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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
January 11, 2022**

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

Chairperson Phil Tarvin called the meeting to order at 5:30 PM.

Commissioners Present: (VideoConference) Chairperson Phil Tarvin, Vice Chairperson Sandi Young, Commissioner Eric Hauptman, Commissioner Andrew Miller, Commissioner Ron Miller, and Commissioner John Murphey

Staff Present: (In House) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Administrative Asst. Peighton Allen, Planning Technician Sharon Barker

At 5:30 PM, Chair Tarvin opened the meeting, Sharon Barker did a Roll call. All members present. Commissioner Ron Miller led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:31PM

Action: Approved

Motion: Commission Murphey

Second: Vice Chair Young

Vote: 7-0

There was no discussion on the agenda and it was approved unanimously.

**2. Introduction of new Planning Commissioner Clare Kurth.**

**3. APPROVAL OF THE MINUTES: Minutes were approved for December 14, 2021**

Start Time: 5:32 PM

Motion: Commissioner Ron Miller

Second: Commissioner Andrew Miller

Action: Approved

**4. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:**

None were noted

No Speaker's cards were received nor public comments made.

Chairperson Tarvin relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases. No citizens present wished to challenge any commissioner.

Chair Tarvin asked the Commissioner's if they would like to declare a conflict of interest. There were no other declarations of conflict of interest. There were no ex parte' contacts declared. There were no bias declared. No citizens present wished to challenge any commissioner.

Chair Tarvin: For our 4<sup>th</sup> Item on the Agenda

#### **5. RESOLUTION PC 21 37 CUP 04 –Abel Insurance Agency**

An application from Michael Crow for a Conditional Use Permit for an expansion and remodel of building at 875 Hwy 101, at Tax Map 18-12-27-41, Tax Lot 07902 within the Main Street Area A District regulated by Florence City Code Title 10, Chapter 27.

Hearing opened 5:39 pm

Planning Director Wendy FarleyCampbell presented Staff Report: Considering tonight a conditional use and a design review, the reason this is a Conditional Use is because it does have pre-existing, non-conforming situations, this particular building was built in 1978, with the new code now we have a lot of architectural design standards. This particular property is the first to remodel in this district. If you are making an improvement of more than 25% to a pre-existing, non-conforming use then you do need a Conditional Use Permit. The Code criteria from Chapter 10 that apply to this expansion and the reface of this building. Criteria was discussed and corrected. Property is located at the Southwest corner of Hwy 101 and 9<sup>th</sup> Street, and across is Hwy 126 and it extends to the East, it shares parking with 7-11 to the West. The site gets its access from 9th street to the North, there is an access point to the South, the alley was vacated partially. Its legal access is from 9<sup>th</sup> Street to the North. They are proposing to do an 800' addition to the East of the Existing building. They are proposing to add a conference room to the north east corner, an additional office space to the south and a foyer covered entrance a portico type of entrance that will access off of Hwy 101. They are removing one of the parking spaces from where their conference room is set to go and they are shifting one parking space eastward so they are able to provide a ADA parking space, which brings it into compliance, this shift also reduces some of the non-compliant figures of the building, by reducing the front yard setback, this particular zone looks for a setback of zero to 10'. They are bringing the building closer to the 101 which is what we want to see in this district. They have the parking that they need. They plan to remove the drive through window. The north side of the building has a condition of 5.3 where I have asked that they provide some kind of an articulation. Currently they meet the standard for an articulation. Staff has asked the architect through the conditions of approval to find some kind of articulation to pull it along this building wall, it could be window or narrow vertical windows at the top, so that you are not seeing into the building. I wanted to put this in there because it is a condition that is a little unusual, you do not want any distance longer than 40', before you place the articulation.

Staff did not receive any comments for this application. We did receive comments from Public Works Director Mike Miller, he looked at the sidewalks that are adjacent to this property, for the widths of them they are 5' of 9<sup>th</sup> street and a little more than 5' on the Hwy 101 side. He is available if you have any questions related to the utilities and pedestrian access. He is also researching the drainage south of the building it is possible that they are thinking of using that grate that is there for storm water over flow, which should be okay since it is a City infrastructure.

Staff finds that the proposed application meets the requirements with conditions and recommends approval of the conditional use permit subject to the following conditions.

Conditions of Approval: 4: Parking – the parking does need to be double lined striping. The expansion does trigger the need to provide some bicycle parking, which does need to be as close to the building as the nearest parking space. They are planning some façade upgrades to the 101 side landscaping area, staff feels that they can carve out some space for some bicycle parking spaces

Condition of Approval #5: Design Review – Expiration timeframe for CUP and DR 1/11/2023 if project is stalled. As mentioned with 5.3 and also continuing through 5.7 there are a number of conditions of approval regarding the materials that are used, it is the type of materials used for the gutters and the shape of the gutters. Gutters need to be replaced with round of V shaped gutters. Making sure that the roof tone is a muted color or an earth tone. Regarding board and bats, the architectural standards for which the code is written have a requirement that bats to be no more than 8” on center, Planning Commission has allowed in the past 12” on center, the applicant is proposing that most of the bats be 16” on center within most of the area, with the front entry way to be 12” on center. Staff wrote a condition that board and bats to be reduced to 12” on center.

Condition of Approval #6: District Standards – If the applicant is planning for more than 90% lot coverage than the applicant is going to have to carve out some additional space for landscaping, there is room to do that they have more parking than they need. There are also a couple of flower beds that are on their property that they could plant to reach the 10% requirement. Some other options that are available, the area in the front that they are proposing to relandscape, some of that can count if they have seeding, anything that constitutes some sort of pedestrian amenity within their court yard area along the front of the building.

Condition of Approval #7: Landscaping – Is to make sure that the landscape they are putting in next to the service station on the south side of their most southern extension of their landscaping improvement, making sure that the vision clearance is protected in that area. They did provide a storm water system for their infrastructure that they are proposing to put in, the Findings of Facts talk about, the parking is new parking that they are moving to the East, we would be looking for that to be that the drainage be caught and put into that swale and if the roof drain is going in there too, then that is fine. The stormwater system meets the setback requirements.

Conditions of Approval #8: Lighting – They are proposing all canned lights in the eave overhang of the roof. From what the staff can see it does meet the requirements for the dark sky and the illumination standards.

Campbell: There are a number of preexisting nonconforming items on that site. The ped path that is along the northern part of this building, that is adjacent to the conference room, they are proposing to extend that existing sidewalk to the new front of the building, this ped path does not meet the existing standards because it is 5’ wide, they are proposing to extend the preexisting nonconforming width side walk that serves the north side of the building. The style of the building is preexisting nonconforming. They will be bringing in materials that will make it more conforming. You are not supposed to have parking in your front yard, the front yard setback, they are removing one parking space and will be providing one ADA parking space. The façade on the North side, one was having some kind of articulation along that Northern, there is another criterion for that north face and that is to have some kind of projection or offset, it currently has one, it doesn’t meet the spacing requirements, so it is preexisting nonconforming. They currently have a deficit of 9 trees, the findings did illustrate that they did need to provide with the expansion, they need to provide 4 trees and another evergreen, staff is looking for a replacement of 5 trees.

The Alternatives were discussed.

Chair Tarvin asked if the commissioners had any questions for staff. – there was none

Chair Tarvin asked for public testimony – there were no public comments

The applicant provided testimony – Mike Crow, I think that we can meet all of the conditions that Wendy sited, the one that gives me the most heartburn is the offset on the North wall of 24” of more, I can certainly see us adding some high windows or something like that, that wall is actually only 50’ long, it’s not 70’ it’s 50’, 25.6 of the existing wall and 25’ of the new wall, I think we are close, I think I can add a few windows high in the

conference room if that would take care of that, I just don't want to mess with that existing sidewalk and all of that parking because it really throws that whole area off. The only other comment that I have is that we did plan on using that desk spacing to the south which is showing on our property, but I don't know if it is ODOT's or somebody else's, Wendy said there was somebody available that could answer that question, we have never had anybody tell us who's catch basin that is. I would be happy to respond to any questions that you have.

Chair Tarvin asked if the Commissioners had any questions-there were none.

Applicant said he had read the staff report and the finding of facts and that he understands the conditions of approval.

Campbell Farley: Just wanted to remind everybody that Mike Miller is on the line and he can answer any questions about the catch basin as to whether it is ODOT's or not.

Director Miller: I have not had time to get the definitive facts on storm drain ownership, it is tied into the ODOT storm drain system, so we just need to get clarification on ownership. Part of the alley has been vacated, so part of the system is going through private property so it is an alley, so we just need to get clarification on proper ownership of the storm drainage.

Hearing was closed at 6:12 pm

Applicant waived his right to submit final written argument.

Comm Murphey: Can we have the staff bring up the expansion close up slide please, parking space # 10 on the West is not a very practical parking spot in my opinion, I think that would be a good spot to put the bicycle parking and expand their landscape plan a little bit,

Chair Tarvin: Would you like to add that as a condition or just a suggestion?

Comm Murphey: I would like it as a condition, because they might struggle to find space somewhere else, they can put it there and expand that landscape area.

Chair Tarvin: Any comment from staff?

FarleyCampbell: According to code it has to be 50' from the main entrance. But it is up to the Commission.

Chair Tarvin: Would somebody like to make a motion?

Comm Ron Miller: Recommend approval Resolution PC 21 37 04 CUP Abel Insurance Agency for a Conditional Use Permit on an expansion and remodel of a building at 875 Hwy 101.

Comm Andrew Miller: Second

Vice Chair Young: Is that with or without Commissioner Murphey's modification?

Comm Ron Miller: With John's modification.

Roll Call vote:  
Comm Kurth: yes  
Comm Murphey: yes  
Comm A. Miller: yes  
Comm R. Miller: yes  
Comm Hauptman: yes  
Vice Chair Young: no  
Chair Tarvin: yes  
Motion carried: 6-1  
Hearing Opened: 5:39  
Hearing Closed: 6:12

Chair Tarvin recognized Planning Director Wendy Farley Campbell.

Farley Campbell: With the addition of the condition the applicant should have had the opportunity to comment of that.

Chair Tarvin: Asked the applicant if he had a comment on the added condition of approval.

Applicant Mike Crow: We were planning on that to be employee parking, and that is why we allowed that 10<sup>th</sup> Space to be there, because the employees didn't think that that was going to be a problem. That is why we left it that way. I don't think that either way that it will give the owner much heartburn. If you guys feel strongly about that than you can go ahead and approve. But I do know that was to be employee parking, and the employees felt it was perfectly fine with them.

Commission reviewed the motion and the second.

Commissioner R. Miller: confirmed the motion with conditions as stated.  
Commissioner A. Miller: second

Commissioner was polled second time: 6-1 motion carried.

#### **Agenda Item 6 which will consider a petition for Annexation and Zone Change;**

PC 21 35 ANN 09 and PC 21 36 ZC 09 deliberate petitions from Daniel Lofy, of Lofy Properties, LLC to annex 1.98 acres of property and apply a City of Florence of Service Industrial zoning designation to annexed lands. The applicant's proposal consists of annexing property described as Assessor's Map No. 18-12-11-33, Tax Lot 01300 at 87641 HWY 101. The property is located approximately 1,870 feet NE of the intersection at Highway 101 and Munsel Lake Road.

Senior Planner Roxanne Johnston gave the staff report. Started with the introduction. Annexation criteria was read into the record. Zone Assignment Criteria was read into the record. A tax map was displayed explaining the proposed zoning assignment. There were no public comments or referrals received for this property. The utilities are Water: Heceta Water, Sewer: connect to existing gravity sewer feed in Hwy 101 upon annexation, and their access is from Hwy 101. There are 6 electors living on the property and all 6 electors residing on property signed petition. There was 100% of ownership and 100% of the electors that signed the petition double and triple majority was met. Alternatives were explained.

Staff recommendation was to provide a recommendation supporting the annexation and zone assignment to the City Council.

There were no questions, from the Commissioners:

Applicant Daniel Lofy: I want to point out that the property to the south of my property that I am trying to annex is already annexed into the City already. We are planning to use this for industrial in the rear half of the property.

Applicant said that he had read the staff report and the finding of facts and that he understands the conditions of approval as proposed.

There were no public comments.

Hearing closed at 6:38 pm – Commission began deliberation.

Deliberation ended and motions and second were asked for.

Vice Chair Young moved for approval of PC 21 35 ANN 09 and PC 21 36 ZC 09 for Annexation and rezoning to Service Industrial.

Commissioner John Murphey: second.

Roll call vote: All said yes

Motion carried 7-0

#### **#7 Agenda Item tonight:**

**RESOLUTIONS PC 21 28 PUD 01 –Final Planned Unit Development (PUD) and AR 21 21 SIR 14 (Site Investigation Report).** The public hearing was closed on December 14<sup>th</sup>, 2021 and the meeting topic carried over. Application from Ashlee Sorber, on behalf of APIC Florence Holdings, LLC, seeking approvals for a final PUD and associated SIR for Rhododendron Arbor. Preliminary PUD and a Tentative Subdivision Plan were approved on November 9, 2020. This project includes 31 single-family detached dwellings, 49 single-family attached dwellings, and two apartment buildings with 40 total units. Open Space includes a pavilion, picnic areas, seating, children's play area, walking paths, dog park, pocket gardens. The project contains a private street and lanes. The properties are comprised of approx. 9.28 ac. as shown on Assessor's Map 18121533 Tax Lot 0700; Map 18121534, Lots 3800, 3900, 4000, 4100 & 4200; & Map 18122221, Lot 1900, located at the NE intersection of Rhododendron Dr. and 35<sup>th</sup> St., northwest of Siano Loop and south of Royal St. George, zoned Mobile/Manufactured Home Residential District (RMH) & regulated by Florence City Code Title 10, Chapter 10.

Chair Tarvin: On December 14, 2021 the Planning Commissioner closed the public hearing and scheduled deliberations and Commission recommendation for tonight January 11, 2022. Before opening the deliberations for Agenda Item #7, there are a few questions regarding this item on the agenda PC 21 28 PUD 01 & AR 21 21 SIR 14 for Planning Commissioner Clare Kurth, who was not in attendance at the Planning Commission meeting held on December 14, 2021 regarding this application.

**Chair Tarvin:** Commissioner Kurth, have you reviewed the full video and full record of the evidentiary hearing?

Commissioner Kurth: yes I have

Do you understand your role as a Planning Commissioner and a decision maker?

Commissioner Kurth: yes I do

Do you understand the applicable criteria, and do you have any questions that were not asked at the evidentiary hearing?

Commissioner Kurth: I do not have any questions.

Chair Tarvin: Commissioner Kurth, do you have any prior involvement in this matter, do you have any biases or ex-parte contact you would like to declare?

Commissioner Kurth: no, I don't have anything to declare

Are you willing and able to make a decision based up the record and applicable criteria?

Commissioner Kurth: yes.

Chair Tarvin: Therefore, I will go ahead and open the hearing with Commissioner Kurth in standing, I now open the topic for Planning Commission deliberation for Resolutions PC 21 28 PUD 01 and AR 21 21 SIR 14 it is 7:00 pm

Open Hearing 7:00 pm

Chair Tarvin: Senior Planner Roxanne Johnston, may we have a summary of the decision made at the last meeting, announcement of the written materials received and staff's review of those materials.

Senior Planner Johnston: An overview of the property was shown. Applicable review criteria was shown. Title 10 zoning regulations: Chapter 1 Zoning Administration, Sections 1-4, 1-5, 1-6-3, Chapter 3 Off-Street Parking and Loading Sections 4& 9, Chapter 7 Special Development Standards Sections 1, 2B and E, 3H, 6 & 7. I do want to mention that I went through these during the first hearing, but am doing them again tonight for the record. Chapter 23: Planned Unit Development, Sections 5&11 thru 14 Chapter 34: Landscaping, Sections 3 thru 5 Chapter 35: Access and Circulation, Sections 2-2 thru 2-14, 3-1 thru 3-4 Chapter 36 Public Facilities, Sections 2-1 thru 2-5, 2-7, 2-8m 2-10 thru 2-19l 2-22, 2-23 and Sections 3 thru 9 Chapter 37 Lighting, Sections 2 thru 6. Title 9 Utilities: Chapter 5 Stormwater Management Requirements, (which has been reviewed heavily with this application) Sections 1 thru 6. Florence Transportation Systems Plan (TSP), Realization 2020 Florence Comprehensive Plan, Florence Stormwater Management Plan & Master Plan Update, Conditions of Approval for Resolution 28, Series 2020, which was a City Council decision regarding the tentative approval, Conditions of Approval for Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01. Copies of those are in your exhibits.

The Overview: Materials to date have all been reviewed by staff and referral providers, staff revised the proposed findings and the proposed resolution. Some of the conditions have been deleted because they have been met; some modified and new ones created. I used the strike through tool to delete text that is in the findings and the resolution where they are not applicable any more, and underline that shows new text/revisions.

The overview continued with Date of application complete and notices mailed and posted in the newspaper. That was for the 1<sup>st</sup> Public hearing, now we are in the 3<sup>rd</sup> public hearing for this PUD development. The November 23 meeting was postponed at the request of the applicant, applicant provided a 120-day extension to February 14, 2022. Applicant submitted new materials on Dec 10 and 13<sup>th</sup> for a December 14<sup>th</sup> meeting. The hearing opened, staff report was delivered, hearing and written record closed. Deliberations were set for Jan 11, 2022.

Testimonies: Exhibit Q series: there were 4 people that provided testimony. Most of the concerns were for traffic safety, storm water, density, quality of life and vegetative buffer.

I would like to review what the submittals were for storm water, and this is related to the Site Investigation Report.

## Stormwater Submittals & SIR Review

### Exhibits:

- H & L1- Phase 1 SIR, 4/13/21 & Geotech, 1/28/20
- I – Pacific Habitat Wetland Delineation Memo, 12/19
- J – DSL Wetland Delineation Concurrence, May 2021
- K Series – Army Corps Determination, Jul. 12, 2021
- L- Stormwater Geotech, Jul. 6, 2021
- M – GSI Review (Hydrogeologist) Jul. 21, 2021
- ~~N – Updated Stormwater Report – Sept. 16, 2021~~  
(Exhibit gg replaces this).
- O – Nov. 15, 2021 Civil West Peer Review of Exhibit N

The new materials that we received between December 10<sup>th</sup> and December 15<sup>th</sup>, December 10 a memo from Branch Engineering's response to mapped Yaquina Soils. (exhibit ff). Exhibit gg replaces Exhibit N, the storm water report, which was reviewed by Civil West as shown in Exhibit jj.1, we received that yesterday from Civil West. For the hydrants and review we have exhibit P, SVFR Flow tests. On November 29<sup>th</sup> there were comments from Tony Miller on the hydrants and fire suppression. On December 10<sup>th</sup> fire flow and hydrant (Exhibit hh). Submitted Dec 13<sup>th</sup> replaces Exhibit G. The exhibits are being replaced because the applicants had reviewed the first round of comments, the findings and the proposed conditions of approval and wanted to correct them for final review by the Planning Commission. Exhibit X is a peer review by Civil West. The materials are Exhibit dd, replaces Exhibit F – Sheets C5-Parking and Circulation. Exhibit ii, replaces Exhibit S – Sheet C210 Typical Sections. Exhibit kk replaces Exhibit W Series (Permit/Civil Set).

Johnston went over the Conditions Review: Condition 1 had to do with parking plans, and this was already met. Condition 2 was deleted, but it was actually revised, it has to do with the special development standards. The applicants' submittals to the agencies include a single overall image that includes tax lots 3900, 4100, 4200 and the narrative tax lot images do not include these tax lots, it appears from the 2015 wetland records is that the only tax lot in question is tax lot 3900. Submittals indicate collection point on this tax lot refer to this as 3800. We want to make sure that all the approvals that have been done include all the tax lots instead of the just the lot as a whole.

Condition 12 as previously proposed in earlier findings is partially met. To close the loop on the mis match of site boundaries with the wetland delineation materials, the applicant shall request written confirmation from both DSL and the Army Corp of Engineers that their determination includes all 7 of the tax lots within the project area, and provide it to the City prior to site disturbance or the final plat application. Staff also added 2.a as a proposed condition, staff received the required phase 1 site investigation report on April 16<sup>th</sup>, 2021 prior to applying for a final PUD, since the submittal the applicant supplied materials some of which postdate the April date that support their soil mitigation and stormwater retention designs, the timing of these submittals and how they inform one another is yet to be determined. The applicant shall provide a memo from DSL geologists that confirms the findings in the phase 1 SIR submitted by the applicant. That is because they have been conditioned in the preliminary conditional approval to work with GSI on the Phase 1, that didn't happen, but if they get a memo that says GSI agrees with that Phase 1 report that would be great. 2.B we are asking for a covenant of release which was conditioned with the preliminary approval as 8.a and shall include language which says placing any possible failure of the proposed storm water system on the register of engineers who offer the final storm water management report.

Conditions review #3 references responsibility of site prep and follow thru – includes materials submitted Dec. 10, 2021. Condition 4 was deleted, but the wrinkle here is that in the actual Resolution not all the words are deleted. I am asking that we delete all those words in # 4 of the proposed resolution. 4.a we have a provision of construction schedule and demonstrate where recreation activities will occur (similar to approved with preliminary PUD) 1:48:56. #5 Provide pet waste station dog park. #6 was deleted, we asked for a revised landscape plan be submitted that placed the buffer on applicant's property, that condition was met, #6.a detail out the plan and planting plants in each construction phase, there are 3 proposed construction phases for this development. #7 Landscape islands for MF parking areas to be reviewed with multi-family design review. #8



deleted. #8.a Work with Fire Marshal and Public Works on conforming to fire access – revise Circulation Plan. The Fire Marshal has some questions, about that plan. That can be done on the final plat, prior to construction. #8.b Remove the parking shown in front of fire hydrants in Exhibit dd. #9. Provide lighting plan. #10. Address the comments made by Civil West for supplemental storm report and Civil/Permit Set. That would be the set that was given yesterday, that was dated 1/10/22 the permit set was provided on the 10<sup>th</sup> of December 2021. #11. Any mods to approval or changes of use require approvals. #12 Sign Agreement of Acceptance. #13. Revised. Provide an updated construction phasing plan -start/finish dates for each phase – to replace Exhibit D in preliminary approval pkt. #13.a – Show where rec activities will be placed; list commercial grade amenities. – Provide minimum of 4,000 sqft of rec space for Phase 1. #14 Resolution PC 20 07 PUD 01 & PC 20 08 SUB 01 and Resolution No. 28, Series 2020, will continue to be applicable. #15. Recalculate the new density per Res. No.28 Series 2020, Condition 1.a. #16. Add a current date to all revised materials.

A five minute break

Johnston: I would like to back track on Condition 10, I would like to read it verbatim, because I am proposing that we amend it to say the applicant shall insure for each of the comments provided by Civil West Engineering's January 9<sup>th</sup>, 2022 review of the applicant's December 10, 2021 Storm Report and Civil Set replacing November 15, 2021 materials have been thoroughly addressed in a supplemental memo and civil sheets related to the comments to be reviewed by Civil West Engineering, the City's engineer of record at the expense of the applicant.

Staff finds that the applicant meets the criteria provided by Florence City Code and Florence realization 2020 Comprehensive Plan and can be approved with revised conditions of approval.

The Alternatives were displayed and explained.

Chair Tarvin asked if the applicant wishes to waive their submission of final written argument.

Mecedes Cerra the applicant's representative checked with her clients and they agreed to waive their submission of final argument.

Planning Commission started deliberation.

Comm Murphey; On Condition 10. It says that the applicant must address comments made by Civil West, do we have to put something in there that Civil West and Mr. Miller approve their comments and that they are correct before they can move forward with their project?

Johnston: The Public works Director is not going to stamp the civil set and put his approval on it until all these things have been addressed.

Chair Tarvin: I'll add to that there is also in the resolution under approval #11, which anything we deem to be a modification to the approved plans is going to need another approval, during the design review.

Vice Chair Young: In the modification to Condition #2 in the last line, prior to site disturbance or with the final plat application, do you intend for that to be which ever one of those things comes first? In other words do you want that review before they do anything? Do you want for that to come first.

FarleyCampbell: It would be before site disturbance, the final plat, it needs to happen prior to site disturbance, typically they go in and put in their streets and the public improvements, before they get their plat recorded. It would be submitted when they get their plat application.

Vice Chair Young: So, you don't want that loop closed before site disturbance?

FarleyCampbell: If they don't disturb the site, and next week they turn in their final plat, and they provide a letter from DSL and Army Corp during that time, then that is fine.

Vice Chair Young: In 2a the last sentence says the applicant shall provide a memo from GSI that confirms the findings, submitted by the applicant. Suppose they don't confirm the findings?

FarleyCampbell: I would make a suggestion that they apply for a phase II, if they can't get the GSI's recommendation. That would force a peer review.

Vice Chair Young: Should we add that to that condition?

FarleyCampbell: That seems to solve the issue.

Vice Chair Young: Are you going to write language to make that happen?

FarleyCampbell: Roxanne will do that.

Vice Chair Young: On 2b, the second sentence at the bottom of the page says any possible failure of the proposed storm water *inaudible*, did you mean responsibility for or liability for, what did you mean to say? It seems like something is missing there.

FarleyCampbell: Which Condition were you speaking of, I wasn't able to hear.

Vice Chair Young: 2 b the second sentence, covenant of release placing something for any future failure .

Johnston: For responsibility

Vice Chair Young: I don't know if it's responsibility or liability.

Johnston: we just don't want the City to be liability.

Vice Chair Young: Maybe you will need to check with the City attorney but some word needs to go in there, either responsibility or liability.

Johnston: It is only confusing because do we have to bring that back to you?

Vice Chair Young: I think the point is we are assigning something to the engineers, and whether it is responsibility or liability it is really up to the City attorney not up to us, as long as we are assigning something to them. We could say for the purposes for the motion that responsibility for the liability for depending on what the City attorney says, and then what ever he says will go in that sentence. We can do it that way if you want.

Johnston: responsibility for or

Vice Chair Young: Placing for any possible failure. *inaudible*

Johnston: Any possible failure of the proposed storm water system, from a registered engineers to author the final storm water *inaudible* report upon review of City attorney.

Vice Chair: We would say responsibility for a liability for either one and the City attorney can determine which word. Because that is a legal thing.

Commissioner Murphey: Point. I do not think we want to put the word “any” failure in there because if we have an earthquake and the storm water system fails, that is not the engineer’s fault.

Vice Chair Young: Condition 15 that talks about recalculating the net density . Relative to their density, have they already removed the 6 units the council required? So it would be the net density less the 6 units that are gone.

Johnston: yes

Chair Tarvin: On Condition of approval # 11 which states any modifications to the approved plans or changes of use except those changes related to building codes will require approval by the Community Development Director or Planning Commission design review board. I would invite some other discussion from some of the other Commissioners I am leaning towards making that any modifications or omissions that occur be heard directly by the Planning Commission design review for approval, rather than having the option for staff review.

Vice Chair Young: I think so, but in principle some of the modifications may be pretty small.

FarleyCampbell: I agree with that. As it relates to Vice Chair Young’s responsible, liable , I think that responsible is the appropriate word to use, the courts have find the liable but you have to be responsible first. You have to be responsible first before you are found liable.

Comm Murphey: I wonder that after the changes there might be some, like Sandi said, that might be minor, can we have staff ask us if they want to bring them up to us and then we make the decision of which ones we need to hear or not.

Chair Tarvin: I don’t see a problem with that, I really do anticipate that there are going to be some stuff that the Director will call up to us anyway.

Chair Tarvin: I am tracking right now 3 potential items that may have come out of deliberations: #1 is the clarification in 2b, the confirmation from the authorities of the State or Federal would come prior to site disturbance or if the plat submission proceeded that, and included it that would be satisfactory also. #2 The second item is comment or opinion it adds advice that if there is no coming confirmation from the authority or authorities then the SIR would then ensue. #3 Is on the number Condition of Approve #11 pulling out the option for the Community Development Director out of that and making the approval by the Planning Commission Design Review Board. Is that what staff is tracking also?

Vice Chair Young: 2b has the responsibility part. There is the responsibility For in 2 b , including language placing responsibility for possible failure of the system.

Chair Tarvin and that will be pending a staff rewrite consultation with the City Attorney?

Vice Chair Young: No, Wendy thought that responsibility worked in there.

Johnston: #4 on the Resolution we were going to be talking about striking all of that out. Delete #4. We changed 10, which I read out loud, we changed 16 instead of saying the current day shall be added to all revised materials, the appropriate date will be added to all revised materials.

Vice Chair Young: I would move approval of resolution PC 21 28 PUD 01 and Resolution AR 21 21 SIR 14, a request for a final planned unit development plan and phase I site investigation report for Rhododendron Arbor, a proposed mixed residential development at the NE intersection of Rhododendron Dr and 35<sup>th</sup> Street.. subject to the changes that are in the record now for the last sentence for condition 2, adding to 2a, then Phase II SIR would be required. 2b placing responsibility for possible failure, Condition 11 deleting Community Development Director, Condition #16 to change to appropriate date, delete #4, and include Conditional Approval #10 .

Chair Tarvin: Is this clear enough for the record in the staff's point of view.

Johnston: yes

Commissioner Ron Miller: Second

Chair Tarvin: In that we are changing some of the published Conditions as a result of the deliberations The applicant does have an opportunity to make a response to the new conditions. Can we get the applicant's representative back on line to possibly get a response?

Mercedes Cerra: (was monitoring the motion) I do have a response. We do thank staff for revising the conditions of approval and we reviewed these conditions but we do have concerns with three of them. Condition #2 requests confirmation that all tax lots were included in the wetlands delineation in concurrence with DSL and Army Corp. The entire project site was delineated and no wetlands were found a 2015 map had identified a potential wetland on the site on tax lot 3800 which is identified specifically in the letter although the letter may state tax lot 3800 under the map and the exhibits and the concurrence in a site in its entirety and the DSL concurrence does identify this site by latitude and longitude in addition to the tax lot designations. An additional concurrence would be redundant, we request that this condition be removed. Condition 2b: All storm water facilities have been designed in accordance to City Code and plans and reports have been prepared in accordance with City's plans and Code, these facilities will be further reviewed by the City in permitting, we would challenge the legality of this condition and the covenant of release was already conditioned in the preliminary PUD, we would request that this Condition 2b also be removed. For Condition 10 we would just simply request that rather than listing a specific company, Civil West, we would rather it be listed as the City of Florence or its consultant, just to remove a specific company's name. Otherwise, we accept all other conditions and changes.

Chair Tarvin: with that we will move on to staff to poll the commission on their decision.

Ron Miller: yes

John Murphey: yes

Andrew Miller: yes

Clare Kurth: yes

Eric Hauptman: no

Vice Chair Young: yes

Chair Phil Tarvin: yes

Motion carried 6-1 8:06

Moved onto Agenda item #8 – Chair Tarvin welcomed Commissioner Clare Kurth to the Commission.

Director Report: A couple of items: City Council formed up the adhoc committees for the housing implementation project and they also formed a committee for the transportation systems plan update. The next will be appointing those committees which is set to happen on February 7<sup>th</sup>, 2022. they based the work on the grant applications. Vice Chair Young and Comm A. Miller did self-select for the housing and transportation systems plan. If you know people that could represent the communities that are underrepresented populations that would be interested in participating in these committees. There will be a web form on the City website. MUPTE will be accepting their first applications in February.

The calendar: January 25<sup>th</sup> will have 4 hearings, you will have a meeting for February 8,

The meeting adjourned at 8:13 PM.

**ATTEST:**

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Sharon Barker, Planning Technician

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Phil Tarvin, Chairperson