

**City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
January 25, 2022**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

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

Commissioners Present: (VideoConference) Chairperson Phil Tarvin, Vice Chairperson Sandi Young, Commissioner Eric Hauptman, Commissioner Andrew Miller, Commissioner John Murphey, Commissioner Clare Kurth, Commissioner Ron Miller: excused absence

Staff Present: (In House) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Administrative Asst. Peighton Allen, Planning Technician Sharon Barker (via teleconference) Public Works Director Mike Miller

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

1. APPROVAL OF THE AGENDA

Start Time: 5:31PM

Action: Approved

Motion: Commission Murphey

Second: Vice Chair Young

Vote: 7-0

There was no discussion on the agenda and it was approved unanimously. Motion Comm Murphey, Second Comm Hauptman

2. APPROVAL OF THE MINUTES: Minutes were approved for – there were no minutes for approval

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:

None were noted

No Speaker's cards were received nor public comments made.

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. No citizens present wished to challenge any commissioner.

Chair Tarvin asked the Commissioner's if they would like to declare a conflict of interest. There were no other declarations of conflict of interest. There were no ex-parte contacts declared. There were no bias declared. No citizens present wished to challenge any commissioner.

Chair Tarvin: For our 4th Item on the Agenda, a request for a fence modification PC 21 38 MOD 01

4. Resolution PC 21 38 MOD 01 – Oak Commons Fence Modification An application submitted by Dolly Brock, on behalf of the applicants Oak Street Commons HOA, for a PUD modification from an 8-foot wood fence approved in the original PUD to the existing 6-foot wood fence along 32nd St. at the Oak Commons Townhome PUD for property Lane County Assessor's Map # 18-12-23-23, TL 11500; and located south of 32nd St., east on Oak St., and west of Highway 101.

Hearing opened 5:38 pm

Planning Director Wendy FarleyCampbell presented Staff Report. A request from the Oak Commons Town Home Owners Association for a modification of fence height. Staff has reviewed this particular application earlier this year as it was submitted by the developer and Staff made a recommendation to deny the request because Knife River was still there, the applicant for this application worked with the developer and they have come to some sort of an agreement as presented to you and they have reapplied for this application. There is a waiting period for them to reapply. It's the owners and occupants of those town homes.

Applicable criteria were explained. Aerial site photo was displayed. The property that was being discussed is south of 32th Street, just South of the Knife River Concrete Ready Mix site. The townhomes are between Oak Street and Hwy 101, this project had a preliminary PUD, then a final PUD and a final Plat, this past summer we were going through a Conditions review in order to issue the final Certificates of Occupancy (CofO), we received a bond to be able to issue the final CofO's, pursuant to checking the conditions and making sure that everything was met, during the inspections Staff discovered that the fence was 6 feet high, not the conditioned 8' high, this started the conversation with the developer then submitted an application to allow 6' instead of 8'. Knife River is looking to move up to the HWY 101 site, eastside across from Central Coast Disposal's location.

A revised landscape plan was submitted showing how the fence was moved to the property line adjacent to 32nd Street, they had to take out most of the native vegetation, they came up with plantings that met the requirements for screening. This plan they proposed chain link fence, which we denied that part of the landscape plan. The site plan was shown showing 16 townhomes, an alley and a vacated street. The fence we are talking about is along 32nd Street.

Conditions of Approval: Landscape Plan – submit revised landscape plan illustrating location of the proposed plants that were submitted with the application. Maintain and replace failed plantings. Vision Clearance – make sure the vision clearance is maintained.

Received testimony was discussed. Public Testimony received by HOA (applicant). HOA submitted testimony on 1/24/22 providing an overview of the fence history including interaction between Builder and Laurel Bay Gardens. Landscape funding is discussed. The Staff response: The last paragraph of Section II of the FOF provides an explanation of how the City would handle the \$5000 bond money – the bond was specifically required for addressing all conditions of approval. Stormwater curbs are broken and the bond will be used to repair if not done so by the developer.

Testimony was received from the HOA they explained what the arrangement that they had come to with the contractor, the response to that is in the FOF, there is the bond money that has been collected, which is irrelevant to this application, for you to consider. The bond money is there, but it is being retained by the City to make sure all of the Conditions of Approval are met, and the developer has been made aware that there is some curbing that is cracked within the storm water area of the public right-of-way down the alley and to date those have not been repaired. The developer promised them this \$5,000 bond money, the bond money is there to secure the public's interest as well as the developments and we already know that some of it is earmarked for the replacement repair of the curbing, if the applicant does not do it themselves, and the developer doesn't do it himself.

FarleyCampbell: No recommendation was offered, I offered one before and so this would be a type II I processed it as type II before, I am bringing it before the Planning Commission for you to make a decision. there are 3 alternatives. Approve request, Review and recommend changes to findings & approve findings as amended or deny request to retain 6' wood fencing based on the Finding of Facts and lack of evidence that proposal meets or could meet with conditions or the 4th alternative is that you can continue the hearing if you want some additional information.

FarleyCampbell: For the record, this particular development is a townhome development, and under today's code, most of this would be approved without a PUD, they applied for a PUD because that was the only tool by which to develop like they did townhomes, we now approve these out right. The reason that the PUD had an 8' fence was to secure the property from the dust and the sound from Knife River. Under today's code if the townhomes were just developed normally, it wouldn't even have the opportunity for 6' fence much less than 8' fence because that would be their front yards, they would have a 4' fence in front of Oak Commons on 32th Street. What is allowable by Code is a 4' fence, and then the PUD created the opportunity, because of Knife River for a taller fence.

Comm Murphey wanted to know if the 6' fence already built when it was turned over to the HOA?

FarleyCampbell said that it was already built.

Comm Hauptman questioned whether the developers turned over control to the HOA individual owners.

FarleyCampbell: answered in the affirmative

Comm Kurth: wanted to know that since 4' fences are now in the code, is there a visibility problem for traffic with the height of the fence that it is now.

FarleyCampbell: said that it is outside of the 20' vision clearance at the corner of Oak and 32th Street.

Moved onto applicant testimony. Applicant Dolly Brock was present via videoconference.

Dolly Brock: explained the fence situation, how they would have preferred that the fence was built to 8' but, since that didn't happen they presented list to developer, and that by bringing it to the Planning Department that we would get the fence to 8', is that in order for the fence to be 8' is that 2' would be added to the top of the 6' fence, they had hoped was that the fence would be taken down and an 8' fence would be built, they did not want 2' added to top of fence The builder asked that if we were will to allow the 6' fence to stand, he would cut and cap the posts and the \$5,000 that he had with the City he would pass over to us to pay for landscaping, the curbing repair was not mentioned. The HOA that the curbing is still cracked and part of that \$5,000 needs to go to repairing the curb. Laurel Bay Gardens gave the HOA a budget of \$5,000 for landscaping. The HOA

submitted application to see if substitute plantings would be better solution to the noise and dust. The HOA has nothing if writing from developer.

VC Young: Didn't see landscape plans in the application for the North Side.

Dolly Brock: What was included in the packet was the planting list. A design plan was not submitted

Comm Murphey: commented that he sees the plantings for the East and West, but not the North

Chair Tarvin: explained about the Conditions of Approval

Dolly Brock (applicant) I believe the plan means the East side of the driveway that is perpendicular to Oak Street versus the West side of that driveway and that in all cases she is referring to the fence along the North side of the property. When she says East side West side she is talking about East of the driveway and West of the driveway.

Chair Tarvin: explained that he read the HOA's letter and we understand your expectation to be reimbursed by the contractor for this work, I think that it is important to tell you that the City has, to my knowledge, no way to assist you in collecting on that promise, whether in statute or in code, this commission has no role in trying to protect your agreement with the contractor. If this is approved, it is your organization, that you represent, that is financially responsible. Do you understand that your organization is the financial *inaudible* on this and that the timely procession of this work is not going to be waived just because your dealings with the contractor are not progressing as hoped.

Dolly Brock: if we had not applied to do landscaping instead of the 8' fence, would you have not had held that \$5,000 until the 8' fence was fully installed, inspected and approved, before returning that money to the builder?

Chair Tarvin: What you are proposing is to mitigate the lack of an 8' fence. Potentially that \$5,000 is held without any release until such time as the fence or the mitigating operation is done. I do not know if the \$5,000 is going to be released prior to the installation of the actual landscaping.

Dolly Brock: what I am expecting is that you will hold that \$5,000 until either the fence is 8' or the fence is 6' and we have mitigated those two feet with landscaping. I know you can't promise me that Mike Johnson is going to hand me a check for \$5000, once you return that \$5000 to him. I am asking is will you hold that \$5,000 until he meets his obligation of either an 8' fence or as the HOA is willing to accept landscaping instead of the 8' fence

Farley Campbell: What the HOA has done is applying to change a condition of approval for this PUD, whenever the Planning Commission makes a final decision the requirement, if the make a decision in favor of a 6' fence and this additional landscaping, then that condition is changed, it's the HOA that has made the application and the HOA owns the property. I think by applying for this change the HOA is assuming the responsibility for the implementation of the Condition of Approval for the fence.

Dolly Brock: if that is the case, then I would withdraw this application, I believe, because we do not have \$5,000 for this landscaping. The builder did not build an 8' fence he built a 6' fence, and now we are stuck with trying to mitigate that. I understand that you cannot promise me that Mike will hand me a check and I understand that it is a possibility, but I just want to be sure that he is required to comply with the initial decision when the PUD was approved and that was an 8' fence. Adding two feet to a six-foot fence is not the proper thing to do, we do not have the funds to accept responsibility that if Mike is not going to pay what he owes.

FarleyCampbell: my recommendation would be, since you have paid for the application is to consider requesting a continuance of the hearing, and reapproaching the developer to get comfortable with your assurance with regards to the payment of the landscaping materials. If the Planning Commission is even in favor of this. That is what I would do, because the \$5,000 bond is indicated in the Findings of Fact, that whenever it is released will be back to whom it belongs.

Dolly Brock: Mike, Dave Bielenberg, was not involved in this discussion, Mike presented to us, if we were willing to go along with the 6' fence instead of the 8' fence issue, he would turn that \$5,000 over to us as soon as the City gave it back to him. If you are saying that by making this application, we have now taken on his burden of meeting the PUD requirements of an 8' fence or landscaping should you approve it, then we will ask for a continuance.

Dolly Brock: the broken curbing was discussed and Mike said it was the HOA's responsibility.

FarleyCampbell: there is some of it that is in the right of way, and he has been provided correspondence to that fact. I can provide that into the record if you continue this hearing, or provide it into the record.

Dolly Brock: we don't have any other comments.

Chair Tarvin: Point of order, if a continuance was requested during the meeting, at what point would we take that matter up, would it be before proceeding any further or later in the meeting.

FarleyCampbell: Proceed as you are doing.

Chair Tarvin: we will go ahead and proceed towards decision to leave the hearing or to continue on, and we will confer with Ms. Brock. Ms. Brock if you would desire for us to get back to you to either request and continuance or not, we are willing to go through that effort. I that something you would like us to do?

Dolly Brock: yes

There were no more questions from the Commission

Ms. Brock: said that she had read the staff report and the findings and that she understood the Conditions of Approval as they were proposed.

No public testimony

The Commission was asked if they would like to close or continue the hearing

VC Young: It looks like that is what the applicant requested, and if that helps to clarify issues, we probably should continue the hearing to a time certain. We should just continue the hearing and leave everything open the verbal and the written.

Chair Tarvin: asked for a motion to either continue the hearing to a date certain or to close the hearing and leave the written record open for 7 days.

VC Young: Moved to continue the hearing to a date certain, to February 8th and leave both the verbal and written record open.

Comm Hauptman: Second

Chair Tarvin: Before the Commission voted they conferred with applicant,

Dolly Brock: appreciated the continuance

Chair Tarvin: The continuance will give you more time to talk to your developer.

Dolly Brock: was ok with talking to developer

Chair Tarvin: asked if February 8th gave applicant enough time.

Dolly Brock: wanted more time

Farley Campbell: I would need to speak to our attorney, I have not run into this situation before.

Motion was modified until the 22nd of February.

Roll Call Vote:

Comm Murphey: yes

Comm A. Miller: yes

Comm Clare Kurth: yes

Comm Hauptman: yes

Vice Chair Young: yes

Chair Tarvin: yes

Motion Carried: 6-0

Continued: 6:28pm

Hearing Continued to February 22, 2022

Agenda Item 5 which will consider Design Review for Fence Height exception;

Resolution PC 22 02 DR 01 – Mast Brothers Fence Height Exception: Joshua Mast requesting the use of barbed wire fencing at Mast Brothers Towing for property shown on Assessor's Map # 18-12-23-23, TL 05200; and located at 3087 Hwy 101, on the SW corner of 31st St. and Highway 101, in the Highway District regulated by Florence City Code Title 10, Chapter 16.

Hearing opened: 6:29 pm

Senior Planner Johnston gave the staff report. Started with the introduction. The proposal is for materials, in this case it is barbed wire on the existing fence. The applicant stated that the Oregon State Police requests the fencing addition, and barbed wire fencing requests are heard by Planning Commission as a Type III process. The applicant proposes 3 strands of barbed wire added to existing 8' fence for total height of 9'5" – the maximum fence height allowance is 8 feet. The existing cyclone fencing has added meshing for privacy. The proposed Resolution was read into the record. The alternatives were displayed and read. The Staff recommendation is to approve the request with the conditions that are listed in the proposed Resolution.

Comm Murphey: Do we know are there an ORS that allow the State Police to make this request legal and do we know if we have had any break-ins or vandalism at this location?

Johnston: applicant is available to ask questions.

VC Young; wanted to know if there was anything from the State Police to support applicant, and asked about landscaping.

Chair Tarvin: wanted to know how much you see from hwy 101

Johnston: Exhibit C, has photos of 3 vantage points from 35th Street, 30th Street and Hwy 101.

Applicant testimony was provided by Jerry Wilson.

Jerry Wilson: The applicant explained that Oregon State Police inspected their facility and told them they had to make their facility more secure which is why they submitted at application.

VC Young wanted to know if the applicant wanted to respond to the landscaping suggestion or question.

Jerry Wilson: said that he was sure the owner would do what ever the City wanted him to do.

Applicant said that he had read the staff report, the findings of fact and that he understands the conditions of approval.

There were no public comments.

Johnston: Staff recommendation is to approve all three strands of barbed wire.

Hearing closed at 6:50pm

Applicant waived his right to submit final written argument.

Deliberation:

VC Young: Discussed the landscaping issue.

Comm Murphey: discussed the gate

Jerry Wilson: explained how the gate operated.

Chair Tarvin: commented that he understood the need for more landscaping but didn't think there was room

Comm Hauptman: thought the new landscaping was too burdensome to the applicant.

Comm Kurth: I know that we have gone over the fact that the police have requested this but how frequent are break ins there and security issues, is that a pretty frequent occurrence?

Jerry Wilson: wasn't sure how many vehicles were impounded in a year.

Comm Kurth: commented that there are lights and cameras, and asked if this was the last thing that was needed.

Applicant: said yes

Comm A. Miller: motion to approve resolution PC 22 02 DR 01 – Mast Brothers Fencing barb wire fencing with 3 strands of barbed wire

Comm. Murphey: second

Comm Kurth: yes

Comm Hauptman: yes

Comm Murphey: yes

Comm A. Miller: yes

VC Young: yes

Chair Tarvin: yes

Motion Carries: 6-0

Comm R. Miller: excused absence

10-minute break 6:59

Third hearing tonight Agenda Item #6

Resolution PC 29 SUB 02 – Stonefield Investments Rhododendron Tentative Plan w/Mod: Robbie Wright, on behalf of the Stonefield Investments, LLC, for PC 21 29 SUB 02, proposes a tentative subdivision plan of 14 lots with a public street. Proposal includes three modifications from the City of Florence street standards to include: exceptions from FCC 10-36-2-5 for right-of-way street width; FCC 10-36-2-6 for cul-de-sac length; and FCC 10-36-2-9 for street connectivity. Property is 4.54 acres as shown on Assessor's Map # 18-12-04-44, TL 03800 and located approximately 410 feet NE of the intersection at Rhododendron Dr. and Sebastian St.

Hearing opened: 7:12pm

Senior Planner Johnston presented staff report: Johnston read through the criteria for the Tentative Plan and the Modification. Modifications require unique and unnecessary hardship and unusual topographic conditions or previous layout requires modification, and will not be substantially injurious to public interest and best value of property in the neighboring area. Exhibit B discusses these modification requests. The proposal is for 14 lots for single family detached residences and an access street for the cul-de-sac. The site is 4.43 acres. The modification was for driveway width and cul-de-sac length, and street connectivity standards. Staff is recommending connectivity to the property to the south.

There was no public testimony received.

Referrals: SVRC requested more detail on the number and location of hydrants. Civil West discussed ROW width; more info needed on utility plans they were confused as to why the right of way was 50' and not 60' exhibit D. Public Works TSP and Rhododendron Dr. improvements. Signing of a non-remonstrance or provide payment in-lieu of improvements exhibit D.

Senior Planner Johnston: Resolution condition #21, correctly worded in the findings, so for the record, I would like to correct it that page 33 of the findings is the correct verbiage for that so would ask that that be corrected, as it stands right now the proposed resolution is incorrect.

Sidewalks are normally on both sides of the street but in this development with the panhandle being or narrow, maybe able to support one side walk only depending on the placement of the green street's requirements, stormwater and things like that we were not given a full development plan with this tentative plan, which is good because the applicant doesn't know if these modifications are going to be granted by you. For sidewalks Wendy and I have been looking at the conditions that have to do with the sidewalks there are 4 of them a couple of them are in conflict with each other. Condition #4 has to do with vision clearance and stormwater plantings. Condition #5. Improvements to Rhody per TSP Condition 5.a. Sidewalks on internal local street. 5.b. ADA ramp standards for sidewalks. 5.c. that sidewalks are not expected to meander around existing trees. 6. If modification of connectivity denied, stubbed street, if over 150 ft., to have a temporarily turnaround unless Fire Marshall approved – also lays out specifics for street stub. The panhandle may have one sidewalk on one side up to a certain point, and then the plan was to widen it out and proceed further down the driveway, so that there are sidewalks on both sides of the streets in front of the lots they have sidewalks on one side of the panhandle. Depending if there is enough room for all the utility infrastructure.

FarleyCampbell: Looking at the resolution 5.a and 5.b. look like they are in conflict with one another but what is happening is that 5.a. provides the provision for sidewalks on one side within the throat of this cul-de-sac coming in because they only have 50' width to work with. That is all the ownership that is available and green streets are proposing their own storm water system, utilities and pavement width, the applicant has proposed a 20' pavement width within this throat which doesn't meet standards for design, so this Condition 5.b. addresses the inadequate pavement width for vehicle lanes and 5.a is addressing the sidewalk discussion about how to get connectivity on the sidewalks and the opportunity that if there is not enough width as demonstrated in the public improvement plans for sidewalks on both sides, then it could go down to sidewalks on one side which is what the applicant is currently proposing. 5.a and 5.b. are a little bit duplicated, but what we are getting at is if the Planning Commission agrees to the modification makes sense for the throat because that is the only ownership they have, there is not enough ownership for a 60' right of way, and you could consider a sidewalk on one side if there is not enough room for two. What we were looking for is that there are no other restrictions in this development, the lot depths are deep enough to meet the code criteria for standard lot sizes and there is sufficient width to accommodate a 60' right of way in accordance with code within this area.

Johnston: Another modification request is the connectivity that I spoke of, the idea is that to connect to the south like we talked about and also in providing some sort of street that may someday connect to the property to the South, you are also providing pedestrian way in the future and you are breaking off the block because blocks are not supposed to be more than 600' in length and would also add that connectivity that is required by code. We did not see actual grounds to be able to say this modification is just fine. Condition 6 if the modification for connectivity is denied, stubbed street, if over 150' needs to have a temporary turnaround unless Fire Marshal approves it and also lays out specifics for street stub. #7 Revised plans require showing sidewalks on both sides of street, this would not be at the throat, it would be in the paddle part of the pan handle part of the property. #8 has to do with water connection and fire flows. #9 is NPDES permit/DEQ approval for site disturbance. Any property over an acre requires a DEQ approval for site disturbance. #10 underground utility lines are required. #11 a public utility warranty on all work that is done in the right of way. #12 an owner's declaration recital on final plat 12 a. the names of contiguous subdivisions on the final. The code says that the subdivision

to the East need to be on the final. #13 required contour levels/elevation intervals for final. #14 Easement and reserve strip for final plat. #15. Address Civil West comments for final grading, cut and fill plan to be approved by contract City Engineer prior to public infrastructure permit issuance. #16 Stormwater details needed #17 Include legal description on final plat. #18 More on reserve strip requirements if modification is denied. #19 Stormwater requirements – presumptive requires Stormwater Management Plan. #20 Developers to pay for public improvement connections, permits, etc. #21 Heceta Water to approve all water improvements plans. #22 Stormwater Planter strip/improvements maintenance responsibilities. #23 Approval for final construction plan information Right for City to relocate water/sewer if necessary. #24 Tentative Plan expires Jan. 25, 2024 unless an extension requires is received and approved. #25 Final plat-street connectivity – Public improvement plans to be approved by Planning and Public Works.

Alternatives were displayed and explained.

Staff recommendation: Partial approval & modify the findings, reasons, or conditions as proposal meets some, but not all requirements. We agree that the panhandle isn't wide enough for the 60' right of way width there we do not know if we have found sufficient evidence that there is not connectivity option due to the topography to the south and also for the cul-de-sac exceeding 400' of length. We would propose to modify findings reasons and conditions because the proposal meets some but not all requirements. Approve the reduced street width within the narrower portion of the subject property only, deny modification from cul-de-sac length Deny modification from connectivity.

Applicant and Mike Miller, Public Works Director, and Tony Miller Fire Marshall were available to answer questions

Questions:

Comm Murphey: has the fire hydrant issue been resolved?

Johnston: I believe so, and that is in the findings.

Commissioner Murphey: Tony are you happy with the hydrants and does the cul-de-sac give you room to operate your fire equipment when needed?

Tony Miller: that is correct they made modifications to the original plan and notated all the hydrants that are needed in the area, they also created the exact dimensions that are needed for the cul-de-sac as well. The one thing that we do not have is the fire flows as a whole. We just haven't tested the flow in that area yet. That will happen later on in the process.

Vice Chair Young: Roxanne does Staff support the length of the cul-de-sac. What do you propose to do with the East end of the property then? Would it have driveways only?

Johnston: because of the connectivity and the code says 400'

Johnston and Farley Campbell: What we are interpreting is once a connection is made south to the property that is undeveloped, then the cul-de-sac no longer exists to be truly a cul-de-sac, you have a

bulb end, but the street does not have a connection, a cul-de-sac is defined as a street with no connectivity. Once you provide that connectivity then it is no longer technically a cul-de-sac. Bulb end is still a bulb end but the cul-de-sac is no longer a cul-de-sac

Vice Chair Young: so, you are not talking about making the street shorter you are just saying that it is not a cul-de-sac once you have connectivity piece.

Comm Murphey: You are talking about the connectivity to the south to that undeveloped property, do we know who owns that property and can connectivity happen?

Johnston: We do know, I have actually spoken to the person.

Comm Murphey: Tonight, when we are making our decision connectivity is not an option for us to even talk about.

Johnston: yes, it is, it is a modification because you are asking for a modification to the subdivision regulation.

Comm Murphey: but we cannot say if it is going to happen because we don't know if the land owner is going to allow it to happen.

FarleyCampbell: there is not connectivity at this point that is the reason for a reserved strip that would be added which is the thin strip that is controlled by the City, no body and go in and make the property owned to the south, couldn't just tie their driveway into it, they wouldn't be allowed to do that. The property to the south is currently undeveloped if the situation was flipped and the property owner to the south had come to us for this development, they would be required to make this same connection opportunity available.

Chair Tarvin: I just want to make sure I understand the relationship between the connectivity and the length of the cul-de-sac, essentially if we make provisions for connectivity to the south at some point that restarts where we count how long the cul-de-sac is, in another words it is now x feet away from the accommodation of the connectivity?

FarleyCampbell: There is no recounting, once the connect is made it is no longer a cul-de-sac. We will make sure that if the findings need rewording that we make that clear should you concur with this decision.

Applicant testimony:

Robbie Wright: The lot was created 40 or 50 years ago, when those properties to the Northwest and the Southwest were subdivided out. That 50' panhandle was what was left of that when it was created. We have been trying how to best have a single-family development. We agree with most of the interpretation of code that Henry from LCOG and Roxanne did, which is why we have requested the three modifications. The right of way from our reading of a few pieces of City Code this why we are where we are at tonight, First it is the modification to right of way from 60' to 50', I think everyone can understand the modification there in the pan handle area as we have kind of kind of started when

it gets to the main body it sort of opens up we do have a little bit of room there and the picture that Roxanne has up there is also a 5' wide utility easement to the North, so there are some factors there that we can play with, you know push that to 55' there are some opportunities for 60' wide right of way up here, however there are some mitigating circumstances up here the topography and some of the drainage challenges, in the packet for our agenda item #6 pg. 62 sheet title C4 one of the things you can see here are the topography challenges we are faced with, Roxanne sort of alluded to the fact that this lot is completely covered with native vegetation, so much so that you cannot even walk through it, so in order to do base level topographic work and the base Geotech that we needed to have done, we cleared some trails in there and were able to pull some rough topos, but for lack of a better term, that when you are starting at Rhododendron you are starting at the elevation of Rhody 60'ish, and you pretty much go straight up hill. The houses start at the top of the hill which is about 100' elevation and so that whole western half of the pan handle is a pretty good size hill, which will require some more vegetation removal and grading one of the unique challenges that we do have is that because it has been recently annexed there is no City sewer or water available up here and we are unable to gravity feed this particular area and will end up needed to install some pressure sewer coming back down onto the Fawn Ridge area and there are no City Storm water facilities, so ultimately we need to retain all of the storm water on site. In the tentative subdivision documentation and the code none of the storm water calcs are requested or asked for so they were not submitted with the tentative subdivision plan. What we are trying to accomplish is that nice neighborhood appeal with retaining the storm water in adequate areas, this ties immediately back to the sidewalk request. From our reading of City Code, it explicitly says that sidewalks are added on at least one side of the street for a local street. so, 10-36 2-16 d, 10-36, 2-16d says sidewalks shall be provided on both sides of the street for arterial, collectors, and should be provided on at least one side of the street for local streets. Since this will be a local street effectively, we will be using the North side of the road for that one sidewalk and the south side of the road for more of the drainage facility. Page C2 was referenced for the roads. South side of road is some of the larger stormwater areas that the street and the houses will drain into, we have matching storm water facilities on the north side that are a little bit smaller that are designed to handle the run off the individual houses. Since we are retaining all of the storm water and this site has a terrific amount of topography on it, we don't want to do just one giant rain garden on the hill and drain everything to it, we are trying to balance that, we don't want two empty lots like Mariners village that just has a deep pond. We want to have that community feel with the vegetative planting's strips. The tentative plan is to have an HOA and the HOA is responsible for the storm water facilities. The storm water facilities on the South side of the street, is why that right of way issue on the right side of the sidewalk issue are tied hand to hand temporarily for getting the street problem. We want one side walk because, and the width a little bit is so that we can have adequate storm water control. In regards to the hydrants Heceta water district has volunteered to add additional hydrants at their expense to the one that is there now. When we do the utilities install, we will be installing one hydrant on Rhododendron, and another hydrant in the development.

Regarding the stub street aspect this tie into a couple things, number one we have reached out to the property owner to the south and did not have any success in that, with that vacant land that is theoretically set to happen a street to that empty lot, City Code dictates that, the Code also allows us to request modifications for that specific area and that is why we are here, that is one of the modifications that we are asking for. PG 62 Where the proposed stubbed street might go, in my mind it looks like we might end up losing parcel 12 and installing a stubbed street to the south, basically deleting that parcel and effectively what that does is lowers the City block length and 400-600'

effectively it puts that stubbed street to the South so we still have the same Cul-de-sac we have the road to nowhere which increases the impervious surface and things that we have to handle for storm water, and with the topography of the site how we handle storm water here is very challenging, this will limit how much storm water we can control, adding that stubbed street is going to increase our impervious surface which is going to exacerbate where we can put some of the storm water, I recognize the need for future connectivity, if there were an activity development going on or if this was a property that we were actively negotiating for then we would have a different opinion we would be seeking to be able to tie these into a more of a horse shoe like fawn ridge has.

Mike Miller: storm water was quite a challenge because of the topography, and trying to limit the impervious surfaces was our goal.

Wright: The 50' pan handle references with a 20' right of way instead of a 28' for the road we do not anticipate or want people parking on that portion of the road or encouraging that. PG C5 shows the intersection where we meet Rhododendron, We have both a storm water facility in the SW corner of the panhandle as well as a little pull out for mail, due to the topography the neighboring lot to the South is pretty high, and the house is built extremely close to the lot lines and due to the topography we are going to end up with a retaining wall there, if we have to increase the road width here from 20-28, we may need to add more retaining walls, and some ramifications to the storm water down here. Some of the design feature for the Rhododendron walking path may change how the panhandle intersects Rhody, this could impact some of this intersection as well.

There were no additional questions from the Commissioners.

Wright: said that he has read the staff report and the finding of fact and that he understands the conditions of approval.

There were no speaker's cards.

Johnston discussed Staff's recommendation. Staff recommended partial approval because the proposal meets some but not all of the requirements. Staff recommendation was to approve the reduced street width with the narrower portion of the subject property only. Deny modification from cul-de-sac length. Deny modification from connectivity.

FarleyCampbell commented that the reference to the local street standards pg. # 10-36-2-16 is on page 19 that is the Code that says, sidewalks will be provided on both side of arterial streets and one side of collector streets and shall be provided on at least one side for local streets. Street standards are discussed in Code 11-5-1. Sidewalks shall be provided on both. Exceptions may be granted if the City determines it hillside, drainage facilities, ditches, waters etc. Basically, if there is some situation that warrants an exception. Staff's interpretation to that sentence was it applied to previous sentences, meaning that arterial and collector can have them provided on both and sidewalks 2:39:02 on one side on local. That is the direction that we went, the reason that we went that direction is because section 10-36 2-5A is discussed in section 11-5-1 and that particular code section 10-36-25A has the standards for local streets, and local streets you have the option for parking on one side or both sides, but both

situations have sidewalks on both sides. Section 11-5-1 is used to reference 10-36-25A, it says the criteria are that you can construct with the TSP says and what the City Code says. The City Code says local streets you can park on one or both sides, but it doesn't really go into discussion about what you would do. Nobody wants to put in more pavement than they have to. Because on the section that is offered in 10-36-2-16 Staff interpreted to say the standard is the local standard, but this exception applies if you have unique situations that warrant sidewalks on one side. That was staff's interpretation, you can look at both and make your determination. The applicant could have a situation on the site that could justify accommodating for storm water facilities. I just wanted to clarify where that came from.

Vice Chair Young: Basically, we are not denying the modifications to the cul-de-sac we are saying if we deny the connectivity thing, there is no cul-de-sac, we are not saying that they cannot have that street 600' long to what looks like a cul-de-sac? We are not denying that, I don't think. We are saying is that the cul-de-sac isn't a cul-de-sac if we require connectivity. We are not denying the 600', I want to be clear on that.

FarleyCampbell: It depends on if you deny modification from connectivity.

ViceChair Young: That is what I am saying exactly.

FarleyCampbell: If you deny the connectivity, then the second bullet is resolved (Deny modification from cul-de-sac length). If you approve the modification to the connectivity then you are also approving the modification to the cul-de-sac length.

Hearing closed 8:14pm

Wright: Waived his right to submit final written argument.

Deliberation: Vice Chair Young I think that staff's recommendation on the right of way and the pan handle and the main part of the subdivision, I agree with that. I think sidewalks on one side are fine. I think we should require connectivity.

Comm Kurth: I am fine with sidewalks on one side. It seems like the storm water management has been really thought out so far, considering that we do not know all the variables yet. I agree with Vice Chair Young.

Comm Murphey: On the staff recommendations, I think they are saying on bullet 3 that we are requiring connectivity. I agree with the staff's recommendations.

Comm Hauptman: I agree with the staff's recommendations.

Chair Tarvin: I agree too, I certainly recognize the elevation and the storm water and impervious surfaces which is a great challenge I am leaning towards as recommended; however, I am not sure if it is an unusual challenge in our area. I agree with staff recommendations.

Motion: Vice Chair Young: resolution PC 21 30 SUB 02 Subdivision with modifications of the City of Florence Street standards related to *development of 14 residential lots situated on 4.5-acre site.* with changes to width the staff recommendations that there will be sidewalks on one side of the street and that we agree with staff and require connectivity. The difference from the staff is that I am including sidewalks on one side of the street, staff wanted sidewalks on both sides.

Second: Comm Murphey

Chair Tarvin asked FarleyCampbell if they had changed that recommendation by adding on sidewalks, one side or two sides?

FarleyCampbell: sidewalks on one side, is what do you want to do with the right of way width? You are approving the reduced street width with a 50' throat and 60' right of way width within the rest?

Chair Young: said yes.

FarleyCampbell. You are approving 50' throat and then 60' right of way throughout the rest, he does not need to have sidewalks on both sides, you are granting him an extra width with the propose of the storm water in the public right of way.

Chair Tarvin: asked applicant if he had a rebuttal regarding the sidewalks and the 50' throat and the widening of the street to a 60' right of way.

Wright: In the proposed resolution Condition 5A would it be easier to add that to the motion, I think that covers the side walk issue. With the 50' pan handle the width of the pavement required down there, is it 20' with no on street parking or 28' width with on-street parking.

Chair Tarvin: Asked staff if they had a recommendation on pavement width.

Farley: 5B condition, talks about street shall be constructed to the local standards of 10-36-2-5A local street, what we will do there is put a provision that says accepting one side walk or one side walk is permitted. It does say that the pan handle of the property may be a dedicated 50' right of way constructed with 28' of pavement width. That is what we would retain unless you are changing it to 20'.

Chair Tarvin: asked Vice Chair Young if she was including any changes in her motion regarding pavement width.

VC Young: said she was not.

FarleyCampbell: said that condition 7 we will strike the first sentence of condition 7

Chair Tarvin: asked if they should clarify to delete the first sentence of Condition 7

FarleyCampbell: said that they should however she thinks it is clear enough because the commission has made the decision to do sidewalks on one side, which would trigger the removal of the first sentence in Condition 7.

Chair Tarvin asked Comm Murphy if his motion stands with the recommendation, and he said his motion stands. Robbie Wight did not have any further comments.

Comm Hauptman: yes

Comm A. Miller: yes

Comm Murphey: yes

Comm Kurth: yes

VC Young: yes

Chair Tarvin: yes

Motion carried 6-0

4th hearing on the agenda: continuation of hearing from December 14, 2021

RESOLUTION PC 21 32 CUP 03– Conditional Use Permit to allow for Single-Family Development:

Property owner Don Saxon requesting a Conditional Use Permit for a single-family residential development in a Commercial District. Development proposed includes 5 detached single-family residences, interior street and improvements to Vine St. Property is 1.15-acres located at 5439 Hwy 126, approximately 450 ft. SW of the intersection of Hwy 126 and Xylo St., north of Hwy 126 and shown on Assessor's Map # 18-12-26-31, Tax Lot 02300. The Commercial District is regulated by Florence City Code Title 10, Chapter 15.

Hearing opened 8:29 pm

Comm Murphey: declared a conflict of interest and would not be participating

Senior Planner Johnston delivered staff report. Criteria was explained. The staff report had already been heard, and tonight we come back with something else. Johnston introduced important dates of application was received and deemed complete and the required postings. Meeting had been continued because right before previous meeting the staff had received alternate plans. Mr. Leturno wants the Planning Commission to consider Exhibit C. The previous applicant dropped out and the owner Don Saxton is here tonight. Owners worked with staff on their new submission. The Gateway area of Hwy 126 was shown on screen. The prior proposal was for 9 lots now they are proposing 5. Aerial of site was shown. The proposal is for 5 houses with larger lots, some 2 story under 30' tall, a landscape buffer along HWY 126 and a commercial element on south side of property. Main access from Hwy 126 still from Vine St. Site concept slide was shown. It was pointed out that staff is not holding the applicant -to a particular plan that will come later. Tonight, the Commission will decide if 5 or fewer homes will be allowed on the site, development will come later. Pictures of the bank was displayed. The property does not go too far up the bank/hill. Resent testimony was discussed. If the development doesn't happen then the CUP just goes away. Not sure of the CUP result to City

expenses, the developer will be required to assume the expenses, this CUP was conditioned to be expiring at a certain time if development doesn't happen then it is just going to go away. As the property is developed staff will be keeping an eye on it, because there will be conditions possibly put on tonight to ensure that the CUP meets the spirit of the code. Vine ST/Butter Clam will be a public street. Ambient noise issues were discussed. Citizen objected to the way the application was handled and it should have had additional notification. Subdivision will be handling street standards. Reducing density was a step in the right direction. Testimony and referrals slide was displayed. People are concerned with vacation rentals, dune integrity, fencing, future eye sore, gateway, would be too congestive to that area. Decision points slide was displayed and explained. Alternatives slide was displayed and explained. Conditions of approval: applicant will meet street improvements #5 a maximum of 5 residential lots shall be allowed (this is a proposed resolution), provided they are on the Northern half of subject property #6 the maximum height allowance will be 30', unless the commission wants something different. #7 Applicant will supply a detailed landscaping and irrigation plan prior to issuance of building permits, the plan shall provide a 10' wide buffer from Hwy 126. #8 the authorization of the Conditional Use Permit shall be void after January 26, 2023, unless the building permit has been issued and substantial construction has taken place. They do have the opportunity to apply for an extension. This is staff's proposal -Commission can change if they want.

Chair Tarvin asked for staff's recommendation

Johnston: Read staff's Recommendation

Questions from Commissioners:

Vice Chair Young asked if there was any consideration for a small commercial lodging on there, as opposed to single family dwellings and if property is in the tsunami zone.

Johnston: it is in the tsunami zone.

Applicant testimony Don Saxton and Jim Hoberg via conference call. They have worked with staff and tried to take all the considerations from last meeting and what is being discussed tonight is what they came up with.

Vice Chair Young asked if they have considered a smaller scale commercial lodging unit?

Don Saxton said they had not.

Johnston the proposed uses are not limited by Title 10 Section 7 tsunami codes, and density is limited to less than 10 units per acre.

Applicant read the staff report and findings of fact.

There were no speaker's cards.

VC Young asked: Does Tsunami zone limit the units to less than 10 units per acre? Do we need to leave the record open for written testimony?

Tsunami zone was discussed.

Public hearing closed at: 9:00 pm

Applicant waived his right to submit final written argument.

Commissioners talked about ADU's increasing density, it does not.

FarleyCampbell: instructed Commission that they could say that you cannot have ADU's on these lots, and they would need to comply with tsunami development procedures. This is a Conditional Use the Commission can impose any conditions to ensure the criteria of the Conditional Use.

Comm. A. Miller: commented on the concerns will be taken care of during the development process and that he has no concerns with the applicant putting houses on that parcel.

Comm. Hauptman: doesn't feel that this is the best use for this piece of land but is comfortable with where they are at in the process.

Chair Tarvin: thinks that the ADU discussing would work out under the procedures that they go through, we are only approving single family residences.

Motion by Comm. A. Miller: as recommended

Second: Vice Chair Young

Comm Ron Miller: excused absent

Comm Murphey: abstain

Comm A. Miller: yes

Comm Kurth: yes

Comm Hauptman: no

Vice Chair Young: yes

Chair Tarvin: yes

Motion carried: 4-1

Time: 8:40

No reports or discussions

Director Report and Calendar:

The PC Department received an appeal from Florence Golf/Rhododendron Arbor the 120 days was extended to 2/28/2022 the CC will hold public hearing for this appeal. The Court of Appeals denied the appeal for the annexation of Benedick they sided with the City and deemed the Annexation was legal. The zone change has not been decided yet. There were 51 more applications in 2021 than in the previous year a 38% increase.

Nothing for February 8th do you want to have work shop. Commissioners decided to not have hearing on the 8th of February.

Peighton will be sending our subcommittee information.

The meeting adjourned at 9:16 PM.

ATTEST:


Sharon Barker, Planning Technician



Phil Tarvin, Chairperson