
City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
December 14, 2021

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 Ron Miller, and Commissioner John Murphey

Staff Present: (In House) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Administrative Asst. Peighton Allen, Lindsey White City Recorder, Sarah Moehrke EcDev Catalyst

At 5:30 PM, Chair Tarvin opened the meeting, Peighton Allen did a Roll call. All members present. Commissioner John Murphey led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5:31PM

Action: Approved

Motion: Vice Chair Young

Second: Commissioner Hauptman

Vote: 5-0

There was no discussion on the agenda and it was approved unanimously.

2. APPROVAL OF THE MINUTES: Minutes were approved for September 28, 2021, October 12, 2021, November 9, 2021, and November 23, 2021

Start Time: 5:32 PM

Motion: Commission Murphey

Second: Vice Chair Young

Action: Approved

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.

Commissioner John Murphey: I would like to declare a direct conflict of interest, as the business I own has a business relationship with L&M Development, and I will not partake in the hearing.

Chair Tarvin: Will that will be for item #4 on tonight's agenda?

Commissioner Murphey: yes

There were no other declarations of conflict of interest. There were no exparte' contacts declared. There were no bias declared. No citizens present wished to challenge any commissioner.

Chair Tarvin: For our 4th Item on the Agenda

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

An application was received by Robert Leturno requesting a Conditional Use Permit for a single-family residential development in a Commercial District. Development proposed includes nine lots and improvements to Vine St. for detached single-family units up to two-stories. Property is 1.15-acres located at 5439 Hwy 126, approximately 450 ft. West of the intersection of Hwy 126 and Xylo St. 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 5:40 pm

Senior Planner Roxanne Johnston presented Staff Report: The criteria used was discussed. We did receive additional materials today; some were submitted yesterday. Testimony my Don Saxton, his exhibit is D6, site plan proposals for this project, which I had no time to review, and I am not sure if you have either. Today we received another plan which is sort of an echo of one of those plans. Robert Leturno who is the applicant for this particular proposal will be showing that to you later, after my presentation. That is something to keep in mind, that is a game changer so this is a Conditional Use Permit which means you have a lot of latitude to make a lot of decisions depending on how you feel about the project. Slide #4, I made a red circle around the gateway area, something that has been called out in our comprehensive plan. I think it is mentioned in a lot of other plans, some of the public testimony spoke to the Gateway area. #5 showed the newest house along Vine Street NW of the subject property. It doesn't show the slope, but I can get into that is a little bit. I think the slope is about 31' where the house is, and diminishes as you go Eastward, to give you an overall idea of the slope there. The slope is important because, no matter what the development would be, it would require a Site Investigation Report. Vine Street has not been developed right now, and of course Vinca Lane is to the North of the residential area and then Hwy 126 abuts the subject property. The original site concept/rendering is what I based the findings on in the staff report, there are nine lots that are proposed as Chairman Tarvin pointed out when he read the description for this, the proposed lots will be accessible off of improved Vine Street and then another street which is called on this plan Butter Clam Crt., whether or not that will be the name if everything went as the applicant wanted, the street will have to be named something else, no matter who puts something in there for a street. The lots are quite small, about 23' across, it is in my findings, that was to get that many units in that area. The proposal according to the applicant narrative was for 2 story homes towards North and then single story to the South.

We did get a referral from Siuslaw Valley Fire, it had to do with the hydrant's location, where it would be located on either Vine or Butter Clam Crt and then the street widths and access is something that is regulated. Another referral that came in today CTCLUSI which was their standard referral comment of if during land disturbance there is anything unearthed of historical value that they be notified immediately.

Public Testimony: Norris **Exhibit D1** they had questions on whether they were for vacation rentals, they pointed out that the area was in Gateway, concerns about the Dune and how it was going to be stabilized. **Exhibit D2:** The Shaws, he said that there were no elevations provided with the plan, concerns about dune integrity and fencing

along the highway and along the back of the property. **Exhibit D3:** Stone, Concerns about the Gateway, concerned about the river view if there are two-story homes they would block the view of the homes up to the North, and they were concerned about the density. **Exhibit D4:** J. Stone, talked about the Gateway and talked about how that development could be a future eyesore as a gateway. **Exhibit D5:** Zic, he supports 2 large houses but doesn't like the proposal the way it is with the density, he lists a raise in crime and traffic concerns.

The last public testimony that came in yesterday was from Don Saxton – property owner- he provided 3 alternate site plans in **Exhibit D6**.

The Decision Points: In writing this proposal or the proposed findings, Staff wrote that their recommendation would be an denial, the reason we did that is because we looked at the Comp Plan and looked other plans and the inventory for commercial zoning districts, we had 16 acres that were larger than an acre and they weren't parceled out within the city so they were the larger plots, but again having the density near the highway was the concern because all of the homes that are situated North of Highway 126, they were all beyond a 100' of the actual right of way, not the center line, but the right of way, we know there are varying widths there they also have buffers in between them, and if it wasn't a buffer that was vegetation then it was a hill, that was something that I noticed before the driveway going up to the casino and Spruce, in between all that area. I mention that because buffers are good between a highway and residential and we evidenced that is a lot of other land use situations that not only you have approved but that Staff has approved, usually developments are set back from the main road, especially in arterial. That was the biggest point there, there were like 3 or 4 lots that were actually abutting the right of way and part of the street was abutting Butter Clam Crt, and that was a concern

The Decision Points tonight. **1.** Consider denying proposal. That is the proposal that it is, you might change your mind if you see something that might make you think in another direction. **2.** Allow certain # of lots using detached single-family residents using medium density standards allowing for commercial uses along the highway. I want to circle back, that was one of the hard things to do, was to figure out the apples and oranges, like where is a happy medium as far as residential versus commercial, because it is not really written in code, Commercial has 25' is the minimum width that they allow and this proposal, where the lots were so narrow, they continued to still be under what medium density residential would allow. There was a lot of switching back and forth it is almost like the project was more fitting to attached medium density residential, a lot of that code seemed to be more applicable. Either way we are talking about residential commercial district, that is the overall theme of this request. **3.** Allow a number of lots to the North and restrict a certain number of lots to the attached SFR allowing commercial along Highway 126, there are a lot of variables here you could also allow a certain number of lots to the North and they could be larger and have detached homes on them, we didn't put every variable that could happen here. **4.** Allow a certain number of lots and impose any and all conditions related to the medium density residential with no commercial requirement and applying High Density setbacks and screening requirements. The High Density came from the idea that where you just approved at Shore Pines where you measure 100' from the center of the highway and there is a 10' screening requirement between the development and the highway as well. There are a lot of variables here.

Another decision point: Planning Commission could require a continuance of the hearing to a date certain to allow the applicant time to revise their proposal and staff time to review the plan and provide supplemental findings of fact.

Alternatives: **1.** Deny **2.** Review and recommend changes to CUP findings and approve findings as amended. **3.** Continue hearing to a date certain of 12/28 this was supposed to read 1/25/22 **4.** Approve request, revise findings and draft resolution stating how application meets criteria and conditions. At this point Staff was leaning towards 3 where you could continue the hearing to a date certain. You can close the hearing and close the public record and then deliberate on January 25, 2022. Even though we wrote the findings to deny the proposal based on the lack of evidence that the proposal meets or could meet the conditions and also be in line with the zoning code and also with the 2020 Comp Plan. This information is in the Findings and the AIS that I provided.

Comm. Ron Miller: When they put Coastal Highlands in and Xylo Street came in, the top of the hill there off of Hwy 126. ODOT would not allow them to open that up for the traffic to come down there, how are they going to get a permit to get traffic off of this site onto Hwy 126, because Vine Street doesn't go through.

Johnston: We did send a referral to ODOT but we have not heard from them, so it would be on the applicant to be able to communicate with ODOT, because they are the ones that, as you well know, that decide whether or not those streets can be accessible. It is an ODOT decision. If for some reason we write revised findings we will send another referral to ODOT to inform them as to what is happening.

Comm. Ron Miller: I know that traffic coming around that corner is sometimes going pretty fast to get out of town, heading East, it is going to be pretty hazardous there.

Johnston: But it would be, even with commercial there.

FarleyCampbell: If there was a street put in there, Comm. Miller, there would be a type III barricade placed so there could not be through traffic. It would only be accessible to these properties, off HWY 126 or you could require that they take access and go North, but that wouldn't be at this meeting it would be at a later subdivision meeting, this is just about access as it relates to a Conditional Use Permit.

Chair Tarvin: I just have one question for Roxanne. The input from Mr. Saxton that was received today, is Mr. Saxton a principal in this judging from the content? Will he be speaking.

Johnston: He is actually on a speaker's card, so if you have specific questions for him, he may be here to help answer your questions.

Chair Tarvin: Depending on their presentation, I may or may not, have questions for them. With that we will move onto the applicant's presentation, the applicant or his representative Marcus Leturno is attending the meeting via conference call. The applicant has also submitted an alternate site plan to present, do we have the applicant online with us?

Applicant Marcus Leturno: Last Friday we were able to review the Findings from the Planning Staff and also review the letters from the surrounding homeowners and based on everything that we were presented with we thought that this second concept might be more in line with the vision of the City and what the surrounding homeowners might be more comfortable with, I think by placing medium density residential behind the commercial here we would be staying within the spirit of the code that would allow a commercial building there with residential above it, instead of just stacking them and putting the residential behind it, instead of on top. Also, there is a vegetation buffer there, the homes are set much further back from the highway. Speaking to a point that I hear being brought up about the slope that is behind the properties there, the property in question is relatively level the slope comes from the five lots that are directly behind this property. Those lots actually own the downhill slope, other than that I would just ask the Planning Commission to consider this alternate, and if there is not enough information currently or if the Planning Commission hasn't had sufficient time to review it, then I would ask that a continuance be made to a later date to consider this, with that does anybody have any questions for me?

Vice Chair Young: I wonder if we can show an aerial of where that property line is, relative to the slope. Do we have that information? Should we continue, it would be nice to have that information. We know exactly where that is.

Comm. Hauptman: Is the proposal now with 5 residential lots with commercial in front, is that correct?

Applicant Leturno: yes, sir.

Comm. Hauptman: Land wise how much square footage is available for the commercial? Do you know?

Applicant Leturno: Not at this time, I will have to scale it, I can find that out for you. I would have to submit an answer to your question at a later date.

Chair Tarvin: I would only highlight the slope issue even though the slope may be owned entirely by the rear property owner, you may find that there are requirements upon you to structurally stabilize that slope when it starts to get disturbed. I think that you should do some homework on that issue if we do continue, it would be very helpful.

FarleyCampbell: A point of order we did get speaker's cards from Jim Hoberg, and I believe Don Saxton, I am not sure if they would like to provide comment on this.

There were technical difficulties 5-minute break. Until 6:20 pm

Applicant Jim Hoberg: The new configuration presented by Marcus tonight seems to be in essence of what the staff report was alluding to so I am in full agreement with that, why question is prior to that there seemed to be thought of denying this plan, I am more curious, if it was denied what would the City's vision be for this property, it is an irregular shaped lot at the entrance of Florence it didn't really give any flavor of what the City did propose for it other than it didn't fit the criteria of the realization of Hwy 126, so it looks like that depending on if you are just going to continue it then that gives us time to work with Roxanne and City staff to address those questions.

Chair Tarvin: From the Planning Commission's viewpoint we wish for you to create your own destiny with the property and to propose what you think meets criteria and what works for your folks needs there, so past that we wouldn't be making any recommendations. Staff of course would love to work with you on off line and during regular business hours, to get a better idea of that, I want Staff to address that, if they wish to for a few moments.

Johnston: We have to reconsider the new plan, that doesn't necessarily mean that we're going to find, because we would be amending the findings, it doesn't mean that we would necessarily be guaranteeing that we would be recommending approval, I just want that in the record. We are not saying if you give us this other plan, we are going to recommend approval, we still have to go through the findings, given the short amount of time that we had to look at it, we cannot really comment a lot to it at this time.

Applicant Don Saxton: I am the owner of the property. I always hear about the best use of property, so what is the best use of the property? So far no one has come forward and take advantage of this best use, until now, we have a person that is willing to do that, the 5 homes that they want to build on the North part of this property are on the same lots that were platted in 1891, the Gallagher Plat of the City of Florence, there will be two lots 57' wide and 3 lots of 52' wide with each lot having over 5,000 sqft. There will be a new street and the five homes, the South side of the property along HWY126 will still have Commercial use on it of approx. 20,000 sqft. The buyers will have to come back for building permits, landscaping, and other requirements. The City can then decide on each permit what needs to be done to satisfy the City. The buyers are eager to start this project now. You're asked what is the best use of the property, I believe this is. I now ask you to approve the concept of the plan tonight only.

Applicant Marcus Leturno did not need to make any additional comments or response.

Chair Tarvin: Any Staff response or recommendations?

Johnston: Staff recommended that the original proposal be denied, given this new evidence that would mean more time to be able to review that and amend, if that is your pleasure to decide. Revise the staff findings depending on the particular brand-new site plan, the comp plan and all the other codes that are related.

Chair Tarvin: now is the time to discuss closing the public hearing and the record.

Does any Planning Commission member see any reason to continue the public hearing or keep the written record open to allow for additional testimony?

Vice Chair Young: well, we definitely have what appears to be a new application and as staff has said they need time to go ahead and review, so it looks to me that we need to continue and not close the record because there will be a bunch of new testimony and new evidence. I think we just continue to a date certain.

Comm Hauptman: I agree with Vice Chair Young, I move towards continuance, given the lateness of this latest submission.

Comm Ron Miller: I agree also

Comm Andrew Miller: I definitely recommend a continuance

Chair Tarvin: Before I speak, I have a question for Staff, regarding options. If were to say to leave the record open for 7 days, is that for the public's benefit alone and if we were to just move on to begin deliberations, I want the applicant to be able to work with you and provide a complete submittal, that allowed under all four options or is there one in particular that only allows that?

FarleyCampbell: both the continuance and the leaving the written record open offers that opportunity because you have pretty significant testimony on the proposed site plan it would be our recommendation to either continue the hearings so that people have the opportunity to comment on a revised site plan. I think that is more preferential to leaving the record open for 7 days then closing the public hearing but either would be acceptable.

Chair Tarvin: My comments are that I agree with the other commissioners, I would add that I would go ahead and urge option 2 continue the hearing to a date certain, and I see that January 25, 2022 would appear to be the first opportunity, is that correct staff:

Johnston: yes

The Commissioners were polled and all agreed to continue the hearing to a date certain.

FarleyCampbell: Can we get confirmation from the applicant that they are waiving the 120 days?

Applicant Marcus Leturno: I don't see a problem with that at this time.

FarleyCampbell: Marcus verbally said he will waive it, so we will waive it.

Chair Tarvin: I would entertain the motion to continue the hearing to a date certain of January 25, 2022.

Comm. Ron Miller: I would like to make a motion to continue the hearing.

Vice Chair Young: I'll second.

Roll Call vote: motion carried 5-0 at 6:33pm

Vice Chair Young: Motion
Commissioner Hauptman: Second

Commission was polled:

Commissioner Andrew Miller: yes
Commissioner R. Miller: yes
Commissioner Eric Hauptman: yes
Vice Chair Young: yes
Chair Person Tarvin: yes
Motion Carried: 5-0
Meeting Started: 5:33
Meeting Ended: 6:33

5th Item on the agenda:

RESOLUTIONS PC 21 28 PUD 01 –Final Planned Unit Development (PUD) and AR 21 21 SIR 14 (Site Investigation Report). Application from Ashlee Sorber, on behalf of APIC Florence Holdings, LLC, seeking approvals for a final PUD and associated SIR for Rhododendron Arbor. Preliminary PUD and a Tentative Subdivision Plan were approved on November 9, 2020. This project includes 31 single-family detached dwellings, 49 single-family attached dwellings, two apartment buildings with 40 total units and associated private street, lanes and open space. The properties are comprised of approx. 9.28 ac. as shown on Assessor's Map 18121533 Tax Lot 0700; Map 18121534, Lots 3800, 3900, 4000, 4100 & 4200; & Map 18122221, Lot 1900, located at the NE intersection of Rhododendron Dr. and 35th St., northwest of Siano Loop and south of Royal St. George, zoned Mobile/Manufactured Home Residential District (RMH) & regulated by Florence City Code Title 10, Chapter 10.

Meeting started at 6:36

Roxanne Johnston presented the staff report.

She wanted to underline that this is for the final PUD in the script we had not removed the word preliminary. An aerial overview was shown of the site. The zoning for this property is restricted manufactured homes and is bordered by Tournament Drive to the North, Royal St. George to the East, it abuts Siano Loop to the south and Rhododendron Dr to the West. The Site Plan of the Preliminary PUD, nothing has changed at the site as far as the concept, we have the multifamily on the left, both at the NW and NE side of the screen attached housing is in the middle and detached residential on the east side of the sited.

Applicable review criteria:

Title 10 zoning regulations. Chapter 1 section 1-4, 1-5 1-6-3 Chapter 3: Off street parking and loading Sections 4 & 9. Chapter 8: Special development standards. Sections 1, 2B &E, 3H ^&7 that has to do with soils and slopes and stormwater. Chapter 23, Planned Unit development Sections 5 & 11 thru 14. Chapter 34 landscaping sections 3 thru 5. Chapter 35 – access and circulation sections 2-2 thru 2-14, 3-1 thru 2-19, 2-22, 2023 and sections 3 thru 9 Chapter 37 lighting Sections 2-6 Title 9 which is the utilities, Chapter 5 Stormwater management requirements Sect. 1-6 which is a big portion of what we spent on the findings. We looked into the Florence Transportation Systems plan since the project is along Rhododendron Drive. Realization 2020 Florence Comp Plan. The Florence Stormwater Management Plan and Master Plan update. Our prior approvals which consist of conditions of approval for Resolution #28 Series 2020 which was, this has gone to the City Council, so that was one of their resolutions. Conditions of approval for PC 20 07 PUD of which was a tentative plan. PC 20 08 SUB 01. I just want to give you an overview.

Overview.

Applicant and Staff met multiple times to discuss conditions from 2020 preliminary approval; including the City Council and the Planning Commission. Staff has reviewed application materials and we reviewed based on the criteria we all reviewed the conditions from the prior approval of the prior that was listed in the resolutions while

drafting the findings to see if they had been met yet or not, we also, kind of separated them out, because some of them were specifically for when they were submitted the final plat which they have not done yet, we didn't really address that unless it did happen to tie into that we are looking for tonight. Recently the applicant amended materials after reading the findings for the last meeting. This is a new meeting here, but is the first time we are actually talking about the project as a final PUD and then the site investigation report. The applicant has amended since reading the original findings and the resolution drafts, they wanted to get a jump on tonight's meeting, the new conditions they were hoping to get that all done for the meeting tonight, so they could scratch them off. However, those materials have not yet been reviewed, they weren't given to us in time to distribute them especially since we are talking about storm water. Staff has not had time to review them. They have all been uploaded on the website and shared with you.

On November 23, 2021 the hearing was postponed to December 14, 2021 at the applicant's request and provided 120-day waiver to February 14, 2022 time period, which will be build in a time for appeal and Sept 24-29, 2021 application was received and deemed complete. I just want to note that the application was given to us on the 29th and an error said that the application was complete on the 24th.

On Nov 23, 2022 a Notice of Hearing was mailed to property owners within 300' and the signage was posted. Nov 13, Notice was posted in Siuslaw news. Multiply testimony: I have my testimony in the Q Exhibit Group. The main concerns are traffic safety, storm water – hydrologist review, density, quality of life, vegetation buffer. Traffic was talked about at length during the preliminary PUD process we resolved a lot of those with your conditions. Storm water we have a few things that we have hanging out here, testimony has come back on the stormwater and what the project could mean to the area surrounding, especially those downstream. As hydrology related, you had conditioned, preliminary PUD and tentative plat to get a hydrologist review, they have since done that. Also, there was testimony about density, they think there is too much, applicant was required in the past to eliminate 6 units, which they did, they did that in the multi family units. There was also mention of quality of life and the vegetation buffer. To put a buffer between Rhododendron Dr. and the project itself. Parking was addressed in conditions of the proposed resolution, there were some outstanding items that had not been quite addressed they did provide 3 slides, they changed their configuration to expand their units around. It is in my findings and the applicant provided a narrative. They also talk about how they met the conditions, or haven't because it is not time yet.

Stormwater Submittals & Reviews. Exhibits H&L1 Phase 1 SIR, 4/13/21 and Geotech 1/28/20
Exhibit I Pacific habitat wetland delineation memo 12/10/2021
Exhibit J – DSL Wetland delineation concurrence, May 2021
Exh K – series – Army corps determined

Exhibit H&L SIRs are done as a type 1 Site Investigation Report and are done administratively, but since these are all linked to the same storm water system and a lot of materials were sort of interrelated, we just ran it with this particular PUD proposal, the Phase 1 SIR was dated 4/13/21 and their Geotech report was done last year.

Exhibit I – Habitable wet land delineation memo from 2019, that was shared in the earlier preliminary information and it is being reshared again here.

Exhibit J – Has a DSL Delineation concurrence, basically, DSL said that they are going along with the Pacific Wetland delineation memo. On May 2021 they didn't find any issues.

K Series – that had to do with Army Corp determination. Army Corp did not find any waters of the US on the Property, that was July 21, 2021.

Exhibit L – Storm water Geotech, they gave us a new one on July 6. 2021.

Exhibit M – GSI review is the hydrologist report that they were required to consult with and they did, dated July 21, 2021.

Exhibit N – updated storm water report dated 9/16/2021

Exhibit O – 12/15/2021 Is the 2021 Civil West Peer Review of exhibit N.

Just a little go back the Phase 1 SIR conditions should have been working with the hydrologist to make sure it was ok there. That will be on the engineers to make sure that happens.

Storm water submittals and reviews continued:

New materials not yet reviewed. We got the new material yesterday, and one of them was Branch Engineering's response to mapped Yaquina soils dated 12/10/2021 and another updated storm report dated 12/10/2021. The applicants are putting their best foot forward trying to meet the conditions that were written as proposed in the resolution.

Hydrants & Reviews

Siuslaw Valley Fire Rescue Fire Marshall provided flow tests to the applicant; the applicant submitted that to us with their submittal on the 29th of September 2021. That was Exhibit P. On November 29th we got more fire marshal comments talking about the hydrants and fire suppress. His comment is that they are lacking one hydrant they need a total of 4 in their utility plans and that fire suppression would be necessary for any of the homes that were outside the 150' fire distance from the actual loop road. On December 10th they provided a hydrant spacing worksheet that hasn't been reviewed yet and hasn't been shared with the Fire Marshal or Civil West Engineering.

Landscape/open space/Irrigation: More was covered under their original submittal this time, then they had been required and conditioned for before with their preliminary, in Exhibit G. We had some issues with that. We conditioned so they had cleaned it up and reviewed it. *And the materials have not yet been reviewed* this is Exhibit G1 and Exhibit G2. They want us to please use the Dec 12th final revision. They would like us to not look at the Exhibit G9 12/10/2021 revision, only look at the Dec 12th final revision.

Street and Utility Permit Set: Exhibit W series – there are a lot of them those permit sets were reviewed by Civil West Engineering. Civil West comments on this is exhibit X. The applicant team submitted their revision of the permit sets sheet C-5 is parking and circulation, which was conditioned. C210 was a typical section, there was some mislabeling on a cross section in there, but I think they fixed that I haven't had time to review them yet or the "C" sheets that were involved. They were updates that we haven't looked at yet.

We had 14 conditions this is a general overview for now.

- #1 Supply dimensioned parking Plans
- #2 Memo needed addressing Phase 2 submittal items.
- #3 Reference responsibly of site prep and follow thru of the applicant
- #4 Demonstrate amenities for master park plan are offered proportionately
- #5 Provide a pet waste station at dog park
- #6 Provide revised landscape plan showing buffer on site – include native plantings.
- #7 Landscape islands from multifamily parking areas to be reviewed with design review.
- #8 Rename cross section in utility plans.
- #9 Supply lighting information
- #10 Address each of 8 comments made by Civil West Supplemental Storm water report.
- #11 Any modifications to the approvals or changes of use require approvals
- #12 Sign an Agreement of Acceptance.
- #13 Provide updated master plan and phasing plan within 30 days of final PUD approval.
- #14 Resolution PC 20 07 PUD 01 and PC 20 08 SUB 01 and resolution No. 28 Series 2020 continue to be applicable.

Johnston: I did not write up a slide on alternative, they are in Chair Person Tarvin's hands, but I am available for questions.

Comm Murphey: Is there anyway that we can figure out how to postpone this hearing to a date certain? Staff has been extremely busy and has not had time to review all the new documentation and I don't think it is fair for the Commission to make recommendations when they haven't reviewed everything and there may be changes in the approval, so I would like to figure out if we can postpone to a date certain.

Chair Tarvin: I think we will be discussing that as one of our options at another point in the meeting, would you like to skip any further testimony and presentations.

Comm Murphey: I don't believe staff has had a chance to review all the new material and answer questions that the commissioner may have. I would like to just wait and let them review the materials.

Chair Tarvin: We will probably stick to the course of the meeting to a certain point and we will get to those options.

Comm Hauptman: I have no questions but I do agree with Comm. Murphey's position.

Chair Tarvin Mercedes Serra is making the presentation tonight

Mercedes Serra: We understand that the Planning Commission may opt to continue tonight and we have no problem with this.

Mercedes Serra: Provided a brief presentation of the development process.

Since receiving the staff report the applicant provided a dimensioned parking plan, geotechnical memo, revised planting plan with native trees and updated right of way cross section label (final CO8) Based on the material that were provided the applicant would request that conditions 1,2,6 & 8 be removed each of these conditions were called for these revised plans and clarifications contained within them, they were straight forward request that were clarified and should be deleted.

The applicants provide a revised landscape plan showing the open space areas and proposing the possible recreational opportunities be constructed as project is built out. Because this information has been provided into the record, the applicant, proposes revisions to proposed. Condition 4: to clarify what would be required in future design review, and to clarify each element of the project, it will be spelled out and will be subject to subsequent design review to ensure that the Florence Community Code is met. The applicant wishes to strike the language "master Plan because FCC 10-23-5E does not require a master plan only a landscape plan. The applicant has provided a revised storm water plan addressing each of the 8 comments that are made by Civil West Engineering in the 11/15/21 letter that are addressed. Condition 10: the applicant proposes leaving in the language that the applicant is going to pay for the City or it's Consultant for its review.

A revised review and see that it addresses the earlier comments.

Condition 3 – applicant requests 10 days to provide inspection reports rather than one week. Applicant accepts all other sentences as written.

Condition 7 – Applicant proposes deleting "respective" and inserting "multi-family" for clarity.

Condition 13 – The development is not a phased development. Applicant proposes deleting the first sentence of Condition 13 for consistency.

In conclusion: the final PUD plans are consistent with the preliminary PUD. The final PUD development plans meet the preliminary PUD conditions of approval. The final PUD criteria has been met.

Comm Murphey: When was your presentation given to City Staff? When was City Staff able to see your power point presentation?

Mercedes: Staff received our power point presentation today. The letter that discussed what was in our presentations was provided to the staff yesterday. The narrative and application materials, the initial submittals were provided in Sept 2021, the subsequent materials were provided on Friday Dec. 10th.

Chair Tarvin: I have no questions on your presentation, have read the staff report and finding of Facts and do you understand them.

Mercedes Serra: yes

Chair Tarvin: Do you have an understanding of the conditions of approval as they have currently been proposed?

Mercedes Serra: We do have an understanding as they are currently proposed, there was some language that was convoluted but I think we understand what the intent was.

There were no public comments.

Farley Campbell: I have had the opportunity to consult the calendar following Comm Murphey and Comm Hauptman's concerns. Our recommendation going forward in to this hearing have been to close the public hearing, not leave the written record open, unless somebody specifically requested it, and then continue your deliberations to January 11, 2022 that would provide staff the opportunity to review the materials and offer revised findings or supplemental findings and a revise resolution. You do have a scheduled meeting for Dec 28, 2021, we are suggesting 1/11/22 as a date for you to consider your deliberation, if you wish to continue the hearing, the reason for continuing the hearing is, if you think you wish to talk to the applicants some more to impart new information that is not already in the record. If you have an interest in continuing the hearing and the applicant wants to accommodate that then we would request based on the meeting time line that the applicant extend their already extended 120-day deadline to March 8, 2022 the City Council Meets March 7, 2021 and that is the earliest date that we could accommodate a continued hearing to is 1/11/22 and then the 7-day period or somebody request the opportunity to leave the record open. Staff is recommending closing the hearing and deliberating January 11, 2022 If you want to continue the hearing then what we request is the request of the process time to March 8, 2022.

The Planning Commission discussed closing the meeting.

Comm. Murphy: recommends that we close the hearing and testimony and deliberate on January 11, 2022.

Vice Chair Young: If we do that, I like what Comm Murphey said, but if we do that and we have question for the applicant how will that work?

Comm Hauptman: I would like to continue until Jan 11, 2022. I would like to see public record closed

Comm R. Miller: I concur

Comm. A. Miller: I would like to see it continued and the public record closed

Chair Tarvin: I would like to see record closed and deliberation on January 11, 2022 which is a little better aligned with how much time we would expect to have such material reviewed.

Farley Campbell: In the public hearing process, when you get to deliberations the applicant will have the opportunity to comment on any new conditions that are made available, if you have clarifying questions send them to me or Roxanne and we will try and get those answered through the process of staff report or the Findings and supplemental findings & resolution. If it is unavoidable, you can ask clarifying question, it would be bringing any new information into the record. If you give us question in advance, we can try to answer in our reports.

Vice Chair Young: Thank you for clarifying.

Farley Campbell: For clarification you wouldn't be continuing the hearing you would be closing the hearing and continuing your deliberations or scheduling a date for your deliberations.

Chair Tarvin: It looks like we have a consensus to close the hearing and to schedule or deliberations for 1/11/22. Can I have a motion?

Commissioner John Murphey: motion

Vice Chair Young: second

Comm Hauptman: aye

Comm A. Miller: yes

Comm R Miller yes

Comm J. Murphey: yes

Vice Chair Young: yes

Chair Tarvin: yes
Motion passes 6-0
Meeting Started: 6:36 pm
Ended: 7:26

Director's Report:

Sarah Moehrke gave the Planning Commission an update on the MUPTe Process.

Farley Campbell: We did get word from Lane County that the surrender of Rhododendron Drive and 4th Ave are going forward to the Lane County Board of Commissioners for consideration at their Jan 4, 2022 meeting, what this means is that when ever you annex properties that doesn't necessarily mean that the actual maintenance jurisdiction of those properties goes with it, in most cases the County maintains that ownership.

At yesterday's City Council meeting Clare Kurth was appointed to the Florence Planning Commission to replace the vacancy left by Brian Jegoe. She will be joining you at your next meeting on 1/11/2022.

There will be three items on the agenda, we will look to see if we can move one of the items to 1/25/2022. The hearings will be for Abel Insurance expansion Conditional Use Permit, Lofy Properties Annexation North on HWY 101 by the Knife River annexation, and we now have Rhododendron Arbor deliberations.

On January 25, 2022 you presently scheduled to hear Butter Clam which you continued this evening, and most likely the Fred Meyer Service Station replacement of their Kiosk and their canopy area.

The meeting adjourned at 7:36 PM.

ATTEST:



Sharon Barker, Planning Technician



Phil Tarvin, Chairperson