

**CITY OF FLORENCE PLANNING COMMISSION**  
**August 13, 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: Curt Muilenburg, Alan Burns, John Murphey, and Robert Bare were present. Also present: Interim Planning Director Kelli Weese, City Manager Jacque Betz, and LCOG Associate Planner Jacob Callister.

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**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Meeting of June 25, 2013

Commissioner Murphey moved to approve the minutes, second by Commissioner Muilenburg, by voice all ayes, motion approved unanimously.

**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.

**ACTION ITEM:**

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

## Staff Report

AP Callister discussed the history of the Planning Commission meetings on the proposal and said during the June 25<sup>th</sup> meeting, the Planning Commission closed the hearing for public comment, but left the record open for written comments for an additional 7 days. He reviewed the conditions of approval and said that there had been some reordering of the conditions to make them more understandable and relatable to the applications to which they related.

AP Callister discussed what was included in the Planning Commission packet including updated referrals and public comments submitted during the open period, as well as additional exhibits. He said Exhibit 15 was updated to contain a new parking data table. He said that two exhibits were removed relating to the Hwy 101 and 47<sup>th</sup> Street improvement plans. He said the Oregon Department of Transportation (ODOT) changed its approach to its referral comments in order to remove the median. He said they had found through the traffic study that the right turn lane was not supported because the impact on the proposed use would not merit those improvements.

AP Callister discussed the new or revised exhibits that were received including Exhibits 45, 46, 47, 49, 50, 51, and 52. He said some of the key updates he would be discussing were the water service provision, Hwy 101 and ODOT concerns, site drainage, and the wall between the development and Florentine Estates.

AP Callister discussed the water provisions including the issue of providing a 8" vs. a 12" water line to the site. He said the current proposal from the Public Works Department and Siuslaw Valley Fire and Rescue noted that because of changes to the to the phasing sequence, the fire flow requirements would likely necessitate installation of an 12" water main. However, it was up to the applicant to determine how to best provide for the necessary fire flows, so the condition was amended to reference that the applicant shall meet the fire flow regulations.

CM Betz said there had been a lot of discussion at prior meetings and between the City and the applicant concerning the settlement agreement between the development and the City which stated that an 8" water main would need to be installed. She said the City's attorney reviewed the settlement agreement, and indicated that the condition should be amended to be more general and get to the intent of the condition. She said the fire flow needs would be determined at the time of building permit.

AP Callister went on to discuss the updates in regards to Hwy 101 and ODOT. He discussed the process for ODOT to submit referral comments, and for them to indicate what they needed from the applicant to come to a determination on what would be needed for the intersections with the highway. He said the consensus was the first phase of the project would not warrant the improvements that were originally indicated, and during future phases the issue would need to be further assessed. He said ODOT had required the applicant to submit a new approach permit to sort out the connection to the previous permits. AP Callister discussed the conditions of approval that related to ODOT as listed in the staff report.

AP Callister said the next discussion topic was the issue of site drainage. He said the neighboring development of Florentine Estates had issues with drainage and flooding, so the neighbors were sensitive to the possibilities of those drainage problems. He said in a letter submitted on July 1, 2013, Florentine Estates Facility Operational Manager Jason Nelson expressed some concerns about storm drainage. Mr. Nelson expressed concern that the proposed grading would result in increased runoff into Florentine Estates, which already had significant runoff issues. AP Callister said the applicants Civil Engineer, KPFF, provided a response on July 2, 2013 to Mr. Nelson's concerns. The response stated that the specific development practices that would be implemented in order to keep rainwater runoff from flowing east across property lines in Florentine Estates. AP Callister said the City of Florence Public Works Department did not express any concerns about how the applicant was proposing to accomplish drainage of the site.

AP Callister went on to discuss the dividing wall between Florentine Estates and the proposed development. He said at a previous meeting the wall was discussed in detail and what emerged from that meeting was

concerns about the wall being constructed in its entirety, and at what point in the development the wall would be constructed.

CM Betz asked what would trigger the construction of the wall. AP Callister said any development east of Redwood Street would require construction of wall in its entirety. He said early on in the process the applicant had inquired about building the wall in phases, but response from Florentine Estates led to the decision to have the wall built in its entirety as was conditioned in the preliminary PUD. He said the wall would require a design review at the time it was proposed to be constructed and at that time they would be able to inquire as to the exact appearance of the wall. AP Callister discussed the history of the wall throughout the preliminary PUD and current processes, as well as the process the applicant undertook to come to a compromise with residents of Florentine Estates. The Planning Commission discussed the condition and how to make it more clear what the intent was. IPD Weese suggested the condition be amended to remove “and the phase 1 boundary”, and then add “shall be constructed in its entirety” so that it was more clear that the wall was to be constructed in its entirety when any phases were proposed to be developed east of Redwood Street.

AP Callister discussed the approval timeframes as shown in the staff report and said staff recommended approval of the final PUD for Phase 1, the preliminary subdivision, and the design review for Lot 1, with the conditions outlined in the staff report. He discussed the alternatives available for the Planning Commission.

The Planning Commission continued to discuss the wall separating Florentine Estates and the proposed development. Chairperson Hoile recommended that an exhibit be added to represent the location of the wall, and that exhibit could be referenced in the condition of approval. The Commission agreed. IPD Weese said staff would add an exhibit 53 to specify the location of the wall along the property line of the development. AP Callister reiterated that the trigger to build the wall would not be occurring at this time, only during proposed developments east of Redwood Street.

AP Callister reiterated that the requirement for a right-turn lane were not included. He said the applicant would continue discussions with ODOT on the final improvements necessary to the two intersections with Hwy 101.

### **Questions from Commissioners**

Commissioner Muilenburg noted that he didn't see the proposed reduced width of Redwood Street indicated in the plans for Phase 1. AP Callister said for the current phase the reduced width wouldn't apply, but the modifications would apply to future phases.

Commissioner Muilenburg said the condition for the wall between Florentine Estates and the proposed development did not indicate that the wall shall be constructed in its entirety. He said he wasn't sure if it extended to Munsel Lake Road or to the end of the lot. IPD Weese said staff would add an exhibit 53 to specify the location of the wall and the length to which it would be constructed, but as proposed it would be constructed a short distance after the end of the lot and not all the way to Munsel Lake Road. AP Callister stated that the wall would extend to the northern most private property line of the Florentine Estate property, so it would not extend all the way to Munsel Lake Road.

Commissioner Muilenburg asked if ODOT was still requiring the sidewalk and curb line for Hwy 101 as if there was going to be a right turn-lane in the instance that one is necessitated in the future. He said it would be a shame to build the sidewalk adjacent to the highway and then have to reconstruct it in the instance of a right-turn lane being constructed. AP Callister said the right-of-way would still be there in case there was a right-turn lane to be constructed. He said conditions 11 and 17 said that those plans would need to be submitted at a later date because the applicant was still working out the specifics of design with ODOT.

Commissioner Burns said he would like to see a formal response to Mr. Nelson of Florentine Estates on letterhead by the applicants Civil Engineers. He felt the emails submitted were not professional. AP Callister

said the email submitted was in response to Mr. Nelson's comments that were submitted the day prior to the end of the public comment period. He speculated that KPFF did not have time to submit a formal response on letterhead and submitted a response via email to ensure that it was received before the public comment period ended.

Commissioner Burns requested to Chairperson Hoile that the Planning Commission receive something more formal from the applicant instead of just copies of emails. IPD Weese reminded the Planning Commission that the public hearing would have to be reopened in order for additional comments to be submitted. She said the emails submitted within the public comment period were part of the record for this decision. Commissioner Burns asked if the email was binding. IPD Weese said the email was written comment submitted into the record, so it was incorporated as part of the Planning Commission's decision and was binding. The Planning Commission discussed the validity of emails.

Commissioner Murphey said condition 16 talked about flexibility. He asked if ODOT approved the sidewalks and if they were going to require them. AP Callister said anything off site within the Highway right-of-way was approved by ODOT via their approach permit. Thus a lot of the questions about design elements were still pending ODOT's final determination. Commissioner Murphey said if ODOT was going to require a sidewalk, he didn't want the condition to give the applicant flexibility to come back to the city requesting to not build a sidewalk. Commissioner Muilenburg said the Commission felt that the sidewalk should be constructed, and would like staff to relay that with ODOT when they asked the City for referral comments.

AP Callister said condition 11 stated that before street improvements began the applicant shall submit a revised sheet C6.0 that illustrates the ODOT improvements required based on the new road approach. He said that was the mechanism by which the city would become aware of the improvements. The Commission discussed the previously proposed median, and the ODOT permit process.

Commissioner Bare said he wanted to go back to the discussion of the wall dividing Florentine Estates from the proposed development. He read the original condition from the preliminary PUD stated, "before installation of public improvements for south of 47<sup>th</sup> Street phase of PUD as illustrated in Exhibit 45 sheet A1.3, the wall between Florentine Estates and the project shall be constructed.

**Theresa Bishow – Arlie and Company – 2911 Tennyson #400, Eugene, OR 97440**

Ms. Bishow said the applicants supported the recommended conditions of approval before the Planning Commission as well as the proposed changes to the condition concerning the construction of the wall.

Commissioner Muilenburg said he wanted it on record that he felt not having a right-turn lane could have a safety impact as traffic continued to get busier and as the development progressed.

IPD Weese clarified the changes to the conditions of approval for condition 2 which was to remove the verbiage concerning 'phase 1 boundary' and add the statement 'in its entirety', as well as add a reference to a new exhibit 53 to show the length of the wall to be built.

Commissioner Murphey moved to adopt Resolution PC 12 12 FPUD 01, PC 12 13 SUB 01, and PC 12 14 DR 01 as amended. Second by Commissioner Bare, by voice all ayes, motion carried unanimously.

The Council and Staff thanked AP Callister for the terrific job he did on the project.

**DISCUSSION ITEMS**

Chairperson Hoile asked about the status of the sheet metal fence along Kingwood Street. IPD Weese said Greg Freeze a local attorney had applied for a code amendment to allow sheet metal fencing in the industrial park. She said that item would go before the City Council on August 19, 2013 to determine what fee he

would be paying for that application as well as how much public outreach to do. She said after that it would come before the Planning Commission for a public hearing either at the end of September or early October. She proposed the Planning Commission cancel the August 27, 2013 meeting. She said she would keep the Commission advised about the September 10<sup>th</sup> meeting.

CM Betz said Senior Planner Wendy Farley-Campbell was scheduled to have her first day back on September 23, 2013. She said they were taking applications for a Planning Technician, and the period for that recruitment closed on August 16<sup>th</sup>. She said she hoped to have the Planning Department fully staffed again in October and she would make a final decision about a permanent reorganization after SP Farley-Campbell had been back for a few months.

## **DIRECTOR'S REPORT**

IPD Weese had nothing to discuss under the director's report.

## **CALENDAR**

The Planning Commission discussed the upcoming calendar.

Chairperson Hoile adjourned the meeting at 8:17 p.m.

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Cheryl Hoile, Planning Commission Chairperson