
City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
April 11, 2023

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

PC Chair Sandra Young called the meeting to order at 5:30 PM.

Commissioners Present: Chair Sandra Young, Vice-Chair Andrew Miller, Commissioner Eric Hauptman, Commissioner Laurie Green, Commissioner Kevin Harris

Staff Present: Planning Director Wendy FarleyCampbell, Assistant Planner Clare Kurth, Planning Tech Sharon Barker, Management Analyst Peighton Allen

At 5:30 PM, Chair Young opened the meeting, Sharon Barker gave the Roll call. Chair Person Young led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5:31PM

Action: Approved

Motion: Comm. Harris

Second: Comm. Green

Vote: 5-0

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

2. APPROVAL OF THE MINUTES: 2/14/2023 and 3/14/2023

Start Time: 5:32

Action: Approved

Motion: Comm. Hauptman

Second: VC Miller

Vote: 5-0

There was no discussion on the minutes and they were approved unanimously

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:

Ron Moore thanked the Commission for taking public comments. He stated that as members of the Planning Commission they serve as advisors to the Mayor, City Council, and Planning Director in all matters concerning planning and land use. That purpose tonight is to request you use this advisory capacity to provide greater influence while continuing their important project and design review processes that also occupy a great deal of your time. For a moment, consider your advisory capacity in terms of Florence's multifamily housing situation. Projects approved, designed, and built will determine look, feel, and economic conditions of Florence for generations. Additionally, you should consider how these projects are funded. For instance, subsidized housing is often more expensive to build than private developments due to prevailing wages. It only becomes economically viable because the access to tax dollars that subsidize construction costs and rents, as well as accessing tax programs that decrease cost as well as the City's future

income, such housing, while needed, can put an economic drain on the City and its businesses. Cities like Florence will thrive as more housing becomes available across all income levels. Right now, the mid-level workforce without this group's ability to find housing, it will be difficult for Florence to expand economically. The City's need for housing for those in this income bracket does not negate that there are also housing needs in the low income and senior housing sectors as well. But these sectors will not typically provide the economic ecosystem needed for Florence to grow and flourish. Housing for the mid-income level family is essential for the City of Florence to remain healthy and develop. It should be one of the Planning Commission and City's long-term priorities.

Chair Young relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases and the right of the public to challenge any commissioner's ability to hear this matter.

Chair Young asked the Commissioners if they would like to declare a conflict of interest, ex-parte contacts/communications, or bias. There were no declarations of conflicts of interest.

There were no ex-parte contacts, conflict of interest, or bias declared.

No citizen present wished to challenge any Commissioner.

Chair Young: 4th Item on the Agenda tonight is a Public Hearing for **PC 23 03 EAP 02 -5439 Hwy 126 – Request for Extension for Butter Clam**

RESOLUTION PC 23 02 EAP 02–5439 Hwy 126 -Request for Extension

Applicant requests a one-year extension of a Conditional Use Permit originally approved by the Florence Planning Commission on January 25, 2022 for a single-family residential development and improvements to Vine St. within the Commercial District. Property is shown on Assessor's Map #18-12-26-31, Tax Lot 02300 and contains 1.15-acres located at 5439 Hwy 126, approximately 450 ft. SW of the intersection of Hwy 126 and Xylo St. The Commercial District is regulated by Florence City Code Title 10, Chapter 15 and Conditional Uses regulated by FCC Title 10, Chapter 4. The initial resolution is effective for one calendar year.

Hearing Opened: 5:43 pm

Senior Planner Roxanne Johnston gave the staff report for Resolution PC 23 02 EAP 02, request for Extension of a Conditional Use Permit PC 21 32 CUP 03 Butter Clam/Siuslaw Bay View that was approved on January 25th, 2023 with an expiration date of January 26th of 2023 that allowed a Conditional Use Permit for residential development in a Commercial District. The original approval was for five residential lots and one commercial lot that was presented during that time but is not tied to this approval. There were a couple of different concepts that were run by the Planning Commission, but it was just the use as residential lots that was approved. Johnston brought up some conflicts that have been in the AIS, proposed Resolution and Exhibit A. The correct extension number for this hearing was given as PC 23 03 EAP 02. The extension request was received in this instance after the expiration staff determined that a re-hearing would not be necessary because it isn't associated with the surrounding land uses, and no significant changes occurred except the property ownership change. The current applicant's tentative subdivision plan is on hold and isn't associated with this extension request, except to show that the applicant has in good faith been submitting what was required. Any new subdivision proposal, the tentative plan, and then the final would be reviewed as a Type II administrative procedure unless staff determines the need for a Planning Commission, comprehensive review as mentioned in the Findings.

The criteria for an extension request were explained and that an extension request is a Type III procedure. Hearing noticing procedures were explained to be that the subject property was posted March 22, 2023. The Siuslaw newspaper notice was published March 31st. A one-year extension is allowed only one time per FCC 10-48. An aerial site photo was shown and explained to be north of Highway 126 east of Xylo St., Vinca Lane is north of property and west of the subject property is what has been platted as Vine Street. Vine Street will be addressed

during the subdivision process. The subject property is a sloped vegetated 1.15-acre lot. Referral comments were not sent out, because nothing has changed since the last referrals were sent. Exhibit D is public testimony from the Shaw's. They had concerns with the integrity of the dune's stability north of the property they were also concerned that the heavy equipment during the development would compromise the vegetative rooting systems and did not feel that the residential development is a good fit for that property. The criteria for the extension request were explained. The tentative plan has been submitted, which shows a good faith on the part of the developer, who is also the applicant. The developer expressed that he had issues with delays in utility, easements, and other development constraints causing them to go right back to the drawing board and propose something different than what's already been submitted, this doesn't have any bearing on this extension, except to prove that in good faith, this person put some paper in motion to have some approvals happen there. No material changes of the surrounding land uses or zoning has occurred. The alternatives are 1. the requested extension meets the requirements of the city code subject to conditions. 2. The requested extension does not meet requirements of code and is denied. 3. Continue deliberations and defer this decision to another date certain meeting. Staff finds that the application meets the applicable criteria of city code and recommends approval shown in Alternative 1 as the application with the following conditions of approval. The conditions of approval within the proposed PC 23 03 EAP 02, Condition 1, any modifications would require a new approval. Condition 2, the applicant will need to submit an agreement of acceptance prior to issuance of a building permit. These both are very standard in nearly every one of the resolutions that are put in front of the planning commission. 3. The applicant will need to abide by applicable conditions of PC 21 32 CUP 03. Condition 4 that this extension of approval shall expire April 12th, 2024.

Chair Young: Asked if there were any questions, there were none at that time. The applicants Marcus Leturno and Terry Duman were asked if they had a presentation and if they wanted to speak.

Marcus Leturno mentioned that their representative Metro Planning was on the GoToWebinar.

Chair Young asked if they would be speaking and the applicant thought that they might be.

Applicant Marcus Leturno spoke about his efforts of good faith based on the original approval and they have spent a great deal of money on engineering for this project and other professional services and that there have been quite a few setbacks like the power lines that traverse the south end of that property are there without an easement. They are working with Central Link and PUD to resolve that. There are a number of other issues, but they have just been having a hard time working through those. They believe we can do it in the next allotted time period. But, that's the reason why a building permit hasn't been issued so far. It's just taking longer than originally anticipated.

Applicant Terry Duman. Said that he is used to the process but at times it is frustrating, and that it has taken a long time. The encroachments on our property, we spent thousands of dollars trying to engineer handicapped sidewalks. The problem with the encroachments by other people were brought up and that they are trying to deal with the problem. He asked if they need a sidewalk out at the site. And that is why it has taken them so long to get to this point and to that point why time just slipped away from them. We thought we were doing everything correct. I'll let the staff report stand because I agree with it.

Chair Young asked if there were any questions for the applicants, there were none, so the applicant's representative was asked if he wanted to speak.

Applicant's representative Jed Truett, of Metro Planning said that he was there to answer any questions the Commission might have.

Chair Young asked if there were any questions from the Commission. There were no questions, Chair Young asked the applicant if they had read the revised Findings of fact and if they understood the Resolution and the Staff report. The applicant applied in the affirmative. There was no public testimony.

Roxanne Johnston: staff recommends alternative number one, which states the application meets the applicable criteria of city code and again recommends approval. And then I went through the conditions of approval for the proposed resolution that you received in your package.

Chair Young asked the commission to decide whether to close the public hearing or leave it open for further deliberation. It was decided to close the public hearing. The public hearing for Resolution PC 23 03 EAP 02 was closed at 6:02 pm

Comm. Hauptman said the Planner Johnston changed the Resolution number from 21 to 23?

Chair Young said that will be noted in the record

FarleyCampbell: explained that what Comm. Hauptman is saying is that what is option 2 where the edits are made, staff changed the PC number to 21 From 23

Chair Young; That's in the record.

Chair Young asked if anybody Commissioner wanted to make a motion.
Commissioner Hauptman asked what are the options to where the edits are made?

Chair Young: And then. Approved as amended. Is that correct?

FarleyCampbell: yes, because Planner Johnston had said there was a change there.

Johnston said the right number is Resolution PC 23 03 EAP 02.

Chair Young: asked for a motion.

Motion by Comm. Hauptman

Second by Vice Chair Miller

Roll Call:

Chair Young: yes

Vice Chair Miller: yes

Comm Harris: yes

Comm Green: yes

Comm Hauptman: yes

Motion carried: 5-0

Hearing Closed: 6:02

Chair Young: 5th Item on the Agenda tonight is a Public Hearing for **PC 23 02 EAP 01**

RESOLUTIONS PC 23 02 EAP 01 – 4825 Hwy 101 – Fred Meyer Fuel Center Design Review and Landscape Modification Extension: Applicant requests a one-year extension of Resolution PC 21 34 DR 02 a design review, originally approved by the Florence Planning Commission on July 26, 2022 for replacing the canopy & enlarging the existing fuel center kiosk within the North Commercial District. Property is shown on Assessor's Map 18-12-14-20 Tax Lot 01104 located at 4825 Hwy 101. The North Commercial District is regulated by Florence City Code Title 10, Chapter 30 and Design reviews regulated by FCC Title 10 Chapter 6. The initial resolution is effective for one

calendar year. This extension request will be in conjunction with an extension request of 1 year for approved landscape modification AR 21 16 LR 09 on the same site.

Hearing Opened: 6:06

Asst. Planner Kurth presented the staff report for Resolution PC 23 02 EAP 01 for the extension request for the Fred Meyer Fuel Center, Canopy design review, and the landscape modification and that the overviews are two separate projects. The canopy and kiosk replacement at Fred Myers was approved separately from the landscape modification for the stormwater planting area. A site map was shown of the area. It was explained that the landscape modification was an administrative review, a Type II land use review process. The canopy and kiosk were processed as a Type III review process and was brought in front of the Planning Commission in July of 2022. The extension request was received prior to the design review expiration, but not the landscape review and that both approvals are being consolidated into one extension request. The reason for this is that the request was the delay in plan review for the structural permits, which delayed the permitting, which delayed construction. One of the goals of this extension request is to allow for construction of the fuel center to be outside of the tourism peak, rather than having the fuel station closed during the tourism season.

There's been no counter development changes affecting the site since the original applications. The criteria were explained and read into the record. The circumstances that warrant the extension is partly the tourism season and partly the delay in getting the building permits issued.

The fuel center, and the canopy over the fuel pumps is what is being proposed to be replaced and on the northeast corner of the site is where the proposed stormwater planting area will go.

FarleyCampbell explained that the original applications pre-dates Clare's working for the City and that the purpose for the stormwater swale change is that in addition to the change on the canopy. The applicant is removing the stormwater drainage system so that it doesn't keep inundating the underground stormwater system in the parking lot. They are rerouting some of the stormwater to other places. The two projects are related and you can't really be done as one without the other.

Public Notice requirements and applications received were shown and explained. Also, explained was that one of the reasons for the project delay is that the kiosk was built in another state and shipped to Florence. The kiosk was built to different energy standards than Oregon and this caused a delay, the building permits are ready to be issued as of last week. Kurth mentioned that one of the conditions of the landscape approval was that if the kiosk and canopy fail to proceed within one year, then the applicant shall either provide an updated landscaping plan that meets current code or reimplements the 2001 approved plan. The site plan for the landscape modification construction details were displayed and the utility stormwater system and planting plan were shown to the Commission. A plumbing permit is a Condition of approval. This landscaping plan was submitted to the building department in September 2022, it was received with the plumbing permit before the expiration. The applicant is requesting a one-year extension for the canopy review, consolidating this if approved, staff is looking at both of these being extended through July 26, 2024. For the design review criteria, a one-time extension of one year is allowed and that there are no proposed changes to either of these approvals. There are no changes to the applicable code criteria or conditions of approval, all conditions of approval for PC 23 34 DR 02, which is the canopy design review, and AR 21 16 LR 09, which is the landscape review. All previous conditions of approval will remain in effect. If the applicant were to request any modifications to the prior approvals, they would be required to come back to the Planning Commission for further approval. The Alternatives were listed with Staff recommending Alternative 1. to approve the extension as requested.

Chair Young: Asked for questions:

Comm. Hauptman asked if there was going to be any grading of the parking lot and are they going to leave the same elevation?

Kurth: said that she would let the applicant answer that question.

Chair Young asked, staff was showing the vegetated water well in that upper right-hand corner in the berm. I'd have to go back and look, but I believe the berm was required originally, and they fed my approval for screening, at least partial screening of the service station and the parking lot. Are they talking about removing part of that berm? Or are they putting an inlet in at the base of the berm? Maybe that's a more appropriate question for the applicants, technical people. Because that shows a chunk of the berm being modified.

Kurth thought that the applicant could answer this question better, when it comes to the landscaping, she believes that their landscape architect is not available. The 2021 landscape review had a couple of mentions about the berm being modified without prior approval in about 2012, 2015, and I believe that was why the condition was written that if this wasn't completed within a year that we go back to the original landscape or brought to current code. It is an option to approve the canopy and deny the landscape review and require them to meet the conditions.

Comm. Green asked to see the street view image from the northeast looking southwest, and that she does not see a berm.

Kurth said that she believes it was removed at some point.

FarleyCampbell said that it is because you're looking at the top of the berm here. The bottom is in the parking. I couldn't see the parking. It's quite a way below the top of that berm.

Kurth: Director FarleyCampbell is saying that it might be a perspective view or there might be a berm but it is hard to tell in this picture.

Chair Young: Yeah, there's not one as the shrubbery goes north along the sidewalk or west, sorry, along the sidewalk. Sorry, along the sidewalk, there's not. And in the front, there is a berm.

FarleyCampbell the stormwater plants that are selected can be a species chosen to create that screen as well. They have it submitted. These are the plans that we're going to use. That can be part of our review.

Chair Young asked if there were more questions of staff there were none so proceeded to public testimony, which there was none.

Applicants Jason Hubble and Chris Taylor, both attended virtually. They agreed with staff's summary and did not have anything to add but would be happy to answer the two questions about the grading and where the landscape storm area is being constructed relative to the berm or lack thereof. In terms of the grading, they are not proposing to change any of the grading of the paving of the existing facility. They will be saw cutting and removing a small amount of pavement to route stormwater from the current location, it is being picked up over to the new swale area. And that swale area is actually positioned in a location that is relatively flat. He has no knowledge about the berm being new to this project, the previous project manager has been out on an extended absence.

Chair Young asked if Mr. Taylor would like to speak.

Applicant Chris Taylor spoke and that he is with for the Fred Meyer Kroger company and doesn't have much history on the landscape there. I'm the project manager for Kroger trying to run this project and try and get it off the ground. But I, unfortunately, don't have a lot of history when it comes to this site and knowing what may have been changed over the years other than what we are proposing to install here.

Chair Young asked the Commission if they had any questions for the applicants.

There was no public testimony and staff's recommendation is Alternative #1, to approve extension for PC 21 34 DR 02 and AR 21 16 LR 09 as requested.

Chair Young: Closed the public hearing on Resolution PC 23 02 EAP 01 request by Jason Hubble representing Fred Meyer's store for extension to the approval of PC 21 34 DR 02.

Public Hearing Closed: 6:27 pm

Chair Young asked for a motion or discussion.

Comm. Green motioned that they approve Resolution. PC 23 02 EAP 01, 4825 Highway 101, Fred. Meyer Fuel Center design review and Landscape Modification extension.

Comm. Harris Second

Chair: asked for roll call vote

Motion by: Comm. Green to approve Resolution PC 23 02 EAP 01 – Fred Meyer Fuel Center Design Review extension request:

Second: Comm. Harris

Comm. Laurie Green: yes

Comm. Hauptman: yes

Comm. Harris: yes

Vice Chair A. Miller: yes

Chair Young: yes

Motion Carried: 5-0

Hearing Opened: 6:06

Hearing Closed: 6:27

Reports and Discussion Items: There were none from Commissioners.

Directors Report and Discussion Items:

Director FarleyCampbell: The City Council last Thursday held interviews with two prospective candidates for the two seats on the Planning Commission. On Monday April 17th, the City Council will be announcing the appointments for those two positions. The two candidates are Wendy Kraus and Debbie Ubnske. The two new commissioners will be joining you April 25th and have been briefed on the upcoming hearing and have been reading the past hearings. The City Council is recruiting for four different committees presently. These applications are being accepted through April 27th. We're looking for members of the community, and they don't have to live in the city. There's no requirement to be in the city or the Urban Growth Boundary. The Environmental Management Advisory Committee has four positions. The Public Art Committee has up to five, transportation committee has three positions. The Urban Renewal is recruiting for one position. They only recruit once a year.

Assistant Planner Kurth gave a TSP update for the upcoming meeting on Thursday, April 20th at 3:00 at the FEC. This will be the third and final open house for the public. The Spanish speaking outreach was discussed. The joint work session meeting with Planning Commission and City Council is going to be at 8:30 on April 27th at FEC. The fourth TSP and STAC meeting will be in June and there will be no open house. Work session meeting is going to be

July 11th, is what we're aiming for, at 5:30. This is a regular Planning Commission meeting date and time. This meeting is going to be on the preferred alternatives that the consultants had come up with.

FarleyCampbell explained that the TSP is going into the comprehensive plan and there will be transit and the other transportation modes included. Staff has been looking at proposed intersection changes, improved sidewalk areas. Where to find the TSP on the project webpage and City website was explained. Work sessions at no more than two hours.

Planning Commission Calendar and future meetings were discussed. April 25th meeting is the Fairway Estates continuance and is the only item on the agenda. The staff has met with Metro Planning twice going over their analyst on the park in fee in lieu. May 9th is a work session. Comm. Green asked when they will be working on industrial buildings and was told that staff will work on it after the housing implementation plan, and code codification review has been completed and that the vegetation plan still with the lawyer. The Commission was asked if they had any preferences of what they would like to work on.

Chair Young adjourned the meeting at 6:46

Meeting adjourned at 6:46 PM.

ATTEST:

Sharon R. Barker
Sharon Barker, Planning Technician

Sandra Young
Sandra Young Chair