

CITY OF FLORENCE PLANNING COMMISSION
February 24, 2015 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Muilenburg opened the meeting at 7:00 p.m. Roll call: Commissioners Charles Hammon, John Murphey, Bob Bare, and Chairperson Curt Muilenburg were present. Commissioner Alan Burns was absent. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Planning Admin Assistant Vevie PopplewellWalker.

APPROVAL OF AGENDA

Commissioner Murphey motioned to approve the agenda. Commissioner Bare seconded. By voice, all ayes, with the exception of Commissioner Burns, who was not present. The motion passed.

APPROVAL OF MINUTES

Chairperson Muilenburg opened discussion, regarding confusion in verbiage from page 2. AP Southerland responded he would make necessary changes.

Commissioner Murphey motioned to approve the minutes of the February 10, 2015 meeting, with the changes. Commissioner Bare seconded. By voice, all ayes, with the exception of Commissioner Burns, who was not present. Motion passed.

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.*

Chairperson Muilenburg opened public comments. There were no comments.

INTRODUCTIONS

PD FarleyCampbell made introduction of the new Planning Admin Assistant, Vevie PopplewellWalker.

PUBLIC HEARING

Chairperson Muilenburg said that 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 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.

Chairperson Muilenburg opened the Public Hearing at 7:06 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. No Commissioner had anything to declare. Chairperson Muilenburg asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges.

Chairperson Muilenburg asked for the staff report. Audience member expressed concern surrounding adequate parking for RESOLUTION PC 14 27 CUP 10. Chairperson Muilenburg explained to audience member, there would be opportunity for them to speak regarding said concern.

Staff Report

PD FarleyCampbell presented Conditional Use considerations, site location, public notice map, site plan, and stated that applicant had no plans of additional construction. PD FarleyCampbell pointed out the view from the street, and included the Access Management Plan with details of the City's curb cut permit from 2005, and possible future plans of parking along Maple Street at that location. She concluded with Conditions from Staff, staff report comments, and staff recommendation to approve the conditional use permit with conditions. See attachment.

Commissioner Murphey requested clarification of Florence City Code, Title 10 Chapter 13. PD FarleyCampbell stated that the written packet was correct and the slide should have been changed.

Commissioner Hammon questioned the percentage of coverage and asked what area that included. PD FarleyCampbell stated that included anything not covered by grass. Commissioner Hammon also asked what the detached garage was on. PD FarleyCampbell responded that it was on a concrete slab.

Chairperson Muilenburg questioned the verbiage of "busier" home occupation. PD FarleyCampbell clarified that it could also read, "higher traffic generation", being in Commercial District. Chairperson Muilenburg also asked about adding a time frame to fix the curb cut and remove the sign. PD FarleyCampbell indicated that the recommendation on page 14 stated a one year time frame from approval to fulfill Conditions. She stated, however, that did not apply to the curb cut, which would be fixed when the City develops the parking area. Chairperson Muilenburg recognized that parking at present may be illegal and discussion was given to the curb cut and parking requirements. PD FarleyCampbell confirmed that parking approval was specific to the two garages to be accessed by the alley.

Applicant Testimony

Ray South – 2006 Hwy 101 #406, Florence, OR 97439

Mr. South expressed his view and opinion on how continued parking in front would be a safer alternative. Chairperson Muilenburg restated the legal issues regarding the said parking. Commissioner Hammon explained why the location had always been a one way. Commissioner Murphey clarified the turning stipulations that would be in place, when the street would be converted to a two way.

Chairperson Muilenburg opened up opportunity for those in favor, opposed, or neutral to comment.

Opponent Testimony

Lillian Petersen – P.O. Box 96, Florence, OR 97439

Lillian Petersen, property owner to the north signed in and spoke as opponent. Ms. Petersen gave a brief history of the evolution of Maple Street and the alley. She expressed concern over standing water at the

parking area in the alley after heavy rain falls, stating she believed it was because it had been graveled to a point of affecting the drainage.

Chairperson Muilenburg requested clarification of Petersen's opposition, and Petersen stated her opposition was the concern over parking.

There were no other opposed, and no neutral.

Applicant Rebuttal

Mr. South responded that if his parking was illegal, Ms. Petersen's parking must be illegal as well. There was a brief side discussion between Mr. South and Ms. Petersen. Chairperson Muilenburg interrupted the conversation with the reminder this was not the platform to debate different property parking.

Chairperson Muilenburg asked for recommendation from Staff.

PD FarleyCampbell stated that applicant is attempting to address the drainage issue, that the curb cut may have been a temporary solution and that for parking in the front yard: Code for the Main Street District states that the yard is the first 10 feet of the lot.

Ms. Petersen recommended the three empty lots north of her be developed into parking and rented to business locations.

There were no other Commission questions for staff.

Chairperson Muilenburg closed hearing at 7:47 p.m.

Chairperson Muilenburg asked Commission for any added comments. Commissioner Murphey indicated he could not base his decision on a drainage issue and that everything met code and Commissioner Bare agreed. Commissioner Hammon then added his observation about the amount of concrete in relationship to drainage issues at location.

Chairperson Muilenburg questioned the parking issue and asked PD FarleyCampbell for recommendation. PD FarleyCampbell restated that recommendation was to discontinue parking. However, the topic would not be a Commission responsibility.

Commissioner Bare motioned to approve Resolution PC 14 27 CUP 10. Hammon seconded the motion. By roll call vote: Commissioner Hammon "yes"; Commissioner Murphey "yes"; Chairperson Muilenburg "yes"; Commissioner Bare "yes." Commissioner Burns was absent. The motion passed.

ACTION ITEMS

Chairperson Muilenburg announced one action item, being the request for the addition of two Planning Commissioners sent before the City Council.

Commissioner Bare asked if "downtown" should read, "downturn". AP Southerland confirmed.

Commissioner Murphey motioned to approve the item with changes mentioned and forward to City Council. Commissioner Bare seconded. By roll call vote: Commissioner Hammon "yes"; Commissioner Murphey "yes"; Chairperson Muilenburg "yes"; Commissioner Bare "yes." Commissioner Burns was absent. The motion was approved.

PLANNING COMMISSION DISCUSSION ITEMS

Commissioner Bare recognized three visiting High School Government Class students.

PD FarleyCampbell gave a brief explanation of the Director's Report.

Chairperson Muilenburg acknowledged that City Council had approved the Medical Marijuana dispensaries, however, that they had changed requirements recommended by Planning Commission. PD FarleyCampbell confirmed.

Chairperson Muilenburg set the next meeting for March 10, 2015.

Chairperson Muilenburg adjourned the meeting at 7:58 p.m.

Curt Muilenburg, Planning Commission Chairperson