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City of Florence
Planning Commission Meeting
250 Hwy 101, Florence, OR
97439 September 8, 2020

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 5:30 PM.

Commissioners Present: (via teleconference) Chairperson John Murphey, Vice Chairperson Phil Tarvin, Commissioner Sandra Young, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller, Commissioner Brian Jagoe.

Staff Present: (at Florence City Hall) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Assistant Planner Dylan Huber-Heidorn, and Administrative Assistant Aleia Bailey, Public Works Director Mike Miller.

1. APPROVAL OF THE AGENDA

Start Time: 5:31
Action: Approved
Motion: Commission Young
Second: Commission Jagoe
Vote:7-0

2. APPROVAL OF THE MINUTES OF AUGUST 25, 2020

Start Time: 5:32 PM
Action: Approved
Motion: Comm. R Miller
Second: Comm. Young
Vote: 7-0

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA No Public Comments

No Speaker Cards had been submitted to Staff prior to the meeting. Additionally, no conflicts of interest nor ex-parte contacts were declared. The same held for bias and potential bias. No Speakers Cards were submitted to challenge the Planning Commission's ex-parte communication.

4. <u>RESOLUTION PC 20 07 PUD 01 –Preliminary Planned Unit Development (PUD), & RESOLUTION PC 20 08 SUB 01 – Tentative Subdivision (SUB) Plat, Cont.</u> PC deliberation carried over from August 25, 2020 Meeting (that Hearing had been closed). Applications from Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC, seeking approvals for a proposed PUD which include 31 detached single-family residences, 49 single-family attached residences, and 46 multi-family units. Amenities include a pavilion, picnic areas, seating, a children's play area, walking trails, dog park, and pocket gardens, private internal drive and alleyways. The properties are comprised of approx. 9.28 ac. and shown on Assessor's Map 18121533 Tax Lot 0700; Map 18121534, Lots 3800, 3900, 4000, 4100 & 4200; & Map 18122221, Lot 1900, located at the NE intersection

of Rhododendron Dr. and 35th St., zoned Mobile/Manufactured Home Residential District (RMH) & regulated by Florence City Code Title 10, Chapter 10.

Senior Planner Johnston provided a summarization of events of the previous meeting of August 25, 2020. Additional testimony, as approved by the Planning Commission on the same date, was received through September 4, 2020 and the August 25, 2020 meeting closed after leaving the written record open until September 4, 2020. She explained that the Planning Commission had instructed staff to meet with the City's legal team on short-term rentals and for staff, the applicant and Jim Hanks, P.E. to meet to discuss Condition 11 related to traffic and Conditions 30 and 31 related to storm water. She stated that all had met on September 26, 2020 with a focus on traffic. Staff was advised by legal staff that there were no city land use codes related to short term rentals and thus nothing applicable to the proposal. She stated that the applicant submitted new traffic counts. Johnston summarized concerns listed in new testimony submitted between August 25 and up to September 4, 2020. These included: traffic safety, density, tsunami evacuation, loss of native vegetation and stormwater. She also shared a list of questions from an email that had been submitted to staff by a Commissioner. These concerns included questions read by Johnston, and paraphrased here as: "Does the City use AASHTO standards generally, so that we might be justified in taking Jim Hank's recommendation for a left turn on 35th? ... What is the City's planned width of the multi-use path on Rhody?" Johnston stated that the answer was ten feet. Another question asked in the email regarded looping the water service. Also asked," Is there some special reason why Mr. Miller is doing so? Looping would provide more open space and a buffer between the newer denser development, and the older Siuslaw Village. Wouldn't we be setting a precedent for not looping water service…How can we approve the whole application in one action when we have no idea what the stormwater plans will be?... If detention facilities are needed, some or all are likely to be downstream where the apartments are now proposed… The Commission is thinking of suggesting that the rainwater gardens be removed to another area so that the recreation area/open space be entirely useable by the residents." Johnston further explained that new testimony would not be entered into the current meeting.

The Commissioners were asked by Chair Murphey if they had questions to ask Johnston. There were no questions, and she recommended Pubic Works Dir. Miller to speak.

PW Dir. Miller commented on street design standards, and that the City typically uses AASHTO as recognized safety and conformance and compliance use standards including the width and the configuration within the right of way that had been established and how streets should be laid out. Miller informed the Commission that a future ten-foot wide multi-use path from Wildwinds north of 35th and eventually out to Heceta Beach Road was planned (as expressed and permitted in city code). He explained the conflict in the Transportation (Systems) Plan that stated that the path should be 12 feet wide, but that stormwater takes up a chunk of real estate. With regards to looping, Miller explained that that space requirements for utility easements were not feasible in light of the project plans. Excavation and access as well as disposing of backfill gravel and spoils would need consideration and that twenty feet and how the development was proposed made installing the 20-foot easement a tight fit and placing the way the plan was at the time (not looping in this case) made more sense. Comm. Tarvin asked if there was room for a path in both sides of Rhody. PW Dir. Miller explained that only one plan represented a typical cross section, and that the path should be on the east side. With regard to the proposal for the applicant to carry water to the individual single-residential detached homes, PW Dir. Miller stated that water looping would be recommended to eliminate dead end pipes, and that a 20-foot easement, to the east, in relation to other buildings, would be the minimum for maintenance.

Comm. Tarvin asked PW Dir. Miller if a single ten-foot wide path would still allow for a left-hand turn lane on Rhododendron to 35th Street. PW Dir. Miller explained that the planned path was proposed as a ten-foot path and that it be only on the east side, given the amount of right of way and the utilities in the area. Comm. Tarvin asked if 34' was needed for a shoulder and Miller stated that it would require forty feet. Also, that the right-of-way is currently sixty feet in width. Chairperson Murphey asked Johnston if she had anything more to add. Johnston stated that the Applicant continued to ask for the removal of Condition 11. Chairperson Murphey said that this item would be saved for the deliberations.

Chair Murphey outlined the submission process for the final written argument and that the applicant had the right to waive the final written argument. Applicant representative Serra wished to waive the final written argument. Chairperson Murphey opened deliberation at 5:55 PM.

Chairperson Murphey asked each Commissioner if they had comments during the deliberations. Comm. Hauptman stated he still had questions regarding size and location of the project. Comm. A. Miller was concerned about overall traffic and character of the neighborhood. Comm. Jagoe pointed out Sheets T2 and T5 related to the Sandpines development (Exhibit R) showing 35th St. as having two turn lanes from North and South and then from one turn lane on 35th. Comm. Hauptman additionally stated that while we needed the housing, the roads may not handle the congestion. FarleyCampbell explained that that exhibit excerpt was from 2007 and wondered if anyone had any knowledge of it. Comm. Jagoe read a portion of the exhibit. FarleyCampbell explained that the exhibit excerpts were shared on Friday prior to the meeting as they had just been provided, and were related to Fairway Estates and what has been approved was Phase 1, out of three phases. Staff was not familiar with what methods were used to determine the need for left hand turn lanes.

Comm. Tarvin questioned the 'variances' the applicant had been requesting for and quoted FCC 10-23-5-8. He stated 10-5-4 as well and that they overlaid well together and that the applicant fulfilled requirements to submit the application. He questioned if variances were granted using 10-5. Johnston stated that the original Findings of Facts, with regard to modifications, cross referenced 10-5 and 10-23. Comm. Tarvin wanted verification of what the approval criteria was. FarelyCampbell requested Johnston to look at the 10-23-5-H in the Findings. FarleyCampbell read into the record the entire code for 10-23-5-H:

> *"The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:*
>
> 1. *High quality building design using Old Town and Mainstreet Architectural Standards or higher standards*
> 2. *Incorporation of unique land forms into the final PUD design*
> 3. *More recreation space than the minimum required*
> 4. *On-site amenities reflecting the value of both active and passive recreational facilities*
> 5. *Natural resource protection, where identified as part of a preliminary site investigation report*
> 6. *A mix of dwelling unit types and densities*
> 7. *A mix of residential, commercial, and recreational uses, where zoning permits"*

FarleyCampbell further stated that not all standards applied to the proposal and explained what each point meant with reference to modifications requested and if they applied. She clarified that 10-5 did not apply because the requests were not for variances, but were instead, modifications. She further stated that it was up to the Planning Commission to determine whether the criteria were met by the applicant for the modifications. Johnston stated that page 35 of the Findings of Fact from the August 25th meeting and that the modification justification could be found there. Comm. Young reiterated that former approvals should be considered for consistency and that she was the Commissioner who had the questions earlier read by Johnston.

Comm. Young said that the Commission had to determine if they were going to go by the AASHTO standards. She said the multiuse path width question was answered at ten feet wide. Johnston displayed the open space slide (Slide 11) and the slide showing the raingardens (Slide 17). Huber-Heidorn placed the slides side by side on the screen. Comm. Young talked about criteria for intention of open space. She suggested that there was not enough open space for the density; at a minimum 250 people. She believed the raingardens could not be used as open space and that they should be elsewhere. She further recalled the last meeting where PW Dir. Miller stated that the looped system was not needed here and that not looping required more maintenance and staff time. She believed that a twenty-foot buffer along the east side would be needed. She was also concerned about the stormwater and was not sure that the stormwater plan and that the Commission would not see a stormwater plan that would do what it needed to do, retaining water after adding roofs. Comm. Jagoe felt there would be a

loss of 8 single family homes. Comm. Tarvin supported the turning lane and concurred with the stormwater. Comm. R Miller stated he was concerned about the stormwater and believed the looping of water was a good idea.

Chair Murphey suggested each Commissioner provide a concern and asked FarleyCampbell for input on how to proceed. FarleyCampbell recommended input by the Commission on nailing down conditions and that staff needed a recess in order to compose them. At that time, all Commissioners wanted the water lines looped and a southbound left-hand turn lane. Comm. Tarvin stated at a minimum, he wanted to see a two-way left hand turn southbound to turn left onto 35th St off of Rhododendron. Comm. Jagoe felt that Exhibit R should be used as a guide.

Comm. Young stated she continued to feel the rain gardens needed to go elsewhere. A discussion ensued on the matter of open space and moving the rain garden. All agreed that open space was needed to provide for the density. Native vegetation between Rhododendron was another topic brought up by Comm Young. All Commissioners wanted a buffer installed to help keep the character of the existing vegetation present along Rhododendron Dr. There was concern raised that having the twenty-foot buffer to the east and the ten-foot wide on the east side of Rhododendron might be too much. It was agreed that one multi-use path would be used.

Comm. Murphey raised the question of how to handle Condition 11, which the applicant requested to be removed and asked for a recess so staff could modify or compose conditions. The Commission went into recess at 6:36p.m. and reconvened at 6:55p.m.

Johnston related that Condition 11 was remodified as "Applicant shall modify their public improvement plan with the effect to add a southbound left turn lane at the intersection of Rhododendron Drive and 35th St. Such plans shall be submitted to Public Works for review and approval prior to construction." The question staff had was the timing of the construction. FarleyCampbell added that what would also be added to the condition is that the left-hand turn lane would not be triggered until the trip count got to the point of which the left-hand turn lane would be required after consulting peer review and AASHTO standards. A matter of when that would happen was relayed and had to do with where the applicant was with the development phases. Chairperson Murphey asked the Commission if they had questions regarding this item. Comm. Jagoe wanted to see the road improvements installed before permitting or a set date of the project. Comm. Young asked if staff would be able to use strong findings based on the new conditions based on LUBA. Johnston stated other conditions had defendable code, but that staff had no code for Condition 11, and Comm. Young said AASHTO standards could be used. FarleyCampbell remarked that we would use the traffic impact analysis and that there are code criteria and that findings could be written as such. Johnston went on to read Condition 34, with assistant from Comm. Young and Comm. Tarvin: "Modify the waterlines to loop the waterlines adjacent to Siuslaw Village leaving twenty-foot within an access easement and the code for that is '10-23-4-D." There was a discussion about which subdivision was along the east and if the condition could be stated without referencing a subdivision. Johnston read Condition 35. "Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E-4e." It was discussed if the condition was detailed enough and that useable recreation area could not be used in a storm drain area less than the 100-year flood event. Johnston read Condition 36, "Applicant shall provide a vegetation preservation plan along Rhododendron Drive which maintained shall be ten feet. Title 10-23-4-B and 10-23-4-E." Chair. Murphey asked for consensus. Comm. Jagoe stated that the applicant was not supposed to be required to do the ten-foot on both sides as the applicant were already going to be required to place a twenty-foot buffer for the waterline looping discussed earlier. Comm. Young stated that ten feet would be the minimum for vegetation to live and any narrower than ten feet. FarleyCampbell wanted PW Dir. Miller to reiterate a concern on the maintenance and service issue on the looping and asked if another either/or option be suggested whereby the lines become private if the meters could be set at the loop lane. The lines would be maintained privately. Each meter run would be long. Another idea proposed by DW Dir. Miller was a master meter, but would create problems with ownership and finished up saying that there were options. After much discussion on the details of looping and not looping, the consensus was not to loop the individual lines as the loop on the public side (Loop Rd.) would be adequate. Comm. Tarvin did not agree with the individual lines. Comm. Young state that she disagreed also because the twenty-foot buffer would be lost. Comm. R. Miller asked for clarification about the twenty-foot easement. He was concerned the blacktop would need to be broken up if the lines broke. P.W. Mike said as proposed, the spurs were in the streets. Comm. R. Miller agreed. After discussion referencing a slide showing the development, Condition 34 was then modified to read by Johnston as, "The single-family detached water meters shall be located along the loop road and be public. Water lines running to the homes from those meters shall be private." PW Dir. Miller clarified for Comm. Jagoe that the water lines be placed in the common area and not the pavement as cost for repairs

was raised. Staff was asked by Chair Murphey what the staff recommendations were. Johnston stated that Staff recommends approval upon meeting the conditions as modified. Comm. Jagoe motioned to approve the Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 as modified by staff during the meeting. Comm. R. Miller seconded. Chair Murphey then gave the opportunity for the applicant to respond. Representative for the applicant, Mercedes Serra did not agree with Condition 11 as written and stated the applicant wanted the improvement in Rhododendron be 100 percent funded by SDC credits in the agreement with the City. Condition 34 was accepted as written, as to Condition 35, Serra wanted to a point out for clarification that all stormwater facilities located in the open space were soakage trenches and located underground and that all recreational activities continue above ground. As to Condition 36, Serra remarked generally that the required grading for placement of buildings would be prevent vegetation retention. Future plantings would include native shrubbery, situated organically along Rhododendron and the site perimeter to provide robust natural screening.

Chair. Murphey asked FarleyCampbell her input on the applicant's request for condition modifications. FarleyCampbell reiterated what the applicant wanted; that with Condition 11, the applicant wanted 100% SDC credits. She restated that the applicant was in agreement with Condition 34, but not 35, but now understood about the soakage trenches and agreed with the applicant. Regarding Condition 36, Serra was asked to repeat what was said to that condition. Serra repeated her statement and FarleyCampbell concurred by saying that the swath was not large enough to preserve vegetation as experienced by Oak Commons and recommended that the Commission decide on a width for the plantings. With regards to Condition 11, FarleyCampbell stated that the AASHTO standards would hold now that these standards are now in the record. Certain conditions would need to be met before the project was 100 percent SDC creditable and SDCs could be used for extra capacity, and the intersection would need to be realigned, which would not be SDC eligible.

Chair Murphey asked FarleyCampbell to work on Condition 11. With Condition 35, a discussion was held regarding whether all were in agreement with the stormwater detention being underground with the use of open space atop as long as the design allowed use aboveground. Young said that the stormwater plan would need redesigning anyway and that she would be fine if the soakage trenches were underground and the open space was useable. The Commission was in agreement with the soakage trenches underground. Johnston restated "Applicant shall provide a revised open space/recreation space plan addressing 10-23-5-E-4-e. and ensure they are useable for open spaces." A consensus was called and all Commissioners agreed on the reading of Condition 35. Chair Murphey called for a short break to reconvene at 7:45 p.m.

FarelyCampbell recommended modifying Condition 11 as follows: "The applicant shall enter into a development agreement with the City for the construction of a southbound left-hand turn lane at the intersection of 35th Street and Rhododendron Drive and its intersection reconstruction. Improvements would be funded in a combination of proportional SDC funding and/or credits with City participation and developer contribution." Chair Murphey asked if all Commissioners were in agreement to Condition 11. Comm. Hauptman was shown to be off-line and was absent Chair Murphey asked FarleyCampbell to continue. Johnston asked clarification if Condition 11 conflicted with Condition 34 and she proposed it be stricken. After some discussion and clarification. FarleyCampbell proposed Condition 36 as: "Applicant shall submit a vegetation planting plan with native plantings along Rhododendron Dr. for a width of ten (10) feet on the applicant's property. Such plan shall be provided in conjunction to or with the Final PUD and/or Final Plat application." The Commissioners were in agreement. The earlier recommendation to approve the conditions by Jagoe was modified and presented to the Commission at 7:55 p.m. to include the new and modified conditions. This was seconded by R. Miller. That applicants were asked if they would like to respond to the newly modified conditions. Serra relied that "Regarding Conditions 34, 35 and 36, we can accept as written. For Condition 11, we ask that the following be added: "If the actual base traffic line warrants for an urban arterial are met under existing peak hour traffic conditions, then we propose 100 percent SDC creditability for all improvements associated with a left turn lane along Rhododendron Dr." Comm. Jagoe did not wish his recommendation changed. A roll call vote was completed after establishing a connection to Comm. Hauptman. During the Roll Call by Huber-Heidorn, Johnston made clarifications of the conditions that had been remodified, and the removal of Condition 19. FarleyCampbell asked Comm. Hauptman over the phoneline if his agreement with the clarifications read by Johnston was a vote "Yes." Comm. Hauptman agreed. Chair. Murphey added his final vote of 'yes'. The motion to approve conditions as modified and earlier presented to the Commission at 7:55 p.m. passed by vote of 7-0. Motion carried.

Open: 5:37 PM/ Motion made at 7:55 p.m.

Closed:	8:05 PM
Applicant:	Mercedes Serra, 3J Consulting, on behalf of APIC Florence Holdings, LLC
Action:	Approved 7-0
Motion:	Comm. Jagoe
Second:	Comm. R Miller
Vote:	7-0 Unanimous

REPORT ITEMS

5. PLANNING COMMISSION REPORT & DISCUSSION ITEMS

Start Time: 8:05 PM

Discussion: FarleyCampbell stated that the Revision Florence monuments were going up at the intersection of Highway 101 and Maple. Appeal periods for Cannery and Rec Marijuana expired today and nothing additional was received. The next (Planning Commission) meeting was scheduled for September 22, 2020 as a work session to discuss City goals and the work plan. She called on the Commission to think about planning work the City should be doing in preparation of the meeting. The next public hearing was scheduled for October 13, 2020; anticipated to be an annexation application for with Benedict Holdings, LLC, the most likely future location of Idylwood.

Meeting adjourned at 8:08PM.

John Murphey, Chairperson

ATTEST:

Aleia Bailey, Admin. Assistant