
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO:
Meeting Date: January 14, 2024

ITEM TITLE: PC 24 29 CPA 01 & PC 24 41 TA 02 – 1150 Bay St.

OVERVIEW:

Application: Chris Leturno representing A & D Bay Street submitted an application that includes three requests. The first two are related and thus included within the same resolution number. The third has a separate resolution number. These three requests are as follows:

1. Amendment of Comprehensive Plan diagram “Map 17-1: Estuary & Coastal Shorelands Management Unit in the Florence UGB”, changing properties from Development Estuary Management Unit F to Residential Shoreland Management Unit 3; and a Zoning Map Amendment from Development Estuary to Old Town Area A for properties east of Juniper St. Right of Way and south of Bay St. known as Map Reference 18-12-34-12 Tax Lots 8000 and 8100.
2. Amendment of Zoning Text in FCC Title 10 Chapter 17 Old Town Area A to add multi-unit, single unit attached and detached, duplex, tri-plex, and four-plex development as outright exclusive permitted uses for properties within a specific distance from residential zoning or having a Residential Shoreland MU overlay.

Process and Review: Property Owner applications for comprehensive plan, zoning map, and zoning text amendments require two public hearings: one with the Planning Commission (PC), which makes a recommendation to the City Council, and another public hearing with City Council, which will make the final decision. There are requirements for providing noticing to property owners, utility providers, a newspaper, and to the Department of Land and Conservation and Development (DLCD).

The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes, and administrative rules believed to apply may be considered in the decision-making process. Application materials, public testimony, agency referrals, and research that speak to the criteria may also be considered. The findings, attached, include a review of the application against the applicable criteria and incorporate public testimony and agency referral comments or concerns where applicable.

Testimony/Agency Referrals: Written Testimony was received from Frank Armendariz and Stewart Brown and Gail Altimari-Brown and are included in Attachment 5. No referral comments have been received.

ISSUES/DECISION POINTS:

The request for Comprehensive Plan Diagram Amendment and associated zoning map change is a matter of identifying the location of the mean higher high tide and using that as the boundary line between the estuary management unit/estuary district and the base zoning district/Old Town. The result is then a movement of colors on the associated maps. The building on the eastern property is supported by a cement bulkhead wall with 25 feet of extension extending south from the bulkhead and supported by pilings. The bulkhead is the demarcation line for the MHHW. Therefore the 25 ft. of building depth remains in the estuary management unit and district and is subject to the limitations of allowable uses.

The review of the request for Text Amendment to permit housing uses exclusive of permitted or conditionally approved uses considered the risks and hazards present on the property as shown on the adopted FEMA FIRM panel and Tsunami Inundation Zone. Reducing the amount of land used by permitted uses like commercial and entertainment and replacing it with residential contradicts the purpose statement of Title 10 Chapter 7 Section 5. There are code criteria for the hazards that restrict allowable uses and manner of construction to reduce the risk associated with being in those zones. In 2009 the properties were rezoned from the natural resource conservation shoreland overlay to the residential shoreland overlay to be consistent with the implementing source document the Coastal Resource Management Plan. The findings associated with the adopting ordinance considered the changing development patterns when assigning the overlay. Additionally, these two properties are the last of the undeveloped properties with a Development Estuary District abutting them. This is the most intensive district permitting water-related and water dependent uses. Creating the opportunity to place exclusive residential uses on the site does not meet the purpose statements of the shoreland overlay or the estuary district. There are no more properties privately owned to offer these water based land uses.

ALTERNATIVES:

1. Recommend City Council approve Resolution PC 24 29 CPA 01 as presented or with modifications, and Deny Resolution PC 24 41 TA 02 as presented or with modifications.
 2. Recommend City Council deny the requests and rewrite the findings to support denial, or
 3. Recommend City Council approve the requests and rewrite the findings to support approval, or
 4. Continue the public hearing to a date certain, or
 5. Close the hearing and leave the written record open for 7 days
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RECOMMENDATION: Alternative 1. Recommend City Council approve Resolution PC 24 29 CPA 01 as presented, and Deny Resolution PC 24 41 TA 02 as presented.

AIS PREPARED BY: Wendy Farley Campbell, Community Development Director

ATTACHMENTS:

Resolutions PC 24 29 CPA 01 & PC 24 41 TA 02
Exhibit A Findings of Fact

Attachment 1: Application Packet

Attachment 2: Site Photos

Attachment 3: Surveys

Attachment 4: 1988 LUBA Appeal Packet

Attachment 5: Testimony
