
City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
August 13, 2024

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:31 PM.

Commissioners Present: Chair Kevin Harris, Vice Chair Debbie Ubnoske, Commission Sandra Young, Commissioner Renee LoPilato, Commissioner Wendy Kraus, Commissioner Laurie Green, Commissioner Hauptman

Staff Present: Planning Director Wendy FarleyCampbell, Planning Manager Jacob Foutz, Associate Planner Clare Kurth, Planning Tech. Sharon Barker

At 5:30 PM, Chair Harris opened the meeting, Clare Kurth gave the Roll call. Commissioner Hauptman led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5: 32 PM
Action: Approve agenda as presented.
Motion: Comm. Young
Second: Comm. Hauptman
Vote: Unanimous

2. APPROVAL OF MINUTES OF - none

3. PUBLIC COMMENT – none

Comm. Development Director introduced Jacob Foutz, the new Planning Department Manager.

Chair Harris relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases and the right of the public to challenge any commissioner’s ability to hear this matter.

There were no disclosures

Chair Harris asked the Commissioners if they would like to declare a conflict of interest, ex-parte contacts/communications, or bias. There were no declarations of conflicts of interest.

Chair Harris read the information regarding tonight's hearing into the record.

4. RESOLUTION PC 24 23 ANN 03 & PC 24 24 ZC 03 - Hwy 101 – Prater Annexation and Zone Change: Petition from Jason Erickson and Annette Prater to annex approximately 1.49 acres of property and apply Service Industrial zoning. The property is described as 87657 Highway 101, Assessor's Map No. 18-12-11-33, Tax Lot 01200, approximately 600 feet SE of Highway 101 and Heceta Beach Rd intersection. **The Planning Commission's decision will be a recommendation to the City Council for consideration at their September 16, 2024 meeting.**

Opened hearing: 5:38 PM

Chair Harris asked Planning Manager Foutz to present the staff report.

Planning Manager Foutz presented staff report explaining that the application was received two months ago by staff and that the general land use application was used and not the application that is specific to annexation, and that there were questions on why the entire application was not filled out, and the reason for that is because the applicant was not given the required application form. This was a staff error.

- Foutz went on to explain that the property is surrounded by contiguous properties with the City of Florence and that the reason the applicant is applying for annexation is due to a failing septic system. The planning department is currently working on getting an annexation application. This property is surrounded by other contiguous properties within the city of Florence.
- The criteria for annexation
- The other buildings on the property were explained to be a greenhouse and a former bird nesting facility from when the property was an aviary, and there is no current use for the outbuildings.
- The criteria were explained into the record.
- Foutz explained that the application is also for a zone change assignment.
- The location of the property was shown on the screen, and the before and after annexation and zone change were explained.
- The requested zoning is Service Industrial, and the City has an exact Service Industrial code.
- The residential uses on the property are pre-existing and non-conforming.
- The zoning map was shown on the screen, pointing out where the Service Industrial District was located.
- Referral comments were sent to agencies and other city departments, and comments were received back from three of them. One of them just said that they had no comments to submit, but we wanted to include that anyway.
- The Public Works Department referral explained that there is currently a sewer line that is in the right of way of Highway 101, and they plan to put a sewer manhole to serve the property
- Western Lane Fire and EMS currently serve the property and will continue to do so.
- Heceta Water is serving the property and will continue to do so.
- The access is off Highway 101, an ODOT facility and not maintained by the City.
- The sewer connections have been paid to the Public Works Department, but the applicant will need to pull a plumbing permit from the Building Department.

- The annexation is a triple majority, and the property owners are electing to annex into the City.
- No public testimony was received prior to the hearing.

The alternatives were read into the record with staff recommendation to approve a recommendation to recommend application to the City Council.

Chair Harris asked if there were any questions.

Comm. Green asked about the notation regarding the sand mining permit on the property.

- Foutz said that he was not aware of that but that he would look into it and correct it in the Findings.
- FarleyCampbell said that there used to be sand mining west of Highway 101 but it is not happening any longer.
- Comm. Green said that there is a note in the findings that says this property has a sand mining permit. Is sand mining permitted in the Service Industrial District?
- FarleyCampbell said that it is permitted but that they are not even issuing those type of permits anymore.

VC Ubnoske asked about formulating the recommendation moving forward and asked the staff how the proposal is consistent with policy under the industrial zone that the City shall maintain land planned and zoned for service free from incompatible uses, such as residential. This is technically inconsistent with the language in the Service Industrial district, Section 10-31.1, which talks about that area being for large lots that are industrial and is the northern entrance to the city. VC Ubnoske would like it to be part of the record of how the Commission is making this decision, even though it is currently consistent

- Foutz said that the process is planned for that property to eventually become industrial using the comprehensive plan map and the city zoning map. The city has already planned for that area to become industrial, and if it is approved by council, that is when the Service Industrial zoning will be applied. This designation will be applied to bring the property into future compliance.
- Foutz agrees that the way the commission comes to its decision regarding their decision should be in the record.

Comm. Green said that if this property ceases to be a residential property sometime in the future, a new residence cannot be built on it.

- Foutz said that if the use is discontinued for more than 6 month or one year, then that use cannot be continued.

VC Ubnoske said that in the staff report, a couple of sections say that there can be no expansion of this use at all.

- Foutz answered that the code actually does allow for pre-existing nonconforming use expansion FCC 10-8 and is titled Nonconforming Lots and Uses. The Planning Commission can remove a nonconforming use that's in code, but it requires that whatever that use is, is detrimental to the health, safety, or welfare of a neighborhood

VC Ubnoske said that she drove by the site and that the building looks to be in a bit of disrepair. She wanted to know if City code enforcement would go to the location to enforce the code.

- Foutz answered that yes, if approved by the council, code enforcement would go out there, but that code enforcement works on a complaint basis and does not currently have a plan to reach out to annexations.
- VC Ubnoske said that she would like some effort to be made to deal with the building and the landscaping.

Chair Harris asked the applicants if they had a presentation.

Both Jason Erickson and Annette Prater were present at the hearing.

Chair Harris asked if any Commissioners had any questions for the landowner.

Comm. Hauptman asked the applicants what their intentions were for the property.

Jason Erickson said that they have had a discussion with some of the city workers that have come out to the property regarding the septic issue and the manhole, and he has no idea how they are going to solve the issue with the manhole. Currently, there is a manhole adjacent to our north driveway, and the property is going to get better in the future. It was dilapidated when they bought it, and they are making major efforts to improve it.

Chair Harris asked the applicants if they understood the proposed Resolution and Finding of Facts.

The applicants said that they did.

There was no public testimony.

Comm. Ubnoske asked if the Commission was making the recommendation to approve both the annexation and the zone change to the City Council.

- Foutz said they were recommending approval of the annexation and the zone change to the Council.

Harris asked if the staff or the commission saw any reason to leave the hearing open.

Chair Harris closed the hearing at 6:12.

Chair Harris said that this was the time for deliberations and direction of the staff, he asked the Commission if they wanted to discuss the testimony and/or evidence. None did

Chair Harris asked for a motion.

VC Ubnoske motioned to recommend that the Commission approve Resolution PC 24 23 ANN 03 and PC 24 24 ZC 03.

Comm. Green: second

Vote: Commissioner Hauptman: yes
Commissioner Young: yes
Commissioner Krause: yes
Commissioner Green: yes
Commissioner LoPilato: yes
VC Ubnoske: yes
Chair Harris: yes
Motion carried 7-0

5. PLANNING COMMISSION REPORTS & DISCUSSION ITEMS DIRECTOR'S REPORT & DISCUSSION ITEMS

Commission Reports: none

Director Report:

FarleyCampbell said there are six or seven Type III and IV applications, and she described them so that the Commission knows not to discuss them if approached. There are also a few Type I's and II's. The Temporary Sheltering Program launched on August 1, 2024, there are still a few challenges that are being discussed.

- The short-term rental application process and business license update are scheduled for another work session at the City Council on Thursday, September 12, 2024, at 8:30 a.m.
- Staff is working with LTD exploring the opportunity to apply for 'STIF' funding to implement the project in the TSP related to a mobility hub transit, that item is going to Council on Monday, August 19, 2024. Clare has prepared the staff report as has been working with LTD directly. If the City Council signs off on it, then the City will be writing the grant and the applicant will be the ones receiving the grant. That application is due on September 5, 2024.
- The State of Oregon is close to having a response to the biological opinion for the National Flood Insurance Program (NFIP). Cities are required by December 1, 2024, to select a policy to ensure the protection of endangered species in connection with the EAP plan.
- Staff will also be bringing back to the Commission for initiation of the Code updates for Chapters 19 and 7 related to clear and objective criteria for housing within National Resource Areas.

Other items not related to Planning

- Movie in the Park: August 21, 2024 – How to Tame Your Dragon
- Black and White Event: probably be on Saturday, September 21, 2024. Required by DEQ
- Household Hazardous Waste: October 4th and 5th at the County Transfer site.
- No date yet, but the City will be emptying the old Public Works Building; a notice will go out.

6. PLANNING COMMISSION CALENDAR

Clare Kurth reported on the calendar

- 8/27 next meeting, and there will be two hearings that night, Siuslaw Bay View and High School Concession stand.
- 9/10 It was decided that the September 10th meeting would be canceled and rescheduled to September 17, 2024, with Vice Chair Ubnoske heading the meeting.
- 9/24/24 is a tentative meeting at this time, but it will still be held.

The meeting adjourned at 6:29 PM.

ATTEST: Kevin Harris, Chair

Sharon Barker, Planning Technician