

CITY OF FLORENCE PLANNING COMMISSION
September 22, 2015 ** 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: Chairperson Curt Muilenburg, Vice Chair John Murphey, Commissioners Chic Hammon, Clarence Lysdale and Ron Miller were present. Commissioner Robert Bare was absent and excused. Also present: Planning Director Wendy FarleyCampbell and Assistant Planner Glen Southerland.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Commissioner Lysdale motioned to approve the Minutes of September 9, 2015. Commissioner Miller seconded. By voice, all ayes. The 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.*

There were no public comments.

PUBLIC HEARING:

Chairperson Muilenburg said that there was one public hearing before the Planning Commission that evening. The hearings 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, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

RESOLUTION PC 15 18 PUD 02 – East Bank – PUD: An application for a modification to a Planned Unit Development from Byron Roberts on behalf of S & C Investments, LLC to develop East Bank PUD, formerly known as East Bank at Sandpines and Townhomes at Sandpines, with 54 single-family homes. Proposal is located west of Oak Street between 37th Street and 43rd Street.

Chairperson Muilenburg opened the hearing at 7:04 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 and asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no conflicts or challenges.

Chairperson Muilenburg asked for the staff report.

Staff Report

PD FarleyCampbell delivered the staff report for Resolution PC 15 18 PUD 02 – East Bank - PUD with the list of applicable criteria, and an introduction and background of the site that included information regarding the approval for a preliminary PUD and tentative subdivision in 2005, approved public improvement plans in 2006, final plat approved and recorded in 2007 and to the present application that was deemed complete in August 2015. She discussed issues surrounding the proposed site that included a secondary access which had been a requirement in the 2005 and 2007 approval, presented the aerial of the site, the site plan, access plan, tree preservation plan and pointed out that there had been only one testimony from the public and no referral comments received. PD FarleyCampbell said that staff found that the application would meet the criteria with the noted conditions and could be approved, presented the alternatives and asked the Commission for questions.

Commissioner Hammon stated concern with the number of houses that would be relying on one street with only a single access. PD FarleyCampbell stated that the revision to remove the golf course access did not meet requirements regarding the access code. There was one pedestrian path that did not resolve the vehicular problem but would allow pedestrians a legal ingress and egress to walk through. Chairperson Muilenburg then asked about whether or not it was a requirement that the Fire Marshal ensure access safety and wondered if he had made an approval or stated an opinion regarding the secondary access, PD FarleyCampbell said that the Fire Marshal had commented on the turn-around but not on the secondary access and added that the secondary access was originally approved for continuity. Commissioner Lysdale questioned whether or not the secondary access would be blocked like a barricade, expressed his concern that it may not be accessible in an emergency, Commissioner Hammon expressed his concerns regarding the possible issues in the event of an evacuation and Commissioner Lysdale concluded that he had a problem with the way it was and felt access needed to be at both ends of the street.

CP Muilenburg questioned the layout regarding the lot numbers and the applicant said he would address that in his testimony. CP Muilenburg then asked if a house could be built on the lot line with the proposed combined lots and PD FarleyCampbell replied that yes they could. Commissioner Lysdale wondered if a buyer could purchase combined lots and convert those lots back into single lots later and PD FarleyCampbell said that would not be an option, the City of Florence would not sign off on it and added that the proposed CCRs would be the governing document for the future. CP Muilenburg asked if it was restricted residential and PD FarleyCampbell explained that it was zoned multi-family and that the proposed density was between that and Single Family Residential and thus consistent with the proposed PUD.

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

Applicant Testimony – Byron Roberts – 3066 Lord Byron Place, Eugene, OR 97408

Mr. Roberts began his presentation with an explanation that he was referring to the combination of buildable lots as parcels, confirmed that each parcel would be recorded with specific lot number combinations and deed restrictions so that they could never be broken and assured they would remain as they were originally envisioned and configured. Mr. Roberts went on to address some of the challenges faced as he attempted to clean up issues that included the current secondary access and potential effects that it could have on the golf course with 35th Street. He pointed out that Nandina Street was much wider than the required street width, there would be no street parking and from his conversation with the Fire Marshall he felt that the proposed turnaround was adequate and cleared up the secondary access issue. Mr. Roberts also described the sidewalk and the proposed cart path at the ninth hole as additional access to the club house and spoke briefly about

CCRs regarding the path. He commented on the current fence installation and landscaping and indicated that he wanted to let the community know what was happening. Mr. Roberts addressed the dimensions of the proposed hammer head turnaround and noted it was in compliance. He talked briefly about the wildlife access issues, changes regarding the HOA, the CCRs, specific garage setbacks, native landscape in open spaces, explained his lighting intentions for signage and then asked for questions.

Vice Chair Murphey asked about Lots 3 and 4 and the cart path encroachment, Mr. Roberts indicated that there were water lines that ran through (approximately) Lots 1 through 8, Chairperson Muilenburg clarified that the question was whether Lot 1 was a buildable Lot as it looked as though the cart path was going right through the middle of it, Mr. Roberts indicated that the cart path would be moved. Although it would still encroach on Lots 3 and 4 Mr. Roberts said that would not affect the buildable aspect of the lots and the golf course would be responsible to remove all of the water lines from the lots as they were located.

Vice Chair Murphey asked if Lots 56 through 58 with the ped pathway designation would still be buildable if the Commission required the applicant to provide a secondary access on to Oak Street and Mr. Roberts responded yes. Chairperson Muilenburg asked PD FarleyCampbell how much area a secondary access would require, she said that if it was a one-way it could be approximately 20 feet wide and there was brief Commission discussion regarding possibilities. Commissioner Hammon again expressed his concerns over the development with only one access and an agreement with the golf course for easement that appeared uncertain. Mr. Roberts asked the Commissioners if the issue was for health life safety or access for the homeowners, Chairperson Muilenburg responded it was health life safety, Mr. Roberts suggested that terms be met with the Fire Marshal requirements, there was further Commission discussion regarding no street parking in the CCRs, Commissioner Murphey pointed out the need for parking, and Mr. Roberts confirmed the adequate current street width of 32 feet between curbs. Commissioner Miller asked if the pedestrian pathway already existed and Mr. Roberts said yes, it was 6 feet in width, there was continued discussion regarding the original access approval through Sandpines and PD FarleyCampbell clarified that Public Works Director, Mike Miller had determined the intent of the secondary access was for emergency. More discussion was directed to other access options that would involve property concessions, possible intersections and coded gates.

Chairperson Muilenburg asked the Commission for their consensus regarding the installation of a motion censored gate that would allow residents to exit and also unobstructed emergency access with a minimum drive surface to be determined at a later time and all agreed.

Commissioner Lysdale questioned the appropriateness of the buyer's responsibility of installation and maintenance of sidewalk in the CCRs, Mr. Roberts indicated he would prefer installing all of the sidewalk at this time and Commissioner Murphey stated that it would be the future homeowner association to ensure maintenance and repair was done.

PD FarleyCampbell stated the proposed amendment regarding Condition #14 and the setbacks as west of Nadina, 20 feet for garage and 10 ½ feet for dwelling and east of Nadina, 20 feet from the sidewalk for garage and 18 feet from property line for dwelling as a starting point per discussion with Public Works and the location and relocation of the utilities. Mr. Roberts indicated he had requested 11 feet from property line with the condition of no encroachment into the easement. Commissioner Hammon asked if there was a way to create the easement from the back of the sidewalk or curb, PD FarleyCampbell said that it was on the east side, explained the easement intent and requirements and there was continued discussion regarding property lines, setbacks, and the easement. Commissioner Hammon inquired that the hearing might be the time to change the plat and PD FarleyCampbell said that there was a process and the real question still out there was to identify the exact location of the cable, telephone and power. There was continued discussion, Chairperson Muilenburg said that his biggest concern was to ensure no one would park over the sidewalk and Mr. Roberts described in detail how the sidewalk easement met the setback requirement. Commissioner Hammon commented that there may be an issue with residents that put their fence up behind the sidewalk and Mr. Roberts replied that fences could cross an easement. Commissioner Lysdale stated that he felt the

purpose was to ensure there was 20 foot easement on the sidewalk and not to build on top of the utilities and details could be worked out between Public Works and PD FarleyCampbell.

There were no further questions for the applicant.

Chairperson Muilenburg opened up the opportunity for any proponents, opponents, or interested neutral parties to speak. There were none.

Chairperson Muilenburg asked for Staff recommendation and PD FarleyCampbell restated that Staff recommended approval with Condition #6 regarding the declaration of Lot #1 and #2 into common area and open space, Condition #12 regarding the secondary access and Condition #14 regarding the CCRs and building setbacks.

Chairperson Muilenburg closed the hearing at 8:38 p.m.

Commission Deliberation

There was a brief Commission discussion regarding Condition #12 and PD FarleyCampbell proposed verbiage change from secondary access to secondary emergency ingress and egress and non-emergency vehicular egress, only shall be provided on Oak Street. The Commissioners reiterated that the existing sidewalk should remain and the secondary access would not satisfy the current pedestrian access on to Oak Street. Chairperson Muilenburg and Commissioner Lysdale expressed that they wanted to see the setback in Condition #14 be the 20 feet minimum and PD FarleyCampbell amended the setback verbiage.

Chairperson Muilenburg presented the opportunity for the applicant to respond.

Mr. Roberts restated that regarding Condition #12, the primary purpose was for health life safety and originally it was going to be through the golf course. He went on to say that in case he was able to come to terms with the golf course and be granted the easement, it was his preference to strike the section of Condition #12 that read Oak Street specifically to give him either option. Mr. Roberts went on to explain that there would be a legal agreement that the golf course gate would not be locked and he would install the Siren Operated Sensor (YELP Device). There was brief Commission discussion, PD FarleyCampbell amended Condition #12, Commissioner Hammon expressed his concern to keep the agreement in the event of change of ownership and Commissioner Lysdale said that for the record he was not comfortable with the decision. PD FarleyCampbell said that the verbiage in Condition #12 could be changed to be more descriptive, additional discussion was made concerning emergency access and it was determined that the majority of Commissioners did not want to revisit Condition #12 and would continue and take a vote on the motion.

Vice Chair Murphey motioned to approve Resolution PC 15 18 PUD 02 – Eastbank PUD with Staff's recommended conditions of approval and changes to Conditions #6, #12 and #14. Commissioner Miller seconded the motion. By roll call vote: Commissioner Lysdale "yes"; Commissioner Hammon "yes"; Vice Chair Murphey "yes"; Chairperson Muilenburg "yes"; Commissioner Miller "yes"; Commissioner Bare was absent and excused.

PLANNING COMMISSION DISCUSSION ITEMS

DIRECTOR'S REPORT

PD FarleyCampbell said that there was a monthly Director report and it would be included in the packet for next month.

CALENDAR

PD FarleyCampbell said that there was no hearing scheduled for Tuesday, October 13, 2015 but there was a continuation of the proposed Porter boatlift application scheduled for Tuesday, October 27, 2015. She went on to say that there was the Planning Commission / City Council work session on November 4, 2015 on medical and recreational marijuana and she would send out an email reminder.

CP Muilenburg adjourned the meeting at 9:05 p.m.

CURT MUILENBURG, Chairperson
Florence Planning Commission

Date