

CITY OF FLORENCE PLANNING COMMISSION
August 26, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:01 p.m. Roll call: Chairperson Cheryl Hoile Commissioners: Curt Muilenburg and Robert Bare were present. Commissioner John Murphey was absent and excused and Commissioner Alan Burns was absent. Also present: Planning Director Wendy FarleyCampbell, Planning Technician Glen Southerland, and Code Enforcement Officer Dan Frazier.

STAFF INTRODUCTION

Code Enforcement Officer – Dan Frazier

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda, Commissioner Muilenburg seconded. By voice, all ayes, with the exception of Commissioners Burns and Murphey, who were absent. The motion passes.

APPROVAL OF MINUTES

Meeting of July 22, 2014

Commissioner Bare motioned to approve the Minutes of July 22, 2014, Commissioner Muilenburg seconded. By voice, all ayes, with the exception of Commissioners Burns and Murphey, who were absent. The motion passes.

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 two public comments.

Sally Wantz – 2190 13th Street, Florence, OR 97439

Ms. Wantz distributed pictures to the Planning Commission regarding 910 Spruce Street. She stated that she noticed the Land Use Decision sign and wanted to comment about the property's signs advertising Robert's Handyman, vehicles parked on the street, and tall fencing. She said that she wondered if the business was allowed in the Single-Family Residential Zoning District and stated that she hoped that it was not.

PD FarleyCampbell stated that Robert Leturno had applied for a variance and that the hearing would take place Tuesday, September 9, 2014. Ms. Wantz asked if that hearing would be about the fencing only. PD FarleyCampbell confirmed that the variance Mr. Leturno applied for was only for the fencing on the front of the property along 9th Street. PD FarleyCampbell stated that the Planning Department would look into the other issues brought up. PD FarleyCampbell stated that signs advertising a commercial business are not allowed in a residential district. She stated that another complaint had been received regarding visibility with the trucks parked along 9th and Spruce Streets.

Jennifer French – 2190 13th Street, Florence, OR 97439

Ms. French stated that she agreed with Ms. Wantz' comments. She said that it was a shame to see Gallagher Park across the street from an eyesore. She stated that turning onto Spruce from Highway 126 is difficult during the summer with vehicles going highway speed and the Robert's Handyman vehicles parked on the street on Spruce adds to that difficulty.

PUBLIC HEARING:

Chairperson Hoile said that there were two public hearings 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.

FILE PC 14 10 VAC 01 – 26th/27th ALLEY VACATION: An application by Ted and Patricia Wiemer to initiate the vacation of an undeveloped alley between 26th and 27th Streets east of Oak. The alley extends for the length of Block 45 of Frasier & Berry's Plat Part of the City of Florence. The applicant proposes that the City vacate and sell this area to abutting property owners. Utilities in this right-of-way include Central Lincoln PUD electrical services. The applicant has obtained the approval of 100% of abutting property owners.

Chairperson Hoile opened the hearing at 7:12 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared a site visit, ex parte contact, or conflict of interest or bias. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PT Southerland introduced the vacation application. He stated that the legal description of the alley was:

"The 10-foot wide alley extending the length of Block 45 of Frasier & Berry's Plat Part of the City of Florence as platted and recorded in Book 2, page 1, Lane County, Oregon Plat Records, lying East of the Easterly right-of-way line of Oak (Howard) Street and West of the Westerly right-of-way line of vacated Pine (Frasier) Street, in Lane County, Oregon."

PT Southerland stated that applicable criteria ORS 271.160 applies only because the applicant has indicated that he intends to perform lot line adjustments to transfer ownership of the entire alley to his property with the consent of the abutting owners. He then presented maps displaying the site and the alley in question.

PT Southerland stated that the alley is currently undeveloped and there are no plans to develop the alley in the future for any reason. He added that there is no thru access to Pine or Highway 101 because of previous vacations. He stated that the curb cut leading to the alley was incorrectly located and would require that anyone using the driveway travel through the applicant's property. He added that the applicant had received permission from Public Works to remove trees in the alley in preparation for moving electric utilities underground. PT Southerland stated that as part of referral comments received from Public Works Director Mike Miller, the applicant will need to provide easements for Central Lincoln PUD's underground utilities. PT Southerland added that the applicant and abutting property owner Ed Scarberry have reached an access agreement for any needed access to the rear of Mr. Scarberry's property.

PT Southerland stated that the staff recommendation was that the Planning Commission provide a recommendation to the City Council to vacate the alley with the conditions of approval provided. He stated that those conditions would be for the applicant to provide a survey and legal description of the alley, provide a map of the planned lot line adjustments, and provide an easement for the Central Lincoln PUD utilities. He stated that the applicant had spoken to staff regarding the need for easements and that staff had recommended that he determine his needs and provide an easement if and where needed.

Commissioner Muilenburg asked if 1659 26th Street was Mr. Scarberry's property. PT Southerland stated that he believed so, but was not sure. PD FarleyCampbell stated that 1659 26th Street was Mr. Scarberry's property, but not his residence.

Commissioner Muilenburg asked what the fee for the vacation was based on. PT Southerland stated that there was a flat fee for any vacation application, alley rights-of-way are given to property owners without any assessment of value of the alley, and streets are given an assessed value and the value of the lost right-of-way charged to the applicant. Commissioner Muilenburg asked if any person applying for the vacation of an alley would pay the \$3000 fee. PT Southerland confirmed.

Chairperson Hoile stated that the application seemed pretty straightforward, but it was odd that the curb cut for the alley was not located on the alley.

Applicant's Testimony – Ted Wiemer, 10775 SW North Dakota Street, Tigard, OR 97223

Mr. Wiemer stated that he would like to provide parking for some of his tenant's vehicles and RVs that keeps them out of the street. He said that the alley and fence had been overgrown and unsightly for a long time and would like to clean the area up for his tenants.

Mr. Wiemer said that currently the CLPUD utility pole is blocking access to some of the alley and he would like to move those utilities to make the alley useable.

Mr. Wiemer pointed to the pictures he submitted showing the current state of the site. Commissioner Bare thanked the applicant for the pictures.

Commissioner Muilenburg asked if the driveway shown on the pictures was located in the alleyway. Mr. Wiemer stated that the alley itself is overgrown and the driveway is on his property. Commissioner Muilenburg asked if the applicant intended to move the curb cut. Mr. Wiemer stated that he was not at this time, but could in the future.

Chairperson Hoile asked if Mr. Wiemer understood and agreed with the conditions of approval. Mr. Wiemer stated that he was willing to do what was needed to get the process finished. Chairperson Hoile said that Condition 3 required that a survey be provided. Mr. Wiemer stated that he had already completed a survey of his property and was hoping to measure from those points. Chairperson Hoile asked PD FarleyCampbell if that would work. PD FarleyCampbell stated that what was needed was enough information for the surveyor to provide a legal description of the alley. Commissioner Bare stated that he had just completed a similar process in Lincoln County and believed that the surveyor would need to complete an actual survey of the alley. Mr. Wiemer stated that he had talked to the surveyor and understood that the alley would be vacated to owners to the north and south and then he would need to transfer ownership of those southern portions of the alley through the deed. PD FarleyCampbell stated that staff had provided the applicant with applications for the lot line adjustments following approval by the City Council of the vacation.

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile closed the hearing at 7:33 p.m.

Commission Discussion

Chairperson Hoile stated that she was for the recommendation, but believed that the fee was very high for a vacation. PD FarleyCampbell stated that the fee was raised from around \$300 to \$3000 to cover the cost of 3 or 4 hearings and staff time.

Commissioner Bare moved to approve Resolution PC 14 10 VAC 01, Commissioner Muilenburg seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey was absent and excused; Commissioner Burns was absent. The motion carries 3-0.

RESOLUTION PC 14 12 EAP 01: A request for a one-year extension to the approved subdivision and design review for Cannery Station, located at Assessor’s Map # 18-12-14-20 Taxlot 700 (Original Files # PC 12 13 SUB 01, and PC 12 14 DR 01).

Chairperson Hoile opened the hearing at 7:37 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared a site visit, ex parte contact, or conflict of interest or bias. Chairperson Hoile asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PT Southerland presented the applicable criteria for the application. He introduced the application by giving a brief overview of previous approvals granted for the project, including: Preliminary PUD, Preliminary PUD extension, Preliminary Subdivision, and the approvals being extended, DR and Final PUD. PT Southerland stated that the Design Review and Preliminary Subdivision would expire on August 13, 2014 and May 28, 2015, respectively. He stated that the new expiration dates with the approval of the extension would be August 26, 2015 for the Design Review and May 28, 2016 for the Preliminary Subdivision.

PT Southerland presented maps of the site at the corner of Munsel Lake Road and Highway 101 and the approved Phase 1 and Lot 1 of the project.

PT Southerland stated that the applicant meets all of the criteria for the extension of the Design Review and has experienced special circumstances which would prevent progress on the project and warrant an extension. He added that the Preliminary Subdivision was previously granted a 6-month extension by Resolution PC 11 12 EAP 02, but is still eligible for 12 months of extension period.

PT Southerland outlined the conditions of approval proposed and stated that they established that all previously approved conditions are still applicable and the new deadlines.

Commissioner Muilenburg asked when substantial construction had to begin. PT Southerland stated that the substantial construction, in this case, the construction of a foundation, had to be completed before August 26, 2015.

Applicant’s Testimony – Chuck McGlade, 4055 Spring Blvd., Eugene, OR 97405

Mr. McGlade stated that he has been involved with this project since the beginning, but that the major partner in the Cannery Station project was Arlie & Company. He stated that after the owner of Arlie & Company and his wife died, a chaotic situation ensued. He stated that he worked with Siuslaw Bank to extract the Cannery Station property and project from Arlie & Company and debtors attempting to claim the various assets of the company. He said that he was unable to move forward with the project until this was completed in May.

Mr. McGlade stated that he was attempting to line up partners which would help him complete the project. He apologized for the wait, but said that he was highly motivated to complete the project because much of his life savings was tied up into the project.

Commission Discussion

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile closed the hearing at 7:51 p.m.

Commissioner Muilenburg moved to approve Resolution PC 14 12 EAP 01, Commissioner Bare seconded the motion. By roll call vote: Commissioner Bare "yes"; Commissioner Muilenburg "yes"; Chairperson Hoile "yes"; Commissioner Murphey was absent and excused and Commissioner Burns, was absent. The motion carries 3-0.

DISCUSSION ITEMS

Chairperson Hoile stated that she was surprised to see the O'Reilly's sign erected. PD FarleyCampbell stated that it was just a retail to retail conversion, so did not need any land use actions.

Commissioner Bare asked what happened to the cars at Bliss'. PD FarleyCampbell stated that she did not know for sure. Chairperson Hoile said that she hoped it reopened soon. Commissioner Muilenburg stated that the Ichiban Restaurant would be re-opening in that location.

DIRECTOR'S REPORT

PD FarleyCampbell stated that the Planning Commission had until September 1, 2014 to let the department know if they would like to attend Planning Commission training in Eugene.

PD FarleyCampbell stated that the next meeting on September 9, 2014 would be light, but that the next meeting after that on October 14, 2014 would be very full. Chairperson Hoile stated that she had asked if any of the items on the agenda for the October 14, 2014 meeting could be delayed to the second meeting in October.

PD FarleyCampbell stated that Council Goals will be filling the calendar, including Annexation Policy and Dark Sky Text Amendments later in November.

Commissioner Bare thanked PT Southerland for his work on the minutes and presentations before the Planning Commission and believed he was doing a good job. PD FarleyCampbell stated that she echoed that sentiment.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for September 9, 2014 at 7:00 p.m.

Chairperson Hoile adjourned the meeting at 8:01 p.m.



Cheryl Hoile, Planning Commission Chairperson

26th/27th Street Alley Vacation

PC 14 10 VAC 01



Introduction

- Ted & Patricia Wiemer, applied for the vacation on June 30, 2014
- Initiated by City Council on July 21, 2014
- Approximately 2,700 sq. ft. of the alley between 26th and 27th Streets, east of Oak Street and west of the vacated Pine Street.
- The applicant has received the signatures of all abutting and affected property owners.

• 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Criteria

Florence City Code:

Title 8, Chapter 3: Property Vacations, Sections 3, 4-1 thru 4-3, 5-1, and 5-2

Title 10, Chapter 36: Public Facilities, Section 2-1-A

Oregon Revised Statutes:

ORS 271.160: Vacations for the purposes of rededication

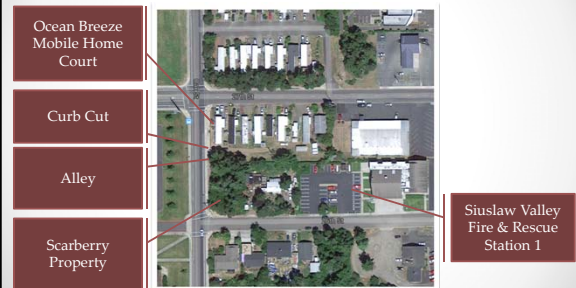
Florence Realization 2020 Comprehensive Plan:

Chapter 8: Parks, Recreation and Open Space, Recommendation 9

• 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Aerial of Site



• 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Map of Proposed Vacation



• 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Purpose of Planning Commission Hearing

FCC 8-3-5-2: After the hearing is closed, the Planning Commission shall determine whether the public interest will be served or prejudiced by the vacation of the public way or part thereof. In determining whether the public interest will be served or prejudiced, the Planning Commission shall consider the goals of the Florence Comprehensive Plan and Section 10-1-1-3 of this Code.

• 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Current Use of Site

- Currently unpaved and partially undeveloped.
- No plans to develop this right-of-way for vehicular or other transportation
- No ability for thru-access by traffic
- Fence along south side of alley

● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

8/26/2014 ●7

Current Use of Site



● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

8/26/2014 ●8

Utilities & Access

- PWD Mike Miller indicated there are electric utilities being relocated within the alley that will require that an easement be retained.
- Presently no property owner access south of alley due to fence and lack of curb cut to alley

● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

8/26/2014 ●9

Staff Recommendation

Provide a recommendation supporting the vacation to the City Council with the conditions of approval provided.

There appears to be no public interest in retaining the alley for future use. The alley is not referenced by the TSP or Inventory of Lands Important to the Park System.

● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

8/26/2014 ●10

Conditions of Approval

3. The applicant shall provide a survey and legal description prior to the City Council hearing approving or denying the vacation of the alley.
4. The applicant shall provide a map showing the applicant's property following proposed lot line adjustments with abutting property owners prior to a City Council hearing approving the vacation.
5. The applicant shall provide an easement for underground utilities within the alley per referral comments from Public Works Director Mike Miller prior to a City Council hearing approving the vacation.

● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

8/26/2014 ●11

Alternatives

1. Provide a recommendation supporting the vacation to the City Council with the conditions of approval provided, or
2. Provide a recommendation to the City Council to deny the petition for vacation with reasons for the denial, or
3. Modify the findings, reasons, or conditions and provide a recommendation supporting the vacation to the City Council, or
4. Continue the Public Hearing to a date certain if more information is needed.

● 26th/27th Street Alley Vacation – PC 14 10 VAC 01

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Questions?



● 26th/27th Street Alley Vacation - PC 14 10 VAC 01

8/26/2014 ● 13

Cannery Station Extension of Approval Period

PC 14 12 EAP 01



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration,
Section 1-5

Chapter 6: Design Review, Section 9

Chapter 23: Planned Unit Developments,
Section 14

• Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 • 2

Introduction

- **November 2008** - Preliminary PUD granted
- **Nov. 12, 2009** - Preliminary PUD extension granted
- **August 13, 2013** - DR/Final PUD and Preliminary Subdivision approval granted
- **May 4, 2014** – Notification of change of ownership received
- **August 4, 2014** - Extension of DR and Final PUD of Phase 1 & Lot 1 Application Received

• Cannery Station Extension – PC 14 12 EAP 01

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Introduction

- **Expirations:**
- Design Review – **August 13, 2014**
- Preliminary Subdivision – **May 28, 2015**
- **With Proposed Extensions:**
- Design Review – **August 26, 2015**
- Preliminary Subdivision – **May 28, 2016**

• Cannery Station Extension – PC 14 12 EAP 01

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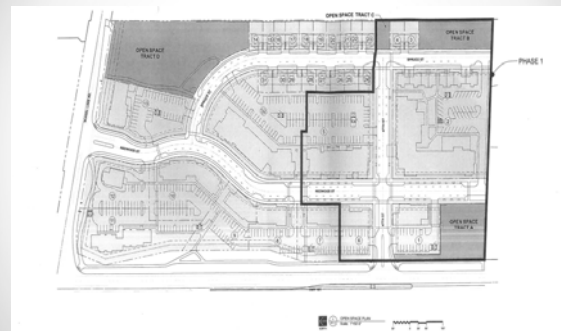
Aerial of Site



• Cannery Station Extension – PC 14 12 EAP 01

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Map of Phase 1



• Cannery Station Extension – PC 14 12 EAP 01

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Lots and Phasing

TENTATIVE PUD DEVELOPMENT DATA

Lot	Lot Area	Anticipated Commercial SF	Residential Units					Examples of Maximum SF per Use					Parking Required	Parking Provided
			Senior Hg	Mid-Rise Apt	Dues & Townhouses	Restaurant	Medical Office	General Office	Retail					
			1 / 8 beds	1 / 1 beds	1.5 / 2 beds	1 unit	1/125	1/250	1/400	1/500				
LOT 1	34,237	3,500	-	6,400	-	-	-	-	4,000	6,400	12,800	10,960	32	32
LOT 2	83,048	-	-	-	75	-	82	-	-	-	-	-	30**	33
LOT 3	23,084	1,800	-	3,500	-	-	-	-	1,875	3,000	6,000	4,995	15	15
LOT 4	38,355	6,500	-	8,000	-	-	-	-	3,375	5,400	10,800	8,991	27	27
LOT 5	31,875	7,450	-	12,360	-	-	-	-	4,850	6,400	12,800	10,695	32	32
LOT 6	23,132	3,500	-	7,000	-	-	-	-	2,625	4,200	8,400	6,993	21	21
LOT 7	17,255	4,000	-	4,800	-	-	-	-	1,875	3,000	6,000	4,995	15	15
LOT 8	19,295	4,500	-	5,250	-	-	-	-	2,375	3,600	7,200	6,227	18	18
LOT 9	14,879	4,000	-	4,800	-	-	-	-	2,000	3,200	6,400	5,328	16	16
LOT 10	18,720	4,325	-	5,000	-	-	-	-	2,250	3,600	7,200	5,994	18	18
LOT 11 All Res	58,538	-	-	-	-	30	-	40	-	-	-	-	30-40	51
LOT 12 All Res	47,732	-	-	-	-	40	-	50	-	-	-	-	40-50	61
LOTS 13-22	26,243	-	-	-	-	-	-	180	-	-	-	-	20	20
LOTS 23-24	6,638	-	-	-	-	-	-	2	-	-	-	-	4	4
LOTS 25-32	25,407	-	-	-	-	-	-	8	-	-	-	-	16	16
TOTAL	487,369	38,575	-	85,900	75	-	82	70	-	20	-	-	342-374	389

** 1 parking space / 3.8 beds + employee parking

● Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 ● 7

Design Review Extension

- The request for extension was made in writing prior to the expiration of the original approval
- Special circumstances have prevented progress on the Cannery Station project
- No material changes to surrounding land uses or zoning has occurred

● Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 ● 8

PUD Extension

- The Preliminary PUD previously granted a 6-month extension by Resolution PC 11 12 EAP 02
- Applicant still eligible for 12 months of extension

● Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 ● 9

Staff Recommendation

Approve the extension of approval periods with the conditions of approval as provided.

● Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 ● 10

Conditions of Approval

- The applicant shall abide by the Conditions of Approval of all previous land use approvals regarding Cannery Station, namely: PC 12 12 FPUD 01, PC 12 13 SUB 01, PC 12 14 DR 01, PC 11 12 EAP 02, and PC 08 09 PUD 01, except where those approvals conflict with this extension of approval periods, PC 14 12 EAP 01.
- The Design Review deadline with this extension shall be one year from this date, ending on August 26, 2015. The deadline for Final Subdivision shall be extended to May 28, 2016.

● Cannery Station Extension – PC 14 12 EAP 01

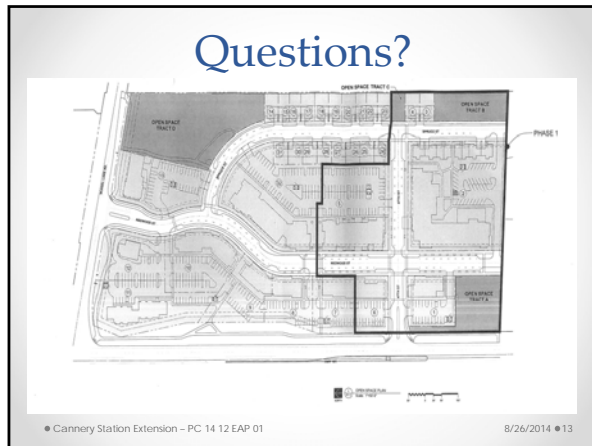
8/26/2014 ● 11

Alternatives

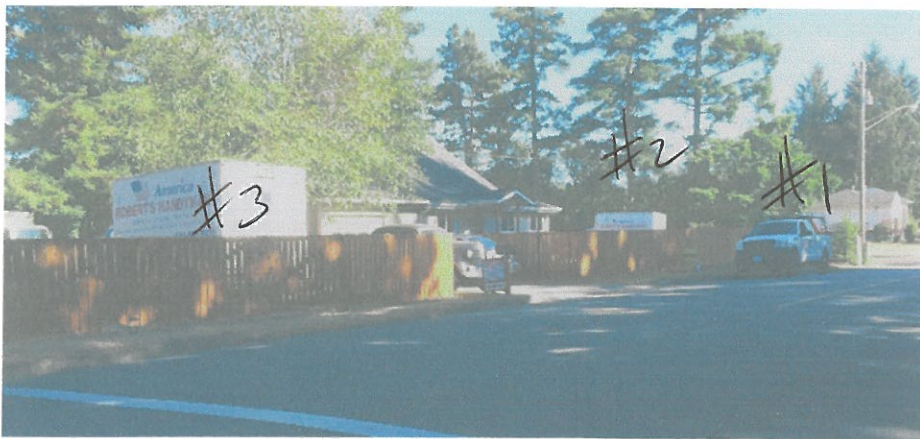
- Approve the extension of the approval periods,
- Deny the extension of the approval periods,
- Modify the findings, reasons, or conditions and approve the proposal, or
- Continue the Public Hearing to a date certain if more information is needed.

● Cannery Station Extension – PC 14 12 EAP 01

8/26/2014 ● 12



Spruce Street at 9th Street ... the entrance to many residential neighborhoods and right across from beautiful Gallagher's Park.



Looking South on Spruce ~ Robert's Handyman truck #2 parked on 9th; #1 parked on Spruce; #3 parked behind their fence. That's 3 trucks (and sometimes four) parked on the street and behind a fence that advertise Robert's Handyman in a residential neighborhood. Plus automobiles that are for sale parked in the driveway.



Besides three trucks with advertising, there are two signs on Spruce & 9th that advertise Robert's Handyman. This has been ongoing for many months. That's FIVE advertisements in a residential neighborhood right across from Gallagher's Park.