

**CITY OF FLORENCE PLANNING COMMISSION**  
**February 14, 2012 \*\* MEETING MINUTES \*\***

---

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

Chairperson Nieberlein opened the meeting at 7:03 p.m. Roll call: Chairperson Nieberlein; Commissioners, Peters, Muilenburg, Tilton and Wise were present. Commissioners Hoile and Bare was absent and excused. Also present: Community Development Director (CDD) Belson, Senior Planner (SP) Farley-Campbell, Public Works Director (PWD) Mike Miller, City Engineer (CE) Dan Graber, City Building Official (BF) Carl Dependahl and minute recorder Barbara Miller.

---

**1. APPROVAL OF AGENDA**

Chairperson Nieberlein suggested the commissioners approve the minutes, item 3, before taking public comments. Vice Chairperson Tilton moved to approve the agenda as amended; second by Commissioner Muilenburg, by voice all ayes, motion carried unanimously. It is noted for the record that Commissioners Hoile and Bare were absent and excused

**2. APPROVAL OF MINUTES**

\* October 11, 2011

Commissioner Muilenburg referred to item three and asked if Commissioner Wise had voted as his name was left out of the minutes. Commissioner Wise replied that he had. Vice Chairperson Tilton moved for approval of the minutes of October 11, 2011 as corrected; second by Commissioner Muilenburg, by voice all ayes, motion carried unanimously. It is noted for the record that Vice Chairperson Tilton had also voted on the motion at the October meeting and his name was inadvertently omitted and that correction was made. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

\* November 22, 2011

Commissioner Wise moved for approval of the minutes of November 22, 2011; second by Vice Chairperson Tilton, by voice 4 ayes, 1 abstention by Commissioner Muilenburg as he had not attended the meeting; motion carried. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

\* January 10, 2012

Commissioner Wise moved for approval of the minutes of January 10, 2012; second by Vice Chairperson Tilton, by voice 5 ayes, 1 abstention by Commissioner Peters as he did not attend the meeting, motion carried. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

**3. PUBLIC COMMENTS**

Chairperson Nieberlein stated that this was an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments would be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items. There were no public comments

**4. PUBLIC HEARING:**

Chairperson Nieberlein said that evening there was one public hearing; an application for a

Conditional Use Permit and Review of Phase II Site Investigation to place riprap along the Siuslaw River, located on Lot 16 and the adjacent Common Area of Sea Watch Estates – PC 12 04 CUP 03.

Chairperson Nieberlein then read the following into the record:

*These proceedings will be recorded. These hearings will be held in accordance with the land use procedures required by the City and the State of Oregon. Prior to the hearing 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, would preclude an appeal based on that issue. 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 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 Nieberlein asked if anyone wished to challenge any commissioner; no one came forward.

Chairperson Nieberlein then asked if any commissioner wanted to declare a conflict of interest, bias, ex-parte contact or site visit. Vice Chairperson Tilton responded he had a site visit.

Chairperson Nieberlein declared two ex-parte contacts: 1) she attended a gathering where two people started discussing the application; she excused herself and left; she added that she did not hear anything that would make her bias. 2) a friend called about that evening's meeting and asked if the meeting was going to "ugly", to which she responded, "We never have ugly meetings."

Chairperson Nieberlein then asked if any member of the public wished to question her declaration and if the commissioners were okay that she continued take part in the meeting that evening. No one questioned her declaration.

Chairperson Nieberlein opened the public hearing at 7:12 p.m. for Resolution PC 12 0 4 CUP 03

#### *Staff Report*

SP Farley-Campbell stated the application before the commission that evening was for a revetment to be placed primarily on the common open space of the Sea Watch Homeowners association; it also included Lot 16 and some portions of 15, and access from Lots 15 and 16. The applicant for the revetment are the Lukens who own Lot 16, they received consent from both the representatives of the Homeowner's Association and the Hughes who are the lot owners of Lot 15, which is south of the lot.

She said she would be presenting the criteria which were applicable to the application; she would be providing visuals of the location and the existing condition and what was proposed on the revetment in general. She noted that the commissioners had received new exhibits that evening, to the land use application that had been submitted since the staff report was available on Tuesday. She would also go over staff's recommendation.

SP Farley-Campbell said the application was a conditional use permit (CUP), because as required under FCC Title 10 Chapter 7, Phase II, all applications requiring a Phase II site investigation are automatically a conditional use permit. She then reviewed the applicable elements for requiring a Phase II site investigation--soils, which are dune land and the steepness of the slope.

She referred to the PowerPoint (which is attached to the minutes) which listed the specific code criteria applicable to this application.

She said the property was zoned Single Family Residential and the common area was prominently zoned Conservation Estuary District (the part in the water); all properties have an overlay of Shoreland Residential.

She then referred to the Comp Plan criteria which were applicable to the application.

SP Farley-Campbell then referred to the vicinity map on the PowerPoint and pointed out where Sea Watch Estates was located off of Rhododendron Drive. She said the yellow area was lot 16; lot 15 was to the south and lot 18 was to the north. Lot 17 is vacant and at the corner of the cul-de-sac and the street. The common area was located along the Siuslaw River affronting all of the lots; all of the common areas within Sea Watch Estates are the exact same piece of property and contiguous. To the east of Sea Watch Estates are properties of Sandpines, southeast is Siuslaw Village, north, Shelter Cove and the Coast Guard station is immediately north and some un-subdivided land south.

She stated that in December 2010 there was a bank failure, the applicant hired GeoSciences to start the process of getting the needed permits to do bank stabilization. She referred to the slide that showed where the vegetation had sloughed off. Throughout the report one would see references to a sheet pile wall, (she pointed it out on the slide) which was the structure installed in 1997 along with revetment at the base of the slope that consisted of gabions which are similar to chicken coop wire (although stronger) and they were poly coated then filled with rock and there was rip rap put in as well. It was backed filled with root mat, according to the engineer, to an angle of approximately 38 degrees – she then referred to the site plan and an overhead aerial pointing out lot 16 which was outlined in yellow and the trapezoidal feature was the common area that is proposed to be part of this project. Everything in yellow on the slide was part of the project.

She went on to say that most of the property that was affected is the common area, but there would be a small amount of stabilization on lot 15, as the sheet pile wall was eroding on the south side, where lots 15 and 16 join. She referred to A,B,C,D; cross sections for profiles and pointed out the existing, proposed grading and fill were exhibits within the application and commissioner's packet.

SP Farley-Campbell said included in the report was a picture of the proposed project as completed.

She said the proposed revetment project consisted predominately of removing the excess fill to get rid of the slope problem, but she had heard that week is that most of the fill that was needed to be taken out was already gone. Their final project consists of terracing along the bottom of the slope and they are doing that to address ground water that is running long the sublayer which is above the SU 4 level which is described throughout the staff report. When asked what the sublayer consisted of, she replied it was a cemented soil – she referred to the slide and said each one of the horizontal lines indicated a 5' increment.

The contractor will excavate the material and shape the slope into the terraces; they will put down felt that water can get through but the sand cannot, and put in pea gravel and wrap it with another

type of material so the pea gravel doesn't roll away and then place the rip rap on top. They would then go back and back fill with sand and replant. The applicant had provided a planting schedule for the proposed area which was in the application packet. She then referred to the CD profile and pointed out how the rip rap goes a little higher up the slope.

Commissioner Wise asked where the high water line was located; SP Farley-Campbell referred to the blue line on the slide, the rip rap goes a little higher up, with the pea gravel and terracing the felt and backfilling and is approximately in the middle of the sheet pile wall.

She referred to slide EF profile and said it was the most southern profile where the sheet pile wall was becoming exposed on the eastern side of the profile, although it's not at the edge, it's the most southern portion of the sheet pile wall and referred to the approximate mean high tide on the slide.

Commissioner Wise asked if that was the finished project and SP Farley-Campbell replied, yes. He asked if there would be 12' of the sheet pile wall exposed and she responded she thought 13' of the wall would be exposed. She went on to say that looking at the engineering building permit record, the sheet pile wall showed on the plans was proposed to have a 30 degree sloped added to it. At that time it did go up to the top of the sheet pile wall; the problem is that the bank has eroded away and you can't get that same angle because you don't have the land anymore to hold it.

#### *Four New Exhibits -*

She said the commissioners were provided that evening with 4 new exhibits and they had been received since the publication of the staff report. She discussed each one:

*Exhibit S* – email from Ken Phippen of NOAA, they had been asked by Army Corps to extend at the applicants request, the deadline. The in water work period for this project expires tomorrow. She said this exhibit is NOAA's response that they agree with an extension to March 7<sup>th</sup>. They also provide criteria upon which they would continue to honor an extension on a week by week basis. It states that each week it becomes less probable to get an extension, based upon the presence of fish, turbidity levels, rains falls and other elements.

*Exhibit T* – letter from GeoScience - Gunnar Schlieder to try and get a jump on the conditions he provided a response to proposed Condition 7. He spoke with staff about the difficulties of trying to find a way to meet Condition 7. Condition 7 basically says, "...the design needs to last the life of the structure," his thoughts were that perhaps the intent of the code was not put in sheet pile walls, that would deteriorate before the life of the houses. He was not proposing any structural elements, it is terracing and rock. (Condition 7 was discussed more thoroughly throughout the meeting with a final version at the end of the meeting)

*Exhibit U* – email from Gloria Kiryuta, DSL dated, February 13, 2012

Upon receiving the vegetation plan which was submitted after the referral and notification period had already started (and it is not for the area between Lots 15 and 16, disturbance for access that still needs to be submitted). The Lukens submitted a proposal on planting; staff sent those on to DSL, Army Corps of Engineers and ODFW. Staff received responses back from DSL which is Exhibit U and it stated it was consistent with Exhibit 8 of their attachment. SP Farley-Campbell said she was presuming by that statement is when they issue the permit that they have exhibits and Ms. Kiryuta is referring to page 8 of the exhibit and it is consistent with something that they had issued.

*Exhibit V* – Email from Benny Dean, Army Corps, February 13, 2012 – he concurs with Gloria (Ms.

Kiryuta) that the vegetation plan meets the goal of the revetment plan for minimizing impacts, etc.

*Exhibit W* - will be entered into the record which was provided to the commissioners, is an inspection plan that were given to the owners of Lot 15 & 16 back in January 2011, shortly after the slope failure; includes the inspection report and letter that was sent to them. (It would be explained later in the meeting)

#### *Staff Recommendation and Conditions*

SP Farley-Campbell said that staff recommends approval with the following conditions:

- \* Flagging the boundaries of the work area, so there is not more taken out than what has been approved by Army Corps and DSL.
- \* Vegetation plan which they have partially provided, but we still need the planting plan between lots 15 and 16 – that access area.
- \* Construction schedule, due to the very restrictive small period in which one can work at the zero tide level and site conditions have to taken into consideration along with the tide levels. ODFW has requested that as well.
- \* Asked for certification from the engineer, and he has responded in Exhibit T, proposed Condition 7 there are also requirements related to inspections making sure that there is a tight inspection schedule that they need to propose and that engineer needs to provide those inspections
- \* Several conditions related to equipment that the contractor brings on site, making sure that it is steam cleaned prior to brining it on site to prevent the spread of noxious vegetation on the slope.
- \* Having on site spill kits to protect the water and to place a boom in the water, so if there is a spill that it will reduce the spread of hazardous materials to the river.
- \* Applicant to sign a convent of release accepting the work as approved.
- \* Other elements related to noxious vegetation prevention. The vegetation needs to be monitored for 5 years and kept alive; they will need to irrigate the willows for the first year to make sure they survive and replant any that come up and cut back any noxious vegetation that comes up.
- \* The applicant says that noxious vegetation should be cut back and not pulled so it won't wreck the filter fabric and preserve the integrity of the revetment.

SP Farley-Campbell said with these conditions staff feels the applicant meets the criteria of both the city and of the partnering agencies.

#### *Questions from Commissioners*

##### *Condition 7*

Commissioner Muilenburg asked if the certificate from Gunnar Schlieder, satisfied condition 7. There was some discussion regarding Condition 7 and SP Farley-Campbell said that she and Mr. Schlieder had discussed this quite extensively and both agreed that there were a lot of unforeseen elements and the wording in condition 7 was of a concern to Mr. Schlieder. Army Corps didn't issue the permit until December 2011, they worked on it for 9 months and part of the reason was that NOAA wanted a natural system and it was not possible on this particular slope, the angle will hardly support vegetation.

Vice Chairperson Tilton asked if this particular condition 7 came from Army Corps of Engineers and SP Farley-Campbell replied no, it was out of the city's code which was added during the 2009 code update. He said the system as installed would have a reasonable life span.

### *Stormwater Management Plan*

Vice Chairperson Tilton went on to say that he didn't see any indication that there was going to be any stormwater treatment as part of the project. SP Farley-Campbell replied with the changing of code it did not trigger a stormwater management plan.

### *Page 4, Line 11-Additional Remedial Work*

Commissioner Wise referred to page 4 line 11, "...it is likely that additional remedial work will be required and ongoing if the property is to be saved." SP Farley-Campbell referred the question to Dan Graber the city's engineer who had written that statement.

City Engineer (CE) Dan Graber: CE Graber said that statement was made because the site has a river beside it and groundwater moving through it, the revetment wall will deteriorate over time one way or the other, with ground water levels changing along with the changes in the river. He said when it starts to fail then remedial work would need to be done immediately for the protection of the home but he believed it would stand the standard test of the lifetime of the owners.

There was considerable discussion about the makeup of the soil in that area and the flow of water westerly toward the river.

### *Design Review*

When asked about Design Review, SP Farley-Campbell replied that this Design Review did not apply to this application because it has to do with parking lots, lighting, landscape plans. She went on to say that landscape plan criteria do not apply to this lot. She said that staff took the stance that it was a structure adjacent to a single family residence; therefore not applicable.

### *Condition 7*

Staff said if the commissioners were not comfortable with weighing in on Exhibit T of Condition 7 that was provided, staff would forgo comment on that and would contact legal counsel, and asked the city's building inspector to come forward to provide further information.

### *Building Official*

Carl Dependahl - City's Building Official, passed out a report (which is included in the packet) which included a site observation on January 5, 2011 and a drawing of what he observed. He noted that the area had not changed greatly since the slide occurred and he had monitored it monthly. He went on to say it was his opinion that it was imperative for the homeowner to make the repairs to protect his home. It appeared that the applicant had met the criteria of various state, federal and local agencies and he was comfortable with the fix recommended by the geologist and he would not have any reason to deny it.

### *City Permit*

Commissioner Wise asked what city permits would be required by the applicant. BF Dependahl replied the only permit that he would require would be a grading permit, because they are moving more than 50 yards of material.

### *Oversight of the Work*

Commissioner Wise asked if there was any way the city could verify what was being proposed is going to be done.

BF Dependahl said he would ask as a condition of issuing the permit there would be some kind of oversight by the designer or his designated representative. He went on to say that this was different

from building construction; this project requires a very specialized type of construction and only a geo-tech or engineering geologist are truly qualified to pass judgment on it.

Chairperson Nieberlein said the commissioners would be taking testimony from the applicants, proponents and the opponents; copies of the written comments received, had been distributed to the Planning Commission. She asked those testifying to introduce themselves and sign in. She then asked for the applicant's presentation.

### ***Applicant***

Gunnar Schlieder – Applicant's Engineer. Chairperson Nieberlein asked Mr. Schlieder if he had read the staff report and if he understood the conditions as proposed; he replied yes and add that he was impressed with the staff report. He noted that there would have to be further discussion on Condition 7.

Commissioner Wise referred to Mr. Schlieder's report that was written in March of last year and asked if there would be a re-inspection or recertification prior to doing the work.

Mr. Schlieder said he had been to the site several times since he wrote his report and what has happened is that more material had left over time but he would not change the design; it would make the work easier because more material had left the site which means the contractor will have less material to remove. When asked he responded that the report he had provided still applies.

Commissioner Wise asked about doing a sheet pile wall and Mr. Schlieder replied, he was reluctant to do sheet pile wall. Mr. Schlieder said one of the arguments against putting in a sheet pile wall is that you have if we drive sheet pile, where it is less cemented there is a potential to split off a portion of the material and then it would deteriorate much more rapidly.

### ***History***

Bob Friedman - Sea Watch Homeowner said in 1996-97 we had disastrous rains and at the same time we had blow outs on lots 15, 16. With the permission of the homeowners of lots 18-24, they put in a system of rip rap of impervious cloth to stop erosion. He went on to say that Mr. Lukens chose to put in a gabion wall, as he was within hours of failure to his foundation. When his property failed again it exposed all of lot 16 and a bit of lot 18; the purpose of this design is to provide a continuation shield.

SP Farley-Campbell stated for the record that lot 18 is not part of the proposal and it was rather the portion of the homeowner's common areas below 18.

### ***Condition 7***

Mr. Schlieder said he realized why this particular code was re-written because of the failure of the Marine Manor seawall. In the 60's the north portion of Marine Manor had a wooden portion for a marina and the sea wall was used for an argument to build a house there; the sea wall was at the end of its real life, houses were built and the sea wall failed; therefore the city rewrote the code to keep that from happening again.

Chairperson Nieberlein asked for those in favor of the application who wished to testify.

Bob Friedman – Sea Watch Homeowner: said we are trying to protect our property from a river that is trying to cut its own path out to the ocean.

Richard Lukens - Applicant/homeowner: said he would like to save his house and he thought what was proposed was reasonable and he hoped to get it approved. He pointed out that there was a very short timeline as far as being able to work in the water and there were time limitations on permits.

Chairperson Nieberlein asked for anyone who would like to testify against the project and no one came forward.

She then asked for anyone who would like to speak about the project, who is neither for, nor against the application.

Robin Sullivan – said he lives in the same neighborhood and was a geotechnical engineer. He said he did not see where there was any attempt to measure where the water table or groundwater level was behind the sheet pile wall. He went on to say that it was not just the stormwater runoff that had caused the erosion; he pointed out that the groundwater in that area is fed year around; you have high water levels you get seepage, and erosion. He said he agreed with the engineer, the difficulties with determining how safe a structure may be; but in technical terms we use a factor of safety and there should be a factor of safety on the wall; it could be determined in terms of static load and dynamic load. He thought the many uncertainties could be reduced and everyone would feel more comfortable to the solution.

No one else came forward to testify.

Chairperson Nieberlein recessed the meeting at 9:05 p.m. and reconvened at 9:15 p.m.

Chairperson Nieberlein asked the contractor to come forward and speak.

Gary Rose, Leisure Excavating said he was the contractor who would be doing the work and handed out the work schedule, inspections and a tide table. He summarized the work schedule showing how they would work within the ocean tides. When asked about inspections, he said Mr. Schlieder would be doing the inspections and representatives from the Fish and Wildlife agency would be stopping by.

When asked if the city would do inspections; CDD Belson replied, no, we don't have the specialist, expertise or staff time and that is why we are requiring the certification from the engineer.

Chairperson Nieberlein asked if the applicant wished to address the question posed by Mr. Sullivan.

Mr. Schlieder said he was not involved with the construction of the sheet pile wall on the other hand the people who did install it had a monitoring well set back from the edge of the bank and they actually measured the water level at 25' below ground. He said that answers the question why wasn't the water level measured; it was. The second question was, it was measured there, at sometime it probably fluctuated and concern had been raised regarding the sheet pile wall having water behind it. He said there has been no oxidation that says the water comes up higher than the sheet pile wall is exposed now; never any seepage there, there is no indication in the geologic record as far as air photos go back (1936) that we have the scale of big bank failures that would result from the entire bank being full of water. He said he did not have a concern that there was an enormous amount of water piled up behind the wall.

#### *Staff Recommendation*

SP Farley-Campbell said the findings should possibly be amended to illustrate what Mr. Schlieder



stated about the S-4 level is actually not as thick likely as is indicated on the drawing; it was not specifically referenced in the staff report, but it was in the exhibits.

When asked, the commissioners agreed that they did not have any further questions; Chairperson Nieberlein closed the public hearing at 9:26 p.m.

Vice Chairperson Tilton offered a suggestion for amending Condition 7 and after considerable wordsmithing by the commissioners, the engineer and staff, the commissioners agreed upon the following:

“Prior to grading permit issuance, the applicant shall provide a certification from the engineer or geologist that states the components of the proposed shoreline system are reasonably expected to be more long lived than the wood frame house it is protecting. Allowing for minor maintenance, in the absence of catastrophic events such as but not limited to earthquakes or tsunamis the system is expected to outlive the development.”

Mr. Schlieder agreed with the commissioner’s wording on Condition 7. When asked if he was concerned that the project might fail with the severe wind and rain like we had with the recent storm; he replied; no. He added that they had installed the exact system at Marine Manor, and he didn’t see any changes there after the last storm.

Mr. Schlieder said if for some reason the system fails before the house, he doubted that the city of Florence would come after him, it would be the Lukens, and in that case it would be a war over words by the attorneys.

CDD Belson said this condition was added to protect the city from the homeowner; and with this condition the city can say we did due diligence; therefore the city is protected.

Commissioner Muilenburg asked if there would be maintenance agreements that would provide protection for the system. Mr. Schlieder said it would be a good idea from time to time to look at the system. He said he was sure that there would be a lot of people checking on that bank.

Commissioner Wise moved to approve an application for a Conditional Use Permit and Review of Phase II Site Investigation to place riprap along the Siuslaw River, located on Lot 16 and the adjacent Common Area of Sea Watch Estates – PC 12 04 CUP 03; with the conditions presently contained in the resolution and condition 7 replaced with the wording that was agreed upon.

CDD Belson asked if the commissioners wanted a notation made on Exhibit D in regards to that soil layer. Commissioner Wise replied he thought it was of packet and didn’t think it didn’t need to be part of the resolution.

Chairperson Nieberlein asked for a second on the motion; second by Commissioner Peters.

After some discussion the commissioners agreed that staff would have Mr. Schlieder submit an Exhibit which would be labeled Y, which would reflect that there is a different SU 4 level because of the recent erosion.

Chairperson Nieberlein called for the vote; by voice all ayes, motion carried unanimously. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

**5. ACTION ITEM:** Initiation of adoption process for the Transportation System Plan and related Comprehensive Plan and City Code amendments – PC 12 06 CPA 01 and PC 12 07 TA 02.

CDD Belson told the commissioners that the amendment documents were not yet complete. She went on to say that by approving the resolution that evening they would only be initiating the process needed to adopt the Transportation System Plan; related Comprehensive Plan and City Code Amendments. She said there was a short timeline and a grant deadline of March 30<sup>th</sup>.

The commissioners discussed their options and agreed they were comfortable initiating the process and acknowledged if there were issues after reviewing the document they could be identified and resolved at the public hearing.

Commissioner Muilenburg moved to approve PC 12 06 CPA 01 and PC 12 07 TA 02; second by Commissioner Tilton, by voice all ayes, motion carried unanimously. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

It was stated for the record that a Public hearing would be held on March 27<sup>th</sup>.

## **6. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

Commissioner Muilenburg moved to re-elect Jan Nieberlein as Chairperson and Mark Tilton as Vice Chairperson; second by Commissioner Wise. By voice all ayes, motion carried unanimously. It is noted for the record that Commissioners Hoile and Bare were absent and excused.

## **7. PLANNING COMMISSION DISCUSSION ITEMS**

Commissioner Wise said it was important to get the signature of the applicants (Lukens) so they could move forward as quickly as possible.

When asked, CDD Belson explained that it would be possible for Robin Sullivan to appeal the decision of the commissioners because he had spoken during public testimony about the project. She said because of the short timeframe for the applicant she would contact Mr. Sullivan and inquire about his intent; if it was not an issue, the city could move forward and issue the grading permit.

### *Meeting with Police Chief*

Chairperson Nieberlein said she was personally going to make an appointment with Chief Gutierrez and discuss the code enforcement issue; as there are issues within the city.

Commissioner Peters left the meeting at 10:04 p.m.

## **8. DIRECTOR'S REPORT**

### **\* Monthly Report**

CDD Belson pointed out that the monthly report was in the agenda packet.

### *Volunteer Appreciation*

Chairperson Nieberlein reminded the commissioners about the volunteer appreciation event on Thursday evening and noted that she would be giving a short presentation on what the commissioners do as volunteers.

### *Hoberg Property*

Commissioner Muilenburg asked what was happening with the city and the Hoberg property. CDD Belson said there were a number of businesses who had applied and received business licenses to operate on his property. There are times when the city was not sure who was there, who isn't and how long a business could stay. Staff had decided to put that responsibility on Mr. Hoberg. The city would automatically approve the temporary business licenses and if there was a problem it would be his responsibility to take care of it. She went on to say that next year the city would issue him a master vendor license.

## **9. CALENDAR**

- \* Thursday, February 16, 6:00 pm – Volunteer Appreciation at Florence Events Center
- \* Tuesday, February 28, 7:00 pm – Regular Meeting: Public Hearing on Interpretive Wayside

With no further business to come before the Florence Planning Commission, Chairperson Nieberlein the meeting at 10:11 p.m.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE 28 DAY OF February 2012.

  
JAN NIEBERLEIN, CHAIRPERSON  
FLORENCE PLANNING COMMISSION

## PC 12 04 CUP 03

Lot 16 Sea Watch Estates

## Overview

- Criteria
- Location and Existing Conditions
- Proposed Revetment
- New Exhibits
- Staff Recommendation
- Questions?

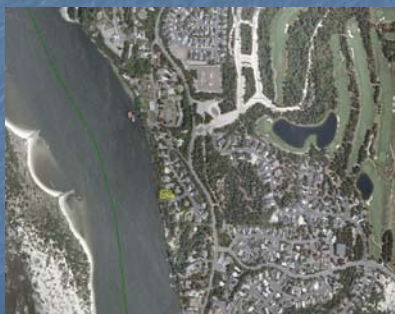
## Code Criteria

- Florence City Code, Title 10:
  - Chapter 4: Conditional Uses: 10-4-9 to 10-4-10
  - Chapter 7: Special Development Standards 10-7-3-C & F, 10-7-4, & 10-7-5
  - Chapter 11: Single Family Residential District: 10-11-1 and 10-11-2
  - Chapter 19: Estuary and Shorelands: 10-19-1 & 3-Conservation Estuary District & 10-19-6-Shoreland Residential Overlay District

## Comp Plan Criteria

- Realization 2020 Florence Comprehensive Plan:
  - Chapter 1: Citizen Involvement: Policy 4
  - Chapter 5: Sections: Riparian, Policy 4, Native Vegetation, Policy 3
  - Chapter 7: Development Hazards and Constraints Policies 2 & 4
  - Chapter 16: Estuarine Resources Policies 1, 5, 6, 13, 14, 11, and 17
  - Chapter 17: Coastal Shorelands Policies 1, 3, 4, 5, 6, 7, 8, 11, & 16

## Vicinity Map



## Lot 16 2010



Lot 16 2010



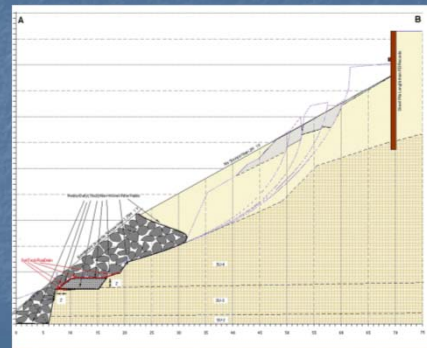
Lot 16 January 2011



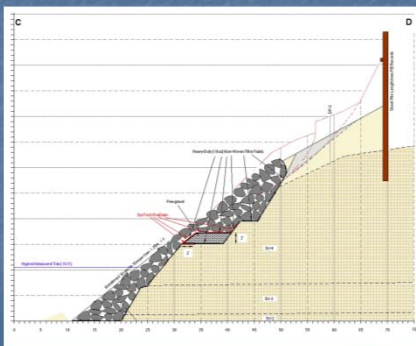
Site Plan



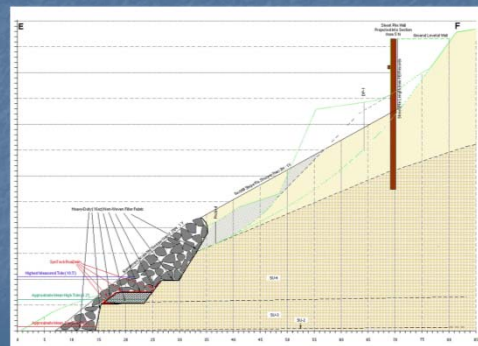
A-B Profile



C-D Profile



E-F Profile



### New Exhibits:

- S: Email from Ken Phippen of NOAA dated February 10, 2012
- T: Letter from Gunnar Schlieder, GeoScience, Inc., dated February 13, 2012
- U: Email from Gloria Kiryuta, DSL, dated February 13, 2012
- V: Email from Benny Dean, Army Corps, Dated February 13, 2012

### Staff Recommendations

- Staff recommends approval of the Conditional Use Permit with Conditions of Approval.

Questions?