

City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
August 24, 2021

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson Phil Tarvin called the meeting to order at 5:30 PM.

Commissioners Present: Via Conference Chairperson Phil Tarvin, Vice Chairperson Sandi Young, Commissioner John Murphey, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller.
Staff Present: (In House) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, AIC FEC Manager Aleia Bailey, and Planning Technician Sharon Barker

At 5:30 PM, Chair Tarvin opened the meeting, Sharon Barker did a Roll call. All members present. Commissioner Andrew Miller led the flag salute

1. APPROVAL OF THE AGENDA
Start Time: 5:32PM
Action: Approved
Motion: Commissioner John Murphey
Second: Commissioner Ron Miller
Vote: 6-0
There was no discussion on the agenda and it was approved unanimously.
2. APPROVAL OF THE MINUTES OF August 10, 2021
Start Time: 5:32 PM
Action: Approved
Motion: Vice Chair Sandra Young
Second: Commissioner Eric Hauptman
Vote: 6-0
3. No Public Comments or Speaker's Cards

Chairperson Tarvin relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases. None were declared. No citizens present wished to challenge any commissioner.

4. RESOLUTION PC 21 20 SUB 01 – Cannery Station Phase 1 Final Subdivision Plat
A Type III application submitted by Rob Ward, on behalf of Cannery Station Development, LLC, for

a quasi-judicial Planning Commission review of the final subdivision plat for Cannery Station, P.U.D., Phase 1. This proposal includes the final subdivision of 6 lots, 4 tracts, and associated street portions including 47th, Redwood and Spruce Streets providing access to the proposed lots and tracts for property shown on the Lane County Assessor's Map # 18-12-14-20, TL700 and located near the southeast intersection of Highway 101 and Munsel Lake Road. Additionally, a temporary public emergency vehicle access easement is proposed in what is identified on the final plat as Tract "D".

5:38 pm Chair Tarvin opened the hearing and called upon Senior Planner Roxanne Johnston to deliver the staff report for this agenda item.

Johnston: Staff reviewed Phase 1 final Subdivision Criteria. Staff report was displayed and explained. The Proposal is for Cannery Station PUD mixed use development – Phase 1 final Subdivision and is the first of 8 phases, the overall site is about 16.873 acres, these are 6 of 31 lots, 4 tracts, & 3 street segments. Redwood, Spruce & 47th. We are going to circle back to the target development time line, because the applicant wants to speak to that and upon plat filing, they want to start construction. We are on slide #12, an aerial of the site, site is just south of Munsel Lake Rd and across Hwy 101 from Fred Meyer. I am going to use the slide of the proposed phase 1 final plat as a reference, to the proposed access easement, and we are going to compare it to what was approved with the tentative plan and the final PUD in 2018. If you could look at the temporary proposed drive for construction purposes, can see it is close to the intersection of Munsel Lake Rd and Hwy 101, I am going to show you what was approved in 2018 with the tentative plan, you can see that, the temporary access is farther east. What we look at when we are reviewing the plan that was previously approved is consistency, we are seeing that there is a difference in the distance between the intersection of Hwy 101 and Munsel Lake Rd. That is something to keep in mind as we go through these conditions; this is just informational. The Approved Phase 1 site Plan shows a mix of uses that we explained while introducing this topic. We received 3 public testimonies Ann Kilgore, Dane Base and Doris Business they want the applicant to replant areas at N end of site cleared without a permit, (this was discussed at the August 10, 2021 meeting) Cover acres of open sand with bark or other material, Construct 8' fence at lot line. In the findings staff has addressed these. Conditions of approval in 2018 are #3 exposed soils shall be covered with root mat and #20 Construct fence prior to final plat approval (tract C) to be fenced upon clearing of area.... This information was in tonight's packet. This is for Tract C that abuts the Florentine Estates area. There were supplemental comments that we came upon at the deadline, and just to let everyone know that the City will sign the final plat once applicable conditions have been met. We will do conditions checks until everything is checked off before the final plat is signed by the City. I am proposing some amendments that weren't in the findings that we published, that is for the Resolution PC 21 20 SUB 01 which is why we are having this hearing here tonight.

Staff Recommendation: Finds that the applicant meets the criteria provided by Florence City Code and the Florence Realization 2020 Comp Plan and can be approved with the conditions of approval as listed...btw: Prior approved conditions still apply if they have not expired. Slide #20 for this hearing tonight these are the final subdivision proposed Conditions, they are within the findings but listed in the Resolution; there are 11 of them. 1-3 are skipped- they are standard language that we put within any of the resolutions.

#4 Streets are mislabeled and need to be labeled on plat.

- #5 Show all public utility easements on plat
- #6 Correct plat notes – not consistent with what is shown.
- #7 Submit letters of approval from ODOT and County approving temporary access point.
- #8 to provide water sewer to each lot by developer – includes materials, fees, etc.
- #9 Provide a bond, cash deposit, or combo of both, for construction of public improvements.
- #10 CC & R copies – provided 8/23
- #11 Provide final drainage plans.
- #12 Per FCC 11-4-4 D, the Final Plat shall be consistent in design with the approved tentative plan and all conditions of approval have been satisfied. This includes the location of the temporary access easement that runs N/S from Redwood ST to Munsel Lake Road. **Decision point: time Frame of Temp. Access?**
- #13 Per FCC 10-36-2-9 B and Condition 31 of Resolution PC 18 33 PUD & Pc 18 34 SUB 01 provide the required Temporary Public Emergency Vehicle Access Easement (*hammerhead*) at northern terminus of Spruce St. extension. Current length insufficient to meet requirement.
- #14 All previously approved Resolutions for the Cannery Station PUD continue to be applicable, except those that have expired.

Johnston: We noticed right away that the streets do not match the tentative plan so they need to be relabeled on the plat. **#5** Show all public utility easements on plat, there were some instances when they are not always labeled, they show on the plat but are not labeled. **#6** Correct plat notes – some of them are consistent with what is shown and some are not. **#7** Submit letters of approval from ODOT and County approving temporary access point, we want to make sure that we have their approval. Costs to provide is pretty standard and is borne by the developer. **#9** is to provide a bond or cash deposit for public improvements. **#10** CC&R's were requested in the findings and the applicant came right through and gave them to us yesterday. **#11** Drainage plans are required. We will make sure that all the conditions are met before the final plat is signed, once you have given your approval. **#12** is the new conditions that are not in the findings, but are proposed by staff. If you went through the attachments, you were given a set of utility plans and on those plans, the streets were labeled, but tonight they are not here for final approval, that is a separate function. The question we have for you is at this Decision Point regarding the temporary access, how long is temporary? If the applicant submitted a final plat and it showed an easement on it, is it a temporary easement on a Final Plat? The staff needs direction from you on how long that should last? Because right now that was not the intention of that to be the extension of Redwood. Something for you to consider and give staff direction on. We can come back to **#12** if you want us too. Slide **#24** Wetlands are on the site, plat-wise they are within the final plat because they are on tract D, you will need to remember where they are, you probably saw this image in 2018. Slide **#25** **#13** that area needs to be widened as per the Fire Marshal, it is under the 60' that he is expecting. **#14** All previously approved Resolutions for the Cannery Station PUD continue to be applicable except those that have expired.

Conditions check from the prior conditions, I also provided the actual findings for this tentative plan and final PUD, and the Resolution, these conditions are taken out of the Resolution.

- #3 The applicant for any cleared areas within Phase 1 of Cannery Station, Shall;
 - a) Monitor cleared areas for noxious weeds

- b) Manage noxious weeds thru mechanical means & only use herbicides as a last resort.
- c) Manage erosion & soil stabilization BMPs- where not included in BMPs, use root mat. **Applicable** to Final Plat.

#4 Finished foundation elevations – **Not applicable** to the Final Plat. That comes later with construction part of development.

#5. Re: Slope clearance between storm basin in Tract A & church -: Either a Phase 2 Site Investigation Report required addressing slope clearance in storm basin Tract A & church building to the south, or provide appropriately engineered final stormwater infrastructure plans – **Applicable to the Final Plat.**

#7 Construct pedestrian activated crossing near 47th and Hwy 101 Intersection – Marking, signs, islands and/or curb extensions – (Again this is paraphrased and it does come from the tentative final plat and the final PUD approval). May be done in 2 phases with Beacon in Phase 2 – **Partially applicable** with Final Plat but there needs to be some plans for that.

#8 Hwy 101 ped crossing to Fred Meyer to be ADA accessible. See Cond.#7

#9 we are skipping #9 because it was deleted. That was deleted back in 2018.

#10 Bonding of utilities, storm, street lights. **Applicable** with Final Plat.

#12 Hardscape colors & other design elements. **Not applicable** with Final Plat

#13 Construction to enter property from Munsel Lake Rd, not Hwy 101. Coordinate paving with Public Works. After paving, provide bond at 120% total public imp. Cost w/in Phase 1 **Applicable** with Final Plat. This is something that the applicant might be addressing tonight.

#14 Trip distribution formula, costs & signal warrant. **Not applicable** with Final Plat. They had a TIA, (a traffic investigation analysis) In this instance we are not hinging the TIA with the final plat itself as a document. That will come later.

#15 Remove Munsel Lake Rd. existing curb cut-blend ROW to match existing ROW design (storm ditch). **Applicable** with Final Plat. We looked at the storm ditch and it is part of the wetlands.

#16 Continuity Plan for Tract C. **not applicable** to Final Plat.

#18 Final infrastructure construction plan review to be coordinated with applicable agencies. Bonding **applicable** with Final Plat. This is all paraphrased, it is explained in the Findings and the Resolution.

#19 New change in land use impacts TIA. **Applicable** with future phase approvals.

#20 Fence required prior to final plat recording. **Applicable** to final plat.

#21 Covenant of Release outlining hazards, restriction and/or conditions – **Condition met as of 11/09/2019.**

#22 Dedication of all streets as public right-of-way. For Phase I, this includes the southern-most sections of Spruce and Redwood Streets and 47th Street. The applicant shall include the ownership of the street rights-or-way on the final plat. **Applicable** to Final Plat – streets not shown to be dedicated. (At this point the streets are not shown to be dedicated so we are not sure whether they are public or private, so that will need to be shown on the plat document.

#23 There is no numerical naming of contour interval proposed or existing other than those within Phase 1. The data provided is incomplete. A grading plan shall be

resubmitted that includes the required information 11-3-2-C-7. **Applicable** to Final Plat. Applicant will coordinate with Public Works.

#24 Need approved timing plan prior to the issuing of any building permits. **Applicable.** It is applicable.

#25 Requires extensions, if needed, and submission of Final Plats according to extension allowances. **Applicable** to this review and subsequent reviews.

#26 Crosswalk and street markings. **Applicant to ensure continued coordination with Public Works.**

#30 Coordinate with ODOT if additional ROW is needed. **Ongoing – no more ROW needed for Phase 1 but could be needed for future phases.**

#31 Redwood and Spruce Sts. Shall extend to the northern edge of the phase and include turnarounds either hammerhead or bulb-shaped construction to Oregon Fire Code. **Applicable** to Final Plat – and comes from Condition #13 of tonight's proposed Resolution PC 21 12 SUB 01

#32 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. **The Draft Plans have already been submitted to City.**

#33 Notification of CTCLUSI if cultural or historic resources encountered during construction. **Standard requirement.** Re-listed as Condition 3 for Final Plat.

#34 Any fence, wall, or hedge installed for screening/buffering to be well-kept. **Standard requirement.**

#35 Berm construction & material (drainage). **Not Applicable** to Final Plat.

Listed the alternatives

Questions from the Commissioners:

FarleyCampbell: Chairman Tarvin, I have two points I would like to make before the questions start to clarify a couple of things, as you are aware Cannery Station has had multiple approvals for various things, with multiple Planners involved, Roxanne has done an awesome job of picking up this project and running with it, with so many different hands in this particular project. Two points I want to make. On slide #10, the testimony slide, that was Doris Oliver not Doris Business that provided testimony, and the wetlands, to provide clarification the Planning Commission approved the preliminary April 23, 2019, you made your last approval on this project. The point I am making is that you have not seen the Wetland slide in any of your other approvals. The Army Corp has determined that those wetlands are jurisdictional waters of the U.S., they did approve filling the ones in the SW corner of the slide. The ones in the northern part along Munsel Lake Rd, are not really impacted by what you are looking at tonight. What is pertinent tonight and what has prompted the applicant to change their Munsel Lake Rd access is the jurisdictional wetland that runs along Munsel Lake Rd, which is indicted on the slide (that come from the Army Corp documentation), they have determined this to be jurisdictional wetland waters of the U.S., so the applicant is seeking to use the existing dirt road that used to be a driveway for the house that had been on the lot, they are proposing to use that driveway access as their temporary emergency access easement until Redwood punches through, Roxanne did provide what you approved in the tentative plat which is a temporary emergency egress that would go through Redwood to the north and what the applicant has provided is a final plat is using the existing driveway instead of Redwood, I do not see any

immediate problems with using the temporary access easement while we are wading through the wetland work with the State and Army Corp to get approval to fill the wetland, to be able to relocate their driveway. I don't see that being a long-term solution for all those uses approved in Phase 1, to use that as the emergency ingress and egress, because it doesn't meet the driveway separation from the intersection. That is why Roxanne is looking for a timeline from you, if you have recommendations, it could be based on an actual hard date or it could be based on, prior to construction of one of the other buildings within that use or the next construction of the next building, maybe it is fine to keep for the assisted living facility, the wetlands lands need to me mitigated. I just wanted to provide that context, you hadn't seen the wetlands you are seeing them tonight and that provides the background on the basis on why they are wanting to change the location of the easement access. I think a better solution is to continue with what you approved on the tentative and let's come to some other kind arrangement with an easement on the existing driveway, it is not a platted document and some of you may have other experiences and know what that could look like. That concludes my comments.

Chair Tarvin: Any Commissioner questions?

VC Young: Is the Ped Crossing and signal, included in the bond for public improvements?

Farley Campbell: Mike Miller is here and he can speak to you regarding this

Mike Miller (Public Works Director) We haven't formally started those discussions yet, anything that is Public Improvement, we will be talking to them about how they want to secure those improvements, right now it is going to be a combination of cash and a bond and we just need to finalize, work with their engineering team and come up with the most probable costs for those improvements and determine how much money they want to put up as cash and how much of it will be bonded.

VC Young: Since the pedestrian crossing on Hwy 101 is an offsite improvement, will that be included in the discussion of infrastructure that needs to be bonded, I know the onsite infrastructure will be, but will that ped crossing be included or not, I know the signal comes later, but the ped crossing is that included.

Johnston: On the Cannery Station PUD final subdivision check list that I provided; I can read verbatim if you would like.

VC Young: I don't think it said it has to be bonded.

Johnston: The very end of slide, it says the first phase of this condition shall be required and bonded to ensure construction is implemented, that is the Staff comment. If we look at the Condition 27 from the 2018 approval it says the applicant will construct a pedestrian activated crossing across HWY 101 near the intersection of 47th Street and Hwy 101, construction can be provided all at once or provided in to two phases, whereby marking signs, islands or curb extensions are constructed first and the beacon installed with phase 2. I guess there is a little bit of loose language there because there are several phases involved with this, it doesn't specifically call out phase 1 as the necessary trigger language wise.

VC Young: If it is possible to include at least that first part in the bond, so that it doesn't get lost somewhere, if we don't include it.

FarleyCampbell: I wrote the condition and the intent was that the first phase of that crosswalk be provided with this phase. Phase 2 could end up being, (it doesn't mean Phase 2 specific), it just means whatever phase is next then they will put up the beacon. Or they could decide to do it all with this one. Mike will be looking at receiving the costs to make those improvements.

VC Young: The access point on Munsel Lake Rd, I think I heard you say that we could approve the final plat consistent with the preliminary plat, and then in some way, maybe authorize Mike to work with ODOT to use the temporary construction access until the first occupancy permit is issued in phase 1, but that the plat would show the road where it is supposed to be as shown on the preliminary plat.

Farley Campbell: My recommendation would be to approve what was approved, we want Redwood to be per the PUD approval, a master plan so they would need to revise it, if they wanted to change the location of Redwood, let's just get it where it needs to go now, is there another tool that is available, because you can create easements in other ways, other than on a plat, you can just do them on paper, is my understanding, and that would be my recommendation, but is there a way to have that be a timed based easement , I don't know if that is possible or not, I don't know if you can grant an easement for only a certain time limit.

Comm Murphy: Is there any chance that they won't be able to fill in that ditch line?

Farley Campbell: I think anything is possible, it is a ditch and mitigating the wetland and coming up with whatever the compensation is, is what they have to figure out, I don't know where they are at in that process. I don't know what they have done since they have received this letter dated 5/24/2019, Army Corp provided the letter and gave their determination on their waters of the U.S. for those wetlands. Maybe the applicant can provide more information on what their timeline is in regards to wetlands.

Chair Tarvin: We will now move on to the Applicant testimony and presentation.

Applicant Dr. Chuck McGlade: Hello, this is Chuck McGlade, I have been involved with the project since 2007, and appreciate the City's continued patience to the Planning and even through this financing process, this has been a long journey and as opposed to perhaps there developers there are no fat left in this project and we are trying to achieve a vision and I know the City is trying to achieve the same vision, what attracted me to this project in the first place was the desire to not use the property as a large box, which is a big box is what it was initially dedicated as, but to use it as a Nobel development, something that would look very welcoming as people came into Florence from the North, unfortunately in the late 2000's there was a husband and wife partner in this project who had developed Crescent Village in Eugene, one of the Partners died and then 6 months later the second partner also died living the project in a bit of chaos, estate planning entered into this, legal situations and ultimately I was able to regain control of the property, that left me without an equity partner and going forward I had done a project in Albany, Oregon and that's named Waverly Assisted Living was funded through a foreign capital group and it led to job creation locally and it is currently a very successful project, it is an assisted living and memory care project and it used the same general contractor as well as architect as this project does, so I approached the company that had helped with Waverly, that's American United Development group and they helped me with the property purchase, there was extensive land use work that had been previously done to the tune of hundreds and hundreds of thousands, close to a million dollars that had

previously expired, so a significant amount of time and money had already gone into this project, and thankfully in 2019 we did receive your approval, financing however has been far more difficult than may be appreciated unless you have been involved with the financing situation yourselves, financing has been really hard because it is considered a tertiary market and initially, we were trying to finance that we could complete all the extensive infrastructure requirements at the same time as the assisted living and perhaps I was being very optimistic at the time but the truth is it has been very difficult finding lenders that are willing to lend in this particular market, especially this amount of money on the infrastructure as well as the building and a year ago, prior to a year ago we had financing and then Covid-19 came into full bloom, and that financing was lost, since Covid has been on the scene I have been able to attract several other financiers but not with nearly enough money in order to proceed, so finally we decided to turn to the HUD route which as you probably know takes a long time and there is a lot of submission requirements etcetera, one of which is the survey. We are also finding additional funding for the public improvement work which has been significantly challenging with Covid. The project in all earnestness has never been this far along, we have had to use a lot of creative funding methods just to get to this point. Hopefully the point we are at is to be able to revitalize the public improvement plans for the final application to submit this plat for phase 1, we are currently involved with trying to finish our cottage design and that is through the same architectural firm and they are scheduled to commence that, that was interrupted, they will be able to commence that next month and finally deliver phase 1 and this is kind of nothing short of close to miraculous at this point but the vision entailed having 3 types of residential environments and commercial activity all developed within this small notal community to provide mutual benefit both to the people that live there as well as the community at large and to and to have something to be proud of and that Florence would be proud of instead of a large box store. Before I turn it over to Peter Englander, who is the Project Manager, to give you further details, I wanted to thank Wendy, she has been involved with the project for many years and there have been lots of ups and downs, I would thank her for her time and her continued efforts on this project, and also Roxanne Johnston and Mike Miller and all the others that have been involved, it's not that we don't appreciate or notice the help, in this particular instance, it has been quite necessary and hopefully we can all see a beautiful notal community on the North end of Florence. I will turn this over to Peter.

Peter Englander, Director of Project Management, at American United Development Group, out of Portland, OR: asked Chuck to make the presentation to that he did to make sure that we responded to some comments that Commissioner Hauptman had at the last meeting, and I wanted to make sure you all know, how much we have been attempting to put this project together and the challenges that Chuck had way before he even brought up them, with respect to specific matters that have been brought up, we have been working with Mike Miller on the public improvements, the cost of these improvements that are part of the phase 1 just within the boundaries of the phase 1 are well in excess of \$2 million dollars, actually closer to 2.5 million, in order to bond over that we have to include an amount greater than that so that is why the additional finance that Chuck talked about was so important. Our plan to do that work, and hopefully I will address Commissioner Young's Question as well, the plan to do that work is once we can get this tentative plat plan approved then we can really start obtaining all that financing nothing can happen until we can do that, we understand all the conditions, we think we can meet all the conditions, the reason we wanted to do the temporary road is because we thought it was most expeditious we wanted to complete the final road in additional phases so, I would appreciate as much or we would appreciate as much flexibility as possible, if it is something that you want as Planning

Director FarleyCampbell had mentioned, if you want the final plan to reflex Redwood Rd, than I understand that as long as we can have a period of time to be able to use this current temporary access off of Munsel Lake Rd., so that we can address some of these other matters. This will allow us to market, not only to start construction on the assisted living which is hopefully a great addition to the City as Chuck had mentioned, but also for us to market some of these other sites so that we can start to address some of these other issues, and really the rest of the site. So that we can build out this very thoughtful plan that has been put together by everybody. It my understanding that the crossing as what was described as both Roxanne and Wendy are part of our budget as is the fence that was brought up by our neighbors and the reason that we had not done more work on that area is because we needed to be able to maintain it as well, if we were going to put more landscaping in, we were going to have to be able to maintain it, that is all in our budget. Our plan is once we have a plat approved, we will be able to obtain a financing for both the assisted living and public improvements. As Mike Miller mentioned, what we are looking to do is to bond for ½ of it and put-up cash for the other half. Then we will draw against the cash and do the public improvements, we will start doing them, you will see construction on the site hopefully within 30 and 60 days after we get the plat approval, we will draw down that cash and once we get the loan, we will replace the bond, with the loan, so we will have all cash to complete the 2.5 million dollars' worth of public improvements. That will all happen as we lead up to closing our financing on the assisted living project so we might end up completing all of the public improvements, as we are working on the assisted living project itself. The assisted living building itself is permitted we have a building permit to build the assisted living building, I think you all know that we have already put in a foundation, that permit was extended until October, we are going to ask for one more extension and then we think that we are going to be able to get going and completing that project, but it is all going to be dependent on being able to work with all of you and the staff so that we can move ahead with the work that we absolutely need to do, and we will work on the temporary access and as I said the more flexibility that we can have in terms of when we complete that road, I can understand putting it on the plat but if we can get an easement for a good period of time, so we can get going on this construction it would be greatly appreciated. Thank you very much.

Chair Tarvin asked the applicant to standby and if they have read the staff report and the findings of fact and if they understood them.

Applicant: read and understood.

Comm. Hauptman: In order to market the assisted living building you are going to have to have Redwood Street in just to access because it is on the other side of the development, on the South side, do you have a timeline of when you are going to start Redwood Street, I understand that you want to use a temporary access but that is crucial to doing anything with the assisted living building.

Peter Englander: Both 47th Street and Redwood Street, as Roxanne has it up here, as well as Spruce St., the portion of Redwood that extends from the Southern boundary of the property which shows to the boundary of lot 5 there will be completed as part of the infrastructure improvements that I referenced. So that will be completed during that phase, that we have submitted to Mike Miller's plans. What we have been talking about, is beyond that, it is to the North of that boundary that I referenced. If you are following me, I think I am answering your question.

Comm. Hauptman: Do you intend to access the assisted living through Spruce Street?

Peter Englander: From Hwy 101, 47th street we are going to build 47th.

Comm. Hauptman: Thank you

Comm. Murphey: For your flexibility time frame you keep referring to, Peter what do you feel would be an appropriate time for the temporary access road?

Peter Englander: I think that this is something that is really appropriate to talk to staff. Our timing Commissioner Murphey, is this, we are going to be, we are going to complete the public improvements that are going to be within, it's just what I talked about with Commissioner Hauptman, and that is going to occur starting sometime Octoberish and then we are going to start the assisted living project the first quarter of 2022 - end of first quarter start of second quarter 2022, and that is going to take about a year and ½ to complete. What I find is, we want to make sure that what we find is that this access absolutely works for the fire marshal in a temporary way. I guess what I want to explore a little, is that it wasn't included as part of the phase 1 part of the project, it sort of cut off there, so to answer your question directly Commissioner I would say it would be nice to have 3-4 years of flexibility so we can market some of these other properties and have the completion of that road trigger, we thought it was going to be until the completion of it, we thought it was going to be triggered by the next phase of the project as, I don't want to say this is exactly what Wendy said, but that is what we originally thought. We would make an improvement of what it is now so that it would work for fire access and we would also improve a bulb there so that fire trucks could also enter from Hwy 101 and turn around on that unimproved Redwood part. I hope I am answering your question, but it would be great to have a number of years of a temporary easement until we can get more of the project sold and developed.

VC Young: Expanding a little bit on Commissioner Murphey's question, Mr. Englander are you actually intending those buildings will be occupied in phase 1 and people coming to work and so forth and would they be using your temporary access or that Redwood would be completed or you actually have occupancy in phase 1.

Peter Englander: Thank you commissioner Young, our understanding was that access to any of the lots in phase 1 would be from Hwy 101 on 47th Street, so when we obtained a Certificate of Occupancy for lot 2, 3 and 4 for the assisted living project that the main access into the entire PUD would be off of Hwy 101, so that the only use of the temporary access would be for emergency purposes.

VC Young: would you be marking it that way, so that it would not be used?

Peter Englander: Absolutely

VC Young: How would you keep people off of it, you are going to improve it, how do you keep people off it.

Peter Englander: So, the temporary area, and I am going to refer to the area from Redwood to lot 5 North to Munsel Lake Road would not be fully improved, my understanding, and I could be wrong, so I do need to check that but we would gate it at Munsel Lake Rd, give access to the Fire Department so that in an emergency they could access it, but it would not be open to the public until we finish the improvement of that road.

VC Young: So, we are going to have to find a way to put that in the conditions in case something happens to you.

Peter Englander: yes

Chair Tarvin: We will move on to public testimony: (there were no speakers' cards)

Chair Tarvin: Staff's final comments:

Johnston: Staff finds that the applicant meets the criteria provided by Florence City Code and the Florence Realization 2020 Comp Plan and can be approved with the conditions of approval as listed. And we talked about that throughout the meeting tonight and we also added a few proposed conditions, and we talked about that temporary access point and a time line for that, if you would like we can take maybe a little break and we can come back and propose a more cohesive staff recommendation.

Chair Tarvin; that would be fine we will take a break and resume at 7:05 pm.

Break

Resume the meeting at 7:05

Chair Tarvin: Roxanne might jump in because she printed out the email that might be helpful to this cause.

Johnston: I am going to re-read the staff recommendation. Staff finds that the applicant meets the criteria provided by Florence City Code and the Florence Realization 2020 Comp Plan and can be approved with the conditions of approval as listed. The newer proposal that staff proposed tonight, that was not in your findings was Condition 12 and this talks about the temporary easement approval. What staff came up with is that the temporary connection to Munsel Lake Rd, that is the way that they proposed it, is ok and is a short-term thing, but the next phase of the development, no matter which phase it is, is going to trigger the full installation and the platting of Redwood Street itself as it goes to Munsel Creek Rd, that way there is no real time limit assigned to the temporary connection. So, with that proposal they would be able to use that driveway, but they would still need to get some backup with ODOT and Lane County. Temporary easement approval shall not become effective prior to provision of City signing final plat, initial period of that approval, shall not exceed two years from the date that the City signs the plat, applicant may apply for a single extension of no more than an initial period of two years. Such application for extension shall be made prior to expiration of the initial term of the temporary easement approval and shall be brought to the planning Commission to be heard and acted upon. Maybe you would like to discuss that condition further, because they are closely tied together one of them get a time frame and then the other one just says that Redwood needs to be installed and that would be triggered by the next phase it doesn't necessarily have to be Phase 2 it could be phase 4, maybe they decide to put in Phase 4 or 6 or whichever but that will have to be installed and platted in its entirety. But they can still use that access.

Chair Tarvin: Can we get Wendy back on panel? I think I need to get some direction on Parliamentary procedure. It seems to me that could a deliberation but also a give and take with the applicant about the drafting of this proposal if we go with this temporary easement. Is that something that would be in order? To change at this point

FarleyCampbell: Change what do you mean by change?

Chair Tarvin: What I would like to do is to talk this idea out a little bit, get some input from the applicant as to workability possibly modify it some but, this seems to me to be almost deliberation but I don't want to step on any parliamentary procedures.

FarleyCampbell: Roxanne has provided a recommendation, so the Commissioners can ask questions of what she has presented, ask questions of the applicant, that can guide your deliberation afterwards, whenever you get to the condition at the end, you know when somebody makes a motion and adds a new condition, then you get to go back and ask the applicant what they think about these new conditions, then they can provide you with comment then. You can continue on you deliberation train modify the condition and if you need to in consultation with the applicant, but during that deliberation time you couldn't be receiving any new information.

Chair Tarvin: Ok, we could decide to provide a backup motion after the usual applicant response to any new conditions and that would be in order to do?

Farley Campbell: I have seen conditions change as deliberations are made, I mean you guys will be talking about the conditions, and what you want to do with the emergency egress, the emergency ingress just to make it clear to everyone, it was approved with the preliminary PUD and also with the Rob and Pole masterplan, and it was also approved with the final PUD back in 2018, so it more about the location change and the timing with whatever phases mentioned, Redwood is going in with the next phase, so it is just about whether there is a concern with the location of the emergency easement as now proposed closer to Munsel Lake Rd. using the existing driveway access. I do also want to comment that Tony Miller, the City Fire Prevention Officer is available, it is my understanding that there are also some fire codes that could trigger a second access easement for fire depending on the number of employees and the number of units, because we do not know what kinds of businesses are going into those commercial units yet, whatever happens here tonight fire code prevails and if the fire code says that they need yet another secondary emergency access, then the development could be stalled if any of those additional pads until they get that Redwood situation figured out.

Chair Tarvin: Depending on development plans and things, there may be a need for redundant emergency access or accesses so there may be two emergency accesses required depending on how they development?

Farley Campbell: That is my understanding.

Chair Person Tarvin: We will go on with our decision to leave open on close the hearing.

Hearing Closed 7:16 pm

Chair Tarvin read ORS 197.763 6 e and asked the applicant if they wished to waive the final written argument.

Peter Englander: Chair Tarvin, I find this language confusing, so I want to make sure I understand, I had a hard time the last time, so, if we waive it, then we are waiving the right to a 7 day to make a final argument, is that correct?

Chair Tarvin: that is correct to make a final written argument, you can either reserve that right, and in which case we would not be able to come to a decision until the expiration of that time period, pending your written argument, if you waive it then we can go on to make a decision this evening.

Peter Englander: What is very challenging is that I am not sure what decision you are going to go with. I do not want to speak out of turn but, I would love to ask a question to fully understand, maybe I can say it this way and you can tell me if it is inappropriate or not. I understood the staff recommendation to be that we would need to complete the Redwood Street, it would be triggered by the next phase of development so we would be allowed to develop everything in phase 1, but as soon as we come back for any additional phases on the project than we would have to complete the Redwood Rd as originally approved in the plan, I am asking for clarification.

Chair Tarvin: I myself paraphrased as far as the Staff's recommendation, which we may or may not approve, is accurate I will see if Planning Director Wendy FarleyCampbell would like to chime in on this.

FarleyCampbell: I just want to say that staff does not recommend any changes to any prior approvals, so whatever was supposed to happen with Redwood is what is supposed to happen now and it is our understanding during the break skimming the 2018 approval Redwood gets platted and constructed with the next phase. We are just paraphrasing what we understand to already be approved by the Planning Commission.

Peter Englander: ok, I think I am going to waive, thank you very much.

Deliberation began.

Comm Hauptman: I understand that ultimately Phase 1 will be accessed off Hwy 101, I my question is do they have ODOT approval to access off Hwy 101, or is that something else they are waiting for?

FarleyCampbell: The applicant does not know where they are at in the ODOT process, that is something that they have applied for permits to get their 47th Street access and that is under review. I am not sure where they are at but maybe Peter knows.

Peter Englander: I do not know; I do know that we are currently in discussion with ODOT but I do not know the status.

Comm. Miller: I am fine with linking the access with the beginning of the next phase. That seems reasonable.

Comm. John Murphy: The same language we approved in the preliminary plat, I didn't like the language then and I don't like it now because there is no guarantee that phase 2, 3 or 4 is ever going to be built, so potentially Redwood never be a temporary road.

VC Young: I think staff researched, in the break, what the 2018 approval basically said, in their conditions, they said that in their condition that Redwood would be platted and developed in the next phase, that is consistent with the approvals in 2018, so that makes sense and adds continuity to the last approval and to this one and so forth, there is a trail. I can live with that. Understanding of course that ODOT and Lane County will have to approval the temporary access. That needs to be in the condition also.

Chair Tarvin: I agree with both VC Young and the continuity appears to be carried through with the original approval, but I also hear Commissioner Murphey in that there is no certainty that any next phase will happen and at some point and time what is intended to be an temporary easement at the current driveway has to be converted to the as platted, but for me as long as we approve and recommend this approval to be as shown in the original application, that is going to be Redwood as the temporary easement until which time it is fully developed, not easement but access, emergency access.

Johnston: May I offer one thought that Wendy already brought up, is that fire code is going to supersede anything here, so while they are going to do CofO's for buildings, and he needs another access, there's that access that we were talking about it would be a secondary access. Development is going to be limited based on what is there right now, to expand for another day, they are going to have to put in Redwood.

Chair Tarvin: I agree, I think our safety valve here is that even utilizing this driveway, is going to have the jurisdiction of fire concerns it is going to be addressed by ODOT, because of its proximity to the intersection and likewise by the county. I think we are safe enough to go, as long as we approve the final plat, recommend the final plat to be the ultimate emergency access at some point and time it will either be the fully improved Redwood or the fire approved Redwood alignment.

FarleyCampbell: To Commissioner Hauptman's question, I did receive an email in November of 2019 from the applicant's representative at that time, Bob Nichols, and he said they had applied for their access permit at 47th and Hwy 101, it has been applied for at least since November 2019.

Chair Person Tarvin: ultimately, if that is not approved by ODOT than 47th is developable, that effectively stops their current trac of development. That speaks to whether or not the temporary access us going to be changed over at any point in time. I don't know if we have to put a time limit on it, I think it all works itself out, as long as we approve as it was applied for.

Comm. Murphey: If Lane County does not approve the temporary access location.

Chair Tarvin: Than applicant will have to come up with a different plan, as I understand they have to have an emergency access point.

FarleyCampbell: It is my understanding that is the existing curb cut, and the County doesn't care that they are using it, they can't widen it or change it, but it is the existing curb cut.

Chair Tarvin asked for a motion.

VC Young: The only condition we are changing is the one about the access, everything else is as staff recommends it.

VC Young: I would like to recommend approval of PC 21 20 SUB 01 with the staff recommendation to change to Condition # 12

Commiss. Ron Miller

Chair Person Tarvin: We have a motion and a second, I would ask the staff if they have any clarity or additional information?

Johnston: Would you like for me to read it, as I understand it, would that help?

Condition 12 that was introduced tonight and not in the findings, for the record, FCC 11-4-4d the final plat shall be consistent in design in the tentative plan, and all conditions of approval satisfied Redwood Street shall be constructed and platted within the next phase of the Planned Unit Development.

VC Young: It says that this plat will be the one that we are talking about, it says the final plat will be consistent with the preliminary plat, in the one sentence and then it says that Redwood will be platted in the next phase, so which one is it? Will it be platted now, and they will do the temporary or will it be platted in the next phase. You have two different things in your sentences. I think that is what I heard.

Johnston: The temporary easement that is there now was already previously approved, is what I understand. But it isn't called Redwood Street, but Redwood Street would be shown in the final plat as, it would be shown, but it is not platted per se, not named as Redwood Street.

VC Young: The tentative plat showed Redwood as a street, and they have moved that location to the temporary, that is what the tentative plat showed and their application for tonight does not show that it shows it down at the old driveway.

FarleyCampbell: For clarification Commissioner Young, this language that is underneath this line in the middle, it says temporary public emergency vehicle access easement, Redwood is not actually platted through tract D.

VC Young: I remove what I said you are right.

Chair Tarvin: Ron Miller is that answer good with your second?

Ron Miller: yes.

Chair Tarvin: applicant would you like to respond with this this new condition that was added tonight?

Peter Englander: I do want to ask a clarifying question. What is up right now is temporary emergency vehicle access easement, is a different location than the current road, does that mean that we would have to install this road at this time or is it all governed by fire code or something else.

Chair Tarvin: I will ask another question just so I understand your clarification request. The Redwood that you are speaking of is that which is outside the current phase that you consider the Southern part of Redwood, are you talking about the Northern portion of the Redwood alignment.

Peter Englander: yes

Chair Tarvin as I understand it, we are changing nothing during the next phase of the construction, you would need to be platting the Northern portion of Redwood, the ability for you to utilize the current driveway as a portion of your required emergency access would be controlled by the jurisdictions of ODOT, the County, Fire. Director Campbell would you like to speak.

FarleyCampbell: I'm sorry but ODOT doesn't control anything on Munsel Lake Rd., Lane County does have jurisdiction there and the fire marshal has already provided testimony on what that access emergency egress and ingress, what it needs to look like. It does need to meet fire code for carrying a

fire truck, so it is not going to be just some bare path it is going to have to be constructed and graveled as what it needs to look like, there are other conditions elsewhere with the assisted living facility approval that say that the first 50' need to be paved. That goes with construction, I know that they were not wanting to do that because it is just temporary and why would you want to, why would you want to put 50' of pavement on a temporary access, on the existing driveway. It certainly didn't matter too much with Redwood, because Redwood is going to be paved eventually anyway. That is the trade off with, you either pay for 50' of pavement or work with the state on the wetland, and get the access put in where it is supposed to go in, so yes, it has to be constructed with the fire code.

Chair Tarvin; The intent that I would communicate to you is that your details such as is the first 50' paved and the exact location where that access originates will be between you and fire jurisdiction to make sure it meets fire codes.

Comm. Murphey: I think for tonight's purpose of our motion we need to state that we are giving them temporary access on the current temporary road when the next phase of any number is started Redwood Street has to be built as proposed in the tentative plan.

VC Young ok are you modifying the motion?

Comm. Murphey: Not me.

Chair Tarvin: I think that what we need to do then is that we need to vote upon the current motion that is in front of us, either accept it or not. Is that our path Roxanne?

Johnston: Yes, if it fails than you can make that motion again as amended by Commissioner Murphey. If you so desire.

Chair Tarvin: if we defeat the motion and the second, then we can get another motion by Commissioner Murphey.

Motion: Vice Chair Young

Vote on Motion: Comm. Ron Miller

Commissioner Murphey: no

Commissioner Ron Miller: yes

Commissioner Hauptman: no

Commissioner Andrew Miller: no

Vice Chair Young: no

Chair Tarvin: no

5-1 motion does not carry

FarleyCampbell: Just a quick point of order, as you changed the conditions of approval, please confer back with the applicant to see if they have any questions about the motion, if any new conditions of approval change, it would be a new motion.

Chair Tarvin: would the commissioners like to deliberate before we invite a motion. *There was none.* Are there any other commissioners that would like to make a motion?

Comm. Murphey: I would accept by email is down with all of my information, if Sandy could make it again and just state that we are approving the current temporary road tonight and that when any next phase is started it needs to have Redwood Street built as the tentative plan showed us.

VC Young: That's a good motion

Comm. Murphey: but I don't have the resolution number.

Johnston: This is not on the resolution that you had in your findings, this was introduced tonight, this is condition #12.

Comm. Murphey: that is my motion for Condition #12.

VC Young: I'll second that.

Applicant Peter Englander: I just want to make sure I understand the difference between the motion that was defeated and the current motion. I guess I am not clear.

Comm. Murphey: the motion that was just made approves you using the current temporary access road with the current driveway, then when you start a second phase or the third phase or the fourth phase, which ever one you do next on the next phase of any kind is started Redwood has to be constructed as in the proposed tentative plan.

Applicant Peter Englander: so, the difference is that before it just needed to be platted now it needs to be constructed, is that right?

Chair Tarvin: the timing of the construction would be before commencing a second phase.

Final SUB Proposed (New) Conditions

12. Per FCC 11-4-4 D, the final Plat shall be consistent in design with the approved tentative plan and all conditions of approval have been satisfied. This includes the location of the temporary access easement that runs N/S from Redwood St. to Munsel Lake Road.

Applicant: Ok

Chair Tarvin do you have any reservations on that Sir?

Applicant Peter Englander: I think we can live with that, I won't say absolutely, but I do believe that we can live with that, and I understand Commissioner Murphey's concern it is different from what is originally approved, but I think we can work with that. Obviously, the current situation needs to be signed off on by the parties that have been mentioned before, I do not want to confuse it, so I think that is something we can work with.

Motion: Comm. Murphey
Second: VC Young

Chair Tarvin: We have a motion and a second, can we get a roll call vote.

Commissioner A. Miller - yes
Commissioner Hauptman - yes
Commissioner R. Miller – yes
Commissioner Murphey – yes
VC Young - yes
Chair Tarvin – yes

Motion Carries: 6-0

Open hearing 5:38 pm (8:29 where hearing started on video)
Close hearing: 7:16 (2:26:38 where hearing ended on video)

We will now move on to reports and discussion items.

Chair Tarvin: we are getting closer to instituting the work plan, and getting close to establishing some sub-committees, not quite there yet but keep it in your queue and we will carry forward as soon as time allows.

Director's report:

Farley Campbell: not much on the Director's Report, I did want to mention, that if you have not already heard yet but the FEC 25th year celebration was cancelled, disappointing but understandable with the current precautions that have just recently come into place with the increasing cases of Covid in our community. We are getting further along with the work plan items, the two that volunteered to work on the first item, tax abatement program, I believe it was Andrew Miller and Eric Hauptman you should be getting contacted before too long to provide the next steps on where we would be going, we are looking at an implementation date of around January, not later than February, your work on this item will be largely executed between mid-September and October, November. December is when you would probably be bringing it back to Committee or subcommittees for November, you would be bringing your recommendation back to the Planning Commission 2 cdec members are Russ Pearson and Dan Lofy and they would be taking recommendations and the alternatives back to ecdc also, we might try to have some kind of joint meeting between Planning Commission and cedc, we will figure that out as we go along, there will be a joint recommendation that goes to the City Council and they would be approving for implementation no later than January or February. Staff did meet today to get some ground work done, so you are not starting with nothing, I will be getting back with you when we have some preliminary materials. We have a grant we are applying for at the end of this month to begin a housing code update, I included it in your work plan, the one draft for that first task, we are applying for funding there are two funding sources, the first is specific to housing and that application is due no later than August 31, 2021, we will also be applying October 1st for a technical assistance grant as a fall back to the one not being received from the August 31st application. I am just encouraging you to be thinking about your next ideas, we can talk about this at your next meeting , because we only have one item on your calendar for September 14, 2021, if you would like to resume the work plan discussion, then I will put

that on the agenda, so the rest of you can throw your hat in the ring for the things that you would like to weigh in on whether it would be short term rentals or the transportation systems plan, stakeholder committee or something else that is on the work plan. We will plan to do that on the 14th unless, you want to have a special work session another time. You are still meeting virtually through the month of September and we know that you will be hearing annexation application on September 14, 2021, that is the Anderson application it is on 1st Avenue and Meares, the SE corner of 1st and Meares. On the 28th we will have a couple more hearings one will be NWAH Shore Pines development, South of the Presbyterian Church, and the other is a variance request from Sand Ranch related to buffering the residential house that is to the North of them. We have a lot of type 1's and 2's. We are processing an apartment complex the is called Oak Manor it is a type II, with the code updates that you did in 2019, we process all the housing unless it is something special, they get processed as a type 2, this is our first apartment complex that we are processing as a type 2. It's very exciting it will be a fixed income type of situation; it is not market rate providing 24 units to the community. They have a complex in Yachats.

Adjourn: 7:54 P.M.

ATTEST:

Phil Tarvin, Chairperson

Sharon Barker, Planning Technician