



*City of Florence*  
**A City in Motion**

## City of Florence Council Regular Session

Videoconference  
 250 Hwy 101  
 Florence, OR 97439  
 541-997-3437  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council).
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council) as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

January 24, 2022

## AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President    Sally Wantz, Council Vice-President  
 Bill Meyer, Councilor                      Maggie Wisniewski, Councilor

With 48 hour prior notice, an interpreter and/or TTY: 541-997-3437, can be provided for the hearing impaired.  
 Meeting is wheelchair accessible.

Proceedings will be shown live and for rebroadcast on Cable Channel 191 and online at [www.ci.florence.or.us/citymanager/public-meetings-live](http://www.ci.florence.or.us/citymanager/public-meetings-live) and will be available after the meeting on the City's Vimeo Site.

### COVID-19 UPDATE

**The Florence City Council meeting will be held virtually via GotoWebinar.**

Members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/4772552686663799056>.

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the City of Florence website at [www.ci.florence.or.us/council/request-address-city-council-speakers-card](http://www.ci.florence.or.us/council/request-address-city-council-speakers-card).

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

#### 1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

#### PUBLIC HEARING & ACTION ITEM

*Please see the end of this agenda for methods to provide comments on hearing items.*

#### 2. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FINAL PUBLIC HEARING

Hold the second and final Public Hearing in order to make the final draw and close out the grant and review the results of the City's Environmental Services Aide Program funded by the CDBG COVID-19 Emergency Assistance Program grant.

Sarah Moehrke  
 Senior Ec. Dev.  
 Analyst

#### ACTION ITEMS

*Please see the end of this agenda for methods to provide comments on action items.*

#### 3. AMENDMENT TO BOARD OF APPEALS MEMBERSHIP

Consider approval of **Ordinance No. 1, Series 2022**, an ordinance amending Title 4, Chapter 1 of the Florence City Code (FCC) regarding the appeal of building official decisions and standardizing the membership to be used for appellants of a discretionary decision of a contract building official.

Wendy  
 FarleyCampbell  
 Planning Director

## CONSENT AGENDA

### 4. CITY COUNCIL MEETING MINUTES

Consider approval of the meeting minutes for the August 16, 2021 Regular Session, August 23, 2021 Special Session, September 20, 2021 Work Session, September 20, 2021 Regular Session, October 11, 2021 Work Session, and October 11, 2021 Regular Session.

Erin Reynolds  
City Manager

## REPORT & DISCUSSION ITEMS

### 5. GENERAL REPORTS– Council Question & Answer Only – No Presentations

- December Committee, Commission & Volunteer Reports

### 6. CITY MANAGER REPORT & DISCUSSION ITEM

Erin Reynolds  
City Manager

### 7. CITY COUNCIL REPORTS & DISCUSSION ITEMS

City Council

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## COUNCIL CALENDAR

*All meetings are held virtually via GotoWebinar unless otherwise indicated*

Date	Time	Description
February 7, 2022	10:30 a.m.	City Council Work Session
	5:30 p.m.	City Council Meeting
March 7, 2022	10:30 a.m.	City Council Work Session
	5:30 p.m.	City Council Meeting
March 21, 2022	10:30 a.m.	City Council Work Session
	5:30 p.m.	City Council Meeting

## UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19

**Expressing Views to the City Council:** Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

- Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:
  - Submit written comments via email to City Recorder at [cityrecorder@ci.florence.or.us](mailto:cityrecorder@ci.florence.or.us);
  - Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
  - Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.

**\*\* Note:** Written comments received at least 2 hours prior to the meeting (January 24, 2022 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.
- Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting at Florence City Hall or via GotoWebinar. To do so, please complete a speaker's card online at [www.ci.florence.or.us/council/request-address-city-council-speakers-card](http://www.ci.florence.or.us/council/request-address-city-council-speakers-card) at least 1 hour prior to the meeting (January 24, 2022 at 4:30 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
  - Public Comments on items not on the agenda:** General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda

item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.

- b. Public Hearing Testimony: Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
- c. Public Comments on Action Items: Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

**For more information on the City of Florence's Temporary Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/em/public-meeting-during-covid-19>.**

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 1  
Meeting Date: January 24, 2022  
Department: Mayor & Council

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**ITEM TITLE:** PUBLIC COMMENTS – *Items Not on the Agenda*

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**DISCUSSION/ISSUE:**

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

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**AGENDA ITEM SUMMARY  
FLORENCE CITY COUNCIL**

**ITEM NO: 2**  
Meeting Date: January 24, 2022  
Department: Administration

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**ITEM TITLE:** Second Public Hearing - CDBG Grant Closeout - COVID Emergency Assistance Program Results

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**DISCUSSION/ISSUE:**

**Purpose:**

The City of Florence is completing a project funded with Community Development Block Grant (CDBG) funds from the Oregon Business Development Department (Business Oregon) in Florence, Oregon. An official grant close-out step is to hold a public hearing that includes a staff report on the outcomes of the grant funded project. During the meeting on January 24, 2022, the City Council will hold a public hearing providing an opportunity for citizens to hear about the local government's performance and to provide comments on the project.

**Introduction:**

The City of Florence received a Community Development Block Grant (CDBG) in Fall 2020 to provide scholarships for Florence's workforce to participate in Lane Community College's Environmental Services Aide program, as well as providing PPE for people who completed the program. Due to labor constraints and the bounce back of Florence's economy, the program has been unsuccessful. Though the City of Florence had budgeted for over 100 scholarships, the City only provided four scholarships to participants.

**Background:**

In June 2020, when City Staff created the program and the City Council approved moving forward on the application, the State of Oregon was in an economic recession. Florence's retail, restaurant and tourism sector had been shut down, leaving many in our community out of work. In April and May of 2020, the unemployment rate in Florence was over 20%, seven points higher than the State unemployment rate and five points higher than Lane County's unemployment rate for the same time. Across the State of Oregon, one in seven jobs had been eliminated due to the effects of COVID.

The City's intent for this project was to solve three main issues that it heard about through listening sessions with local business leaders:

1. Rebuild trust for social places, like restaurants, retail shops and hotels between locals and tourists;
2. Maintain a safe and clean environment for our local businesses to minimize the threat of the spread of COVID-19 in our community
3. Accessing personal protective equipment for workers and reducing the financial burden on businesses.

Through the City's partnerships with economic development partners through the Florence Resiliency Task Force, Economic Development staff learned of Lane Community College's

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Environmental Services Aide program which had been established in response to the COVID pandemic. The program that had been stood up had been designed with the healthcare sector in mind, however the City was able to work with Lane Community College to create one that was specific to the restaurant, retail, and tourism sector. This program was launched mid-summer 2020.

**Program Results:**

The scholarship program was launched in early Fall 2020 and was marketed on the City’s website, social media and email newsletters, as well as through traditional media sources like radio ads, newspaper ads, and flyers at public spaces. The program was also featured on two local radio station programs with in-depth interviews with LCC staff and City staff, and staff sent over 500 postcards to all business licenses inside the City limits. The City received applications from three students, resulting in four scholarships being awarded.

However, at the same time as this program was being launched, the City and State’s economy was rebounding in ways that were unimaginable a few months before. Oregon’s recession economy officially ended in June 2020 and started growing rapidly. Between May 2020 and October 2020, Florence’s unemployment rate fell from 20% to 7% and Transient Room Tax (TRT) had increased 37% over October 2019’s collection rate, showing that the tourism sector was back in full force. The Florence economy was almost back to 2019 numbers, with most businesses being unprepared for the influx of business and customers. City staff went back to businesses and asked them what would be most helpful to support them in Fall 2020. This is when the City launched their PPE distribution program and childcare relief efforts.

Since then, the workforce shortage has been felt across the City, County and State. Over 100,000 jobs have been added back to the economy throughout the State of Oregon, meaning about 80% of the jobs lost in Spring 2020 had been regained by November 2021. There are more people now in the labor force than in January 2020 and the ratio of unemployed people to job openings in Oregon is about 7:10, meaning that for every seven unemployed people, there are ten job openings.

Most importantly, the three largest sectors of employment in Florence (Healthcare, Retail, and Leisure/Hospitality) have the greatest number of job openings across the state. Over 47% of the job openings in Oregon were in these three sectors. Additionally, these sectors will continue to see growth over the next ten years. The State of Oregon’s employment department believes the healthcare industry will add over 280,000 new jobs to the economy and over 270,000 new jobs will be added to the accommodations and leisure sector.

**Takeaways:**

Though the Environmental Services Aide scholarship program did not provide the results the City expected, there are some positive outcomes of this program. This program was a great partnership between Business Oregon, Lane Community College, and the City of Florence, showing how community leaders can work together to provide quick acting responses to the business community’s concerns. This program led to many other connections and COVID support programs, including our PPE distribution program.

Additionally, CDBG programs are a massive administrative lift. This program allowed the City of Florence to do a lot of administrative pieces of the CDBG program so that future grants can be more easily accessible. The current Housing Rehabilitation program that is being managed by St. Vincent de Paul of Lane County has been much more accessible because of the work done by City Staff to get CDBG COVID Emergency Assistance program off the ground. Staff continue to look at CDBG projects or opportunities as they arise to see

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**FISCAL IMPACT:**

Staff time incurred in the preparation and application of the grant, the management of the grant, including this agenda item, and the cost of publication for the noticing of the public hearing. The grant is a reimbursement grant. No federal funds were advanced as a part of this project, therefore there are no federal funds to return.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

**City of Florence Goals:**

Goal 3: Economic Development

**City Council Work Plan:**

Family Wage Jobs & Workforce Development / Business Retention & Expansion

*Objective:* Continue to implement business support programs through COVID-19 recovery

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**ALTERNATIVES:** n/a

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**RECOMMENDATION:** n/a

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**AIS PREPARED BY:** Sarah Moehrke, Senior Economic Development Analyst

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**CITY MANAGER'S RECOMMENDATION:**  Approve  Disapprove  Other  
Comments:

*ERReynolds*

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**ITEM'S ATTACHED:** None

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 3**

Meeting Date: January 24, 2022

Department: Building

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**ITEM TITLE:** Amendment to Florence City Code (FCC) 4-1–Building Regulations, related to Discretionary Decision Appeals

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**DISCUSSION/ISSUE:**

In April 2018 the Oregon Building Codes Division (BCD) sent letters to cities, to include Florence, stating their building inspection programs did not meet the Oregon Revised Statutes (ORS) and administrative rules (OAR) because of their use of contracted building official and inspection services. BCD also during this same month issued new program rules implementing direction from the Department of Justice to disallow contracted building official and inspection services. Therein began a 3 ½ year process that included many letters of appeal by the jurisdictions, stakeholders, and legislators, introduction of new legislation, stakeholder working group meetings (Rules Advisory Committee), more letters and meetings and a final recommendation. The end result are administrative rule changes to [OAR 918-020](#) implementing changes from [ORS 455](#) that were enacted under [Senate Bill 866](#). Succinctly, jurisdictions currently using contract building officials may continue to do so. Once that arrangement ceases, they are no longer grand-fathered in. In addition to permitting contracted services many additional precautions were codified in the ORS with the intent to ensure local jurisdiction ownership and administration of the program. Cities are to implement these changes through amendments to their own codes and procedures.

The action proposed under Ordinance No. 1, Series 2022, implements a new requirement under OAR 918-020-0260 “Appeals of Discretionary Decisions to the Local Board” . Jurisdictions using contract building officials must implement an appeals process for permittees to use when they receive a discretionary decision from the building official that they wish to appeal. *“Discretionary decision” means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.* The new appeals process can include a local appeals body or use the appeals body of Lane County. The City of Florence already has a local appeals body established in [Title 4 Chapter 1](#). Ordinance No. 1, Series 2022, proposes to continue the use of the local authority and includes additional provisions related to membership on the appeal body for discretionary decisions—who can and cannot be on the appeals body.

Most importantly and understandably, the local board of appeals when considering discretionary decisions made by a contract building official may not include the contract building official and must include the Building Official of Lane County. The proposed code updates enact the required state rules for the makeup of the local board of appeals as shown in Attachment 1 Exhibit A, including both a “clean” and a track changes version have been provided to implement the OAR language. The implementing OAR’s of Senate Bill 866, 2021 can be seen in Attachment 2.

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The process and appeals opportunity are reiterated in the new draft of the Building Inspection Program Operating Plan “Operations Manual” (Attachment 3) that is to be submitted to the BCD no later than January 31, 2022. The Operations Manual includes sections required by the State and demonstrates the City’s compliance with all requirements for a city operated building inspection program utilizing contract building official and inspection services. Important sections of the Operations Manual include and explain the process for permit applications, inspections, appeals, and enforcement.

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**FISCAL IMPACT:**

The direct costs included staff time to prepare the amendments to the code and operations plan. These actions were heavily subsidized by Northwest Code Professionals staff.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

This proposal supports Goal 1 City Service Delivery and Goal 4 Communication and Trust.

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- ALTERNATIVES:**
1. Adopt Ordinance No. 1, Series 2022 changing Title 4 Chapter 1
  2. Amend the changes and adopt as revised.
  3. Deny Ordinance No. 1, Series 2022
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**STAFF RECOMMENDATION:** Adopt Ordinance No. 1, Series 2022 changing Title 4 Chapter 1 as presented.

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**AIS PREPARED BY:** Wendy Farley Campbell, Planning Director

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**CITY MANAGER’S RECOMMENDATION:**  Approve       Disapprove       Other  
Comments: *ER Reynolds*

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- ITEM’S ATTACHED:**
- Attachment 1:
    - Ordinance No. 1, Series 2022
      - Clean version of of Exhibit A of proposed FCC 4-1-5-13 & 14
      - Track changes of FCC 4-1-5-13 & 14 Exhibit A: Title 4 Chapter 1 Edits

Attachment 2: BCD Notice of Permanent Rule – OAR’s implementing Senate Bill 866, 2021

Attachment 3: City of Florence Building Inspection Program Operating Plan “Operations Manual” (draft)

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**CITY OF FLORENCE  
ORDINANCE NO. 1, SERIES 2022**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 1 OF THE FLORENCE CITY  
CODE REGARDING THE APPEAL OF BUILDING OFFICIAL DECISIONS**

**RECITALS:**

1. Senate Bill 866 (2021) standardizes the membership, process and procedures for a board of appeals, to be used for appellants of a discretionary decision of a contract building official.
2. The City wishes to bring its Code into compliance with these new statutory requirements.

Based on these findings,

**THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:**

1. FCC 4-1-5-13 and FCC 4-1-5-14 are hereby amended as shown in Exhibit A. New wording is shown with underlining and deleted wording is shown with strikethrough.
2. In accordance with the Florence Charter, this ordinance will take effect 30 days after adoption.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

**ADOPTION:**

First Reading on \_\_ day of January, 2022.

Second Reading on \_\_ day of \_\_\_\_\_, 2022.

This Ordinance is passed and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2022.

AYES            —  
NAYS            —  
ABSTAIN       —  
ABSENT         —

\_\_\_\_\_  
Joe Henry, Mayor

Attest:

\_\_\_\_\_  
Lindsey White, City Recorder

Exhibit A  
City of Florence  
Ordinance 1 Series 2022

TITLE 4  
CHAPTER 1

**BUILDING REGULATIONS**

**4-1-5-13: BOARD OF APPEALS:** In order to hear and decide appeals of orders, decisions, determinations, and discretionary decisions made by the Building Official relative to the application and interpretations of the Specialty Codes, there shall be and is hereby created a board of appeals.

- A. Membership. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure.
1. The board of appeals shall consist of seven (7) members to include the following:
    - a. Members of the Florence City Council.
    - b. The Building Official of Lane County or the building official of an adjacent county.
    - c. An individual who engages in the business of building design or construction.
  2. The Building Official of Florence shall be an ex officio member and shall act as secretary to the board of appeals but shall have no vote upon any matter before the board.
  3. For appeals of discretionary decisions made by a contract building official relative to the application and interpretations of the Specialty Codes, the board of appeals shall not include as a member:
    - a. Any building official contracted by the City.
    - b. Any owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections
    - c. An individual who engages in the business of building design or construction concerning a project that involves a business, or competitor of a business that:
      - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
      - ii. A family member or a member of the individual's householder owns or manages or for which the family member of member of the household provides services as an employee, agent or contractor.
- B. For purposes of this section, a discretionary decision is defined as a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.
- C. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

**4-1-5-14: LIMITATIONS OF AUTHORITY:** Except in the review of a discretionary decision made by the Building Official the board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the board be empowered to waive requirements of either this code or the Specialty Codes.

Exhibit A  
City of Florence  
Ordinance 1 Series 2022

TITLE 4  
CHAPTER 1

**BUILDING REGULATIONS**

**4-1-5-13: BOARD OF APPEALS:** In order to hear and decide appeals of orders, decisions, ~~of~~ determinations, and discretionary decisions made by the Building Official relative to the application and interpretations of the Specialty Codes, there shall be and is hereby created a board of appeals, ~~consisting of the members of the City Council of this jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.~~

A. Membership. The board of appeals shall be appointed by the City Council governing body and shall hold office at its pleasure.

1. The ~~local appeals~~ board of appeals shall consist of seven (87) members to include the following:

- a. Members of the Florence City Council.
- b. The Building Official of Lane County or the building official of an adjacent county.
- c. An individual who engages in the business of building design or construction.

2. The Building Official of Florence ~~who~~ shall be an ex officio member and shall act as secretary to the ~~said~~ board of appeals but shall have no vote upon any matter before the board.

3. For appeals of discretionary decisions made by a contract building official relative to the application and interpretations of the Specialty Codes, the board of appeals shall not include as a member:

- a. Any building official contracted by the City.
- b. Any owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections
- c. An individual who engages in the business of building design or construction concerning a project that involves a business, or competitor of a business that:
  - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
  - ii. A family member or a member of the individual's householder owns or manages or for which the family member of member of the household provides services as an employee, agent or contractor.

B. For purposes of this section, a ~~D~~ discretionary ~~D~~ decision is defined as a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.

C. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building

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Official.

**4-1-5-14: LIMITATIONS OF AUTHORITY:** Except in the review of a discretionary decision made by the Building Official the board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the board be empowered to waive requirements of either this code or the Specialty Codes.

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Department of Consumer  
and Business Services

## Implementation of enrolled Senate Bill 866 (2021) and housekeeping of rules

### Purpose of the rules:

The purpose of these rules is to implement Senate Bill 866, 2021 Oregon Laws Ch. 599, and to complete non-substantive updates to rule language in division 020.

### Citation:

Adopts OAR 918-020-0230, OAR 918-020-0240, OAR 918-020-0250, OAR 918-020-0260, OAR 918-020-0270

Amends OAR 918-020-0015, OAR 918-020-0070, OAR 918-020-0090, OAR 918-020-0095, OAR 918-020-0105, OAR 918-020-0180, OAR 918-020-0200, OAR 918-020-0220, OAR 918-020-0390, OAR 918-020-0410, OAR 918-098-1000, OAR 918-098-1005, OAR 918-098-1420, OAR 918-098-1475, OAR 918-098-1480, OAR 918-098-1530, OAR 918-098-1550, OAR 918-098-4002

These rules are effective Jan. 1, 2022.

### Background:

During the 2021 regular legislative session, the legislature passed Senate Bill (SB) 866. That bill permits a municipality or the Department of Consumer and Business Services to contract with a person to administer and enforce a building inspection program and to act as a building official. It further specifies conditions under which a municipality may procure services from a contract building official.

Following the passage of this bill, the division reconvened a rulemaking advisory committee for program delegation to discuss the implementation of SB 866, which includes the need for program renewals and updated operating plans. After receiving advice from the advisory committee, the division drafted proposed rule changes. The proposed rules were noticed, and a rulemaking hearing took place on Oct. 20, 2021. Written testimony was allowed through 5 p.m. on Oct. 22, 2021. The division received one piece of testimony, and this was considered when the division finalized these rules. A summary of the testimony received as well as the division's response is included in an attached document.

### Summary:

The rules amend chapter 918 division 020 and division 098 to implement SB 866 and to conduct housekeeping within those rules. The changes include, but are not limited to, the following:

- Requiring a city that intends to continue to procure services from a contract building official to notify the division of this intent and to comply with SB 866, section 2 by **Jan. 1, 2022**;
- Updating the reporting periods and renewal requirements for Groups 1 through 4, with the next renewal due on **Jan. 31, 2022**;
- Removal of references to an "approved" operating plan;
- Outlining requirements for a program that procures services from a contract building official; and



- Replacing the conflict of interest standards in OAR 918-098-1475 with the language in SB 866, section 4.

Also included in this rulemaking is the adoption of five new rules to implement the requirements in SB 866. This includes the following topics:

- When contract building officials may be used,
- Requirements for contract building officials when discretionary decisions are made,
- Training requirements and duties for qualified employees,
- The use of local boards and membership on the same,
- Appeals of discretionary decisions to the local boards, and
- Enforcement of SB 866, section 2.

Please review the rule filings and the new rules for the full scope of changes.

**Contact:**

If you have questions or need further information, contact Julia Hier at 503-779-7246 or [julia.m.hier@dcbs.oregon.gov](mailto:julia.m.hier@dcbs.oregon.gov).

## Building Codes Division, a Department of Consumer and Business Services

### Purpose of the rules:

The purpose of these rules is to implement Senate Bill 866, 2021 Oregon Laws Ch. 599, and to complete non-substantive updates to rule language in division 020.

### Citation:

Adopts OAR 918-020-0230, OAR 918-020-0240, OAR 918-020-0250, OAR 918-020-0260, OAR 918-020-0270

**Source:** <https://www.oregon.gov/bcd/laws-rules/Documents/20220101-SB866-program-delegation-pr.pdf>

Excerpt of newly adopted OAR's effective January 1, 2022

### 918-020-0230

#### Contract Building Officials

(1) Use of Contract Building Officials.

(a) City.

(A) A city may procure services from a contract building official only if the city complies with the provisions of 2021 Oregon Laws Ch. 599, Sec. 2, Subsec. 2, Paragraph (a) (Enrolled SB 866) and 2021 Oregon Laws Ch. 599, Sec. 5 (Enrolled SB 866).

(B) A city that procured services from a contract building official within the period described in 2021 Oregon Laws Ch. 599, Sec. 2, Subsec. 2 (Enrolled SB 866) may at any time choose to procure services from a different contract building official, may employ a building official or, in cooperation with another municipality, may appoint a building official employed by the other municipality to administer a building inspection program for both the city and the other municipality.

(b) County. A county may procure services from a contract building official only if the county complies with the provisions of 2021 Oregon Laws Ch. 599, Sec. 2, Subsec. 2, Paragraph (b) (Enrolled SB 866).

(2) Notice from a Contract Building Official. Within five business days from making a discretionary decision, the contract building official must:

(a) Notify a qualified employee in writing of the discretionary decision; and

(b) Notify a permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

**Statutory/Other Authority:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**Statutes/Other Implemented:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

### History:

[BCD 12-2021, adopt filed 11/18/2021, effective 01/01/2022](#)



## 918-020-0240

### Qualified Employees

#### (1) Training.

(a) Basic Training. Before exercising oversight over a contract building official, a qualified employee must complete the division's basic training course for qualified employees.

(b) Advanced Training. Within 180 days after a municipality's designation of the individual as a qualified employee, the qualified employee must complete the division's advanced training course for qualified employees.

(c) The director will provide the qualified employee with evidence of satisfactory completion of the basic training and advanced training course.

(2) Duties. A qualified employee must review and ratify or disapprove a contract building official's discretionary decision in writing within 30 days after receiving notice of the decision.

**Statutory/Other Authority:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**Statutes/Other Implemented:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**History:**

[BCD 12-2021, adopt filed 11/18/2021, effective 01/01/2022](#)

## 918-020-0250

### Local Boards

#### (1) Use of Local Boards.

(a) Except as otherwise provided in subsection (b) and (c) of this section, a municipality that procures services from a contract building official must establish a local board to which a permit applicant may appeal a contract building official's discretionary decisions.

(b) A city does not need to establish a local board if the county within which the city is located, or an adjacent county, has a local board that hears, in accordance with this rule, all appeals of the discretionary decisions of the city's contract building official.

(c) A county does not need to establish a local board if an adjacent county has a local board that hears, in accordance with this rule, all appeals of the discretionary decisions of the county's contract building official or the discretionary decisions of all contract building officials for cities located within the county.

#### (d) Agreements.

(A) A city may enter into an agreement with the county within which the city is located, or an adjacent county, to hear appeals in accordance with this rule.

(B) A county may enter into an agreement with an adjacent county to hear appeals in accordance with this rule.

#### (2) Membership of Local Boards.

(a) If a city establishes a local board under section (1)(a) of this rule, the city must include as a member the building official of the county within which the city is located or the building official of an adjacent county.

(b) If a county establishes a local board under section (1)(a) of this rule, the county must include as a member a building official from an adjacent county.

(c) A local board described in section (1)(a) of this rule may not include as a member:

(A) Any contract building official; or

(B) An owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections.

(d) An individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract building official's discretionary decision concerning a project that involves a business, or competitor of a business, that:

(A) The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or

(B) A family member or a member of the individual's householder owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.

**Statutory/Other Authority:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**Statutes/Other Implemented:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**History:**

[BCD 12-2021, adopt filed 11/18/2021, effective 01/01/2022](#)

### **[918-020-0260](#)**

#### **Appeals of Discretionary Decisions to the Local Board**

(1) After receiving notice of the building official's discretionary decision, a permit applicant has 30 days to submit an appeal to the local board.

(2) In an appeal before the local board, the permit applicant has the burden of establishing by a preponderance of the evidence that overturning the discretionary decision of the contract building official will not create a dangerous or unsafe condition or decrease the minimum fire and life safety standards set forth in the relevant code.

(3) Upon receipt of a notice of appeal, the local board has 30 days to review the appeal and issue a determination.

(4) The appeal rights to which a permit applicant is entitled before a local board is in addition to, and not in lieu of, any other rights of appeal the permit applicant may have.

**Statutory/Other Authority:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**Statutes/Other Implemented:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**History:**

[BCD 12-2021, adopt filed 11/18/2021, effective 01/01/2022](#)

**918-020-0270**

**Enforcement of 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)**

(1) If the director has reason to believe that a violation of 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866) has occurred, the director may issue notice and take action under 2021 Oregon Laws Ch. 599, Sec. 2, Subsec. 8 (Enrolled SB 866).

(2) If the director finds that a violation of ORS 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866) has occurred, the director may issue and serve a written order upon the municipality, or upon a contract building official which the municipality procured services, that specifies corrective action. The order must state the facts and identify applicable law that forms the basis for the director's finding that a violation has occurred and must give the municipality or the contract building official reasonable time, which may not be less than 10 business days, within which to perform the director's specified corrective action. In addition, the director may require the municipality to:

(a) Increase the frequency of the audit required under 2021 Oregon Laws Ch. 599, Sec. 2, Subsec. 6 (Enrolled SB 866) to once per year;

(b) Submit a written plan that describes how the municipality will achieve compliance with 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866). If the director accepts the plan, the director will incorporate the provisions of the plan into an order that is binding upon the municipality;

(c) State and document the actions that the municipality has undertaken independently to correct the violation; or

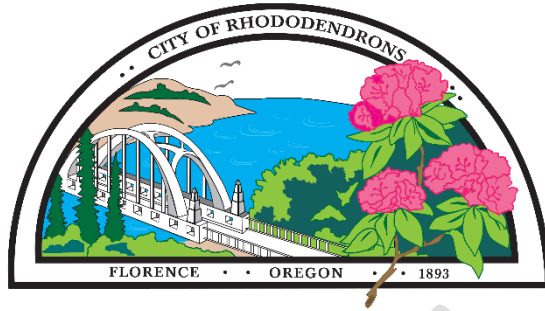
(d) If the director finds that a pattern of violations of 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866) has occurred, 2021 Oregon Laws Ch. 599, Sec. 2, Subs. (9), Paragraph (c) (Enrolled SB 866) applies.

**Statutory/Other Authority:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**Statutes/Other Implemented:** 2021 Oregon Laws Ch. 599, Sec. 2 (Enrolled SB 866)

**History:**

[BCD 12-2021, adopt filed 11/18/2021, effective 01/01/2022](#)



*City of Florence*  
**A City in Motion**

**CITY OF FLORENCE**  
**BUILDING INSPECTION PROGRAM**  
**OPERATING PLAN**

Revised January \_\_\_\_, 2022

DRAFT

**918-020-0080 Delegation of Building Inspection Programs**

The division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan describing the manner in which the municipality or the division will do so. The operating plan shall establish specific processes and goals, consistent with the program standards described in ORS 455.153 and OAR 918-020-0090

This operating plan was developed and is maintained to comply with the above administrative rule. The plan is on file with the State of Oregon Building Codes Division, has been distributed to surrounding jurisdictions and is available through this office upon request.

This plan reflects the standards, policies, procedures and services administered and offered through the City of Florence (City). The plan is required to be updated as necessary to reflect service changes. Any questions related to this plan should be directed to:

Community Development  
Building Department  
250 Highway 101  
Florence, OR 97439

Phone: (541) 997-2141

[buildingdepartment@ci.florence.or.us](mailto:buildingdepartment@ci.florence.or.us)

## **ADMINISTRATIVE STANDARDS – OAR 918-20-0090(1)**

### **FUNDS – OAR 918-20-0090(1)(a)**

The Building Department of the City of Florence (City) operates through segregated accounts maintained within the General Fund. All plan review, surcharge revenue and permit revenues are deposited into this fund and all division expenditures are from this fund.

Permit and plan review fees are collected and distributed by account number. Separate accounts, allowing tracking for both revenues and expenditures are established for all individual processes including, building, mechanical, plumbing, electrical, plan review, manufactured dwellings, code compliance, special inspections, re-inspections, surcharges. All fees collected by the Building Department in connection with the administration and enforcement of building inspection programs will be used only for the administration and enforcement of those respective programs. Surpluses carried forward must be used only for the building inspection program and/or for the payment of any deficits or liabilities accrued to the program.

Fees charged for construction, alteration and repair of structures and buildings and the installation of mechanical, heating, and ventilating devices, electrical installations, plumbing installations and applicable appliances and equipment and the reconstruction, alteration and repair of prefabricated structures shall be in accordance with the current fee schedules. Revenues generated from permit fees are intended to cover the reasonable and necessary costs of carrying out effective administration and enforcement of the respective inspection programs.

In accordance with OAR 918-050-0100(1)(c), the per-square-foot value will be determined via the International Codes Council (ICC) Valuation Table as published on April 1st of each year or the most recently published table as of April 1st. Permit fee schedules and a copy of the ICC Valuation tables are available at the City of Florence, City Hall, located at 250 Highway 101, Florence, Oregon.

### **EQUIPMENT AND RESOURCES - OAR 918-20-0090(1)(a)**

All staff members are provided with the equipment and other resources needed to complete their work in an efficient and service-oriented manner.

## **STAFF AUTHORITY AND RESPONSIBILITIES - OAR 918-20-0090(1)(b)**

### **Building Official**

Per the City's contractual agreement with NorthWest Code Professionals, LLC (NWCP), the Contract Building Official is responsible for the management of the building and safety program. The Contract Building Official conducts all plan reviews and inspections for Fire and Life Safety, A-Level Structural, A-Level Mechanical, One and Two Family Structural, One and Two-Family Mechanical, Manufactured Dwelling installations, Park and Camp and any other work covered by the specialty codes in accordance with certifications obtained.

Code administration responsibilities of the Contract Building Official are listed in the attachment "Personal/Professional Services Contract" which is an extract from the contractual agreement between the City and NWCP.

The Contract Building Official shall be registered and licensed by the State of Oregon as per requirements of OAR 918-098.

In accordance with OAR 918-020 230(2), within five (5) business days from making a discretionary decision, the Contract Building Official must:

- Notify a Qualified employee in writing of the discretionary decision; and,
- Notify a permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

*Per OAR 918-020-0015(2), A Contract Building Official means an owner, manager or employee of a person that the director has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148(3) and 455.150(3) to one or more municipalities to which the director has delegated a building inspection program.*

*Per OAR 918-020-0015(4), A Discretionary Decision means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.*

### **Inspectors/Plans Examiners**

All inspectors and plans examiners shall be certified to perform the applicable process as required in OAR 918-098-1012. All inspectors, plans examiners and Building Official shall meet the continuing education requirements of OAR 918-098-1450.

### **Qualified Employee [ ORS 455.100, Section 2(1)(d) and Section 2(3)(a) and OAR 918-20-0015(2), 918-020-090(7)(f) ]**

The Qualified Employee is an individual that the municipality employs and has been designated to ratify or disapprove a contract building official's discretionary decisions. (OAR 918-020-0015(7)).

The Qualified Employee(s) for the City of Florence is (are);



Eric Rines  
Building Management Analyst  
[eric.rines@ci.florence.or.us](mailto:eric.rines@ci.florence.or.us)  
541.997.2141

Wendy Farley Campbell  
Community Development Director  
[wendy.farleycampbell@ci.florence.or.us](mailto:wendy.farleycampbell@ci.florence.or.us)  
541.997.8237

Before exercising oversight over a contract building official, the Qualified Employee is required to complete the basic training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

Within 180 days after being designated as the Qualified Employee, the employee is required to complete the advanced training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

The Qualified Employee shall be notified in writing within five (5) days by the contract building official, for each of the contract building official's discretionary decisions. The Qualified Employee must review and ratify or disapprove a contract building official's discretionary decision, in writing, to the contract building official and the permit applicant/aggrieved person within thirty (30) days after receiving notice of the decision. The notification shall also inform the permit applicant/aggrieved person that the decision of the building official can be appealed in accordance with ORS 455.475.

Per OAR 918-020-0015(4), A Discretionary Decision means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.

#### **LOCAL/OREGON STATE APPEALS PROCESS – OAR 918-020-0090(1)(c)**

All appeals shall be forwarded to the Building Official:

Dave Mortier, Building Official  
Community Development  
250 Highway 101  
Florence, OR 97439  
[buildingdepartment@ci.florence.or.us](mailto:buildingdepartment@ci.florence.or.us)

When any appeal is received, the person aggrieved shall be notified that he/she has the option of the local appeals process, or to appeal to the Chief inspector of the Department of Consumer and Business Services/Building Codes Division (DCBS/BCD).

Any appeal of a decision arising from a plans examination or an inspection shall be reviewed by the Building Official. The appeal may be verbal or in writing. There is no cost for this initial appeal. A decision is generally rendered within three (3) days of the request.

## **Appeal of decision of building official (ORS 455.475)**

(1) An applicant for a building permit may appeal a decision made by a building official under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an appeal under this subsection:

(a) An appeal regarding the interpretation or application of a particular specialty code provision shall be made first to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue.

(b) If the appropriate advisory board determines that a decision by the department chief inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all applicable specialty code public and private inspection authorities in the state. The decision shall be distributed within 60 days after the board's determination, and there shall be no charge for the distribution of the decision. As used in this paragraph, a "major code interpretation" means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.

(2) Except as provided in subsection (1) of this section, an applicant for a building permit may appeal the decision of a building official on any matter relating to the administration and enforcement of this chapter to the department. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484.

(3) If an appeal is made under this section, an inspection authority shall extend the plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

(4) In accordance with OAR 918-020-0250, the City will establish a local appeals board, as necessary, to hear an appeal of a contract building official's discretionary decision.

(a) The local appeals board will include, as a member, the building official of the county within which the city is located or the building official of an adjacent county.

(b) An individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract building official's discretionary decision concerning a project that involves a business, or competitor of a business that;

i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or

ii. A family member or a member of the individual's household owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.

(c) The local appeals board will not include;

i. Any contract building official

ii. An owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections.

### **ACCOUNTING– OAR 918-020-0090(1)(d)**

All revenues collected are deposited in the general fund. These revenues are service area specific and are segregated by individual accounts and are collected by an electronic permitting system. These individual program accounts can be reviewed and analyzed separately through the use of accounting object codes.

Administrative costs to the program are assessed through building maintenance, equipment maintenance, and administrative services charges included within the annual budget process and indicated within the included summary. A summary of the division's overall budget for both revenues and expenditures is included.

### **AUDITS - OAR 918-020-0090(1)(O) and OAR 918-020-0090(7), Oregon Law Ch. 599, Sec. 2, Subsection 6.**

An audit of the building inspection program shall be done by an independent auditor at least once every two years. The audit may be done in conjunction with an audit under ORS 297.425.

The audit, at a minimum, shall examine all collections and usage of permit fees and all expenditures of moneys that have occurred from the proceeds of the fees since the last audit and shall verify that the municipality dedicates all fees the municipality collects for plan review, permit issuance or administrating and enforcing specialty codes only to the purposes specified in ORS 455.210 and 479.845.

The results of each audit shall be made available to the public by easily accessible electronic means, including by posting the results on the City's website.

### **RECORDS RETENTION AND RETRIEVAL– OAR 918-020-0090(1)(e)**

All City records are retained for at least for the minimum time outlined by the Oregon State Archivist. Permits, plans and inspection records are retained at least for the minimum time outlined in OAR 166-200-0025.

Active permits are kept in the City's office and are accessible to the permit clerk, Building Official and inspectors in addition to other city staff. Finalized permits are kept in file cabinets within the City's central filing system.

Construction documents are retained, in accordance with archive requirements, in their original paper format in a secured storage room. Copies of all construction documents, permit forms and inspection records are available at the City offices for review by the public.

### **AVAILABILITY OF OPERATING PLAN – OAR 918-020-0090(1)(f)**

This operating plan is available to any interested party upon request. Requests by email, mail, phone or personal contact will be honored in a timely manner.

## **PUBLIC COMMENT/COMPLAINT PROCESS – OAR 918-020-0090(1)(g)**

Public comments or complaints may be submitted verbally (in person or via telephone) or in writing (via fax, mail, email, or personal delivery). Comments or complaints related to code provisions will be processed by the most appropriate staff member. If the comment or complaint becomes an appeal, procedures outlined above will be followed. Comments or complaints related to employee behavior will be referred to the City Administrator.

## **PUBLIC INQUIRY PROCESS – OAR 918-020-0090(1)(g)**

The Building Department maintains a public service counter located at Florence City Hall, 250 Highway 101, Florence, Oregon. Office hours are from 8:00 a.m. to 12:00 and 1:00 to 4:00 p.m., Monday through Friday excepting holidays. Telephones are answered by City staff during the above listed open hours. The Department's phone number is (541) 997-2141.

Customers may telephone to inquire on matters related to permitting, plan review, or inspection processes anytime between 8:00 a.m. to 12:00 and 1:00 to 4:00 p.m., Monday through Friday, holidays excepted. Customers may also visit our public service counter to inquire on matters related to permitting, plan review, or inspection processes anytime during these hours. Customers may email or mail inquiries of this nature at any time.

Responses to customer inquiries are generally conducted on the same day they are received; but not later than 24 hours of receipt.

## **CUSTOMER SERVICE INFORMATION – OAR 918-020-0090(1)(j)**

### **Types of permits issued**

The City provides code administration for structural, mechanical, plumbing, electrical, manufactured dwelling installation, parks and camps development permits and fire and life safety review under authority of OAR 455.153 and 479.855 and as adopted by ordinance. Permits for work governed by these specialty codes are available through this office.

### **Jurisdictional Boundaries**

The jurisdiction of this Building Department covers all areas within Florence city limits. A map of the jurisdictional boundaries is maintained at the public service counter located at City Hall, 250 Highway 101, Florence, Oregon.

### **Hours of operation**

8:00 a.m. to 12:00 and 1:00 to 4:00 p.m  
Monday through Friday, holidays excepted

### **Notifications**

All notices issued pursuant to OAR 918-020-0070 through -0220 shall be sent to the City Building Department in addition to the Building Official.

City of Florence, Building Safety  
250 Highway 101  
Florence, OR 97439

## **PERMITTING STANDARDS – OAR 918-20-0090(2)**

### **OFFICE LOCATION AND HOURS OF OPERATION – OAR 918-020-0090(2)(a)&(b)**

The Building Department maintains an office located in City Hall, 25-0 Highway 101, Florence, Oregon with hours from 8:00 a.m. to 12:00 and 1:00 to 4:00 p.m., Monday through Friday, holidays excepted. During these hours, telephones are answered by Building Department staff, permit applications are accepted and permits are issued. Permit applications are also accepted by mail, email and by e-permitting.

### **APPLICATION PROCEDURES – OAR 918-020-0090(2)(c) and (e)**

When permit applications are received the information is checked for completeness prior to plan acceptance; usually before the customer leaves. Permit applications received via mail are checked on the day of receipt for completeness, and, if necessary, information is lacking, the customer is contacted immediately. A plan review deposit is required at the time the plans are submitted for review.

Two (2) sets of plans are required except when plans are submitted electronically. When submitted electronically, once plans are reviewed and returned to applicant it is the applicant's responsibility to provide one (1) printed sets of the reviewed plans to the City for permit issuance and to have one (1) printed set at the job site for inspections.

Plans within the scope of the Oregon Residential Specialty Code will be checked to verify completeness using a plan intake checklist and applicant will be notified within three working days as to whether the plans are complete, if the plans are deemed a simple residential plan, and the approximate time period in which the plan review will be completed.

As per ORS 455.628, plans for conventional light-frame construction submitted by an Oregon Registered Design Professional that is also certified by the State or Oregon as a Residential Plans Examiner, and otherwise meet the requirements of OAR 918-480-0130, shall be processed in a timely manner. The City shall waive the normal plan review fee and in lieu of this fee will charge an administrative fee equal to one-hour of the hourly charge for inspections or plan reviews, per the established fee table, or 25 percent of the plan review fee whichever is less.

### **Manufactured Dwelling Permits:**

Permits for work regulated by the Oregon Manufactured Dwelling Installation Code are reviewed by the Building Official and are generally issued within ten working days from the date that a complete permit application and plan information is received.

### **Other Permits:**

Permits for work regulated by the Structural and Mechanical codes are reviewed by the Building Official. Plan review and permit issuance times vary based upon the complexity and completeness of the application. When all requirements of the local jurisdiction have been met, the Building Official may allow phased permitting and deferred submittals for plan review of commercial projects.

### **Over-The-Counter Permit Procedures**

Permits not requiring a plan review may be issued over-the-counter. Emergency permits may be issued over-the-counter or by other means of communication (i.e. fax or telephone) with the approval of the Building Official.

Subject to the scope and limitations of ORS 455.062, some typical plans and specifications are available from the Department along with state-approved typical plans. Pre-approved typical plans are issued over the counter when possible and permit application is complete.

### **Phased and Deferred Permitting**

In accordance with OAR 918-020-090(3)(D), phased and/or deferred permit submittals may be allowed and will require a pre-application meeting and Building Official approval. No approvals will be allowed until the Building Official is satisfied that the application is complete. In accordance with OAR 918-050-0170, phased and/or deferred permits shall be charged an administrative fee of 25 percent of the plan review fee, determined in accordance with OAR 918-050-0100 and the approved City fee schedule based on the total project valuation. This fee is in addition to the project plan review fee.

### **Fee Refunds**

The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when an application for a permit, or a permit, is withdrawn or canceled before work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official may authorize refunding of 100 percent of the permit and/or plan review fees (or to apply the amount to additional permits) in a case where the city has collected the fee in error. The building official shall not authorize refunding of any fee paid except upon written application

filed by the original permittee not later than 180 days after the date of fee payment.

**Fee Waivers.** Fee waivers are not permitted.

**Transfer of Building Permit.** A building permit shall only be transferred to another party when authorized by the owner of the property, in writing.

### **Emailed Applications**

The Building Department accepts emailed applications with the condition that an application with an original signature will be submitted at a later date. Emailed applications are processed in the same manner as any other application. An emailed application is not issued until a signature is obtained on the permit, necessary licensing information is verified and appropriate fees are paid.

### **Verification Of Licenses and Registrations**

Prior to the issuance of any permit staff verifies that the applicant meets the licensing and registration requirements of ORS Chapters 446, 447, 455, 479, 693 and 701. Issues which may arise from this verification process are referred to the Building Official for resolution. Required electrical contractor licensed, including low voltage and specialty licenses, may be verified on a random basis on job sites within the City during the normal course of inspector duties.

In accordance with the building code, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 day each. The extension shall be requested in writing and justifiable cause demonstrated.

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## **PLAN REVIEW STANDARDS - OAR 918-20-0090(3)**

### **COMPLIANCE WITH SPECIALTY CODES - OAR 918-20-0090(3)(a)**

In accordance with the certification requirements of OAR 918-098-1470, plans examiners assure compliance with the specialty codes administered by DCBS/BCD and current interpretive rulings adopted pursuant to ORS 455.060 or ORS 455.475. Plan review for plumbing and electrical plans are reviewed and approved by certified and licensed personnel in the applicable specialty code as plan review requirement thresholds are exceeded.

The City's Municipal Code, adopted by the City Council, enables code adoption coinciding with the effective date of each specialty code as adopted by the Building Codes Division. This includes the Oregon Structural Specialty Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Electrical Specialty Code, Oregon Plumbing Specialty Code, Oregon Fire Code and Oregon Manufactured Dwelling and Park Specialty Code. Where specific code sections and appendices are available for local adoption, each section shall be reviewed and adopted by local ordinance where applicable.

### **PLAN REVIEW PROCESS**

The plans examiners review structural, mechanical, plumbing, electrical, fire life safety plans and engineering and energy calculations to ensure compliance with applicable codes. Plan intake staff shall use Building Codes Division approved checklists to ensure the customer has submitted all necessary information and, verify plans are stamped by an Oregon licensed architect or engineer. Site plans, when applicable, are required in accordance with the Planning Department.

#### **Permit Applications Requiring Plans, I.E., Structural, Fire & Life Safety, Commercial Plumbing and Commercial Mechanical**

If plans are required, permits will not be issued until a minimum of two (2) sets of plans have been reviewed and approved. When submitted electronically, once plans are reviewed and returned to applicant it is the applicant's responsibility to provide one (1) printed sets of the reviewed plans to the City for permit issuance and to have one (1) printed set at the job site for inspections. Plans may be submitted in person, by fax, mail, or via e-mail. Plans received in person at City Hall are reviewed by permit technician intake or plan review staff to verify appropriate information and materials are included with the plans.

Per OAR 918-020-090(2)(c) and (d)(A), if plans are incomplete, a letter detailing the information needed to complete the plan review will be sent, faxed, e-mailed or handed to the applicant in person within 3 business days. The plans may be returned to the applicant or placed "on hold" until the information and/or appropriate fees are received.

Pursuant to OAR 918-020-0090 and 918- 020-0210, for simple residential dwelling plans, the City will follow the plan review timeline of ten working days set forth in ORS 455.467, provide notification within three working days as to whether the plans are complete, and offer other plan review options if applicable.



**Plans complete but not in compliance:**

Where the plan has the required information but is found to be in non-compliance with the applicable code, the applicant is notified immediately by the most expedient method. If the information needed is greater than can be handled by a simpler means, a letter will be sent by the most expedient means identifying the areas of non-compliance with a request for corrective action or additional information. The plan is placed "on hold" until additional information is received. All notices will include applicable code citations.

**Plans Complete and In Compliance:**

Where the plan is deemed complete, the plan will be stamped "reviewed" by the plans examiner of record, the applicant notified, and then be available to pick them up at City Hall.

Plan review will be completed within ten (10) working days of receipt of a complete application. All plans are reviewed prior to issuing permits.

Applicants are encouraged to call 1-800-358-8034, 8 am to 5 pm Monday through Friday for any code or process questions. Appointments are encouraged for preliminary consultations with a plans examiner.

Prior to the issuance of permits a license verification will be performed by City staff or contracted third-party contract staff to ensure all contractors are properly licensed.

**AVAILABILITY OF CHECKLISTS/BROCHURES - OAR 918-20-0090(3)(a)(B)**

The Building Department has checklists for plan review submission requirements and a variety of informational brochures to assist the public in the permit application process. These brochures are available at the public service counter.

The Building Department also offers optional pre-development and pre-construction meetings at no cost to the applicant. Pre-development meetings generally occur at the time of plan submittal and provide an opportunity for the applicant to summarize the project being submitted for review, discuss any requested alternate methods or materials, request interpretations, and hear a preliminary assessment of the project. Preconstruction meetings generally occur in conjunction with the issuance of the permit. The meeting provides an opportunity for the applicant and his/her associates to meet the inspectors who will be involved in the project, discuss any unique aspects of the project, clarify special inspection requirements, coordinate public infrastructure issues, and reach consensus on remaining issues identified during the review process.

**VERIFICATION OF STAMP BY DESIGN PROFESSIONALS OAR 918-020-0090(3)(a)(E) &(F)**

Staff verifies that plans are appropriately stamped by a registered design professional when required. Plans failing to meet this requirement are returned to applicant and will not be accepted until the appropriate stamp is provided.

## **AVAILABILITY AND LISTING OF PLAN REVIEW STAFF OAR 918-020-0090(3)(c)**

A roster of the plans-examiners, including current certifications and continuing education records, is available to any interested party upon request.

## **PLAN REVIEW TIMELINES**

### **One and Two-Family Dwelling Code Plans – OAR 918-020-0090(3)(a)(C)**

Generally, it is determined at the public service counter if residential plans are "complete" or not. "Completeness" will be determined using the Building Department checklist. Plans unable to be verified as "complete" will be placed in the incoming plan stack and will be reviewed for completeness at the same time they are determined to be "simple" or "complex".

"Complete" plans will be acknowledged and applicant informed as either simple or complex within three (3) working days from receiving. The applicant will also be informed of the approximate time period in which the plan review will be complete.

Plans deemed to be "complete" and "simple" will be reviewed within ten (10) working days from receipt. If unforeseen circumstances cause plan review times for the above referenced plans to exceed ten (10) working days, the City will maintain and provide applicants a list containing at least three (3) licensed plan reviewers from whom the County will accept plan reviews.

The City adopts, by policy, the definition of "simple one-or-two family dwelling plans" as described in OAR 918-020-0090. Plans that do not meet the definition of "simple" in this rule are deemed to be "complex".

## **COOPERATION WITH OTHER AGENCIES - OAR 918-020-0020**

The Building Department cooperates with other City divisions, departments, and/or other jurisdictions as necessary to facilitate plan review and permit issuance. Pursuant to OAR 918-020-0020, the City provides the Fire Marshal with notification of proposed developments that may be regulated by the Fire Marshal under ORS 476.030. The Fire Marshal is provided with a reasonable time frame with which to submit comments pertaining to a specific development. Specific Fire Code requirements regulated and identified by the Fire Marshal are incorporated into the conditions of approval for the project. The Building Official will regularly consult with the Fire Marshal on issues that include but are not limited to, fire department access, fire flow, occupancy concerns, and alternative methods of construction. The final determination of construction requirements is made by the Building Official.

The Building Official reviews plans for conformity with the Oregon Fire Code as it relates to new construction. This includes fire department access (during construction and permanent access), fire flow, fire hydrant number, and location.

## **EVALUATION OF UNIFORM ALTERNATE CONSTRUCTION STANDARDS (UACS)**

In conformance with OAR 918-480-0125, for lots of record created on or after January 1, 2002, by this general notification, the building official intends to have the option to allow one or more of the Uniform Alternate Construction Standards to address a fire official determination of inadequate apparatus access or water supply.

Project-specific notification in occurs in conjunction with the approval of a land use application under ORS 197.522.

The building official, acting in conformance with the rules, and by this notification, may choose to apply one or more Uniform Alternate Construction Standards to address determinations by fire officials with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. Such decisions by the building official are final. The Building Official will give consideration to the input and advice of the State Fire Marshal or local fire official that does not conflict with this rule. The building official will retain the authority to make final decisions.

The Uniform Alternate Construction Standard is not a Statewide Alternate Method. Uniform Alternate Construction Standard determinations will be made by the building official.

Uniform Alternate Construction Standards will be limited to one or more of the following fire suppression and fire containment components:

- (a) Installation of a NFPA Standard 13D fire suppression system;
- (b) Installation of a partial NFPA Standard 13D fire suppression system;
- (c) Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- (d) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- (e) Installation of fire-resistive exterior wall covering and roofing components; or
- (f) Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044- 1060). Stat. Auth.: ORS 455.610 Stat. Implemented: ORS 455.610

## **INSPECTION STANDARDS - OAR 918-20-0090(5)**

### **INSPECTION POLICIES AND PROCEDURES – OAR 918-020-0090(5)(a) through (e)**

It is the duty of the permit holder, or authorized agent, to request all inspections that may be necessary or otherwise required. The permit holder/authorized agent must make the requests in a timely manner, provide access to the site, and provide all equipment as may be deemed necessary or appropriate by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Reviewed plans and job card must be present at the job site for inspections.

Inspection requests may be made 24 hours per day, 7 days per week by phone at 541-902-

2180 Ext. 1308, email at [buildingdepartment@ci.florence.or.us](mailto:buildingdepartment@ci.florence.or.us) or via e-permitting. Inspection requests may also be made in person at the City office Monday through Friday 8 – 12 and 1-4 excepting holidays.

Inspection requests, received in person in the office, or by the request line or email, shall include:

- Site address
- Type of inspection requested
- Date for requested inspection(s)
- Permit number
- Name and telephone number of the person requesting inspection

Inspections requested by **5:00 p.m.** are placed on the schedule for the next business day. Inspection requests for other times, because of unforeseen issues or emergencies, may be accomplished depending on the approval of the Building Official and inspector availability. Such requests can be made by contacting the office.

A copy of the reviewed plans is required to be on the jobsite and available to the inspector. In accordance with the building code, construction, or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved.

A written report and/or record of inspection is performed by the inspector for each inspection. The report/record will reflect “Approved” or either a “Correct and Proceed” or “Correct and call for Re-inspection”. A “Correct and Proceed” allows the work to continue without a re-inspection. A “Correct and call for Re-inspection” requires a call for re-inspection of the corrected items, and approval, before proceeding to the next phase. A copy of the written report, if required, is left on the job site and entered into the Building Department’s system. If no corrections were noted, and the inspection was approved, the inspector will sign the inspection record at the job site and the permit record that is on file at the Building Department.

### **Requests for Electrical Inspection and Notice of Results**

The jurisdiction will inspect within 48 hours of a written request for inspection unless the time for inspection is extended to a set date by mutual agreement. The 48 hours excludes Saturdays, Sundays and holidays. Inspection scheduling will be in compliance with OAR 918-271-00 and may be adjusted based on the volume of permit activity.

The inspecting jurisdiction will inspect an installation at a remote location within a **reasonable time** of the request.

A **"remote location"** is defined as follows:

(1) An inspection location that is more than 60 miles one way using the most direct route, measured from the closest of the inspector's station, inspection office or the inspecting jurisdiction's primary offices; or

(a) An inspection location that requires more than one hour of normal driving, one way, using the most direct route from the closest point mentioned in paragraph (A) of this subsection.

(b) For the purposes of this section "within a reasonable time" means a response time that takes into account the time, distance and number of inspection requests, but shall not exceed seven consecutive calendar days including the date the request was received unless the time for inspection is extended to a set date by mutual agreement. If the seventh calendar day falls on a weekend or holiday this is extended to include the next business day.

(2) Reasonable procedures designed to provide actual notice of inspection results will be used by the jurisdiction to notify the person requesting inspections, of the results of electrical inspection. "Reasonable procedures designed to provide actual notice" will include posting at the job site and:

- (a) Nothing more, when the installation is by an owner;
- (b) Nothing more, when the installation is approved;
- (c) Notification of any deficiencies on a specific permit by:
  - (A) FAX transmittal to the electrical contractor;
  - (B) Personal delivery to the electrical contractor or signing supervisor;
  - (C) Mailing, including electronic mailing; or
  - (D) Telephone followed by written notification;
- (d) By written confirmation of inspection approval if a permit holder requests confirmation.

#### **AVAILABILITY AND LISTING OF INSPECTION STAFF OAR 918-020-0090(5)(f)**

A roster of the inspectors, including current certifications and continuing education records, is available to any interested party upon request.

### **COMPLIANCE PROGRAMS**

#### **STOP WORK ORDERS OAR 918-020-0090(5)(a-G)**

The Building Official is authorized to administer and enforce the provisions of the adopted codes. Provisions for stop work orders as herein stated are provided for in several of the codes. Whenever any work is being done contrary to the provisions of the adopted codes, or other pertinent laws or ordinances implemented through the enforcement of the codes, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

#### **INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS – OAR 918-020-0090(8)**

Complaints received by the Building Department related to alleged violations of plumbing or electrical licensing or registration requirements are actively pursued by appropriately licensed inspection staff.

This section shall establish the City of Florence compliance program which is intended to verify compliance with state licensing requirements and all other administrative and judicial aspects of enforcement of code requirements. Nothing in this Operating Plan affects the concurrent jurisdiction of the Director of the Department of Consumer and Business Services/BCD, Building Codes Structures Board, the State Plumbing Board, the Manufactured Structures and Parks Advisory Board, or the Electrical and Elevator Board to impose civil penalties for violations committed within municipalities.

## **INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS (ORS 455.080)**

Notwithstanding ORS 455.630 (2), any inspector, including a specialty code inspector licensed under 455.457, authorized by ORS 455.150 or 455.153 to determine compliance with the requirements of the state building code or any specialty code under this chapter may, in accordance with a compliance program as described in ORS 455.153 (2) require any person who is engaged in any activity regulated by the state building code to demonstrate proof of compliance with the applicable licensing, registration or certification requirements of ORS chapters 446,447,455,460,479,480,693, and 701.

All inspectors authorized by ORS 455.150 or 455.153 with the approval of the Building Official may investigate and enforce violations and issue notices of proposed assessment of civil penalties for violations of the plumbing inspection program, and the electrical inspection program. All authorized inspectors will conduct random spot checks during the normal course of duties to verify compliance with plumbing and electrical licensing and registration requirements. In cases of a violation, and after discussion with the Building Official, the inspector may stop the work and (a) issue a warning, (b) issue a notice of proposed assessment of civil penalty, or (c) discuss alternative options, such as citation into municipal court.

The City Building Department shall use the approved State of Oregon compliance forms (ORS 455.156(3)) to carry out the provisions of ORS 455.156 in enforcing provisions of the Oregon Residential Specialty Code and the Oregon Structural Specialty Code to issue notices of proposed assessment of civil penalties.

## **PROCESS FOR RESPONSE TO REPORTED CODE VIOLATIONS**

Reports of work being performed without permit, and/or in violation of the permit and/or licensing requirements, including ORS 479.550, 479.620, 447.040, 693.030, and 693.040, are accepted in person or via mail, email, telephone or fax. All reports are investigated by the Building Official.

## **INVESTIGATION OF REPORTED VIOLATIONS**

Reports as described above are investigated to determine if a violation exists. If no violation exists, the case is closed. If a violation exists, there are several possible actions that may be taken by the Building Department, including but not limited to stop work orders, assessment of investigation fees per the fee table, citation into Municipal Court, and referral to the Building Codes Division Compliance Section through the process identified in ORS and OAR. In any

case, the person making the report is informed of the outcome.

## **NOTICES OF PROPOSED CIVIL PENALTIES**

As per ORS 455.156, the Building Department acts as an agent of the respective state boards in the issuance of proposed assessments of civil penalties.

Respectfully submitted this  day of January 2022.

Community Development  
Building Department  
City of Florence

DRAFT

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 4  
Meeting Date: January 24, 2022  
Department: City Council

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**ITEM TITLE:** Approval of Minutes

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**DISCUSSION/ISSUE:**

Consider approval of the draft minutes listed below.  
Materials distributed during City Council meetings can be found on the City of Florence's website at [www.ci.florence.or.us](http://www.ci.florence.or.us) under the calendar date for each particular meeting. In addition, all items pertaining to the meeting including the meeting agenda, materials and items distributed, as well as electronic audio/video recordings of the meeting, are referenced at the top of each set of approved minutes, and can be referenced either on the City's website or upon request of the City Recorder.

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**FISCAL IMPACT:**

Minutes incur staff time for compilation / retention and have no other fiscal impacts.

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**RELEVANCE TO ADOPTED COUNCIL GOALS:**

Goal 1: Deliver efficient and cost-effective city services.

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**ALTERNATIVES:**

1. Approve the minutes as presented
2. Review and approve the minutes with modifications

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**RECOMMENDATION:**

Approve the minutes as presented

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**AIS PREPARED BY:** Lindsey White, City Recorder

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**CITY MANAGER'S RECOMMENDATION:**  Approve  Disapprove  Other

Comments: ER Reynolds

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**ITEM'S ATTACHED:**

- Attachment 1** – Draft 8.16.21 Regular Session Minutes
- Attachment 2** – Draft 8.23.21 Special Session Minutes
- Attachment 3** – Draft 9.20.21 Work Session Minutes
- Attachment 4** – Draft 9.20.21 Regular Session Minutes
- Attachment 5** – Draft 10.11.21 Work Session Minutes
- Attachment 6** – Draft 10.11.21 Regular Session Minutes

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This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

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**City of Florence  
City Council Regular Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
August 16, 2021**

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Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, Senior Planner Roxanne Johnston, Public Works Director Mike Miller, Finance Manager Lezlea Purcell, Assistant City Manager Megan Messmer, and Planning Director Wendy FarleyCampbell.  
*(In person and via Videoconference)*

Guests Present: Jacquie Beveridge, Oregon Dunes Chapter Daughters of the American Revolution, NSDAR  
*(Videoconference)*

Handout: 8.16.21 City Council Meeting Base Presentation

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

Meeting called to order at 5:30 p.m.

**PRESENTATIONS & ANNOUNCEMENTS**

- Constitution Week Proclamation – September 17-23, 2021

Start Time: 5:31 p.m.

Discussion: Mayor Henry presented the Constitution Week Proclamation.

**1. PUBLIC COMMENTS**

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda.

Start Time: 5:34 p.m.

Commenter 1: Ms. Ronelle Kuert – Florence, OR  
Handout: Speaker’s Card and Written Comments  
Discussion: Ms. Kuert was not present

Start Time: 5:35 p.m.  
Commenter 1: Mr. Michael Allen – Florence, OR  
Handout: Speaker’s Card and Written Comments  
Discussion: Mr. Allen discussed...

- Special thanks to people who came to their aid following an attack during their Friday Climate Strike #99 including Assistant City Manager Megan Messmer who contacted police and EMTs.
- Update on Lane County Action Plan Action.

## **PUBLIC HEARING & ACTION ITEMS**

### **2. PEAR BLOSSOM ANNEXATION & ZONE CHANGE**

#### **A. PUBLIC HEARING ON ANNEXATION & ZONE CHANGE**

Hear and consider written and oral testimony regarding the annexation and zone assignment of 6.79 acres of property located approximately .33 miles northwest of the intersection of Heceta Beach Road and Highway 101 and portions of Heceta Beach Road and Highway 101 as applied for by Viktor Nzartchouk.

Start Time: 5:40 p.m.  
Process Reading: CR White read the Public Hearing Script and officiated the procedures.  
Handouts: Public Hearing Script  
Staff Presentation

Public Hearing: Opened at 5:49 p.m.

Declarations: The City Council declared...

- Councilor Wisniewski
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Meyer
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Wantz
  - Acquainted with applicants.
  - No conflicts of interest were declared.
  - No biases were declared.

- Councilor Woodbury
  - No conflicts of interest were declared.
  - No biases were declared.
- Mayor Henry
  - No conflicts of interest were declared.
  - No biases were declared.

Public Challenge: No Challenges were presented.

Discussion: Senior Planner Roxanne Johnston presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Clarification of percentage of the property consisting of wetlands.
- Clarification on sewer options.
- Clarification on Highway 101 portion of annexation meeting current city limits.

Comments: Councilors Wantz, Wisniewski and Mayor Henry

Applicant: Mr. Viktor Nzartchouk

Handout: Speaker's Card

Discussion: Mr. Nzartchouk discussed...

- Presentation well done and no additional comments.

Discussion: Staff discussed...

- Requirements for Traffic Impact Analysis
- Costs of expanding sewer for one home and option for septic system.

Public Hearing: Closed at 7:15 p.m.

Discussion: The City Council discussed...

- Clarification on City provided services

Comments: Councilors Wisniewski, Mayor Henry

**B. PEAR BLOSSOM ANNEXATION REQUEST**

Consider approval of **Ordinance No. 14, Series 2021**, an ordinance approving the annexation of properties discussed above as shown on Assessor's Map 18-12-10-40, Tax Lot 101.

Action: First Reading of Ordinance No. 14, Series 2021

Vote: Unanimous

Action: Second Reading of Ordinance No. 14, Series 2021  
Motion: Mayor Henry  
Second: Councilor Woodbury  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '5-0'

**C. PEAR BLOSSOM ZONE CHANGE REQUEST**

Consider approval of **Ordinance No. 15, Series 2021**, an ordinance establishing Low Density Residential (LDR) zoning district to Assessor's Map No. 18-12-10-40, Tax Lot 101, and Low Density Residential (LDR), Service Industrial (SI), and Neighborhood Commercial (NC) and Service Industrial (SI) to portions of Highway 101.

Action: First Reading of Ordinance No. 15, Series 2021  
Vote: Unanimous

Action: Second Reading of Ordinance No. 15, Series 2021  
Motion: Councilor Meyer  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '5-0'

**3. GOTT ANNEXATION & ZONE CHANGE**

**A. PUBLIC HEARING ON ANNEXATION & ZONE CHANGE**

Hear and consider written and oral testimony regarding the annexation and zone assignment for approximately 0.14 acres of property located approximately 90 feet northwest of the intersection of 1<sup>st</sup> Avenue and Kiwanda Street.

Start Time: 6:24 p.m.  
Process Reading: CR White read the Public Hearing Script and officiated the procedures.  
Handouts: Public Hearing Script  
Staff Presentation  
  
Public Hearing: Opened at 6:31 p.m.

- Declarations: The City Council declared...
- Councilor Wisniewski
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Meyer
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Wantz
    - Acquainted with applicants.
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Woodbury
    - No conflicts of interest were declared.
    - No biases were declared.
  - Mayor Henry
    - No conflicts of interest were declared.
    - No biases were declared.

Public Challenge: No Challenges were presented.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handout: Staff Presentation

- Discussion: The City Council discussed...
- Clarification on location of property
  - Clarification on installation of individual pump station
  - Clarification on tsunami inundation map
  - Clarification on occupancy status of existing home

Comments: Councilors Wisniewski and Wantz

Applicant Representative: Mr. Dan Lofy

Handout: Speaker's Card

Discussion: Mr. Lofy discussed...

- No discussion

Discussion: Staff discussed...

- No discussion.

Public Hearing: Closed at 6:55 p.m.

Discussion: The City Council discussed...

- No discussion

## **B. GOTT ANNEXATION REQUEST**

Consider approval of **Ordinance No. 16, Series 2021**, an ordinance approving the annexation of the property discussed above as Assessor's Map No. 18-12-04-42, Tax Lot 04501 as applied for by Mary and Suzanne Gott.

Action: First Reading of Ordinance No. 14, Series 2021  
Vote: Unanimous

Action: Second Reading of Ordinance No. 14, Series 2021  
Motion: Mayor Henry  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '5-0'

#### **C. GOTT ZONE CHANGE REQUEST**

Consider approval of **Ordinance No. 17, Series 2021**, an ordinance establishing Medium Density Residential (MDR) zoning district to Assessor's Map No. 18-12-04-42, Tax Lot 04501.

Action: First Reading of Ordinance No. 17, Series 2021  
Vote: 4-1, Councilor Wisniewski raised an objection to Medium Density Zoning (not sure how-to word - LK)

Action: Second Reading of Ordinance No. 17, Series 2021  
Motion: Councilor Meyer  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, 'Nay'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '4-1'

Council took a break from 7:00 – 7:10 p.m.

#### **4. MANTZOURANIS ANNEXATION & ZONE CHANGE**

##### **A. PUBLIC HEARING ON ANNEXATION & ZONE CHANGE**

Hear and consider written and oral testimony regarding the annexation and zone assignment of approximately 0.28 acres of property located at the southwest intersection of Rhododendron Drive and Kiwanda Street.

Start Time: 7:11 p.m.

Process Reading: CR White read the Public Hearing Script and officiated the procedures.

Handouts: Public Hearing Script  
Staff Presentation

Public Hearing: Opened at 7:18 p.m.

Declarations: The City Council declared...

- Councilor Wisniewski
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Meyer
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Wantz
  - Acquainted with applicants.
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Woodbury
  - No conflicts of interest were declared.
  - No biases were declared.
- Mayor Henry
  - No conflicts of interest were declared.
  - No biases were declared.

Public Challenge: No Challenges were presented.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Clarification on jurisdiction for road maintenance  
Comments: Councilor Wisniewski

Applicant: Ms. Melissa Montzouraus

Handout: Speaker's Card

Discussion: Ms. Montzouraus discussed...

- No discussion

Discussion: Staff discussed...

- No discussion.

Public Hearing: Closed at 7:32 p.m.

Discussion: The City Council discussed...  
• No discussion.

### **B. MANTZOURANIS ANNEXATION REQUEST**

Consider approval of **Ordinance No. 18, Series 2021**, an ordinance approving the annexation of properties discussed above as Assessor's Map 18-12-04-42, Tax Lots 06601 and 06608 and also described as Lots 11 and 12, Block 14, Heceta Beach Subdivision as applied for by Shiloh and Melissa Mantzouranis.

Action: First Reading of Ordinance No. 18, Series 2021  
Vote: Unanimous

Action: Second Reading of Ordinance No. 18, Series 2021  
Motion: Mayor Henry  
Second: Councilor Woodbury  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '5-0'

### **C. MANTZOURANIS ZONE CHANGE REQUEST**

Consider approval of **Ordinance No. 19, Series 2021**, an ordinance establishing Medium Density Residential (MDR) zoning district for Assessor's Map 18-12-04-42, Tax Lots 06608 and 06601.

Action: Objection to Medium Density Zoning by Councilor Wisniewski

Action: First Reading of Ordinance No. 19, Series 2021  
Vote: Unanimous

Action: Second Reading of Ordinance No. 19, Series 2021  
Motion: Mayor Henry  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, 'Nay'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '4-1'



## 5. FLORENCE EVENTS CENTER STREET CLOSURE

### A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the proposed closure of 6<sup>th</sup> Street from Quince Street to the mid-block at approximately the Safeway parking lot entrance for the FEC 25-year celebration.

Start Time: 7:37 p.m.

Process Reading: CR White read the Public Hearing Script and officiated the procedures.

Handouts: Public Hearing Script  
Staff Presentation

Public Hearing: Opened at 7:39 p.m.

Discussion: Finance Manager Lezlea Purcell presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...

- No discussion.

Public Hearing: Closed at 7:30 p.m.

Discussion: The City Council discussed...

- Clarification on event parking availability.  
Comments: Councilor Wisniewski

Discussion: Staff discussed...

- South parking lot will be open and north parking will be open.
- Area across the street owned by Florence Urban Renewal Agency will also be available.

### B. STREET CLOSURE APPROVAL

Consider approval of the street closure application as applied for by Assistant Manager Megan Messmer on behalf of the Florence Event Center.

Action: Approve the street closure application

Motion: Councilor Wisniewski

Second: Councilor Meyer

Roll Call Vote: Councilor Wisniewski, 'Aye'

Councilor Meyer, 'Aye'

Councilor Wantz, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes '5-0'

## **CONSENT AGENDA**

### **6. FEDERAL AVIATION ADMINISTRATION AWOS GRANT ACCEPTANCE**

Consider approval of **Resolution No. 28, Series 2021**, a resolution authorizing the acceptance of an Airport Improvement Program (AIP) Grant from the Federal Aviation Administration (FAA) for replacement of the AWOS System at the Florence Municipal Airport.

Start Time: 7:46 p.m.

Discussion: The City Council discussed...

- No discussion.

Action: Approve the consent agenda as presented.

Motion: Councilor Woodbury

Second: Councilor Wantz

Roll Call Vote: Councilor Wisniewski, 'Aye'

Councilor Meyer, 'Aye'

Councilor Wantz, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes 5-0

## **REPORT & DISCUSSION ITEMS**

### **7. GENERAL REPORTS**

- July Committee, Commission & Volunteer Reports

Start Time: 7:47 p.m.

Discussion: The City Council discussed...

- Happy to see return of airport volunteers

Comments: All Councilors present

### **8. CITY MANAGER REPORT & DISCUSSION ITEMS**

Start Time: 7:56 p.m.

Discussion: The City Council discussed...

- Upcoming City meetings and activities of the City Council including reports on the City Committees
- Upcoming Florence Events Center celebration

Comments: All Councilors present

### **9. CITY COUNCIL REPORT & DISCUSSION ITEMS**

Start Time: 7:52 p.m.

Discussion: The City Council discussed...

- Upcoming City meetings and activities of the City Council including reports on the City Committees
- Comments: All Councilors present

Meeting adjourned at 8:02 p.m.

**ATTEST:**

\_\_\_\_\_  
Joe Henry, Mayor

\_\_\_\_\_  
Lindsey White, City Recorder

DRAFT

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

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**City of Florence  
City Council Special Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
August 23, 2021**

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Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, Finance Manager Lezlea Purcell, Administrative Services Director Anne Baker, Planning Director Wendy FarleyCampbell, and Police Commander John Pitcher.  
*(In person and via Videoconference)*

Guests Present: None  
*(Videoconference)*

Handout: 8.23.21 City Council Meeting Base Presentation

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

Meeting called to order at 5:30 p.m.

**PUBLIC HEARING & ACTION ITEMS**

**1. LOVEYJOYS RESTAURANT AND TEA ROOM MURAL**

**A. PUBLIC HEARING ON MURAL APPLICATION**

Hear and consider written and oral testimony regarding the application from Heather Burnem for a permit to paint a 40' x 24' mural on the south wall of the Lovejoy's restaurant located at the southwest intersection of Nopal and 1st Streets at 195 Nopal Street.

Start Time: 5:31 p.m.

Process Reading: CR White read the Public Hearing Script and officiated the procedures.

Handouts: Public Hearing Script  
Staff Presentation

Public Hearing: Opened at 5:39 p.m.

Declarations: The City Council declared...

- Councilor Wisniewski
  - Stated she is a friend of the artist.
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Meyer
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Wantz
  - No conflicts of interest were declared.
  - No biases were declared.
- Councilor Woodbury
  - No conflicts of interest were declared.
  - No biases were declared.
- Mayor Henry
  - Stated he has spoken to artist and made contributions towards mural.
  - No conflicts of interest were declared.
  - No biases were declared.

Public Challenge: No Challenges were presented.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Application lacks description of why this was selected.

Comments: Councilor Wantz

Applicant: Mr. Shayne Burnem

Handout: Speaker's Card

Discussion: Mr. Burnem discussed...

- Image was selected as London is a destination and riverfront location like Florence.
- London relates to a tearoom
- Designed to bring vibrant energy to Florence.

- Original artwork created from an image.

Public Hearing: Closed at 6:19 p.m.

Discussion: Staff discussed...

- Explanation of how mural applications are reviewed and not allowed to be advertising.

Comments: Planning Director Wendy FarleyCampbell

Discussion: The City Council discussed...

- Enhanced by statement that any sign on south facing wall has to meet sign code
- How does mural image fit in Florence culture?
- Applicant intends for image in mural to advertise his business.
- Person who started tearoom came from London.

Comments: Mayor Henry, Councilor Wantz

## **B. APPROVAL OF MURAL APPLICATION**

Consider approval of **Resolution No. 29, Series 2021**, a resolution approving the installation of a mural per mural permit application CC 21 17 MUR 01.

Action: Amend Resolution No. 29, Series 2021, Condition 3

Motion: Councilor Woodbury

Second: Councilor Meyer

Action: First Reading Resolution No. 29, Series 2021

Vote: Unanimous

Motion: Councilor Meyer

Second: Councilor Wisniewski

Roll Call Vote: Councilor Wisniewski, 'Aye'

Councilor Meyer, 'Aye'

Councilor Wantz, 'Nay'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes 4-1

## **2. CROSS ROAD ASSEMBLY OF GOD CHURCH STREET CLOSURE REQUEST**

### **A. PUBLIC HEARING FOR STREET CLOSURE**

Hear and consider written and oral testimony regarding the proposed closure along Maple Street from 9th Street to 10th Street on Sunday September 12, 2021 from 8:00 a.m. to 5:00 p.m. for the Cross Road Assembly of God Church Tailgate Party.

Start time: 6:32 p.m.  
Process Reading: CR White read the Public Hearing Script and officiated the procedures.  
Handouts: Public Hearing Script  
Staff Presentation  
Public Hearing: Opened at 6:33 p.m.  
Discussion: Finance Manager Lezlea Purcell presented the staff presentation.  
Handout: Staff Presentation  
Discussion: The City Council discussed...

- Availability of parking.
- Beginning time of event.

Comments: Councilors Wisniewski, Woodbury  
Applicant: Dr. R Dale Edwards  
Handout: Speaker's Card  
Discussion: Dr. Edwards discussed...

- Event will take place on east portion of parking lot.
- Parking will be available on west portion of parking lot.

Public Hearing: Closed at 6:42 p.m.  
Discussion: The City Council discussed...

- No discussion.

**B. STREET CLOSURE APPROVAL**

Consider approval of the street closure application as applied for by Dr. R. Dale Edwards, Pastor of the Cross Road Assembly of God Church.

Action: Approve Street Closure  
Motion: Councilor Wantz  
Second: Councilor Meyer  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'

Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes 5-0

### **3. RODS N RHODIES CHARITY CAR SHOW STREET CLOSURE REQUEST**

#### **A. PUBLIC HEARING FOR STREET CLOSURE**

Hear and consider written and oral testimony regarding the proposed street closure along Bay Street and intersecting streets for the Rods N Rhodies Car Show.

Start Time: 6:43 p.m.  
Process Reading: CR White read the Public Hearing Script and officiated the procedures.  
Handouts: Public Hearing Script  
Staff Presentation  
Public Hearing: Opened at 6:44 p.m.  
Discussion: Finance Manager Lezlea Purcell presented the staff presentation.  
Handout: Staff Presentation  
Discussion: The City Council discussed...

- No discussion.

Public Hearing: Closed at 6:49 p.m.  
Discussion: The City Council discussed...

- No discussion.

#### **B. STREET CLOSURE APPROVAL**

Consider approval of the street closure along Bay St. beginning at the Siuslaw Bridge down to the Port parking area. Additionally on Laurel St. from Old Town Way to Bay St., on Maple St. from 1st St. to Bay St., and Nopal St. from 1st St. to Bay St. occurring on Saturday, September 11th, 2021 as applied for by Gary Cargill.

Action: Approve Street Closure  
Motion: Councilor Wisniewski  
Second: Councilor Woodbury  
Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'



Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes 5-0

Council took a break from 6:50-6:56 p.m.

#### **CONSENT AGENDA**

**4. XYLO STREET WATER AND SEWER EXTENSION**

Consider accepting the proposal from Ray Wells, Inc. in the amount of \$95,640 for the installation and extension of water and sewer lines on Xylo Street south of Coastal Highlands development.

**5. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT GRANT**

Consider approval of Resolution No. 30, Series 2021, a resolution authorizing staff to apply for a Department of Land Conservation & Development (DLCD) grant in order to establish a housing strategy implementation plan.

**6. GREEN LEGACY HIROSHIMA PEACE TREE APPLICATION**

Consider approval of Resolution No. 31, Series 2021, a resolution authorizing staff to submit an application for the Green Legacy Hiroshima Peace Tree program for the placement of a peace tree in a public location.

**7. PURCHASE OF TWO REMOTE DISPATCH CONSOLES FOR 911 EOC**

Consider approval of Resolution No. 32, Series 2021, a resolution authorizing staff to enter into a single source purchase agreement in the amount of \$32,096 with Day Wireless to provide and install two remote dispatch consoles at Siuslaw Valley Fire and Rescue.

**8. VXRAIL COMPUTE NODES PURCHASE**

Consider approval of Resolution No. 33, Series 2021, a resolution authorizing staff to enter into a single source purchase agreement in the amount of \$54,412 with Dell to provide and install two VxRail compute nodes.

**9. LIQUOR LICENSE COASTAL CUISINE LLC DBA LA POMODORI**

Consider ratification of Staff's decision to approve the change of ownership liquor license for Coastal Cuisine LLC DBA La Pomodori located at 1415 7<sup>th</sup> Street.

Start Time: 6:57 p.m.  
Action: Approve the consent agenda as presented  
Motion: Councilor Wantz  
Second: Councilor Woodbury  
Roll Call Vote: Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Councilor Wisniewski, 'Aye'.

Councilor Meyer, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes 5-0

## **REPORT & DISCUSSION ITEMS**

### **10. CITY MANAGER REPORT & DISCUSSION ITEMS**

Start Time: 7:21 p.m.  
Discussion: The City Council discussed...

- Cancellation of 25<sup>th</sup> Anniversary event for Florence Events Center.
- Peace Harbor Hospital is overwhelmed and struggling to provide care.

### **11. CITY COUNCIL REPORT & DISCUSSION ITEMS**

Start Time: 7:05 p.m.  
Discussion: The City Council discussed...

- Attending Small Cities Summit meeting in Toledo and Reedsport.
- Recycling marijuana containers.
- Next meeting for Public Art Committee is September 27, 2021.
- Concern for closure of restaurants due to lack of availability of supplies and businesses struggling.

Meeting adjourned at 7:11 p.m.

**ATTEST:**

\_\_\_\_\_  
Joe Henry, Mayor

\_\_\_\_\_  
Lindsey White, City Recorder

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**City of Florence  
City Council Work Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
September 20, 2021**

---

**COVID-19 UPDATE**

Due to federal and state restrictions on public gatherings, the Florence City Council meetings shall be held via videoconference and shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

---

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury,  
(Videoconference) Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White,  
(In person and via Videoconference) and Human Resources Manager Alex Ferguson.

**CALL TO ORDER - ROLL CALL**

Meeting called to order at 10:30 a.m.

Handout: September 20, 2021 City Council Meeting Base Presentation

**1. WORK SESSION DISCUSSION TOPICS**

**Report and Discussion on Upcoming City Council Meetings:**

- City Manager report on tentatively planned agenda topics in relation to the City's Work Plan and Adopted Budget for upcoming work sessions, executive sessions, special meetings, and regular meetings.
- HR Manager report and review of the Annual City Manager Evaluation process and timeline.
- City Council discussion on upcoming meeting schedule.

Discussion: The City Council discussed...

- Clarification of timeline to send City Council meeting materials to provide sufficient time to review
- Clarification on grant approval process by City Council or City Manager
- Changing Work Session meeting schedule to different time and/or day of the week

Start Time: 11:40 a.m.

Topic: Review of upcoming agenda items

Discussion: The City Council discussed...

- Concern for staff time dedicated to committee meeting presentations
- Delaying committee appointments until mid-year of the upcoming year

Meeting adjourned at 11:40 a.m.

**ATTEST:**

\_\_\_\_\_  
Joe Henry, Mayor

\_\_\_\_\_  
Lindsey White, City Recorder

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**City of Florence  
City Council Regular Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
September 20, 2021**

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**COVID-19 UPDATE**

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---

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer and Maggie Wisniewski.  
(Videoconference)

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, ,  
(In person and Public Works Director Mike Miller, Finance Manager Lezlea  
via Videoconference) Purcell, and Administrative Services Director Anne Baker.

Guests Present: Bob Teter, Siuslaw Outreach Services  
(Videoconference)

Handout: 9.20.21 City Council Meeting Base Presentation

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

Meeting called to order at 5:30 p.m.

**PRESENTATIONS & ANNOUNCEMENTS**

- Domestic Violence Awareness Month Proclamation – October 2021

Start Time: 5:30 p.m.

Action: Mayor Henry presented the Domestic Violence Awareness Month Proclamation.

**1. PUBLIC COMMENTS**

This is an opportunity for members of the public to bring to the Council’s attention any item not otherwise listed on the agenda.

Start Time: 5:37 p.m.  
Discussion: There were no public comments.

**ACTION ITEMS**

**2. JURISDICTIONAL TRANSFER OF LANE COUNTY ROADS**

Consider approval of **Resolution No. 34, Series 2021**, a resolution requesting the surrender of jurisdiction of the remaining portion of Rhododendron Drive and a portion of 4<sup>th</sup> Avenue.

Start Time: 5:37 p.m.  
Handout: Staff Presentation

Discussion: The City Council discussed...  

- Right-of-ways accommodating future expansion of multi-use path.
- Clarification on Falcon Street annexation connecting to 4<sup>th</sup> Avenue.
- Financial impact on Public Works Department

Comments: Councilors Wisniewski and Wantz, Mayor Henry.

Action: Approve Resolution No. 24, Series 2021  
Motion: Councilor Meyer  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, ‘Aye’  
Councilor Meyer, ‘Aye’  
Councilor Wantz, ‘Aye’  
Councilor Woodbury, ‘Aye’  
Mayor Henry, ‘Aye’  
Motion passes unanimously

**CONSENT AGENDA**

**3. PURCHASE OF POLICE GAS/ELECTRIC HYBRID INTERCEPTOR**

Consider approving the purchase of a 2022 Ford Explorer Police Interceptor in the amount of \$64,993.96.

**4. AUTHORIZATION TO SUBMIT A LAND WATER CONSERVATION FUND GRANT APPLICATION**

Consider approval of **Resolution No. 35, Series 2021**, a resolution authorizing staff to submit a grant application to Oregon Parks and Recreation Department for improvements to Rolling Dunes Park.

**5. LANGUAGE ACCESS PLAN**

Consider approval of **Resolution No. 36, Series 2021**, a resolution to adopt the Limited English Proficiency (LEP) Policy and Language Access Plan (LAP) in accordance with the CDBG First-Draw Requirements.

Discussion: The City Council discussed...

- Clarification on deadline for Language Access Plan
- Requirements for grant to have Language Access Plan.

Comments: Councilors Wisniewski and Wantz.

Action: Approval of the Resolution No. 36, Series 2021

Motion: Councilor Wantz

Second: Councilor Woodbury

Roll Call Vote: Councilor Wisniewski, 'Aye'

Councilor Wantz, 'Aye'

Councilor Meyer, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes unanimously

**6. CIRCLE K LIQUOR LICENSE**

Consider recommendation of approval to the Oregon Liquor Control Commission (OLCC) for a new outlet liquor license for Circle K located at 951 Highway 101.

Start Time: 6:47 p.m.

Discussion: The City Council discussed...

- Clarification on Liquor License for Circle K

Comments: Councilor Wantz.

Action: Approval of the remaining Consent Agenda as presented

Motion: Councilor Woodbury

Second: Councilor Wantz

Roll Call Vote: Councilor Wisniewski, 'Aye'

Councilor Wantz, 'Aye'

Councilor Meyer, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'  
Motion passes unanimously

## **REPORT & DISCUSSION ITEMS**

### **7. QUARTERLY FINANCIAL STATEMENTS**

Report on the City of Florence financials for the period ending June 30<sup>th</sup>. 2021.

Start Time: 6:07 p.m.

Discussion: The City Council discussed...

- Clarification on audit completion date.

Comments: All Councilors present

### **8. GENERAL REPORTS**

- August Committee, Commission & Volunteer Reports

Start Time: 6:16 p.m.

Discussion: The City Council discussed...

- Clarification on audit completion date
- Defining Service Transport

Comments: All Councilors present

### **9. CITY MANAGER REPORT & DISCUSSION ITEMS**

Start Time: 6:18 p.m.

Discussion: The City Council discussed...

- Upcoming City Meetings and Events
- Grateful for interview by Siuslaw News to share city programs that are in place for litter control.

Comments: All Councilors present

### **10. CITY COUNCIL REPORT & DISCUSSION ITEMS**

Start Time: 6:23 p.m.

Discussion: The City Council discussed...

- Participating in the cooking Back-to-School program.
- Update on court scheduling
- Encouraging public comments be brought to City Council meetings
- Dedication ceremony for new facility at Miller Park and appreciation for staff for obtaining grant for improvements.

Comments: All Councilors present.



Meeting adjourned at 6:32 p.m.

**ATTEST:**

\_\_\_\_\_  
Joe Henry, Mayor

\_\_\_\_\_  
Lindsey White, City Recorder

DRAFT

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**City of Florence  
City Council Work Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
October 11, 2021**

---

**COVID-19 UPDATE**

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Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury,  
(Videoconference) Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds and City Recorder Lindsey  
(In person and White, and Human Resources Manager Alex Ferguson  
via Videoconference)

Guests Present: HR Compensation Consultants, LLC Project Manager Katie  
(Videoconference) Busch.

**CALL TO ORDER - ROLL CALL**

Meeting called to order at 10:30 a.m.

Handout: October 11, 2021 City Council Work Session Base Presentation

**1. WORK SESSION DISCUSSION TOPICS**

- HR Compensation Consultants, LLC: HR Compensation Consultants, LLC Project Manager Katie Busch presented the results of the Compensation and Classification Project.

Start Time: 10:30 a.m.

Topic: Introductions & Agenda Overview

Discussion: The City Council participated in the introductions and agenda overview and held no additional discussions.  
Start Time: 10:30 a.m.  
Topic: Compensation and Classification Project  
Handout: Presentation  
Discussion: The City Council discussed...

- Where revenue comes from to fund pay structure changes.
- Clarification on represented and non-represented employees.
- Supporting reducing number of pay grades.
- Impact on City budget.
- Status of current cost of living adjustment (COLA).

Meeting adjourned at 11:26 a.m.

**ATTEST:**

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Joe Henry, Mayor

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Lindsey White, City Recorder

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**City of Florence  
City Council Regular Session  
Florence City Hall  
250 Hwy 101, Florence, Oregon  
Final Action Minutes  
October 11, 2021**

---

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, Assistant City Manager Megan Messmer, Administrative Services Director Anne Baker, Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, and Public Works Director Mike Miller.  
*(In person and via Videoconference)*

Guests Present: Soroptimist Representative Cathy Dietz, Speaker on behalf of Florence Regional Arts Alliance and on behalf of the Siuslaw Public Library District Harlen Springer, and Representative of Various Arts and Human Related Community Members Jo Beaudro.  
*(Videoconference)*

Handout: 10.11.21 City Council Meeting Base Presentation

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

Meeting called to order at 5:30 p.m.

**PRESENTATIONS & ANNOUNCEMENTS**

- Soroptimist's 100<sup>th</sup> Anniversary Proclamation – October 3, 2021
- National Arts and Humanities Month Proclamation – October 11, 2021

Start Time: 5:30 p.m.

Discussion: Mayor Henry presented the Soroptimist's 100<sup>th</sup> Anniversary Proclamation and the National Arts and Humanities Month Proclamation.

## 1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda.

- Start Time: 5:38 p.m.  
Commenter 1: Mr. Mike Webb – Florence, OR  
Handout: Speaker's Card and Written Comments  
Discussion: Mr. Webb discussed...
- Thanking community and City Council for their support during the loss of Western Lane Ambulance District employee Sarah Susman.
  - Requesting support of levy during the upcoming election.

## PUBLIC HEARING & ACTION ITEMS

### 2. ANDERSON ANNEXATION & ZONE CHANGE

#### A. PUBLIC HEARING ON ANNEXATION & ZONE CHANGE

Hear and consider written and oral testimony regarding the annexation and zone assignment for approximately .59 acres of property described on Assessors Map No. 18-12-04-42, Tax Lot 01301 located at 88385 1<sup>st</sup> Avenue in Block 21, situated SE of the intersection at 1<sup>st</sup> Avenue and Meares Street as applied for by Laurel Anderson.

- Start Time: 5:41 p.m.  
Process Reading: CR White read the Public Hearing Script and officiated the procedures.  
Handouts: Public Hearing Script  
Staff Presentation  
Public Hearing: Opened at 5:49 p.m.  
Declarations: The City Council declared...
- Councilor Wisniewski
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Meyer
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Wantz
    - Acquainted with applicants.
    - No conflicts of interest were declared.
    - No biases were declared.
  - Councilor Woodbury

- No conflicts of interest were declared.
- No biases were declared.
- Mayor Henry
  - No conflicts of interest were declared.
  - No biases were declared.

Discussion: Senior Planner Roxanne Johnston presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...
 

- Concerns regarding water runoff and traffic impact.

 Comments: Councilor Wisniewski

Public Hearing: Closed at 6:17 p.m.

Discussion: Staff discussed...
 

- Clarification that drainage is not an annexation function.
- Doesn't impact annexation and is a land use function.
- Applicant would be responsible for any additional drainage if additional construction was requested and would be subject to review.

 Comments: SR Roxanne Johnston

Discussion: The City Council discussed...
 

- Supporting request for annexation to be able to connect to City sewer.

 Comments: Councilor Wantz

Public Hearing: Closed at 6:07 p.m.

**B. ANDERSON ANNEXATION REQUEST**

Consider approval of **Ordinance No. 20, Series 2021**, an ordinance approving the annexation of properties discussed above as applied for by Ms. Laurel Anderson.

Action: First Reading of Ordinance No. 20, Series 2021  
 Vote: Unanimous

Action: Second Reading of Ordinance No. 20, Series 2021  
 Motion: Mayor Henry  
 Second: Councilor Woodbury

Roll Call Vote: Councilor Wisniewski, 'Aye'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '5-0'

### **C. ANDERSON ZONE CHANGE REQUEST**

Consider approval of **Ordinance No. 21, Series 2021**, an ordinance establishing Medium Density Residential to the property discussed above.

Action: First Reading of Ordinance No. 21, Series 2021  
Vote: Unanimous

Action: Second Reading of Ordinance No. 21, Series 2021  
Motion: Mayor Henry  
Second: Councilor Wantz  
Roll Call Vote: Councilor Wisniewski, 'Nay'  
Councilor Meyer, 'Aye'  
Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Mayor Henry, 'Aye'  
Motion passes '4-1'

### **3. PURCHASE OF COMBINATION SEWER CLEANER**

Consider approving the purchase of an Aquatech Combination Sewer Cleaner in the amount of \$469,877.19.

Discussion: Public Works Director Mike Miller presented the staff presentation.

Handout: Staff Presentation

Start Time: 6:13 p.m.

Discussion: The City Council discussed...

- Value of existing sewer cleaner.
- Type of warranty included with purchase.
- Requirement for payment upfront or time of purchase.
- Appreciation for thorough explanation of equipment function.

Comments: Councilors Wisniewski and Wantz, Mayor Henry and PWD Mike Miller

Start Time: 6:39 p.m.

Action: Approve the purchase of an Aquatech Combination Sewer Cleaner and authorize the City Manager to sign the purchase agreement with General Equipment Company of Portland, Oregon.

Motion: Councilor Wantz

Second: Councilor Wisniewski

Roll Call Vote: Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Councilor Wisniewski, 'Aye'.  
Mayor Henry, 'Aye'  
Councilor Meyer, 'Aye'  
Motion passes 5-0

Council took a break from 6:42 through 6:47 p.m.

### **CONSENT AGENDA**

#### **4. CONNECT OREGON 2021 GRANT**

Consider approval of **Resolution No. 37, Series 2021**, a resolution establishing approval to apply for a Connect Oregon 2021 Grant from the Oregon Department of Transportation for improvements at the Airport.

Start Time: 6:48 p.m.

Discussion: The City Council discussed...

- Amount of the grant

Comments: Mayor Henry and PWD Mike Miller

Start Time: 6:49 p.m.

Action: Approve the consent agenda as presented

Motion: Councilor Wisniewski

Second: Councilor Wantz

Roll Call Vote: Councilor Wantz, 'Aye'  
Councilor Woodbury, 'Aye'  
Councilor Wisniewski, 'Aye'.  
Mayor Henry, 'Aye'  
Councilor Meyer, 'Aye'  
Motion passes 5-0

### **REPORT & DISCUSSION ITEMS**



**5. CITY MANAGER REPORT & DISCUSSION ITEMS**

Start Time: 6:50 p.m.

Discussion: The City Council discussed...

- Upcoming City Meetings and Events
- Upcoming vaccine clinic at the Florence Events Center partnering with Lane County Health Department.
- Final yard debris pickup for the year 2021 and will commence in Spring, 2022.
- Status and availability of the Housing Rehabilitation Program is posted on the city website.
- Appreciation to the Public Works Department and city team members for holiday light displays at the Interpretive Center.

**6. CITY COUNCIL REPORT & DISCUSSION ITEMS**

Start Time: 6:56 p.m.

Discussion: The City Council discussed...

- Upcoming City meetings and activities of the City Council including reports on the City Committees.
- Appreciation to City Manager and staff for sponsoring the vaccination clinics.
- Marking the first year that Oregon officially celebrates Indigenous Peoples Day and warm regards and thanks to many friends from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.
- Keeping focus on City Work Plan.
- Appreciation to City Manager and city staff.

Comments: All Councilors present

Meeting adjourned at 7:03 p.m.

**ATTEST:**

\_\_\_\_\_  
Joe Henry, Mayor

\_\_\_\_\_  
Lindsey White, City Recorder

**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 5**  
Meeting Date: January 24, 2022  
Department: All

**ITEM TITLE:** Commission, Committee & Volunteers Report – December 2021

**DISCUSSION/ISSUE:**

<b>Airport Volunteers</b>	
<u>Department:</u> Public Works	<u>Staff:</u> Mike Miller – Public Works Director
<ul style="list-style-type: none"><li>Volunteers from the Airport Volunteer Group: Three volunteers provided a total of 116 hours of labor greeting visiting pilots and their passengers at the airport; answering phone calls; and providing general information and directions to local attractions; checking all entrance/exit gates; visually check taxiways to ensure they are free and clear of debris; cleaned and disinfected the loaner car and collected fees from loaner car users; clean and disinfect the restrooms and office space at the airport office.</li></ul>	
<b>Audit Ad-Hoc Committee</b>	
<u>Department:</u> Finance	<u>Staff:</u> TBD
No report.	
<b>Budget Committee</b>	
<u>Department:</u> Finance	<u>Chairperson:</u> TBD
No report.	
<b>Community &amp; Economic Development Committee</b>	
<u>Department:</u> Administration	<u>Chairperson:</u> Jeff Ashmead
No report.	
<b>Environmental Management Advisory Committee (EMAC)</b>	
<u>Department:</u> Planning	<u>Chairperson:</u> Lisa Walter Sedlacek
No report.	
<b>Florence Urban Renewal Agency</b>	
<u>Department:</u> Administrative	<u>Staff:</u> NA
No report.	
<b>Florence Urban Renewal Agency Budget Committee</b>	
<u>Department:</u> Finance	<u>Staff:</u> TBD
No report.	

<b>Parks Volunteers</b>	
<u>Department:</u> Public Works	<u>Staff:</u> Mike Miller – Public Works Director
<ul style="list-style-type: none"> <li>• Adopt-A-Street Program: Rhododendron Drive 35th to Sebastian Street (2.2 miles). Two volunteers spent a total of 16 hours (8 hours each) picking up litter along Rhododendron Drive and they collected 27 pounds of litter and trash.</li> <li>• Hurd Park: One volunteer provided a total of 1 hour of labor picking up litter along the trail and Eden Lane. Our volunteer noted that a sign recognizing an Eagle Scout project needs attention (replacement) and some erosion concerns along the top of the bank.</li> <li>• Old Town Park (Gazebo Park): One volunteer provided a total of 2.5 hours of labor sweeping the walks and plaza; and general cleanup of the area.</li> <li>• Exploding Whale Memorial Park: No volunteer activity reported for December.</li> <li>• Singing Pines Park: Due to COVID-19 restrictions there were no volunteer activity from Shoreline Christian Church.</li> </ul>	

<b>Planning Commission</b>	
<u>Department:</u> Planning	<u>Staff:</u> Wendy FarleyCampbell – Planning Director
No report.	

<b>Police Auxiliary</b>	
<u>Department:</u> Police	<u>Director:</u> Len Larson
No report.	

<b>Police Reserve Officers</b>	
<u>Department:</u> Police	<u>Staff:</u> Tom Turner – Police Chief
Program not active	

<b>Public Arts Committee</b>	
<u>Department:</u> Administrative	<u>Chairperson:</u> Maggie Bagon and <u>Vice-Chairperson</u> Jo Beaudreau
<p><i>Florence Public Art Program Mission:</i> Integrate art into the daily life of our community and inspire extraordinary creative expression that will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts</p> <p style="text-align: right;"><b>Experience Florence</b> Where Everyday is a Celebration of the Arts</p> <p style="text-align: center;"><i>Summary/Notes of Meeting</i> <i>Florence Public Art Program Mission:</i> Integrate art into the daily life of our community and inspire extraordinary creative expression that</p>	

will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts

*Summary/Notes of Meeting*

PAC Leadership Team postponed our December meeting to January for the Holidays.

The ArtExposed Swickard Subcommittee checked progress of the West Coast Overlook installation at the Justice Center. Sitting Wave to Exploding Whale Park.

PAC understands that we now will need to wait for our amazing public works to schedule these two installations which will happen at different times. PAC will report out on what we know when we know it.

ArtQuest Subcommittee has plugged away at their project and hope to release to the public the once reviewed by the Cultural Committee of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. They do not have a December meeting scheduled. This review will have to wait until their next meeting.



The Marketing Subcommittee met on December 7th and will provide a report to PAC at the January Meeting.

The Grants Subcommittee met on December 8th. They will provide a report to PAC at the January Meeting.

*Continued from November's Report:*

The Art Inventory/Archives Subcommittee met on December 1st to provide a detailed plan to PAC on next steps at our January meeting

PAC OnBoarding/Welcome/Recruits Subcommittee, Swickard Pieces Subcommittee is scheduled TBA, shooting for mid-December.

PAC skipped our monthly Continuing Education portion report out. These videos were sent to PAC Members:

- How to Look at Public Art: [youtube.com/watch?v=MNO14EzuPM4](https://www.youtube.com/watch?v=MNO14EzuPM4)



Transportation Committee (TC)	
<u>Department:</u> Planning	<u>Chairperson:</u> Terry Tomeny
No report.	

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**FISCAL IMPACT:**

The fiscal impact of the committees and volunteer groups varies depending on their scope of work. Staff time is allocated to support the committees, and ensure committees comply with Oregon public meetings laws by preparing and posting agendas and minutes and/or digital recordings for meetings.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

Goal 1: Deliver efficient and cost-effective city services.

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**AIS PREPARED BY:** Report written by Committee members and/or City of Florence staff and compiled by Lindsey White, City Recorder

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**CITY MANAGER'S RECOMMENDATION:**  Approve       Disapprove       Other

Comments: *ER Reynolds*

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**ITEM'S ATTACHED:** None

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 6**  
Meeting Date: January 24, 2022  
Department: City Manager

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**ITEM TITLE:** CITY MANAGER REPORT & DISCUSSION ITEMS

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 7  
Meeting Date: January 24, 2022  
Department: City Council

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**ITEM TITLE:** CITY COUNCIL REPORTS & DISCUSSION ITEMS

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