City of Florence Planning Commission Meeting 250 Hwy 101, Florence, OR 97439 November 26, 2019

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Commissioner Present: Commissioner Brian Jagoe, Commissioner Andrew Miller, Commissioner Ron

Miller, Chairperson John Murphey, Vice Chair Sandra Young, Commissioner Eric

Hauptman,

Commissioners Absent: Commissioner Phil Tarvin

Staff Present: Planning Director, Wendy FarleyCampbell; Planner, Hailey Sheldon; PW

Director, Mike Miller; Admin Assistant, Vevie McPherren

1. APPROVAL OF THE AGENDA

Start Time: 5:32 p.m.

Action: Approve agenda as presented.

Motion: Commissioner Ron Miller

Second: Vice Chair Sandra Young

Vote: Unanimous

2. APPROVAL OF THE SEPTEMBER 10, 2019 MINUTES

Start Time: 5:33 p.m. Action: Approved

Motion: Vice Chair Sandra Young Second: Commissioner Ron Miller

Vote: Unanimous

3. PUBLIC COMMENT

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:34 p.m.

Commenter: None

4. RESOLUTION PC 19 22 PUD 03 – DevNW Preliminary Planned Unit Development (PUD)

RESOLUTION PC 19 23 SUB 04 – DevNW Tentative Subdivision (SUB)

RESOLUTION PC 19 25 CUP 08 – DevNW Conditional Use Permit (CUP)

Applications from Josh Shafer, Stonewood Construction, on behalf of DevNW have been received for DevNW Airport Road Preliminary Planned Unit Development (PUD), Tentative Subdivision (SUB), and Conditional Use

Permit for 12 detached homes in a community-oriented setting, cluster development. Property is located at Assessor's Map 18-12-27-10, Tax Lot 15400, on the south side of Airport Road between Nopal Street and Mulberry Lane, at the former site of the Senior Center. Proposed development is located in the Multiple Family Residential District regulated by Florence City Code Title 10, Chapter 13.

Open: 5:36 p.m. Recess 6:36 – 6:40 p.m.

Closed 6:43 p.m.

Applicants: Emily Reiman, Chief Executive Officer, DevNW

Josh Shafer, Stonewood Construction

Discussion: As Follows

No Commissioner declared a conflict of interest, ex parte contact, or bias. There were no challenges.

Planner, Hailey Sheldon delivered a staff presentation on the proposed development (see attachments)

Applicant Testimony: Emily Reiman & Josh Shafer

Ms. Reiman & Mr. Shafer provided a presentation that included the vision and future plan for the development. They supported all requirements however, requested modifications on the following conditions: condition #4 regarding a four-foot fence installation, condition #22 (meant, condition #21) regarding road improvement costs, condition #24 regarding relocation of manhole cover from proposed picnic area, and condition #25 regarding small easement modification from 20 feet to 17 feet to eliminate impact to proposed home at lot #6. C Hauptman asked how the homes would be financed and Ms. Reiman indicated financing would be through third party mortgage lenders. VC Young asked about the stabilization of the south bank and stated the potential impacts clearing or grading could have on neighboring vegetation and Mr. Shafer responded clearing would be determined with the phase 2 site investigation and with minimal disturbance. CP Murphey questioned the impact of headlights and other projecting on to neighboring properties and Mr. Shafer assured the slope would act as protection from any projection. There was brief discussion regarding the number and location of fire hydrants.

Neutral Party: Jonathan Hornung, Adjacent Property Owner

Mr. Hornung expressed concerns regarding the stabilization of the south bank

and potential impacts to his property.

Applicant rebuttal: Ms. Reiman & Mr. Shafer restated there was as little disturbance as possible proposed to the existing vegetation on the south slope to protect the natural habitat and eliminate replanting costs. Applicants stated they had read and understood the conditions of approval.

There was discussion between applicants, PW Director, and staff regarding condition modifications. Staff recommended approval of the application with conditions of approval and the following edits: Informational #1 and #2 to be added to the Resolution, modified and added language to condition #22 (meant condition #21) regarding future improvements, revised condition #24 and #25 regarding the location and accessibility of the sanitary sewer manhole and the easement modification from 20 feet to 17 feet at lot #6, and condition #40 regarding Nopal Street swale and storm water management plan be added to the Resolution.

Commission Deliberation: Discussion to ensure vegetation buffering at the Mulberry property/western boundary line to protect adjacent property. Commissioners agreed to a 10-foot landscape buffer. Mr. Shafer asked if the buffer could include vegetation and the proposed storage shed and Commissioners responded that

would have to be reviewed and considered with a future application and that the 10-foot vegetation buffer would be required at this time. The 10-foot vegetation buffer was included as condition #41.

Action: Approval of the application and conditions of approval as presented by staff with conditions of approval

Motion: Commissioner Brian Jagoe Second: Vice Chair Sandra Young

Roll Call Vote: Commissioner Ron Miller, "Yes"; Commissioner Hauptman, "Yes"; Commissioner

Andrew Miller, "Yes"; Vice Chair Sandra Young, "Yes"; Commissioner Brian Jagoe, "Yes"; Chairperson John

Murphey, "Yes"

PLANNING COMMISSION REPORTS & DISCUSSION ITE	EMS
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Discussion: None

6. PLANNING DIRECTOR REPORTS & DISCUSSION ITEMS

Discussion: Notice of Decision for Housing Joint Public Hearing mailed.

New code effective December 19, 2019

7. PLANNINIG COMMISSION CALENDAR

Discussion: December Planning Commission Meetings cancelled

December 16, 2019 City County will look at Admin. Code Amendment Section

Meeting adjourned at 6:57 p.m.	
ATTEST:	John Murphey, Chairperson
Vevie McPherren, Admin. Assistant	

DevNW Airport Road

Preliminary Planned Unit Development (PUD), Tentative Subdivision Plan Review (SUB), and Conditional Use Permit (CUP) for proposed development of 12 affordable, single-family, detached dwellings.

> PC 19 22 PUD 03 PC 19 23 SUB 04 PC 19 25 CUP 08



Preliminary PUD, Tent. Subdivision, & Conditional Use Permit Criteria

Florence City Code:

Title 10: Zoning Regulations

Chapter 1: Zoning Administration, Sections 1-4, 1-5, and 1-6-3

Chapter 3: Off-Street Parking and Loading, Sections 3 through 11

Chapter 4: Conditional Uses, Sections 10 and 11

Chapter 7: Special Development Standards, Sections 2, 3, 6, and 7

Chapter 13: Multiple Family Residential District, Sections 2, 4, 5, and 10

Chapter 23: Planned Unit Development, Sections 1 through 14

Chapter 34: Landscaping, Sections 3 through 5

Chapter 35: Access and Circulation, Sections 2-2 through 2-14, 3-1 through 3-3, and 4

Chapter 36: Public Facilities, Sections 2-1 through 2-5, 2-8 through 2-23, and 3 through 9

Chapter 37: Lighting, Sections 2 through 6

Title 9: Utilities

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Title 11: Subdivision Regulations

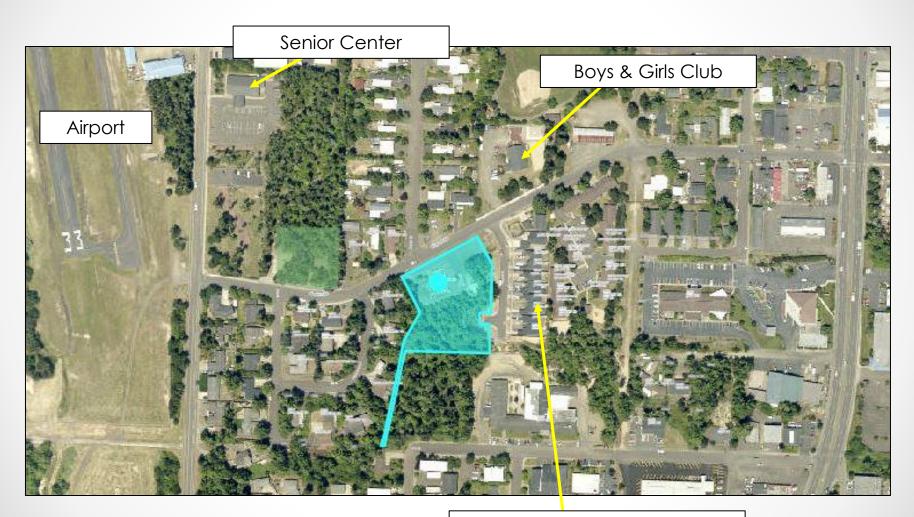
Chapter 1: Subdivision Administration, General Provisions, Sections 1 through 4

Chapter 3: Major Partition, Tentative Plan Procedure, Sections 1 through 7

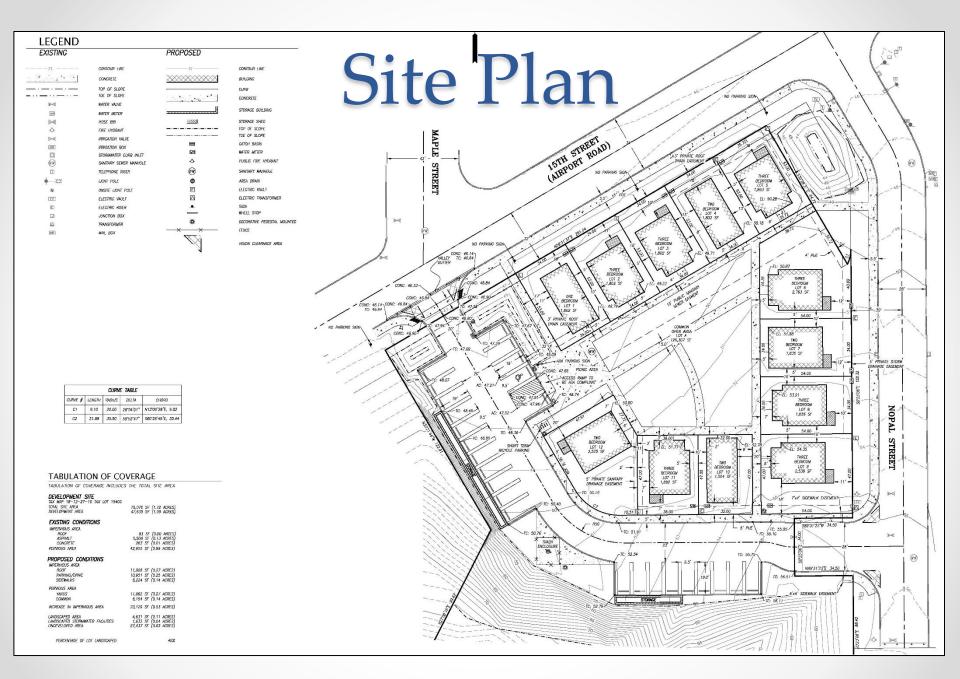
Chapter 5: Platting and Mapping Standards, Sections 1 through 5

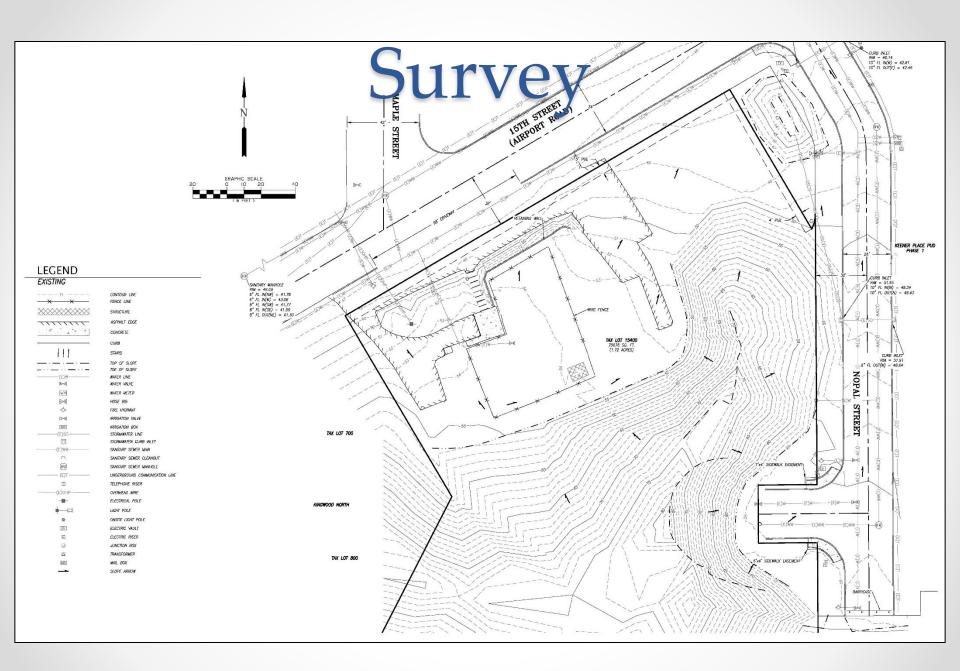
Chapter 7: Modifications, Subdivision Regulations

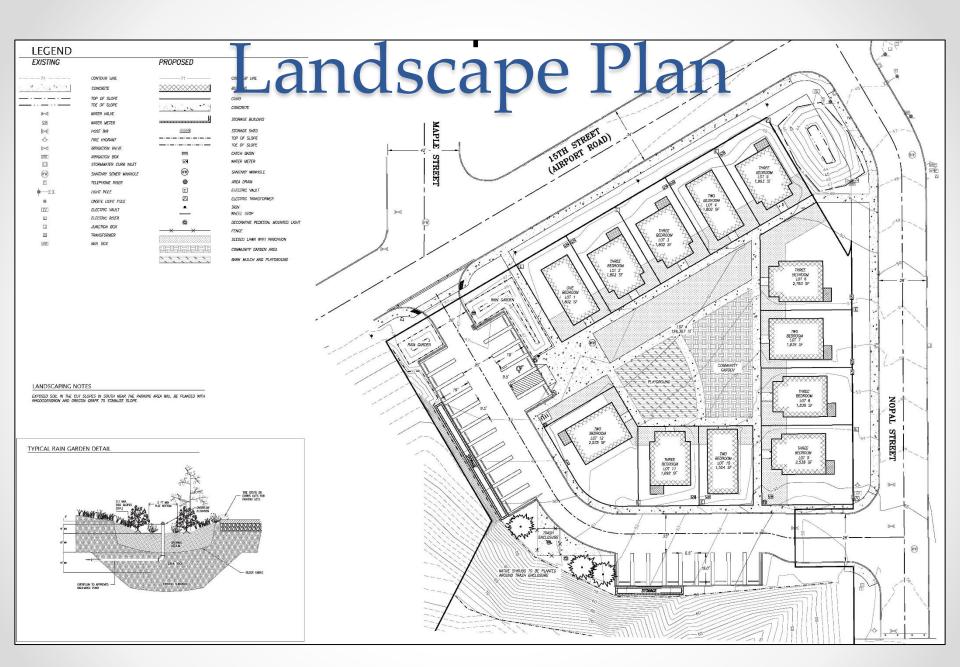
Aerial of Site



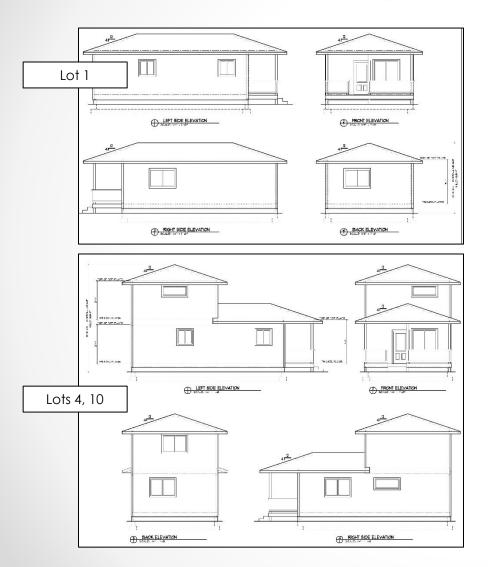
Keener Place (PUD Phase A)





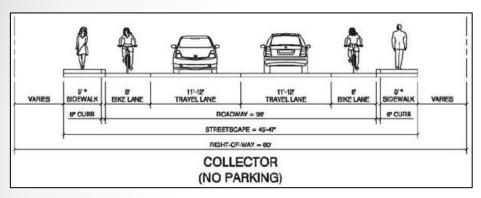


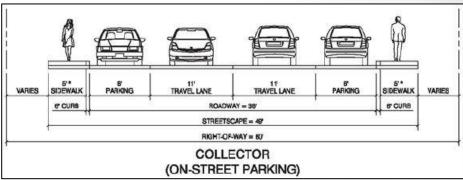
Elevations

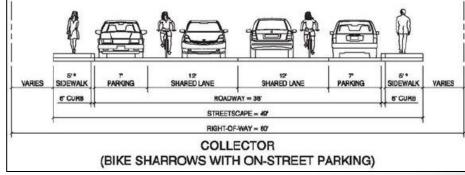




Street Widths





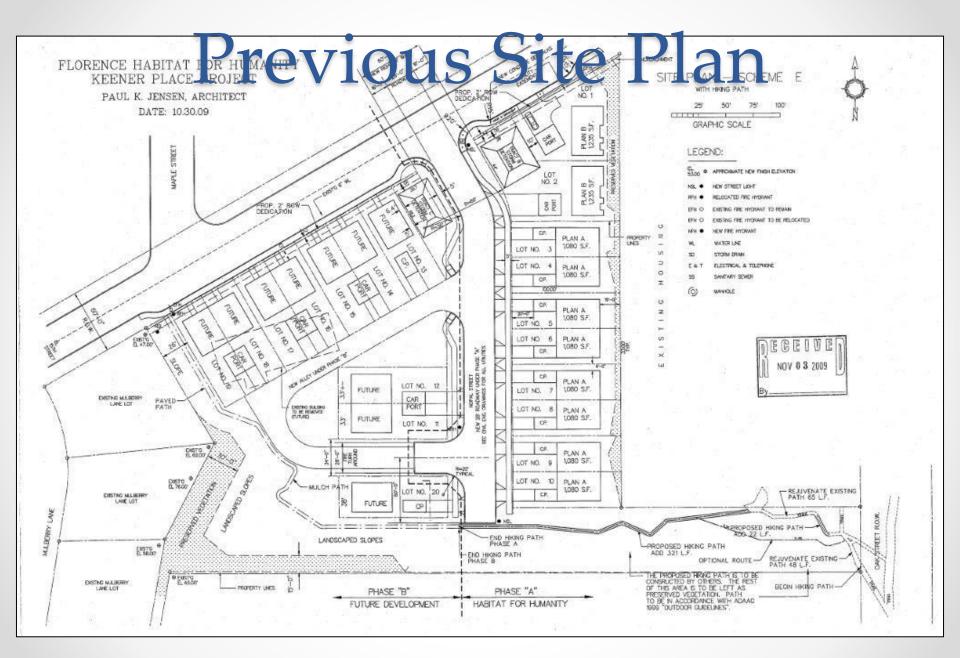


Testimony

Jonathan Hornung, 1370 Mulberry Ln

Mr. Hornung's property is located on the west side of the vegetated slope the applicant proposes to clear and grade. Mr. Hornung expressed the following concerns in his testimony:

- (1) The foundation of his property may be destabilized by the proposed grading and vegetation removal;
- (2) large trees on Mr. Hornung's property may be destabilized by the proposed grading and vegetation removal;
- (3) the original plans for Phase B included a buffer adjacent to his property line, which is not in the current plans (the condition reads, in part, "The western property line will have a least a 16-foot buffer for the corner lot of Mulberry Lane and 15th Street and the remaining lots of Mulberry subdivision will be adjacent to Phase B open space.");
- (4) the applicant is proposing removal of native vegetation (specifically Rhododendrons), which is in contradiction with the City of Florence Municipal Code and the Comprehensive Plan, which include protections for native vegetation and Rhododendrons;
- (5) the proposed removal of vegetation may displace the animals which inhabit it;
- (6) the parking areas proposed are adjacent to the low-density residential zone; and
- (7) FCC 10-23-5-C states, "The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD." The front yard setback in the Restricted Residential district is 20-feet.



Testimony

- Chuck Trent, Boys & Girls Clubs of Western Lane County
 - Requests a pedestrian activated crosswalk over 15th Street, additional street lights, and sidewalks along the development side of 15th.
- Mike Miller, City of Florence Public Works
 - Response to Boys & Girls Club testimony: neither additional street lights nor a pedestrian activated crossing are warranted at this location. (The applicant is proposing the requested sidewalks.)
 - 15th Street is classified as a Collector. A half-street improvement of 15th Street is warranted.
 - o Conditions 24 through 34.
 - There exists a trail running along the southern edge of Keener Place, which dead ends on the south-eastern side of Nopal. The sidewalk along the eastern side of Nopal does not extend down to the trail head. A remedy will be included in the Public Improvement Plan. Note that the maintenance of the trail is the responsibility of the City.

Issues

<u>Issue 1</u>: The paved roadway section of 15th Street is 33 feet and 10 inches at the subject property. The nexus for a half street improvement, widening this section of 15th Street to either 36 feet (Collector, No Parking) or 38 feet (either Collector, On Street Parking or Collector, On-Street Parking), is present (FCC 10-36-2-5). In addition, Phase A of the PUD (Keener Place) was required to install a parking strip pull-out along their section of the 15th Street frontage; as such, there is an issue of proportionality present.

There are three potential courses of action:

- (1) the applicant will enter into a non-remonstrance agreement, consenting to financial participation and granting of easements as needed for future improvements to the section of 15th Street adjacent to DevNW Airport Road,
- (2) the applicant will complete a half-street improvement of the same section of 15th Street, widening it 2 feet 2 inches (to meet the criteria of a Collector, No Parking), or
- (3) the applicant shall complete a half-street improvement of the same section of 15th Street, widening 4 feet 2 inches and installing a parking strip pullout (to meet the criteria of Collector, On Street Parking).

Informationals

Informational 1: The private stormwater facilities proposed – the rain garden and detention pond – are located adjacent to the 15th Street right-of-way. No easements on the rain garden or detention pond are proposed, although an easement may be required as a condition of approval of the final plat.

Informational 2: Information in the record calls to question whether vegetation and/or property on neighboring lots may be harmed by the proposed grading and landscaping of the southern/southwestern slope. This application does not authorize the harming of off-site vegetation and/or property. If, during construction, conditions are found that suggests off-site vegetation and/or property may be harmed, the applicant should take actions to avert harm.

Staff Recommendation

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the Preliminary PUD, Tentative Subdivision, and Conditional Use Permit, subject to conditions.

- 1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
- 2. Regardless of the content of material presented, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
- 3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

Title 10, Chapter 4, Conditional Uses

4. The applicant shall be required to construct a fence spanning from the northwestern corner of Lot 1, along the 15th Street frontage, ending at the northeastern corner of Lot 5. The proposed design of the fence shall meet the requirements of 10-34-5, the details of which shall be included on the site plan or another document submitted to the Florence Planning Department prior to approval of the final PUD.

<u>Title 10, Chapter 7, Special Development Standards</u>

5. The applicant shall be required to submit a Phase 2 Site Evaluation Report, a geotechnical report, and a detailed bank stabilization plan prior to receiving any relevant building permit.

Title 10, Chapter 13, Multi-Family Residential District

- 6. The applicant shall be required to submit a revised site plan and tentative plat prior to a decision regarding the final PUD and plat.
- 7. The minimum vision clearance at the proposed driveway entrances shall be 10 feet.
- 8. There are currently no parking signs proposed along the 15th Street frontage. Should a parking lane be installed along 15th Street, the applicant shall remove those signs.

Title 10, Chapter 23, Planned Unit Developments

- 9. The applicant shall be required to submit a copy of the Covenants, Conditions and Restrictions for the development prior to the issuance of any relevant building permits. The developer shall be responsible for the maintenance of the common space areas.
- 10. The applicant shall submit a development schedule prior to the approval of the final PUD and subdivision plat.
- 11. By November 26, 2020, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan, or a request for extension.

Title 10, Chapter 34, Landscaping

- 12. The applicant shall update their landscaping plan to include species, sizes and locations of plantings on the bank, in the parking areas, and the rain gardens.
- 13. Specifications for soil at time of planting, irrigation and anticipated planting schedule shall be furnished by the applicant prior to any site disturbance, final PUD, final plat, and/or with each associated building permit.
- 14. An irrigation plan is required prior to final PUD approval.
- 15. The landscaping plan shall detail the location and species of each of the three trees required throughout the parking lot: 1 at the 15th Street entrance, 1 near the trash enclosure, and 1 along the Nopal entrance.

Title 10, Chapter 35, Access and Circulation

- 16. The applicant shall be required to obtain a "Construction Permit in Right-of-Way prior to their construction of their access to and improvements of 15th Street.
- 17. The applicant shall include an easement for joint use of the proposed driveway and parking lot on the Tentative Subdivision Plat.
- 18. Driveway approaches shall receive a Right of Way Excavation Work Permit prior to construction.
- 19. The applicant shall widen the proposed driveway to 23 feet in areas adjoining parking stalls.
- 20. The applicant shall obtain a Right of Way Excavation Work Permit prior to sidewalk construction.

Title 10, Chapter 36, Public Facilities

- 21. If requested by Fire Marshal, applicant shall add an emergency access easement along the driveway to the plat, prior to the approval of the final plat.
- 22. Should a parking lane be installed along 15th Street, the applicant shall update the site plan and signage plan accordingly.
- 23. The applicant shall submit a plan for mail boxes, approved by the United States Postal Service, prior to the issuance of any building permits for residential structures.
- 24. The sanitary sewer manhole located within the 15 foot public sewer easement needs to be accessible in order for the City to maintain and service the system. The City will need to be able to drive to and set up its combination sewer cleaner over the manhole as well as ability to set up the TVI equipment. The applicant shall relocate the manhole approximately 30 additional feet to the west.
- 25. The applicant shall increase the width of the proposed public sewer easement from 15 to 20 feet, and center the public sanitary sewer line in the easement.
- 26. There appears to be an irrigation water meter located in a concrete pad location north west of Lot 12 (just outside of the parking area).

<u>Title 10, Chapter 36, Public Facilities (cont..)</u>

- 27. The applicant shall relocate the irrigation water meter to the east of the bicycle parking area.
- 28. The water meter shall be located in a landscaped area, not in hardscape areas.
- 29. On Nopal Street towards the existing fire turn around (the future street stub that the proposed development will be utilizing) there is an existing water service. The applicant shall verify the location of the water service, and utilize it for one of the proposed homes if possible.
- 30. On 15th Street, there are two existing water services. If they cannot be utilized for the project, the applicant shall properly abandon them.
- 31. The proposed connection to the existing water main on 15th Street, to loop the water system, shall be a cut-in connection complete with three water valves in a 'T' configuration. The existing water main in 15th Street is a 6-inch water main, so the connection will need to allow for an 8-inch water main connection and the new 8-inch extending to the south of the proposed fire hydrant, then reduce to 6-inch to continue the water system to the south with connection to the existing water main that is stubbed from Nopal Street.
- 32. Locate and cap the two existing sanitary sewer laterals that serviced the former Senior Center and the undeveloped area to the east.

Title 10, Chapter 36, Public Facilities (cont..)

- 33. A grading plan and erosion control plan shall be submitted prior to site disturbance or construction in the right-of-way. It shall meet the standards of the Portland Erosion and Sediment Control Manual.
- 34. The applicant shall grant a 20-foot waterline easement from Nopal to 15th Street, for the 6-inch water main.

Title 10, Chapter 37, Lighting

35. Locations for general site lighting are shown on the landscape and site plans. A photometric plan shall be submitted and approved prior to the issuance of any relevant building permit(s), and parking lot construction.

<u>Title 11, Chapter 3, Major Partition, Tentative Plan Procedure</u>

- 36. The applicant shall revise their subdivision plat to include existing and proposed easements, including their exact locations and dimensions, prior to approval of the final plat.
- 37. Lot A shall be renamed on the plat as "Tract A;" it is not a legal lot.
- 38. Tract A shall be divided into multiple tracts on the plat, to delineate the areas which are common ownership and the areas which are open space.

<u>Title 11, Chapter 5, Platting and Mapping Standards</u>

39. Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. Stamped approval will be shown on the utility plans.

<u>Title 9, Chapter 5, Stormwater Management</u>

40. If the Nopal Street public swale is to be used for private stormwater originating from the project site (as opposed to surface drainage only, as stipulated in the 2009 approved stormwater plan), the 2019 stormwater plan shall be modified to address the discrepancy between the 2009 and 2019 plans. And the Nopal Street swale shall be improved to meet current qualitative treatment standards (plantings) and, if needed, quantitative standards (to handle flow).

Alternatives

- 1. Approve the applications;
- 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 requested or if more information is needed.

