belson stated that guests can only stay in a mobile structure so a shed would not fit the definition of a mobile structure.

Commissioner Muilenburg asked if they have a definition of a mobile structure and a person spoke stating that they do not have that definition. CDD Belson stated that "mobile" means to be "moveable" so she does not see how the lack of a definition would affect this. CDD Belson stated the definition of temporary dwelling references mobile structure such as park model, recreational vehicle and motor home so those are examples of mobile structures.

Commissioner Muilenburg asked if Mr. Nicholson knows how many properties are affected by the streets running through their properties. Mr. Nicholson said he could only estimate because they wouldn't know about certain ones without a survey.

Commissioner Muilenburg stated when you look at how many homes will be affected by these changes; he comes up with 50 or less. He stated that the change would allow a temporary dwelling for these 50 when they do not even require a parking space. Mr. Nicholson stated his understanding was that the current code prohibits development on most of the lots and so if someone were to walk in right now to try to obtain a building permit, the application would be turned down. The idea was to allow everybody a fair ability to make their lots developable down to these standards. He was personally not involved in the first round where the number of parking spaces came up. He does know the goal is to allow these lots to be utilized. Commissioner Muilenburg stated he does not have a problem with this and he thinks this will be possible but there are over 198 lots that have two parking spaces and now there is a potential that 20-25 lots will only have one. Mr. Nicholson stated that if a lot is too small to handle two spaces, then why not allow them to develop it with only one space. Commissioner Muilenburg responded his point is that this could be handled differently than allowing the whole Coast Village to go down to only one parking spot when it is only affecting a half a dozen properties.

A woman spoke from the audience stating that she does not understand what Commissioner Muilenburg's concern is about the parking spaces. Commissioner Muilenburg said he has a concern with this and it is an issue for him. He brought it up before and he will bring it up again and they will discuss it during discussion. He just wanted to see if they could give him an explanation that could help him understand why they are going to allow maybe a half a dozen properties or maybe even eleven properties to only have one parking spot when the majority of the owners have two or more spots and then they are going to allow those 11 properties to have a dwelling there that someone could stay in but now there is no parking spot for them.

Chairperson Nieberlein asked the woman speaking from the audience to state her name for the record. Mary McGann stated her name. She said she still does not see Commissioner Muilenburg's problem. There are some lots that do not have enough room for more than one car. Commissioner Muilenburg responded that his problem is that there will be no place for visitors or service vehicles. He knows the Fire Marshal and Police Chief say this is ok but they are not the ones making this decision and if there is a truck or service vehicle parked in that 20-foot road and there is a fire, it would be a problem for the fire truck.

BO Carl Dependahl stated that he thinks he can offer a bit of a compromise for this. Part of the idea for this is to allow permitting that really was not allowed at all under the current

standards and he thinks Commissioner Muilenburg has a very valid point. You do not want to create a situation that is going to cause a chronic or potential traffic problem. He thinks if they look at this as a permitting thing, which may be a little odd in terms of creating code but they are not forcing people to only have one space and he thinks they could work out a way to review this at the time of application for new development and encourage two parking spaces but if they could demonstrate that only one could be placed on the lot because of the odd shaping of the lots, it may be such that this mechanism to allow only one may only come up a couple of times. Instead of putting it into the law, they could make it subject to review at the time of application. Commissioner Muilenburg said he likes BO Carl Dependahl's idea but he would like to go the other way with this. He would like to require two spaces and then they could prove that they could only fit one. If they can show just cause to only have one space then let them have only one space.

Alta Taylor – 84955 Hwy 101 – Florence, OR 97439

Mrs. Taylor stated she had a granddaughter who was living in an unsafe situation with a baby and she financed a unit in the Village to put her in something that she felt was safe. Her granddaughter lived there three years and she is now married and moved on. Mrs. Taylor said she now has this unit. She would like it to go into the record that from the way she measures, she believes she has the 8-foot on the side of the house where the greenway is and so they have the 5-foot for the greenway and they have the 3-foot for the firemen to get in. Across the back, there is a tall wooden fence and she does not know if she has quite enough setback there and there is not any greenway but it is on the edge of the Coast Village property. This is on the west side. She hopes that having the tall wooden fence is sufficient enough as opposed to a greenway because it would take up part of the yard. On the west property boundary she is fearful that the garage might sit on the property line. There is a garage, a storage unit, and a tool shed and she is fearful it sits on the property line but it's been there a long time and she thinks it should fall under the grandfathering clause. It was that way for 20-years, she is not asking to make any changes, but she just doesn't want to have to move the garage or tear it down. They have at least three parking spaces and maybe four so they do not have any breaking of the rules regarding the spaces. They have a lot of cement blocks laid to keep from tracking sand indoors. These blocks were there when she purchased the property but with the situation of impervious, she does not know if cement blocks constitutes not being impervious for the rainwater to soak into the ground. She just wants it to be on the record that they have these items and she feels it has been this way long enough that it should be able to stay as it is. She is trying to sell this and may have a buyer.

Chairperson Nieberlein asked that because this is the proponent sections, is Mrs. Taylor in favor of the proposal. Mrs. Taylor responded that she is neither in favor of it or opposed to it. She lives in the county so all she cares about is that this lot can stay the way it is with that manufactured home, with those cement surfaces, with that garage, the storage room, and tool shed with lots of room for parking.

Commissioner Muilenburg said, because of something Mrs. Taylor mentioned, he now has a question for Mr. Nicholson. He wants to clarify that there is no issue of structures on or even over the property lines. Mr. Nicholson agreed with this.

CDD Belson responded about Mrs. Taylor's concerns. If the City issued a building permit and if the structures were built accordingly, then they would be grandfathered in. If they were not

issued a City permit, the City cannot state whether they are or are not alright according to code because the City has not approved them.

Ginger Anderlohr – 22 Sand Dollar – Florence, OR 97439

Ms. Anderlohr stated that she was the Chair for four years on the ARC. The ARC is basically the police of the Village. If they saw someone staying in a second unit for over 6-months, the ARC was required to take the issue to the Board of Directors and the unit would be removed out of the Village.

Chairperson Nieberlein stated that this is the proponent section and asked if Ms. Anderlohr is in favor of the proposal. Ms. Anderlohr responded that he started this and is in favor of it.

TESTIMONY OF OPPONENTS

SP Farley-Campbell stated for the record that Anita Vincent had submitted written testimony that is included in the packet; however, it was received after the assimilation of the packet and therefore does not have an exhibit label. She lives at 933 30th Way Florence, OR 97439. She is an opponent for the proposed amendments to the Coast Village Zoning District. She specifically cited that she disagrees or is against anything where re-zoning of land to allow infractions of the regular standards of building regulations. Presently, the City is not proposing anything that goes against building regulations.

TESTIMONY OF NEUTRAL

There was no testimony given by anyone neither for nor against the proposal.

Chairperson Nieberlein requested that FM Sean Barrett approach the Commission.

Chairperson Nieberlein stated that there were some questions regarding the 10-foot vision clearance as opposed to the 20-foot clearance. They have been told that FM Barrett agrees with this and FM Barrett said this is correct.

Commissioner Wise said that he brought up earlier that they have accessory buildings which acknowledge someone might be staying in. His experience in other states is when you have a structure where someone is going to sleep there, that you must have at least two forms of egress from the building. His concern is that someone could be trapped in one of these buildings because it is right up against the greenbelt. He wonders if FM Barrett believes there should be a buffer between the building and the greenbelt. FM Barrett said in any residential structure you are supposed to have two ways out of sleeping quarters such as a door and window. He did give the blessing to have accessory structures closer but, because of the current concern raised, he will speak to staff. CDD Belson stated that currently the code states "non-residential" structures. This is the intent but there is the question of people abiding by this. FM Barrett stated that the code is vague. They have to have access to residential structures but it does not speak of accessory type structures. It also does not give a specific dimension either. He picked 3-foot because this is what was in the old code.

Commissioner Tilton asked FM Barrett for his thoughts of a single parking space causing the road to be blocked in the case of an emergency. FM Barrett stated that he once lived in Coast

Village, but for the last couple of months he has been driving through quite a bit. There have been a few cars that were close but from everything he has seen they would be able to get around the cars. Commissioner Muilenburg asked if FM Barrett has taken the fire truck through there and FM Barrett said yes. FM Barrett pointed out that even though there are one-way streets, in the case of an emergency, they would go down the wrong way. Commissioner Muilenburg asked if FM Barrett is really going up to the intersections to make sure there is enough vision clearance for the fire truck to go around. FM Barrett said that they took the ladder truck through there so if they could get that in there, they can get anything in there. He has gone to every intersection and used a truck with a nose on it and the vision distance is adequate.

BO Carl Dependahl stated he would like to assure the Commissioners that any application that comes in is always going to be subject to building code regulation and this new and improved zoning code documents as well. It will be reviewed under all of those standards which also include the fire code provisions. If something is submitted as a dwelling unit, they are going to ask that there be emergency escape and rescue such as a window or door. To clarify, a small house can just have one door out. They do not have to have two doors but it is required that they have an emergency escape and rescue opening which is typically a window.

Commissioner Wise said there are some illusions that in order to get a building permit that a person must have some form of written permission from the association of Coast Village. He was wondering if this is true. BO Carl Dependahl stated he did not see this as part of the law but as a HOA policy and courtesy, the City has requested of the places that have gated communities, that they provide some form of approval. In some cases it is a very formal approval from their ARC. For Coast Village they have always had an informal approval to make sure that it is in compliance with their own standards.

STAFF RESPONSE AND RECOMMENDATION

CDD Belson stated they have a suggestion regarding the mobile structure that is available for guests and a suggestion regarding Commission Muilenburg's parking concern.

Commissioner Tilton asked if this is the temporary dwelling definition and CDD Belson stated no. CDD Belson referenced 10-29-2-B where it speaks of guest and how they word the guests. Commissioner Hoile asked if this even needs to be in there. CDD Belson stated it crossed her mind as well. They can just be silent on the issue. If there was a complaint that there were two RV's on the lot or a stick built and an RV that seemed to be permanent dwellings, the City would check into it because they do not allow more than one dwelling on the lot.

CDD Belson spoke regarding Commissioner Wise's comments on vision clearance. If you left it to the Public Works Director, it would be on a case by case basis so they would require him to review the building permits that came in. If it is set in code then it is clear.

SP Farley-Campbell stated that the Commissioner's have had some dialogue about removing the definition of "dwelling." If there is any additional testimony that would aid in their deliberation, it would need to be added before they closed the hearing.

Commissioner Tilton stated he wondered if it would be useful to ask the chairman of the board if they decided to be silent on the guest occupancy, if the chairman saw this as any kind of a problem. It sounds like they already have this under control.

Mary McGann said she does not see a problem with it not being in the code. This is something they look into during their walk about.

Mr. Nicholson asked if there is a provision in the FCC that simply says an RV used as a guest facility is ok. SP Farley-Campbell stated that there is nothing that states this.

CDD Belson stated many people have RV's in Florence and sometimes they try them out before they go on a trip. Sometimes people will visit in an RV. Most places in the City do not have regular hookups for an RV. Coast Village is different in that respect in that there are hookups because it was a campground. You are more likely to have this situation in Coast Village than you would in the rest of the City. If they get complaints about someone living in an RV on a property, which they sometimes do receive, then they check into it and if it looks like they are really living there, then this is addressed.

Mr. Nicholson stated that by being silent, using an RV as a guest facility under the City's code is a conflict. Without this exception for a guest facility, they have a problem.

Chairperson Nieberlein closed the public hearing at 9:14 pm.

DELIBERATION

Commissioner Muilenburg stated he would like to hear what the CDD Belson has for language regarding the parking issue.

CDD Belson said they could decide who the decision maker is but they will allow one permanent parking space if the second parking space is not physically feasible. If they are concerned about the guests, they could add on if they do have guests, they need to have at least two parking spaces.

Commissioner Muilenburg reiterated CDD Belson's suggestion stating that they could have a guest dwelling only if they have at least two parking spaces. He asked who CDD Belson believes should be the decision maker. She said she thinks they should leave PWD Miller out of it because he deals with public facilities and there are no public facilities affected by this. Commissioner Muilenburg stated that he believes the Building Official would be the best qualified to know what will or will not fit. CDD Belson responded she believes the Building Official should review it but if the Commission would like two people then they could include the Planning Director. BO Carl Dendahl said he thinks they would be perfectly capable of rendering a fair decision on these.

The Commission came to a consensus to have the Building Official review the permits and decide on whether or not one parking space would be allowed as opposed to two or more parking spaces.

Commissioner Muilenburg said he no longer has a concern on the vision clearance. Commissioner Tilton stated he also no longer has that concern.

The Commission came to a consensus that they do not have a concern over the vision clearance.

Commissioner Muilenburg stated that he thinks the Fire Marshal is going to go back and re-think the 3-foot clearance on any guest dwelling. CDD Belson stated if the Fire Marshal wants to change his opinion on this, he can do so and present it when it goes to the Council. Commissioner Muilenburg said he wonders if the secondary access should be included as part of this. CDD Belson stated you are increasing the density and you could argue that it is a concern or they can state that they received input from the Fire Marshal and the Commission feels it has been adequately addressed. SP Farley-Campbell stated that the Fire Marshal indicated that if they do not continue making positive progression towards resolving the issue that there would have to be in and essence, a moratorium on construction in there. A gentleman spoke from the audience stating that it does not need to be part of the Commission's decision because it will be done regardless.

Commissioner Wise stated one of his concerns is the power that homeowner associations have over the residents of those developments. There are now somewhere around 110 million people in this country who are living in developments with homeowner associations and there are a lot of rules being implemented by them in the guise of implementing city ordinances. He wants to draw that line. He would like to make it explicit that the City is not empowering any Coast Village association to have the authority to implement City Code or to enforce City Code. The City is not in any way delegating to any Coast Village association any interest that is currently an interest of the City of Florence. He presented a written summary of what he is speaking on.

Commissioner Wise said what he is proposing is the following within the code for Coast Village. "The City of Florence, by establishing this new land use zone does not create any right or benefit substantive or procedural enforceable by any Coast Village association nor does it delegate, convey, or transfer to any Coast Village association rights, responsibilities, or interests currently held by the City of Florence."

CDD Belson stated that instead of putting this language into the code, that they could add it as a "where as" statement in the resolution. This way it is documenting the intent of why they are doing this zoning district. She has never seen something like this placed into the code. Commissioner Wise said that he likes CDD Belson's suggestion. Chairperson Nieberlein said she has no problem with it but she would like to have the City's Attorney review it. CDD Belson stated that if the City Attorney reviews it, the Commission could not make a decision tonight. Chairperson Nieberlein stated they can make a decision based on it being in the resolution subject to approval of the attorney. She is not comfortable at slapping legal language into the document without a review by the City Attorney. CDD Belson stated she does not think there is a lot of legal risk to doing this which is why she is comfortable placing it in the resolution and not as comfortable placing it into the code.

Commissioner Wise stated that for the record he is not an attorney.

CDD Belson recommended they pass the resolution without the language but in a separate motion state that they would like the issue addressed prior to Council decision.

Commissioner Wise moved that they propose to the City Council that they examine this language for either inclusion in the code associated with Coast Village or in the intent section of the resolution to say "The City of Florence, by establishing this new land use zone does not create any right or benefit substantive or procedural enforceable by any Coast Village association nor does it delegate, convey, or transfer to any Coast Village association rights, responsibilities, or interests currently held by the City of Florence." Commissioner Tilton seconded the motion. The motion passed by unanimous vote.¹

CDD Belson stated she asked SP Farley-Campbell to start with Exhibit F and then put a list of items that will be changed that have been discussed so that it can be used in the form of a motion.

SP Farley-Campbell read the following changes:

- Under 10-29-2 Definitions, for lot adding the word "numerical" to the third line. It shall state "All lots modified by lot line adjustments" shall read "all numerical lots modified by lot line adjustments."
- Under 10-29-3 Permitted Buildings and Uses, item B striking from the proposal as it is written and replacing with "In addition to the dwelling allowed by A above one mobile structure may be permitted for use as guest quarters for up to 6-months in a 12-month period if there are at least two parking spaces on lot in addition to the parking area for the mobile structure."
- Under 10-29-3-C, add the word "in conjunction with" in place of the word "use."
- Under 10-29-6-D Permanent Parking, replacing the requirement for one permanent parking space with two permanent parking spaces and adding the language after the second sentence "The Building Official may allow one permanent parking space if he determines that a second parking space is not physically feasible..."
- Leave the definition of dwelling in Chapter 1 but add the exception to Coast Village.
- On page 3 item number 14, take out signage and fences and stop after the phrase "are regulated under City Code."
- On page 15, section 5, under the findings; cite the source of the property values information.
- Exhibit A is modified on page 3, item number 14 regarding signage and fences, amend section to break out signage and fences and clarify the visible vs. perimeter (CC&R's need to be gone with a period after City Code and signs could be visible beyond the perimeter).
- Under item number 2 on page 4, amend FCC 10-1-4 and add the definition including that an exception is allowed in Coast Village.
- Under item number 3, amend FCC 10-2-9 change the word "removes" to "replaces."
- On page number 4, under Exhibit A, under referrals, add whether they responded or not and the method used to respond such as e-mail or telephone.

Commissioner Wise moved approval of Resolution PC 11 08 ZC 02 and PC 11 09 TA 01, a proposal to create a new Coast Village Zoning District as Title 10 Chapter 29 and re-zone the Coast Village Development from Single-Family Residential District (east side of Spruce Street) and Highway Commercial District (west side of Spruce Street) to Coast Village District and other related text changes in the Florence Realization 2020 Comprehensive Plan and to the

¹ As requested by the Planning Commission, the City Attorney reviewed the proposed language and advised the City not to include the proposed language in the city code or adopting ordinance.

zoning code in Title 10 of the Florence City Code. Commissioner Tilton seconded the motion. The motion passed by unanimous vote.

5. PLANNING COMMISSION DISCUSSION ITEMS

Commissioner Wise spoke regarding a follow-up to the discussion during the last meeting when they were trying to say how to empower staff to reject applications that did not have the proper landscaping plan plans or site maps. He would like to have agreement that the planning department will supply a copy of FCC 10-6, which defines what the design review board requirements are. He would like the Planning Commission to supply this to each applicant and require an acknowledgment of receipt. This will empower the applicant to know its requirements and the Planning Commission will be able to easily call the applicant to that behavior.

Commissioner Tilton asked the staff what the procedure currently is and how the applicant is informed of with regards to an appropriate application.

SP Farley-Campbell stated that they have a land use application that is all encompassing other than zone changes. It lists all of the drawings and information that is needed for a complete application. There are boxes that you would check off. In the past they included them as exhibits but because there is contact information on the form, they discontinued that practice. Whenever the City sends a letter of completion, it references FCC section 10-5-E which is the land use hearing's section. This section specifically places the burden on the applicant to provide all of the necessary information. Commissioner Wise stated that the planning staff can advise the applicant on what they should do but they have the right to just move ahead anyways and he thinks this particular title clearly says that the site plan must be included along with the criteria the commission will use in examining the request.

SP Farley-Campbell said the Design Review section of code is not the criteria, but rather, it is just a list of items. The presumption is that you scout about the rest of the code to figure out what the code requirements are.

Commissioner Wise said he is looking for a way to put the applicant on notice that they will look at these items closely. CDD Belson said that the Commission would state that they do not have enough evidence before them to show that the application meets the current city code and then the Commission would deny the request. The applicant would then most likely ask for more time to submit the material at which point the City would request the applicant waive the 120-rule. Generally this works best if this is done before the meeting so that the applicant is prepared for the situation.

Commissioner Wise asked when the 120-day timeline begins. CDD Belson responded that the 120-day rule begins when the application is deemed complete. They have 180-days to make the application complete and the 180-days begins once the application is paid for. CDD Belson said she would speak with staff on how to approach this.

Commissioner Hoile stated that Wilbur TERNYK and his wife deserve a thank you for the landscaping that they are taking care of along Highway 101.

6. DIRECTOR'S REPORT

CDD Belson submitted a written Director's report. She stated in addition to her report, she did go to the Council and report on the land use approvals that have been active but will be expiring soon. A few years ago the Council had given a 2-year extension on most land use approvals because of the economy and this extension is coming to an end. The Council did not ask to do anything differently but there is an opportunity to extend these per the code and in some cases there are no more extension options. This will be reviewed on a case-by-case basis. The Cannery Station will expire first. A letter has been sent stating they have a 6-month extension option. Spruce Village Phase II is expiring unless they come in for their final plat by the end of this year. The Middle School site for the design review will expire in the middle of next year. The Quality Childcare will expire in the middle of next year. Further out, there is Ocean Dunes Planned Unit Development (PUD) and Munsel Lakes Village PUD.

SP Farley-Campbell stated that the Sandpines preliminary approvals are expired and the Oregon Coast Military Heritage Museum was going to expire but they are ok because they poured their foundation.

CDD Belson stated there is a development group out of Portland and they have applied for state funding to support housing but they didn't get funding in the round that was awarded in August. The Dialysis Center is not approved because they do not meet code so they stated they will apply for a variance. Assuming they complete their application, the Planning Commission will consider this at the October 11, 2011 meeting.

7. CALENDAR

Tuesday, September 27, 2011 at 7:00 pm – Regular Meeting (Cancelled)
Tuesday, October 11, 2011 at 7:00 pm – Regular Meeting

ADJOURNMENT

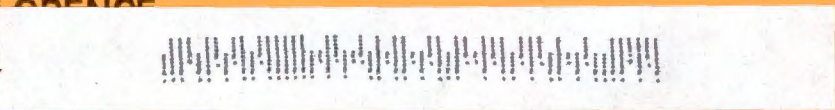
There being no further business to come before the Florence Planning Commission, Chairperson Nieberlein adjourned the meeting at 10:26 pm.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE ____ DAY OF _____ 2011.



MARK TILTON, VICE CHAIRPERSON
FLORENCE PLANNING COMMISSION

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LAND CONSERVATION
AND DEVELOPMENT

Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
SALEM, OR 97301-2540

ATTN: PLAN AMENDMENT SPECIALIST