

CITY OF FLORENCE PLANNING COMMISSION
April 26, 2016 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Curt Muilenburg called the meeting to order at 7:00 p.m. Roll call: Commissioner Clarence Lysdale, Vice Chair John Murphey, Commissioner Chic Hammon, Chairperson Curt Muilenburg Commissioner Michael Titmus and Commissioner Robert Bare were present. Commissioner Ron Miller was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Admin Assistant Vevie McPherren.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda. Vice Chair Murphey seconded. By voice, all ayes. The motion passed.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING:

Chairperson Muilenburg announced there was one 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 qualifications 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.

PUBLIC HEARING

RESOLUTION AR 16 06 VEG 02 – 6TH & GREENWOOD VEGETATION CLEARING: An application from Stecher Buss of Advanced Construction, for a vegetation clearing permit to remove all vegetation from three taxlots at the northeast corner of 6th Street and Greenwood Street in the Single Family Residential District. Property is located at Map 18-12-27-43, Tax lots 02001, 02002 & 02003.

Chairperson Muilenburg opened the public hearing at 7:03 p.m.

Chairperson Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Commissioner Lysdale, Commissioner Hammon, Chairperson Muilenburg and Commissioner Titmus declared a site visit. Chairperson Muilenburg asked if any member of the public challenged Commissioner Impartiality in making this decision. There were no challenges.

Chairperson Muilenburg asked for the staff report.

Staff Report

PD FarleyCampbell gave the staff report that included the applicable criteria, site location, proposed site plan, proposed removal, she pointed out that the applicant proposed only to remove underbrush on the three lots for survey preparation to determine exactly what could be done with the lots and that he proposed to leave trees of a mature size and then she showed a detail of vegetation imagery. PD FarleyCampbell reported four letters of opposing testimony from neighboring properties had been received that expressed concerns of environmental impact that should require an impact study, stormwater run-off, sand movement, land slide and safety issues surrounding the incline of the slope, possible increased traffic hazard and wildlife habitat. Siuslaw Valley Fire & Rescue had no concerns or comments and Public Works Director suggested that targeted rather than wholesale clearing should be done along with required State permits to obtain the needed survey data. Staff recommended to approve the vegetation removal permit with the following conditions: Condition #3 regarding a phased clearing plan prior to clearing, Condition #4 regarding sand management plan prior to clearing, Condition #5 regarding grading plan prior to clearing or grading, Condition #6 regarding FCC 9-5-2, Condition #7 regarding a re-vegetation plan with required replanting if applicant does not complete street development with two years of VCP approval. PD FarleyCampbell then asked for questions.

Commissioner Hammon requested confirmation regarding the peak elevation in relation to the water run-off and PD FarleyCampbell explained in detail the slope from the knoll to Hemlock Street and 6th Street. Commissioner Bare asked if the noxious brush removal meant Scotch Broom and PD FarleyCampbell responded yes and would also include removal of English Ivy and blackberry. Commissioner Lysdale questioned the consistency of the street design and elevation to match up to 7th Street and whether or not the street would go through or be a dead end and PD FarleyCampbell stated that the applicant would be responsible to provide clarification of a proposed through street or some sort of cul-de-sac or hammer head prior to construction. Commissioner Lysdale also asked if the 25 foot buffer mentioned was in addition to the alley or did it include the alley and PD FarleyCampbell indicated that the applicant proposed he would not be clearing the alley and only proposed a possible 10 to 20 foot buffer on the north and there was brief discussion regarding the clearing of the property lines for determination and clarification prior to construction. Commissioner Titmus pointed out that he thought that the first phase of the proposed clearing would be on the west and south lines of the property lines to gather information. PD FarleyCampbell stated that the recommended phasing plan would be to first have the applicant cut along 6th and Greenwood, to cut additional site lines as needed to get his property lines and elevations figured out for survey work so that a cut-fill plan and a stormwater management plan could be prepared and CP Muilenburg added explanation of staff's recommended phased brush removal compared to the applicant's proposed complete vegetation removal. Commissioner Titmus also asked about the kind of standard equipment that might be brought in for this clearing. PD FarleyCampbell responded that applicant would be required to provide this information along with proposed survey lines prior to approval. CP Muilenburg asked if the applicant would get the required 1200 C & JPA permits from the City and if they were required in PC conditions of approval and PD FarleyCampbell said they were state permits. There was brief Commission discussion about the permit requirements and it was determined that with grading of greater than 50 cubic feet yards a condition of approval would be needed as part of phase two. PD FarleyCampbell asked the Commissioners to consider if they would want to approve phase one and two together or have the applicant come back before them for approval of phase two.

There were no other questions for staff and Chairperson Muilenburg asked for applicant testimony.

Applicant – Stecher Buss – Advanced Construction – P.O. Box 435, Florence

Mr. Buss stated he was open for questions. Commissioner Lysdale asked how the applicant was in respect to the proposed phase plan and Mr. Buss responded that he just wanted to clear the ground so that he could determine what they would be able to do with the land. He added that while he had no plans of significant disturbance to the ground he felt that with the challenging and jungle-like vegetation on the property it would require substantial brush removal. Mr. Buss said that he wanted to move on the clearing so that a survey could be done and a determination could be made and felt the proposed phasing meant extra time and money. He stated that he thought with the brush clearing Public Works would be able to establish the road elevation and concluded that when the property was developed very little of the existing vegetation would be kept. Chairperson Muilenburg questioned the south elevation and Mr. Buss explained that he would walk the excavator up the edge disturbing an approximate 10x20 area and said that he saw no signs of wetland back in the steep sloped area. He explained that his plan was not to disturb the 20 foot alley but to keep a buffer, clear the brush but keep the root mat intact, and still make it possible for the surveyor to get in and do his job. Commissioner Titmus questioned his reference to “mature” trees and Mr. Buss indicated that he planned to leave pine, cedar and other interesting trees that would be approximately 24 inches or more in diameter. Commissioner Titmus then asked what size of excavator he planned to bring in. Mr. Buss responded that it would be a medium size, the approximate size of a dump truck. Vice Chair Murphey stated that would be considered a small excavator. Commissioner Bare asked if there were old growth Rhododendrons. Mr. Buss responded there was old growth. He said there were no plans of digging things up at this time, only clearing enough so that a determination could be made and allow work to proceed. Commissioner Titmus asked if he was not in favor of the phased clearing. Mr. Buss responded that he was not. Commissioner Titmus then asked if he would be willing to proceed with the phased clearing and Mr. Buss responded that if it was no longer cost effective maybe he would not. Commissioner Titmus emphasized the extreme care that should be taken. Commissioner Lysdale suggested a phase beginning with the street, sewer and infrastructure of the street to determine if construction was cost effective. Mr. Buss then asked PD FarleyCampbell if the Public Works director had discussed what was proposed for the street. Vice Chair Murphey commented with street development Public Works would make determination regarding driveways and utilities location. PD FarleyCampbell said that Public Works Director’s comments did not address street construction and explained that Mr. Buss would need to continue to work with Public Works. Mr. Buss concluded by stating he was willing to clear the street line to make that cost effective decision first. There was brief discussion between PD FarleyCampbell and Chairperson Muilenburg regarding Planning Commission’s ability to make the decision to approve all proposed phasing so that Mr. Buss would be able to avoid the time and cost of additional Administrative Reviews and scheduled meetings with the Planning Commission.

Chairperson Muilenburg asked for proponents, opponents, or interested neutral parties to speak.

There were no proponents.

Opponent – Bill Robertson & Mary Holm – 636 Hemlock, Florence

Mr. Robertson pointed out the layout of the hill and expressed his concern about what may happen to the existing water table and possible exposure of wind to the trees on the ridge if vegetation is cleared. He was concerned about killing the vegetation and stated that he felt a good enough idea of the layout of the property could be determined by using a chainsaw and less clearing. Ms. Holm expounded on her concerns over flooding of neighboring properties, water in the street from the poor storm drainage and pointed out that Mr. Adel did a lot of the clearing to keep the street from flooding. She asked that if the vegetation clearing was approved, would there be another hearing with the opportunity to state opinions about multi-family dwellings in the neighborhood and Chairperson Muilenburg said yes there would be another opportunity. Ms. Holms questioned if there was anyone overseeing the welfare of the wild life currently in the woods. Commissioner Hammon asked Ms. Holms if any of the neighbors had called the

City of Florence to come and see why the storm water did not drain. Ms. Jones said that she had but Mr. Adel said that he had not.

Opponent – Mary Holm on behalf of Charles Adel – 625 Hemlock, Florence

Mr. Adel wondered that if 6th Street had to be widened would it take over part of his property and who would pay for the work that is done. He also expressed concern over the future of the wild life and wondered if there were any plans of using eminent domain in the proposed area.

Opponent – Sam Mulvaney – 633 Hemlock, Florence

Ms. Mulvaney expressed concerns over the stability of her family home on the hillside. She also stated her concerns of duplexes versus single family dwellings. Ms. Mulvaney said that she was in agreement with Mr. Buss on the challenges of the thick vegetation and landscape that included old growth. She felt it was a great idea to have stages and clear as least as possible. She asked who owned the alley and Vice Chair Murphey replied that it was the City who owned it. Ms. Mulvaney stated her concerns with what may happen to her property if the west side was tampered with. She indicated that tree professionals had come out in the past and purposefully left vegetation because of the stability it provided to the hillside. Ms. Mulvaney concluded that she did not want to lose her privacy and the state of the hill behind her property

Opponent – Marjia Jones – 943 6th Street, Florence

Ms. Jones stated that she had been a resident on 6th Street for 42 years and flooding had occurred there the year before they bought it, right after Green Trees was built. She said that she remembered hearing about a lake - “Barrett Lake” that was told to be located between her house and Ms. Holm’s house. She indicated that because of the high water table from this lake and the poor storm drainage floods had occurred that required building repairs by her and other neighbors.

Mr. Robertson stated that Ms. Holms house had flooded as well and there was evidence in the house of previous flooding. He added that he felt that whatever plans were made should be as specific as possible so there would be no misunderstandings to exactly what would be happening.

Opponent – Kate Shapiro – 691 Hemlock, Florence

Ms. Shapiro stated that although she was not directly impacted by the project she noted the steepness of the bank and expressed concern over its stability if the vegetation is cleared. She continued and said that as she had removed Scotch Broom from the hill all that had been left was sand and she endorsed the flooding issue concerns and said that she had also cleared debris from the drainage. Ms. Shapiro questioned the exact buffer on the east side and she also wondered what kind of measures the applicant would be required to produce to protect the stability of the bank on the east side if vegetation is cleared. She agreed with the concern over the trees on the ridge being without protection from the wind and winter storms. Ms. Shapiro questioned the City’s right of way standard width and whether it would impact the riparian area. She also thought that the applicant should have interaction with the State Lands Board. She concluded and restated the general concern she shared with the other neighbors.

There were no neutral parties.

Chairperson Muilenburg asked applicant for rebuttal and Mr. Buss restated that he only planned to clear vegetation to survey at this time and indicated that he had a feel for the surrounding property owners.

Chairperson Muilenburg restated the purpose of the Hearing was to consider the vegetation clearing only at this time. He stated that widening 6th street had been an issue brought up and clarified that the right of way was already there. PD FarleyCampbell agreed. She continued and said that 6th Street was platted and pointed out the 60 foot public right of way. She said that 6th Street and Greenwood were both in the Transportation Systems Plan identified to be local streets which meant a maximum 20 foot

travel lane pavement. She added that depending on the density of the development a standard of parking on the side of the street would be determined which would add either 9 to 14 feet of pavement. Chairperson Muilenburg questioned the possible right of way encroachment that appeared to exist at 625 Hemlock. PD FarleyCampbell stated that the City would not use eminent domain however the property owner encroachment would be dealt with as needed. This would be done by moving the item on the property or have the property owner enter into a private use of a public right of way agreement. She stated that the City did not have wild life preservation policy except in the case of endangered species and added there were no endangered species known in the area. She explained that the maintenance of the vegetation and the liability of rights of way both street and alley was the responsibility of the abutting property owners and an application to the Public Works Director to remove trees from the right of way could be made without a vegetation clearing permit. She stated that the applicant would be required to submit an engineered storm water management plan and work with the Public Works Director to address the rain water runoff. Chairperson Muilenburg noted that would address the flooding concerns. PD FarleyCampbell also reported that the current stormwater pipe in Hemlock Street that runs south to the river had been identified to be undersized which may or may not be part of the cause of the current flooding. She added that the proposed construction may result in possible replacement of the pipe. Chairperson Muilenburg questioned the proposed 25 foot buffer that had been submitted by Mr. Adel and PD FarleyCampbell clarified that other than the northern piece with a 10 to 20 foot buffer and the 20 foot alley the applicant did not propose any additional buffer. Vice Chair Murphey asked if there would be any runoff if Greenwood Street were to be developed and PD FarleyCampbell said yes. She stated there would be pipes or swales but she was unsure of what the Public Works Director would have in mind for quantity and quality of storm water drainage. Commissioner Bare indicated that the Public Works replacement of the pipe may very well be a solution to the drainage and flooding issues. Commissioner Bare also asked about the extent of encroachment of the structure at 625 Hemlock. Ms. Holm indicated on the aerial where the structure was and Chairperson Muilenburg said that determination of encroachment would be worked out at a later time. Ms. Shapiro questioned the possible pipe replacement timeline from Hemlock and who would pay for it. Commissioner Bare and Chairperson Muilenburg reminded that the Hearing was for the vegetation clearing only.

Chairperson Muilenburg asked for staff recommendation.

PD FarleyCampbell stated that Staff recommended approval of the vegetation permit with listed conditions that included a modification as recommended by Commissioner Lysdale to the phasing with a look at right-of-ways first to provide the applicant with information needed to proceed with regard to utilities.

Chairperson closed the public hearing at 8:30 p.m.

Chairperson Muilenburg asked PD FarleyCampbell if she would include the modification to condition #3, if she had the language and she gave clarification. Commissioner Bare again stated this was a Hearing for vegetation removal and that the applicant would need to see what he had before he could proceed. Chairperson Muilenburg asked the Commissioners if they thought the applicant needed to return for additional approval or if he could proceed. All Commissioners were in agreement that the applicant should be able to proceed without returning. Chairperson Muilenburg and PD FarleyCampbell discussed approval of phasing. She indicated that condition #3 may need to be revised and Commissioner Lysdale recommended removing the language "property lines" from the condition. Chairperson Muilenburg questioned whether or not by approving the application, the City would be liable if the hill on the west side of the alley was weakened. PD FarleyCampbell indicated that she did not have the answer. Commissioner Bare thanked the Opponents for their input. There was further Commission discussion regarding the phase conditions and PD FarleyCampbell clarified the different

aspects of the phases. All Commissioners were in agreement to remove the language “property lines” from condition #3.

Chairperson Muilenburg asked the applicant if he was in agreement with the changes and if he had a response and Mr. Buss stated that he was in agreement with the conditions and thanked the community members for coming to the Hearing to voice their opinions.

Commissioner Bare motioned to approve Resolution AR 16 06 VEG 02 – 6th Street & Greenwood Vegetation Clearing with Staff’s recommended conditions of approval. Vice Chair Murphey seconded the motion.

By roll call vote: Commissioner Bare “yes”; Commissioner Titmus “yes”; Commissioner Hammon “yes”; Chairperson Muilenburg “yes”; Vice Chair Murphey “yes”; Commissioner Lysdale “yes” Commissioner Miller was absent and excused.

Chairperson Muilenburg called a short recess.

WORK SESSION

WIRELESS TELECOMMUNICATIONS CODE UPDATE: AP Southerland presented the applicant’s proposed changes to Florence City Code Title 10, Chapter 33: Telecommunications Facilities Overlay District and detailed the proposed changes. There was Commissioner discussion and changes were recommended as follows:

10-33-2: Definitions: W: Wireless Tower section would be deleted.

10-33-4: Development Standards: A-1: in regards to WCFs shall not be located in front yards, *Ground Mounted* was questioned.

10-33-4: Development Standards: B: It was agreed to standardize all WCF heights to 5 feet.

10-33-4: G-2: Remove the word *exceeding*.

10-33-4: G-4: Question was raised regarding the definition of color and how it would be enforced.

10-33-4: G-7 thru 11: Question was raised regarding maintenance and security – fences and ladders?

10-33-4: G: Recommendation 10 add #12: Display: No signage, striping, attention getting painting

Please see attachment.

PLANNING COMMISSION DISCUSSION ITEMS

There were no discussion items.

CALENDAR

AP Southerland gave details of the upcoming Meetings scheduled for May 10th, May 24th & June 14th.

Chairperson Muilenburg adjourned the meeting at 9:38 p.m.

Chairperson, Curt Muilenburg
Florence Planning Commission

Date