

**CITY OF FLORENCE PLANNING COMMISSION**  
**February 10, 2015 \*\* RETIRING MEETING MINUTES \*\***

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

Chairperson Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Robert Bare, Alan Burns, and John Murphey were present. Commissioner Muilenburg was absent and excused. Also present: Planning Director Wendy FarleyCampbell and City Recorder Kelli Weese.

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**APPROVAL OF AGENDA**

Commissioner Bare motioned to approve the Agenda with the inclusion of Public Comments, Commissioner Murphey seconded. By voice, all ayes, with the exception of Commissioner Muilenburg, who was not present. The motion passes.

**APPROVAL OF MINUTES**

Commissioner Burns motioned to approve the Minutes of January 13, 2015 and January 27, 2015, Commissioner Murphey seconded. By voice, all ayes, with the exceptions of Commissioner Muilenburg, who was not present and Commissioner Bare, who abstained. 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.*

**Mayor Joe Henry – 24 Shoreline Drive, Florence, OR 97439**

Mayor Henry wished to thank the Planning Commission for their service, welcome the Commissioners to the new year on the Planning Commission, and recognize Chairperson Hoile for her work on the Planning Commission. He said that he was excited with the enthusiasm shown by the City's boards and committees and was looking forward to new and exciting things in Florence and the Planning Commission's partnership in Florence's economic development.

**PUBLIC HEARINGS:**

*Chairperson Hoile said that there was one public hearing before the Planning Commission that evening. The hearing(s) 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, prejudice, 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 16 DR 01 – JERRY PRATER APARTMENTS INCORPORATED:** Consider a request by Jerry Prater Construction for approval of a Design Review application to construct 24 multi-family dwellings in six buildings between 11<sup>th</sup> and 12<sup>th</sup> Streets, east of Hemlock Street, Assessor's Map 18-12-27-42 Taxlots 00300, 00400, & 00500.

Chairperson Hoile opened the hearing at 7:07 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 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**

PD FarleyCampbell stated that this was a continuance of several hearings which originally began in October 2014 for the Whispering Pines Design Review. She stated that the application has been retitled Jerry Prater Apartments Incorporated, but the changes were not substantive enough to require reapplication.

PD FarleyCampbell stated that the criteria have already been read for the record and that Title 10, Chapter 21: Public Use Airport Zone and Florence Realization 2020 Comprehensive Plan, Chapter 2: Land Use had been added. PD FarleyCampbell gave a short introduction of the application and explained the revised Exhibits B and K, as well as the dissolution of ties with Whispering Pines and the establishment of the proposed buildings as apartments.

PD FarleyCampbell presented a map showing the surrounding land uses and right-of-ways. She stated that the applicant retained ownership of the properties that he proposed building upon and that he retained access rights because the CC&Rs for Whispering Pines stated that the applicant retained the right to access in perpetuity.

PD FarleyCampbell listed and explained the conditions of approval for the resolution.

PD FarleyCampbell listed the testimony that had been received regarding the application and the conditions associated with that testimony. She stated that Conditions 3, 6, & 7 addressed Public Works Director Mike Miller's comments and Information Item 1 addressed comments from Sean Barrett of Siuslaw Valley Fire and Rescue. PD FarleyCampbell stated that in consultation with the City Attorney, the issues brought up by residents of Whispering Pines, Pat Reno and her representative Zack Mittge were found to not concern the City. She added that the changes made by the applicant to the proposal also removed these concerns. PD FarleyCampbell stated that one issue brought up out of Mr. Mittge's testimony, the plan designation of the easternmost area of the proposed development as medium-density, but zoned as Multi-Family Residential was determined by the City Attorney to not be a concern. She stated that the City Attorney cited LUBA Case Number 99-036 Neighbors for Livability v. City of Beaverton which decided that the burden of meeting the requirements of the Comprehensive Plan was not the applicant's responsibility, it was the City's, and the City is not required to establish a timeline for those changes in designation.

PD FarleyCampbell explained that another issue that was raised through testimony was the Runway Protection Zone. She explained that the proposed building met the elevation requirements of the Runway Protection Zone and was outside of that zone.

PD FarleyCampbell stated that staff recommended approval of the proposal with the conditions of approval presented and listed the Planning Commission's options.

Commissioner Burns thanked PD FarleyCampbell for her clear and concise presentation. Commissioner Bare stated that he believed that everything had been covered. Chairperson Hoile agreed.

### **Applicant Testimony**

The applicant declined to comment, but would respond if the Planning Commissioners had any questions.

Chairperson Hoile asked for any proponents, opponents, or interested neutral parties that would like to speak. There were none.

Chairperson Hoile closed the hearing at 7:28 p.m.

### **Commission Discussion**

Commissioner Murphey asked if the agenda should read Resolution PC 14 16 DR 01 – Jerry Prater Apartments Incorporated rather than Resolution PC 14 16 DR 01 – Whispering Pines. PD FarleyCampbell stated that it should, but that the agenda reading Whispering Pines would assist members of the public that may know the application by that name.

Commissioner Burns stated that he was prepared to make a motion.

Chairperson Hoile stated that she was comfortable with the Resolution and conditions of approval with the addition of clarification of the easements and right-of-ways and making sure that they were separate.

Chairperson Hoile asked Mr. Prater if he understood the conditions of approval. Mr. Prater stated that he did.

Commissioner Burns motioned approve Resolution PC 14 16 DR 01, Commissioner Murphey seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Murphey “yes”; Commissioner Burns “yes”; Chairperson Hoile “yes.” Commissioners Bare and Burns were absent and excused. The motion passed.

Chairperson Hoile adjourned the meeting at 7:33 p.m.

### **RECEPTION**


PD FarleyCampbell wished to acknowledge and thank Chairperson Cheryl Hoile for her six years of service on the Planning Commission. She stated that Chairperson Hoile presided over the Planning Commission for one of the busiest periods of land use applications in recent history, including over 132 land use applications. She listed some of the numerous plans and code amendments Chairperson Hoile had had a part in approving during those six years.

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Curt Muilenburg, Planning Commission Chairperson

# Jerry Prater Apartments Inc.

## PC 14 16 DR 01



• Jerry Prater Apartments - PC 14 16 DR 01

## Criteria

**Florence City Code, Title 10:**  
 Chapter 1: Zoning Administration, Section 1-5  
 Chapter 3: Off-Street Parking & Loading, Sections 2 - 5, & 8 -10  
 Chapter 6: Design Review, Section 5  
 Chapter 13: Multi-Family Residential District, Sections 2, & 4 - 5  
 Chapter 25: Professional Office/Institutional Zoning District, Sections 2 through 5  
 Chapter 21: Public Use Airport Overlay  
 Chapter 34: Landscaping, Sections 3 and 5  
 Chapter 35: Access and Circulation, Sections 2 and 3  
 Chapter 36: Public Facilities, Sections 2, 3, and 5

**Florence Realization 2020 Comprehensive Plan:**  
 Chapter 2: Land Use  
 Chapter 12: Transportation, Policies 7, 8, 11, and 27


• Jerry Prater Apartments - PC 14 16 DR 01

## Background

- o 2009 – PC approval expired for Whispering Pines
  - Phase 1 & half of original Phase 2 built
  - 24 of 44 units developed, 6 of 11 buildings
  - Public/Common Utilities installed
- o 2014 –Design review application Phases 2 & 3
- o 2015 – Applicant revised application, no association with Whispering Pines


• Jerry Prater Apartments - PC 14 16 DR 01

## Vicinity Map



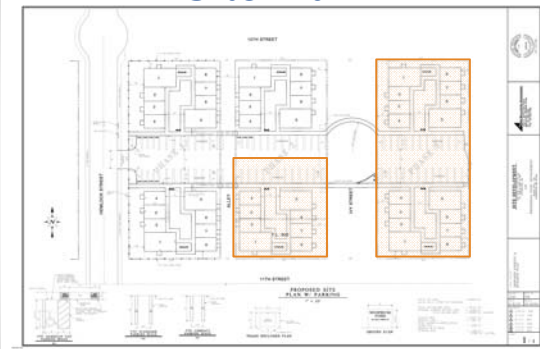
• Jerry Prater Apartments - PC 14 16 DR 01

## Access Ownership



• Jerry Prater Apartments - PC 14 16 DR 01

## Site Plan



• Jerry Prater Apartments - PC 14 16 DR 01

## Conditions

3. Private Use of Public ROW permit: Parking space 62 ADA aisle & 73 for access aisle encroachment
4. Reserve 570 sq. ft. landscape area: to meet 5 ft. landscape buffers required between parking & Ivy St.
5. Lighting: parking 10-3-8-G, all downward, etc....
6. Constructions Plans Required: Ivy St. sidewalks & pedestrian path.
8. Landscaping: Plant additional 4 trees & 24 shrubs
9. Trash Enclosures: Location, recycling & signage

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## Elevations



● Jerry Prater Apartments – PC 14 16 DR 01

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## Conditions

10. Storage Unit Elevations: height & color
11. Screening mechanical & telecommunications equipment
12. Airport Lighting, building materials, and aviation easement.

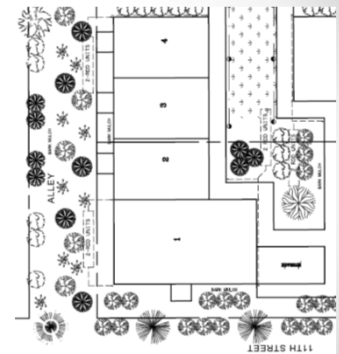
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## Landscape Plan

### Conditions:

7. Stormwater Infiltration Chambers
8. Plant additional 4 trees & 24 shrubs



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## Testimony

- Referral Comments:
  - Public Works – Multiple related to utilities
  - Siuslaw Valley Fire & Rescue—water flow & sprinkler requirements
- Public Testimony:
  - Patricia Reno—Violations with ORS 100 Condominiums
  - Zach Mittge—maximum unit allowance under CCRs, comprehensive plan to zoning inconsistency, airport overlay clearance,

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## Testimony Review

- Public Works: Conditions 3, 6, & 7
- Siuslaw Valley Fire & Rescue: Information Item 1
- Pat Reno & WP Residents: Attorney consultation clears issues of ORS 100 condominium concerns
- Zach Mittge: LUBA Case 99-036 Neighbors for Livability vs. City of Beaverton upheld decision regarding comprehensive plan & zoning inconsistency, applicant addressed Public Airport Overlay survey requirements, condition 12 ensures compatibility.

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## Public Airport Overlay



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## Staff Recommendation

- The application meets the applicable criteria and can be approved with Conditions.

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## Alternatives

1. Approve the proposed use with conditions;
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the proposal, or
4. Continue the Public Hearing to a date certain if more information is needed.

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## Questions?

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