

CITY OF FLORENCE PLANNING COMMISSION
November 8, 2011 ** DRAFT MEETING MINUTES **

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson Nieberlein opened the meeting at 7:00 pm. Roll call: Chairperson, Nieberlein, Commissioners Tilton, Peters, Bare, Hoile, Wise and Muilenburg were all present as well as Community Development Director (CDD) Sandra Belson.

1. APPROVAL OF THE AGENDA

Chairperson Nieberlein announced that item #3 (Presentation of Recent Bicycle and Pedestrian Projects in Florence) and #4 (Chuck Marohn – The Important Difference between a Road and a Street) would be reversed.

Commissioner Bare moved to approve the agenda as amended; second by Commissioner Muilenburg, by voice all ayes, motion passed unanimously.

2. PUBLIC COMMENTS

Chairperson Nieberlein read the following into the record: *This is an opportunity for members of the audience to bring to the Planning Commission's attention, any items not otherwise listed on the Agenda. Comments will be limited to 3 minutes per person, with a maximum time of 15 minutes for all items.*

There were no public comments.

INTRODUCTIONS OF THE TRANSPORTATION PROJECT ADVISORY COMMITTEE (PAC)

Chairperson Nieberlein asked that everyone introduced themselves:

Mitch Werro, Dianne Burch, Gary Stein, and Don Saxon

Paul Pfeiffer, Citizen of Florence, came to watch the process.

Commissioners introduced themselves, as well as Ryan Cronk, Siuslaw News and Sandra Belson Community Development Director (CDD).

CDD Belson said the city was updating the Transportation System Plan (TSP) and the Community Transit Plan. The city formed a transportation advisory committee (PAC) to go through aspects of the plan and that committee was invited to attend the meeting. This meeting would give the Planning Commission (PC) an opportunity to become familiar with the topic of transportation, since what the advisory committee recommends in terms of comprehensive plan and code amendments will be coming to the PC for review and ultimate recommendation to the City Council for any policy and code amendments. The project will also be creating a Capital Improvement List (CIP) for approval by the Council.

CDD Belson further explained that the City Council is in the process of long-range financial planning (5 years), unlike land use which tends to be twenty to fifty years. One aspect that has been problematic in terms of a secure source for funding for the future is streets. The City Council has been dealing with streets and how to fund those in the future. The video to be presented was forwarded to the individual members of the City Council for viewing as a point of interest. She noted that the PowerPoint presentation was one that she had created for a conference.

She presented a video and PowerPoint presentation that evening. The PowerPoint presentation is attached to the minutes and the video is available for review.

3. CHUCK MAROHN – THE IMPORTANT DIFFERENCE BETWEEN A ROAD AND A STREET

*Video presentation of TEDx1000Lakes

It was decided that discussion of the video should be held until after CDD Belson's PowerPoint presentation.

4. PRESENTATION OF RECENT BICYCLE AND PEDESTRIAN PROJECTS IN FLORENCE

*PowerPoint presentation by CDD Belson, see attached.

CDD Belson explained that she created this presentation for a Conference of Coastal Planners in Florence this year. The Conference of Coastal Planners had put together a panel of cities that had done work in bicycle-pedestrian programs and asked Belson to be on that panel. She had adapted the presentation for this PC meeting, with assistance from Public Works Director Mike Miller and Senior Planner Wendy Farley-Campbell.

DISCUSSION

Chairperson Nieberlein asked for discussion, remarks, and questions. Vice Chairperson Tilton asked a general question regarding a blog on line where citizens could submit ideas. He asked CDD Belson if there were any submissions and how they were being dealt with. CDD Belson replied that there was website for the project hosted by the consultant (Kittleston) and funded by the Transportation Growth Management Program. There had been some input, but not a lot of activity. CDD Belson said she goes through the comments to see if any relate to that topic of a meeting, and assumes the consultants do the same.

Vice Chairperson Tilton asked what type of community input they've received up to this point, since it's hard to get sometimes. CDD Belson noted that we haven't had much since Florence has an older demographic that doesn't readily use that type of tool and people may not know about it. In terms of the timeline for the Transportation Plan update, the PAC will meet on Thursday and once again in December. There will be a public open house scheduled in January; depending on how that goes they may or may not meet again afterwards and should have a recommendation to the PC, which would be forwarded to the Council and have an approval by the end of June, maybe even April.

PAC member Dianne Burch commented that it had been over a year and a half since they started the process. In the beginning there were participants that have not continued to this point, however their information, opinions, and input have been documented and are helpful in the process.

Commissioner Peters noted that a number of the considerations have to do with the pedestrian crossings on Hwy 101 and draws into sharp focus our interchange with ODOT. He stated that he was not in favor of the design of the pedestrian crossings and hoped that we could avoid that misshaping of our city as we move forward with future pedestrian crossings.

There was some discussion about the crossings which were designed with rocks rather than the flat surface and CDD Belson said landscaping was not a viable option in terms of long-term maintenance and a hardscape-type design was necessary. CDD Belson added that the other effect the bulb-outs have is to slow down traffic. It was noted that fewer pedestrians are crossing the highway haphazardly as they have more control with the lighted crossings.

PAC member Mitch Werro (representing cyclists) agreed that the areas were safer, especially with the flashing lights; however, for cyclists, those islands that go into the street are a hazard. Chairperson Nieberlein said that the theory was that the bicycle lane on Rhododendron going into Hwy 101 was going to help. She thought they were going to encourage cyclists to take that scenic route to fix the problem.

With no further comments, Chairperson Nieberlein thanked the guests for attending, and thanked the committee members for their service. CDD Belson introduced Max and Clara Kuhn, who joined the meeting in progress, and noted that they were ad hoc members of the committee as operators of Rhody Express and River Cities Taxi.

Chairperson Nieberlein called for a 5-minute break to allow PAC members to leave.

5. PLANNING COMMISSION DISCUSSION ITEMS

**Quasi-Judicial Public Hearing Process*

Chairperson Nieberlein reconvened the meeting.

CDD Belson introduced the topic of the script for the quasi-judicial public hearing process, stating that about a year and a half ago the scripts were redone by Chairperson Nieberlein, Vice Chairperson Tilton and herself. They decided to share the revisions with the other Commissioners so they could understand what is being said and the rationale behind those comments, whether it comes from state law in terms of a statutory requirements, or city code.

Quasi-Judicial Hearings

She went on to say that some of it is how we choose to conduct or present things and a lot if it is how we have to per the state planning laws for quasi-judicial public hearings. Quasi-judicial are those types of decisions where you are acting as a judge, in a sense. The public body takes the evidence and makes decisions based on the facts of that evidence. As such, the body is required to be impartial and provide due process for applicants and public to participate in that process.

Legislative Hearings

Legislative hearings are more flexible because they are not property-specific so you generally don't have an applicant, there's a lot more flexibility in terms of involving the public. You don't have opponent- proponent situations. For quasi-judicial it's regimented, and unfortunately may create an unnecessary adversarial feeling, but that's the system we have.

She referred to the handout which included the explanatory version, and said this is what we have as handout for people in the packets for public so they know what to expect in terms of the process.

Chairperson Nieberlein said that having the script is a big help. Vice Chairperson Tilton said we certainly need the script, it can be difficult at times to decide what to do when you are getting a lot of comment from the public and sometimes people are speaking from their chairs in the audience; it is easy to lose control for a while. He suggested adding into the script, "to please refrain from audience demonstrations." Sometimes when we are trying to clarify a point we might ask a question from someone in the audience that has given testimony before.

Vice Chairperson Tilton said when they were reviewing the materials for the public hearing script and the quasi-judicial matter; one has to be careful when reading the prepared material to make sure what you are saying is legally correct.

He said one of the items he learned at the Oregon Planning Institute; is that it really is important for citizens to understand what the procedure is, what is going to happen and if there any places where the PC might be able to clear that up, he would invite all the commissioners to take a look at the script and think about that. Are there some places where it could be made more clear what the procedure is going to be and what their opportunity was to comment? He went on to say that he worries about people glazing over when legalese comes in and not connecting with what we're really looking for. For instance we'd like to hear some facts, if you have some.

Chairperson Nieberlein said the public can say about anything they want as long as it is within the subject.

CDD Belson yes it is difficult and there are a lot of legal aspects, but one advantage of being the Planning Commission is that citizens can appeal (if it is contentious or difficult matter) to the City Council. Things that were messed up at the PC level are given a chance to be fixed at the City Council level before ending up in the Land Use Board of Appeals.

Commissioner Muilenburg said once hearing is closed, technically all the evidence has been given and we go to discussion period, and something may come up. And sometimes an audience member may have comment on that. A lot of times we go ahead and let them comment, but technically the hearing is closed, if the audience member comments and brings up new evidence that is not part of the hearing; we can't take comment to base our decision on since hearing is closed. He went on to say that the technical way would be to open the hearing back up; we could gain that information, but if it happens more than once like it did on the last application, we would be continually opening and closing the hearing. He asked if it was important to take that technical step and open the hearing back up.

CDD Belson said with the last application there was no one in opposition, so the procedural issues were not as important. She went on to say that if the Commission was clarifying something; you don't need to reopen the hearing; if it is new information, then, technically, yes, the hearing should be re-opened. When you open that hearing, not only does that person have the opportunity to provide that information as part of the hearing, the process allows anyone else to add to or rebut what has been said, which can't happen if the hearing is closed.

Commissioner Muilenburg said after we deliberate, a motion and second is made; it is his understanding that there should be a discussion on that motion, and it was not reflected in the script and wanted that clarified.

Vice Chairperson Tilton said previously we had a sentence added that if the applicant brings up any new information when they are doing their rebuttal, after they had heard any opposing testimony (if there were some) he thought we need to be vigilant if they bring up anything new that we get it opened up to let anyone else respond to that new information.

A Commissioner asked if it true that in the applicant's rebuttal they offer new evidence the opponents are provided an opportunity to respond to that. Vice Chairperson Tilton said we need to make sure we don't miss that.

Commissioner Muilenburg said even as simple as when in the Coast Village application when the lady said, she had two lots and that may not have been information that they understood that it was two separate lots, that would have been new information interjected that could have qualified as new evidence.

CDD Belson said Coast Village is tricky as it is partially quasi-judicial and partially legislative. When you have the legislative matter you don't need to do that back and forth as much, everyone gets the information out and you are making more generalized law for the good of the whole community – it's not an individual that is affected as much. But Coast Village is somewhat quasi-judicial in that we are changing the zoning for their property.

Chairperson Nieberlein shared that at one of the meetings that she attended of another agency, they reopened it and left it reopened until no one wishes to speak. She said, however, once it is closed the second time it is closed.

Commissioner Wise said it seems from what he had read that any party can request that the record be held open and any party is defined as, "anybody who comes up and speaks, opponent, proponent, not just the applicant." He said it would require the commission to reconvene at a later date. He acknowledged that we have 120 day rule, and asked how many times could someone force us to keep the record open. CDD Belson replied, the first time or first evidentiary hearing, after that they can no longer require that the record remain open.

She added that when we get an application we have to process it in a timely manner to allow for that type of a situation where you automatically have to have a second meeting. The scheduling needs to allow for decision time and allow for an appeal be heard by the City Council all within the 120 days. It was noted that if a city went over the 120 day period the applicant could take the city to court to get their money back.

Commissioner Wise asked for clarification on "holding the record open" and "continuation of a hearing." CDD Belson replied that holding the record open would allow for additional written comments but not verbal testimony. If you hold the hearing open, then you will reconvene and hear verbal testimony. She went on to say that when someone asks for the record to be held open, or for whatever reason you want to allow for more evidence, then you need to decide, "Are you going to want to be able to have the back and forth discussion?" If you going to be satisfied with whatever is submitted in written form, then there is no more opportunity for new evidence and the next time you meet would just be for deliberation. She said that partially depends on the audience, are they going to be able to provide comments in writing or is it better done verbally and how much time do you have, if you are on a time crunch, just leaving the record open is probably better because then you know you have a fixed time that it will be done.

Commissioner Wise said it was his understanding that on the continuation of a hearing; actually the Chair has the right to limit how much testimony is given at the continuation. CDD Belson responded, that could be, for example you could leave it open for one particular issue only. You can also limit the amount of time that people have to testify, although we haven't needed to do that for a number of years.

Commissioner Muilenburg asked in a case where we didn't have a landscaping plan, could we hold the record open for that plan to be submitted?

Commissioner Peters asked if simply holding the record open meant deferring the decision to staff. CDD Belson replied, no – the Commission would make the decision. He asked about holding the record open for submission of a landscaping plan with the understanding that staff would just review it. CDD Belson said the Commission can close the hearing and keep the record open, but the Commission would still deliberate and come to a decision at a future meeting. If you wanted to delegate the decision to staff, then you would close the hearing and the record and make your decision that night with a condition of approval that the landscape plan must meet the code and be approved by staff.

Vice Chairperson Tilton clarified that the Commission could leave the record open but submissions to a particular subject, for example, the landscape plan.

**Oregon Planning Institute*

Vice Chairperson Tilton referred to his brief notes on the "Conflict Resolution Workshop" that he attended during the Oregon Planning Institute. The Commissioners discussed how to incorporate these ideas in their meetings.

6. DIRECTOR'S REPORT

Monthly Report

CDD Belson referred to the monthly report in the Commissioner's packet.

Vice Chairperson Tilton referred to the County Co-Adoption on page 3 and asked staff if there were any surprises at the meeting. CDD Belson said the Lane County Planning Commission made a recommendation to change the language somewhat from what the Council had requested, but it doesn't really change the meaning of the language. The Board of County Commissioners held the first reading and would be holding a second reading and public hearing on the 22nd. She provided written testimony to the Lane County Planning Commissioners before they made their decision and she is going to submit written testimony to the Board. When Vice Chairperson Tilton asked if it appeared that there is language that the City Council and County Commissioners will be able to agree on and is reasonably happy with; CDD Belson replied, that she hoped so.

Commissioner Bare asked if this means there is a reconciliation of the views as to whether you can annex citizens in without their acquiescence. CDD Belson said the language supported by the City and the Lane County Planning Commission requires a majority of consents. There are various annexation methods by state law: petitions by property owner and/or electors; elections. Consent means agreements either through a petition or a vote by the property owners and/or electors.

CDD Belson said that the City had been on record for years that even though state law allows a city to annex properties that are surrounded by the city (island annexation) Florence has stated, “We voluntarily have decided that will not use that method to “force” it (annexation) on people.”

Church on the Rock

Commissioner Peters asked about the Church on the Rock and why did Lane County ask for the City comments. CDD Belson responded that it the property was located outside the city but within the Urban Growth Boundary (UGB) and in the city’s planning area but the County has the permitting authority. The County sends the City a referral when there is a proposal for development to occur within our UGB and we respond with comments as to how that development conforms to the City’s plans.

Updated Plans and City Code

CDD Belson said staff had been doing updates to the city’s Comprehensive Plan and code. She asked the commissioners if they wanted to receive the updates in written form or if they were comfortable relying on going to the website for updates. Commissioner Wise asked if the electronic version would indicate what has changed. CDD Belson said that with the code, at the bottom of each chapter there would be a reference as to what changed through what ordinance and a date, but not in a “track changes” form. For the Comp Plan, there is a table in the front that lists each ordinance and summarizes the type of changes made and a date.

Commissioner Muilenburg said that he would like an email informing him of what has changed and where to find it, but he did not need a hard copy. He would not go on the website and it would be difficult to know what has changed. CDD Belson said if they wanted to keep their paper documents up to date, she would need to assist them so they would know what to replace. She said if they were not using their paper documents at home and they were not intending on replacing them, then she would not make copies.

Commissioner Wise said the online files are searchable which cuts down on the time of going through the code book.

Commissioner Wise noted that the Commission does not typically get all the documents required by code for conditional use permits per 10-4-3. He said he typically hasn’t seen “existing conditions on the site and within 300’ of the site,” nor the “existing and proposed utility lines and easements.”

7. CALENDAR

Tuesday, November 22 –Regular Meeting including two public hearings
Tuesday, December 13 – Regular Meeting
Tuesday, December 27 – Cancelled
Tuesday, January 10 – Regular meeting

ADJOURNMENT

With there being no further business to come before the Florence Planning Commission, Chairperson Nieberlein adjourned the meeting at 9:00 p.m.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE ____ DAY OF _____ 2012.

JAN NIEBERLEIN, CHAIRPERSON
FLORENCE PLANNING COMMISSION

Bike-Ped Projects in Florence

Planning Commission and
Transportation PAC
November 8, 2011



Presented by:
Sandra Belson with
assistance from Wendy
Farley and Mike Miller

12th Street Path – Planning

- Identified in TSP as Bicycle Project, connecting Rhododendron Drive and Kingwood Street, Medium Priority
- Existing right-of-way with informal path
- West Half – Greentrees
 - Vegetated buffer adjacent to Greentrees with path on south side of ROW
- East Half – Industrial Land
 - Street with bike lanes



12th Street Path - Location



12th Street Path - Grant

- State Parks awarded grant in 2006
- February 2008 – Agreement with Recreation Trails Grant Program, project estimated at \$152,168
- Designation change for Coho under ESA after award. Causes issues with wetland/seasonal stream crossing (ACOE and DSL permits)
- Council Goal in 2009 & 2010
- Amend Agreement in November 2010 to remove crossing and replace asphalt path surface with "Fibar" bark (ADA accessible)
- Project Funding: \$87,942



12th Street Path - Funding



- \$42,275 grant from Oregon Parks and Recreation Department
- \$10,000 Cycle Oregon grant (Oregon Community Foundation)
- \$12,000 held in escrow from Wynsome Circle – Thornton Patsche Development
- \$23,667 from City Parks

12th Street Path - Construction

- Funding Available: \$87,942
- Project Cost: \$86,971
- Built in 2011 by GC Contractors LLC



12th Street Path - Materials

- Engineered wood chips on top of 1" minus base rock over geo-textile fabric
- Crushed gravel base allows for future paving



12th Street Path – Next Steps

- Cross the 0.022 acres of wetlands
- Permit application submitted & approve
- Purchased mitigation credits in Wilbur Island Mitigation Bank



Hwy. 101 Pedestrian Crossings TSP

- Pedestrian Crossing Pilot Project
 - Florence Downtown Implementation Plan
 - Wide sidewalks
 - On-street parking
 - Bulb-outs
 - In-pavement lighting
- Other Hwy. 101/126 Crossings
- Signal at 27th Street

Hwy. 101 Pedestrian Crossings Impacts of Fatality in 2001

- Death of highschool bicyclist at 30th
- Amend TSP to locate signal at 30th
- Pedestrian Safety Study
 - Alta Planning + Design, CH2MHill
 - 12th, 18th, 27th, 43rd Street intersections
- US Senators dedicate funding (\$400,000) through ODOT

Hwy. 101 Pedestrian Crossings Frustration & Progress

- City's various attempts for 8th Street (Pilot Block) rejected by ODOT
- 30th didn't meet warrants (Burger King closed)
- Council Goal in 2007 to improve relationship with ODOT
- Walkway/Bikeway Project Agreement with ODOT in 2008 to design 3rd, 8th, 12th, 18th, 30th, & 43rd intersections with \$100,000 funding from ODOT's Bike/Ped Quick Fix Funds
- Switch from 43rd to 15th based on actual pedestrian usage

Hwy. 101 Pedestrian Crossings Design Approval

- Council Goals in 2008, 2009, 2010, & 2011
- Construction of Pedestrian Activated Rectangular Rapid Flash Beacons with solar panels and pedestrian refuges



Hwy. 101 Pedestrian Crossings Constructed 30th

- Funding
 - \$150 in ODOT Bike/Ped Quick Fix Funds
 - \$21,980 city funds not reimbursed by State
- Constructed in 2009
- Draft TSP relocates signal to 27th Street



Hwy. 101 Pedestrian Crossings 2nd & 7th/8th & 18th/19th

- Funding:
 - \$318,070 federal appropriation
 - \$86,933 in state funds
- Constructed in 2011 by Wildish Construction
- Sought/Seeking Funding for 12th and 15th/16th from ODOT's Flex Funds (2010 & 2011)



ADA Ramps at Hwy. 101 intersections with Rhody & 6th

- Accessible ramps to sidewalks
- \$123,685 ODOT Quick Fix Funds
- Completed in 2011



Pedestrian Crossing Enforcement

- ODOT Grant administered through Bicycle Transportation Alliance
- \$3,742 – no match required
- 5 days of enforcement in Aug & Sept 2011
- Press releases



Photo by Ryan Cronk
of Shuswap News

Pedestrian Crossing Enforcement

- 75 citations for failure to stop for pedestrian in crosswalk
- 6 citations for not wearing a seatbelt
- 3 citations for speeding
- 1 citation for use of cell phone while driving
- 1 citation for misuse of turn lane
- 1 citation for Driving While Suspended violation
- 2 citations for failure to register vehicle
- 5 citations for no driver's license
- 6 citations for driving uninsured
- 33 warnings for minor violations
- 1 felony warrant arrest



Rhododendron Drive



- TSP id's as Scenic Drive
- TGM Grant in 2006 = Rhododendron Drive Integrated Transportation Plan, adopted Jan. 2007
- East Side: 8-10' multi-use path east side for area north of 9th Street
- Grant applications:
 - Transportation Enhancement
 - ODOT Bike & Ped Grant
 - Urban Trails Fund
 - Transportation Enhancement 2010 (2nd Runner-Up)

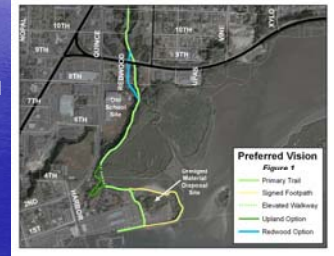
Siuslaw Estuary Trail-Proposed

- Proposed in Downtown Implementation Plan, 1999
- Included as a pedestrian project in the TSP and listed as high priority capital project
- Connect Port's Boardwalk to Hwy 126, through culvert when culvert replaced, connect to Munsel Creek Bike Path; include connection to Old Middle School site
- Include interpretive signage about estuarine formation, maintenance, and wildlife species and habitat

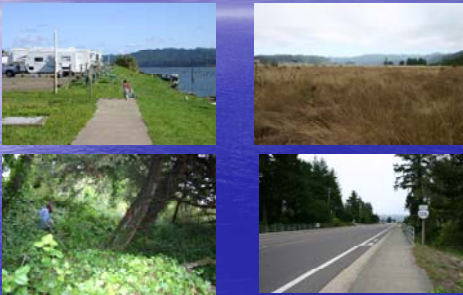


Siuslaw Estuary Trail-Proposed

- Siuslaw Estuary Partnership--Planning
- @ 3500 linear feet
- Old Town Boardwalk, to Gallagher Park via Port, old Middle School & Hwy 126
- 4 property owners
- Considerations:
 - Under/over Hwy 126
 - Replace Munsel Creek barrier culvert
 - Campground & dredge spoils interface



Siuslaw Estuary Trail-Cont'



Lessons Learned

- Planning
- Perseverance
- Develop relationship with ODOT

