

**CITY OF FLORENCE PLANNING COMMISSION**  
**June 25, 2013\*\* MEETING MINUTES \*\***

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

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Robert Bare, Curt Muilenburg and John Murphey were present. Commissioner Burns was absent. Also present: Interim Planning Director Kelli Weese, LCOG Associate Planner Jacob Callister, City Manager Jacque Betz and Public Works Director Mike Miller.

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**1. APPROVAL OF AGENDA**

Commissioner Bare moved to approve the agenda as presented; second by Commissioner Murphey; by voice all ayes, motion approved unanimously.

**2. APPROVAL OF MINUTES**

- Meeting of May 7, 2013
- Meeting of May 14, 2013
- Meeting of May 28, 2013

Commissioner Muilenburg moved to approve all the minutes as presented, second by Commissioner Bare, by voice all ayes, motion carried unanimously.

**3. PUBLIC COMMENTS**

*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.

**PUBLIC HEARING:**

- 4. CANNERY STATION DEVELOPMENT – RESOLUTION PC 12 12 FPUD 01, PC 12 13 SUB 01, AND PC 12 14 DR 01:** A request for final development plan approval for a planned unit development as well as design review and a preliminary plan approval for a subdivision of a 17-acre mixed use development located at 87344 Munsel Lake Road, Map Reference 18-12-14-20 tax lot 700 (at the corner of Hwy. 101 and Munsel Lake Road), as applied for by Arlie and Company.

*Chairperson Hoile said there was a public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudice, personal*

*interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.*

Chairperson Hoile opened the hearing at 7:05 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Commissioner Bare declared a site visit. Chairperson Hoile asked if the public had any challenges to the commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

### **Staff Report**

AP Callister gave a verbal report using information from the Item Update Summary memo saying this report would serve as an update for the continuation of the Planning Commission Public Hearing.

AP Callister said the first issue was in regards to parking widths and the need for a variance. He said there was a condition in the Preliminary PUD which required that any proposal which did not meet the 25 foot minimum would require a variance. AP Callister said the applicant proposed a 24 foot parking aisle width and since 2008 the parking aisle width requirement had been decreased to 23 feet. He said staff had been asked to research whether a variance would be required.

AP Callister stated there were two points to the answer to the question. He said the first point was that there were no mechanisms for pursuing a variance to code language which were not currently in effect. AP Callister said staff would not be able to do a variance retroactively for code that existed in 2008, which meant a variance was not necessary or possible.

AP Callister said the second point was the condition of approval for parking width. AP Callister stated the applicant had developed a site plan with 24 foot parking widths consistently throughout the development.

AP Callister said another issue was in regards to the parking summary table the applicant provided previously saying it contained some errors and needed to be updated. He said the applicant had provided a revised parking summary table. He said based on the range of square footage and usage, the new table was a parking dynamic that would meet the parking requirements for Phase 1.

AP Callister said that on June 12, 2013 the applicant met with residents of Florentine Estates to discuss concerns regarding the proposed development. He said the main concern was in regard to the wall between the subdivision and the proposed development and drainage issues. He said this issue was still pending and the timing of the construction of the wall seemed to be the issue. AP Callister said the residents of Florentine Estates were concerned the wall would be constructed before the topography for the development was fully understood and issues such as drainage would arise that could not be addressed after the wall was constructed. AP Callister said there currently were conditions in place that stated that the wall would be built when the first public improvements were put in for Phase 1.

AP Callister gave an update on the issues between the applicant and the Oregon Department of Transportation (ODOT) and it was decided that the applicant needed to perform a traffic analysis. He gave a verbal report on the traffic analysis findings using information from the ODOT report. He said the applicant recommended the removal of the median and the right turn lane that was on the original Phase 1 concept and ODOT agreed. He said this information reduced the complexity of the Highway 101 ODOT concern's the staff had. AP Callister said according to the study, one of the ideas looked into was a situation where there could be both left and right turns, which would allow people leaving the site to turn southbound without a significant traffic impact. He said this would widen HWY 101 which would reduce the requirements for other issues. He said ODOT asked the applicant to resubmit a road approach permit application and the applicant had started the process.

AP Callister clarified a public comment made at the previous meeting regarding the speed limit that was listed on the traffic study as 45 and the actual posted speed limit was 40. He said it was a standard engineering practice to take the registered speed and add 5 miles per hour to those studies to reflect the actual speed being driven.

AP Callister discussed the water service issue saying the applicant had concerns about the size of the water lines requirement going from 8-inch to 12-inch. He said Public Works Director Mike Miller would speak on the most current updates.

PWD Miller said in 2008 when the original proposal was submitted an 8-inch water line was identified for the project. He said since the city did a Water Master Plan Update in 2011 with this development specifically being looked at for service. He said when the engineers ran the water model and looked at the demands and the proposal for this 17-acre development, it was determined the 12-inch pipe was needed.

PWD Miller said the goal was to provide 3000 to 3500 gallons per minute because of the zoning in the proposed area of development. He said to determine what the true fire flows would be, staff looked at the proposed 54,000 square foot 3-story building with fire sprinklers. PWD Miller said they had a range of 2750 to over 6750 gallons per minute that was not sprinkled and having sprinkler systems allowed for the reduction of the fire flows by up to seventy-five percent (75%) according to the state fire code. PWD Miller said after consulting with the local fire marshal, that amount could be reduced to fifty percent (50%) for fire sprinklers, bringing the fire flows into the range of 1375 – 3375 gallons per minute. PWD Miller said an 8-inch water pipe could only deliver 1500 gallons per minute and the fire marshal is requiring a minimum water flow delivery of 3000 gallons per minute for this development. He said staff recommendation was to continue with the 12-inch water line.

AP Callister addressed the issue of Redwood Street, and said the preliminary PUD provided for a modification where it allowed for the right-away to be less than the minimum standard 60 feet and less than the minimum 36 feet of pavement and allowed the right-of-way to be 57 feet and 32 feet of pavement. He said the applicant was asked where on Redwood Street was this reduction occurring on the plan and the applicant had been unable to clearly identify. AP Callister said this was an outstanding issue that needed to be resolved before the final staff report was submitted and a final decision made.

AP Callister said after conversations with the applicant, staff decided to remove or refine many of the conditions. He said the conditions being considered for removal were ODOT and applicant specific and the conditions being considered for refinement pertained to changing the conditions to “informational items” with any proposed word changes.

AP Callister referred to the staff report and said the condition for the median was one of the conditions removed. He said condition 23 was changed to an information item as well as being reworded. Other conditions being reworded were fourteen (14) and twenty-nine (29) with a number of conditions remaining unchanged. He said staff was making these changes not to reduce the expectation of the applicant, but to make it clearer and more accurate about how staff was organizing and defining what these conditions were.

AP Callister said staff had received some new and revised exhibits, which were the applicant’s statement, the land use plan with the parking information, the access analysis, and a revised site investigation report. He said PWD Miller would submit an official referral from Public Works regarding the water lines as an exhibit.

AP Callister said IPD Weese asked that the expected timelines of the applicant be included in the staff report. He gave the following timelines saying the Phase 1 PUD and the Tentative Subdivision would be valid for two years from the approval date, with the possibility for two 1-year extensions with a

maximum of four years. The Final Subdivision would need to be submitted within this timeframe and the Design Review would be valid for one year with an option of one 1-year extension.

AP Callister said the final staff report would have the following changes. He said one of the proposed changes were to take the conditions and order them by application, which would better organize the list of conditions. He said another proposed change was to incorporate updated referral and public comments received or would receive, exhibit changes and other changes requested by the Planning Commission.

AP Callister said staff's next step alternatives were 1) to close the public hearing, deliberate and make a decision, 2) to close the public hearing and schedule deliberation and decision for the August 13, 2013 Planning Commission meeting, 3) close the public hearing, leave the record open for seven days in order to obtain some additional materials from the applicant, and schedule deliberation and decision for the August 13, 2013 Planning Commission meeting and 4) to keep the public hearing open if it appeared necessary and to re-adjoin for a special Planning Commission meeting on July 16, 2013 in order to deliberate and make a decision on the August 13, 2013 Planning Commission meeting. AP Callister stated this was the end of the Staff Report.

### **Questions from Commissioners**

Commissioner Muilenburg asked AP Callister if there were some way he could clarify what were original conditions and what were the informational items conditions. AP Callister said a condition was already a part of the building process where an information item is something that will happen somewhere in the process.

Commissioner Muilenburg asked staff if they knew of the City of Florence's transportation system plan concerning the right hand turn lane and the right away and was it still included with this development. IPD Weese responded saying the city's transportation system plan was based on the Preliminary PUD and the right turn lane and the right of way were still in the proposed development plans.

Commissioner Murphey asked about the wall between the proposed development and Florentine Estates. He said the Planning Commission would have to come to a conclusion before August if they were going to have a meeting to deliberate, approve or disapprove. He asked how would they receive a recommendation and from whom, and when the wall could be started. AP Callister responded saying there was a condition stating the applicant needed to build the wall and it needed to be built when public improvements went in.

CM Betz responded to Commissioner Murphey's concern stating that his question showed members of the audience that the Planning Commission was open to ideas on the wall. She also said it would be helpful to have residents speak on behalf of Florentine Estates giving input back to the Planning Commission which would also be helpful for the applicant as well.

Chairperson Hoile commented about the Redwood Street issue. She said she hoped the applicant would identify on the plan where they were planning to make it wider or narrower.

### **Applicant's Presentation**

**Chuck McGlade – Co-Owner of Cannery Station**  
**4055 Spring Boulevard, Eugene, OR 97405**

Mr. McGlade said the vision of Cannery Station was a good vision and he hoped it would be a pride for Florence and the residents of Florentine Estates. He said his profession was a physician and co-owner of an assisted living management company. Mr. McGlade said he looked at this project as the way development should go. He said he thought it was a shame that our society took the older people and sequestered them in buildings away from what was happening in the community. He said they needed to

be a vital link to the community because they were a vital part of the community. Mr. McGlade said he was for this development because it would bring generations together, it would allow people to linger without having to get into a car to do everything. It should be a place where there were services right outside your door, such as places to shop, eat and visit. He said he hoped it would address a lot of different issues in a positive way. Mr. McGlade said his goal was to take something and make it better than it was.

**Teresa Bishow – Arlie & Company**

**2911 Tennyson Avenue, Eugene, OR 97408**

Ms. Bishow spoke about the access at 47<sup>th</sup> Street and said they supported ODOT's revised recommendations and financially it would allow the project to move forward more quickly.

Ms. Bishow spoke about the water line and asked the Planning Commission when they consider the condition if they would provide an option at the end that said a 12-inch water line would be required unless both the Public Works Department and the Siuslaw Valley Fire and Rescue were in agreement that an 8-inch line could be installed. She said this would allow the project to move forward without having to go before the Planning Commission.

Ms. Bishow requested the Planning Commission to ask the City Manager to initiate an open dialogue with the property owner, Cannery Station LLC to amend and clarify the Spruce Street LID, to ensure there were no other changes that needed to be made to the document since it was used as a guideline.

Ms. Bishow discussed the wall saying Arlie & Company recognized the concerns by the residents of Florentine Estates for a safe community and their preference for restricted access. She said it was understood that the design of the actual wall would be submitted to the Planning Commission as part of the Design Review for the buildings and open space adjacent to the property line. Ms. Bishow said there was no model of the wall, because the development was over 400 feet away from the property line, with Phase 1 abutting the property line. Ms. Bishow requested that the agreed upon condition of approval remain, and the final PUD was intended to implement and ensure consistency and compliance with the tentative PUD. She said the wall would definitely be constructed, beginning at the southernmost part of the property and extended to the northern edge of the last home adjacent to the property. Ms. Bishow said between the rest of the property line boundary, Arlie & Company were required to construct a berm so the pond area would drain properly and not continue to gravity flow onto Florentine Estates and where there wasn't a wall, there would be a berm and this was the reason for the starting and stopping of the wall in phases.

Ms. Bishow said she agreed with the recommendations in the staff report to eliminate unnecessary recommendations and to move some to informational items and clarify conditions. Ms. Bishow said the date of August 13, 2013 for final action worked with their schedule.

Ms. Bishow said in their letter dated June 18, 2013 there were three attachments, but one of them had been inadvertently left out of the packet. She said it was an excerpt of the construction bid that had been done last year which showed the 8-inch water line. Ms. Bishow stated this bid came in after the Phase 1 final PUD's were submitted.

**Gene Wobbe – P.O. Box 1136, Florence, OR**

Mr. Wobbe commented on condition 14 regarding the 35 foot setback line. He said the setback must be shown for lots 3 and 4 on the final subdivision plat. He wanted to call the Planning Commission's attention to ORS chapter 92 which had a section that stated restrictions for the type of setbacks that could be shown on a final plat. Mr. Wobbe this included things that could be changed by variance or rezoning and he suggested following the statement in ORS Chapter 92.

## **Questions from Commissioners**

Commissioner Bare asked Ms. Bishow if she had been to Florentine Estates when there was standing water and said she had and also saw some videos which showed boats in the streets, saying it was much more severe than she had imagined. She referred to the open space plan map saying currently there was a lot of sheet flow off of the proposed development that naturally drains onto Florentine Estates property. She said this development would have a comprehensive storm water management system and water would go to certain areas of the site, with the water ultimately going into the city's storm water system. She said the prevention of flooding would be improved with significantly less run off. Ms. Bishow said the large open space at the northeast corner of the property had multiple functions such as storm water detention, retention, a park, rhododendron garden and a pedestrian path, as well as a raised berm to help prevent the water from continuing to flow.

Commissioner Murphey asked if there would be a discussion regarding a secure walking gate from Florentine Estates to the proposed development. Mr. McGlade responded saying he had hoped on making the wall something that complimented the area, but also allowed access.

Commissioner Muilenburg asked Ms. Bishow what the distance between the vegetation buffer, the wall and Florentine Estates were. Ms. Bishow said it was 35 feet on the development's side abutting the fence line and asked Donna Lee what the width of the Florentine Estates easement was. Ms. Lee said it was 40 feet of vegetation and Ms. Bishow said that made a total of 75 feet of vegetation.

Commissioner Muilenburg asked where the wall would be built in relation to the property line. Ms. Bishow said the wall would be built on the property line and they had submitted to DSL and the Army Corps of Engineers the request for Fill Permits along the property line to allow construction of the wall and it was pending review.

Commissioner Muilenburg asked Mr. Wobbe about the 35 foot setback and wanted to know if his concern was because of the regulation or did he just not want to put it in the final plat. Mr. Wobbe said he didn't want the setback put into the final plat because it could be changed because of code or a variance.

Ms. Bishow said the 35 foot setback would be a legally binding easement on the property and it was referred to in the CC and R's giving the setback multiple layers of protection so resident's would not be able to add to their homes and start building back into the area.

## **Public Testimony**

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment.

### **Donna Lee – 815 N. Marsh Court, Florence, OR.**

Ms. Lee asked if Mr. McGlade was a partner in all three phases or just phase 1. Mr. McGlade responded saying he was a partner in all three phases.

Ms. Lee spoke as a former Planning Commissioner and said when the Planning Commission approved the development plans in 2008, they knew it was going to be done in phases, but wanted the wall built completely at the beginning of Phase 1. She said the north end of the development would cost a lot more than the south end because of Munsel Lake Road and the signal at Hwy 101. Ms. Lee said there was a possibility Arlie & Company could build the south end and then decide to sell the remaining 17 acres. Ms. Lee commented that there was no language in any resolutions stating that the land could not be sold. She said the zoning in the 17 acres allowed for many uses, which included the water line controversy, the ODOT updates and Redwood Street width, and said her concern was that if approved, they would only build the wall for the south end and that left no guarantees that the wall would be completely built. She

said the wall was to be 8 feet and the zoning was changed with the help of Florentine Estates in 2008 to make this possible.

Ms. Lee spoke as a resident of Florentine Estates and said she did not live anywhere near the 17 acres, but had been on the board of director's and will sit on the board of director's again in July with her goal being to represent everybody in Florentine Estates. She said that there had been a discussion regarding putting a gate in the wall and it wasn't received well with the residents.

**John Rickaby – 492 Sherwood Loop, Florence, OR**

Mr. Rickaby asked if there were any answers to the questions regarding the building codes and the wall. He specifically wanted to know if there were codes in place for earthquake and mudslides. Chairperson Hoile said the Planning Commission would ask Ms. Bishow to respond to the question.

**Sally Ahlas – 405 Sherwood Loop, Florence, OR**

Ms. Ahlas said her two main concerns regarding the proposed development were security and water. She said the 17-acre undeveloped parcel had been the security for Florentine Estates on the western perimeter and said she felt that any development partial or full would have an effect on the security of Florentine Estates. She said she hoped the Planning Commission would take the resident's concerns into serious consideration.

Ms. Ahlas said that there had been a committee within Florentine Estates that measured the water table on a regular basis at various spots within the community, and this showed the water table was high and flooding of the community occurred and still continues to be an issue anytime there is heavy or consistent rainfall on the western perimeter of the community.

Ms. Bishow responded to the public testimony issues saying the plan was to build an 8 foot wall, and said the actual wall design was unknown. She said it would have to go through design review which would provide notice to the neighbors and said they would be submitting the design review application to the Planning Commission. She said she felt the wall would be constructed in its entirety, not in phases if that was the Planning Commission's request and that would be consistent with the tentative PUD, which envisioned the wall being constructed at one time.

Ms. Bishow asked the question in regard to when the design review for the wall was triggered. She wanted to know if it was triggered for any development or do we stay with the tentative PUD which said the wall would be constructed prior to public improvements in the Spruce or south 47<sup>th</sup> phase.

**Questions from Commissioners**

Commissioner Muilenburg said he did not see a plan for a gate in the wall in any of the documents. Ms. Bishow responded saying she knew the understanding was for a solid 8 foot wall and that is what would be constructed unless there was a request from the Florentine Estates Board or Association for openings and as a "good neighbor" that would be allowed without needing to go back to the city. Ms. Bishow said there were numerous places where gates were possibilities.

Chairperson Hoile asked Ms. Bishow to respond to Ms. Lee's concern about development. Ms. Bishow responded saying it was better to have a phase development and the right development rather than complete the development at one time and lose opportunities.

## **Staff Response and Recommendations**

IPD Weese responded to Mr. Wobbe's comment on condition 14 and said staff was amiable to adding it on about the ORS with verification from Mr. Wobbe before the change would be made.

IPD Weese responded to Mr. Rickaby comments on the wall and said it would require a design review and a building permit. She said the building permit stage would note for the earthquake hazards, which would be amended for.

CM Betz said the City Manager would be willing to review the current settlement agreement and amend for the water lines and do a review to see if anything else needs to be amended as well.

AP Callister responded to Ms. Bishow's concern over what triggered the building of the wall. He said it made sense to go back to the original approval of the PUD which related to the sub phases. He said Ms. Bishow was talking about the south 47<sup>th</sup> and Spruce Street phase which would trigger the development of the wall.

Commissioner Murphey commented on retention ponds for water runoff. He said he anticipated the retention ponds would have to be built before the wall in order to study which way the water flowed. AP Callister responded saying those issues would need to be considered during the design review, and permitting process and resolved.

AP Callister said Ms. Bishow's request that the staff include the condition that both Public Works Department and the Siuslaw Valley Fire and Rescue agree on an 8 inch line was a reasonable request. PWD Miller also responded saying he agreed that it was a reasonable request because technology and information changes.

IPD Weese said staff recommended that the public hearing be closed for oral comments, but left opens for seven days for written materials and scheduled deliberation and decision for August 13, 2013.

Chairperson Hoile asked the commissioners if they were in agreement with the conditions in the Preliminary PUD and the whole wall built at one time and they all agreed with verbal ayes.

Commissioner Muilenburg wanted to know when the issue of how much of the wall would be built was going to be discussed. IPD Weese said staff was under the presumption of the condition from the Preliminary PUD will remain, which was building the whole wall with the trigger being development within one of the two phases, and anything east of Redwood.

Chairperson Hoile asked the commissioners if they were in agreement with the conditions in the Preliminary PUD and the whole wall built at one time and they all agreed with verbal ayes.

Chairperson Hoile commented about the water line and the additional language to be put in the condition stating that a 12-inch water line would be installed unless both the Public Works Department and the Siuslaw Valley Fire Department were in agreement regarding the installation of 8-inch water lines.

Commissioner Murphey asked that the 3000 gallons per minute also be put into the language of the water line condition in order to keep the standards of fire flow to keep the protection class fire rating in the City of Florence. It was agreed by staff and the Planning Commission that issue was for the fire marshal to address.



Chairperson Hoile closed the hearing at 8:47 p.m.

## **5. Planning Commission Discussion Items**

There were no discussion items for the Planning Commission.

## **6. DIRECTOR'S REPORT**

IPD Weese said the monthly report was in the packet. She said the City Council would be having a public hearing regarding the miscellaneous code amendments on July 1, 2013 and the Siuslaw Estuary Partnership Joint Hearing with Lane County and the City Council would be on August 6, 2013.

## **7. CALENDAR**

IPD Weese informed the Commission on upcoming calendar events including

- Tuesday July 9, 2013 – Regular Session, 7:00 pm at City Hall - canceled
- Tuesday July 23, 2013 – Regular Session, 7:00 pm at City Hall - canceled

Chairperson Hoile adjourned the meeting at 8:53 p.m.

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Cheryl Hoile, Planning Commission Chairperson