
**City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
June 13, 2023**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

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

Commissioners Present: IN HOUSE: Chair Sandra Young, Commissioner Wendy Krause, Commissioner Debbie Ubnoske, Commissioner Kevin Harris
Commissioner Laurie Green (remote)
Commissioner Absent: Commissioner Eric Hauptman, excused absence

Staff Present: Planning Director Wendy FarleyCampbell, Assistant Planner Clare Kurth, Recorder Lindsey White

At 5:30 PM, Chair Young opened the meeting, Clare Kurth gave the Roll call. Commissioner Ubnoske led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5:31PM

Action: Approved

Motion: Comm. Harris

Second: Comm. Ubnoske

Vote: 5-0

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

2. APPROVAL OF THE MINUTES: 5/22/2023

Start Time: 5:35

Action: Approved

Motion: Comm. Harris

Second: Comm. Ubnoske

Vote: 5-0

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

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:

No public Comments:

Action Items:

4. Nominations for Chairperson

Commissioner Ubnoske nominated: Chair Person Young there was no opposition, all in favor

Nomination for Vice Chair: Commissioner Harris

Second Commissioner Ubnoske; vote: all in favor

5. Next Item on the agenda:

Chair Young, we now have before us the final Resolution from the deliberations from the last meeting the request for approval of a preliminary Planned Unit Development plan and tentative subdivision and phase I Site Investigation Report for Fairway Estates phases 2-3-4, phase c-2 of the Sand Pine Golf master plan PUD 2004 (for single family detached residential units) staff has revised this and put it out for action based on our deliberations at the last meeting. Is there a motion to approve, then we will deal with edits and changes. Chair asked staff if they would rather do it the other way. Staff informed the Commission that on the dais there is an updated Resolution to the one that was received last week. Staff explained the changes that have been made since last week, there were also 3 minor updates to the Findings also. Chair Young asked staff to do this before the Commission makes a motion. The updated Resolution edits were to page 2, the list of exhibits, was corrected, updated and explained. The Finding corrections were the page numbers, a change that Mr. Pearson brought up was explained and Findings were corrected. Tract A is 17,406 sqft. On page 26 of the Findings. Page 77 was corrected to include an item that the applicants team pointed out. Staff explained how conditions are monitored and the PUD and Subdivision review and approval processes. Plats are not signed until the utilities are in and bonded. The Planning Commission will be reviewing this application again to see how and if the conditions have been met. The applicant can do a master PUD for the entire project or they can do a final PUD for each phase. Comm. Ubnoske asked if the Planning Commission would be seeing this project application again and had a question on Condition 23 regarding the submission of each phase within three years of each other, she is wondering staff monitors that, to make sure this gets done. Staff explained how this situation is handled. Chair Young had an edit to #6, second line, it should strike the word construct.

Chair Young explained that the Commission had heard the corrections that were made to the Resolution and the Findings of fact, and asked if they were ready to make a motion to approve.

Commissioner Harris made a motion to approve the request for an approval for Planned Unit Development and Subdivision Plan and the Phase 1 Site Investigation report for Fairway Estates phases 2, 3&4 with staff corrections. Second by Comm. Ubnoske.

Comm. Ubnoske: yes
Comm. Harris: yes
Comm. Green: yes
Comm. Krause: yes
Chair Person Young: yes
Motion Carried: 5-0

Time: 5:59 (23:58)

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 declared

There were no bias declared.

No citizen present wished to challenge any Commissioner.

Chair Young: 6th Item on the Agenda tonight is a Public Hearing for **PC 22 21 PUD 01 and PC 22 25 SUB 03 SR 22 48 SIR 13**

Resolutions PC 22 21 PUD 01 & PC 22 25 SUB 03– Myrtle Glenn – 37th and Oak, Preliminary Planned Unit Development (PUD) and Tentative Subdivision: An application submitted by Mike Johnson, on behalf of the applicants, William Johnson Construction, Inc and property owner David J. Bielenberg, for preliminary planned unit development (PUD) and tentative subdivision plan review. The overall proposal is to subdivide property into 25 individual lots and one street on 3.13 acres of property as shown on the Lane County Assessor’s Map # 18-12-22-11, TL 01200 and 0.21 acres as shown on Lane County Assessor’s Map 18-12-22-11 TL 00200 located approximately 770 feet west of the Hwy 101 and 37th St intersection and approximately 610 feet north of the 35th St and Oak St intersection. The application includes three platting variances and three design modifications.

Hearing 6:02 pm opened.

Planning Assistant Kurth and Planning Director presented the staff report by listing out and reading the review criteria for this application. Application timeline was read. Site Plan was shown and placement of proposed homes, turn arounds and other amenities were explained. Proposed required parking along with the additional parking proposed by the applicant. including an ADA parking space, the street light and fire hydrants. The townhomes are set to be property line tight and is explained in the Findings. Stormwater facilities locations were discussed. The townhomes are set to be similar to the ones for Oak Commons. The local street typical (FCC 10-36-2-5) Cul-de-sac street location and connectivity was explained. Another point that was discussed was what was being proposed for East Myrtle Loop and a similar termination that is being proposed for 37th Street, where there are barricades and a reserved strip and FCC 10-36-2-9 is approving this kind of termination with the future street extensions. The modification and exceptions were explained. Director FarleyCampbell clarified what modifications and exceptions the applicant is looking for with their application. The Findings has information regarding the modifications and exceptions that the applicant is proposing. The referral comments from public works and Siuslaw Fire were read into the record. The conditions of approval were displayed, explained, and the edits were made. There was a clarification of how the stormwater facility can meet landscaping requirements or fencing. The parking plan needs to have curb cut dimensions, continuity and substance of screening, drainage and other details, signage, bumper guards and curbs and the parking space design standards of double striping 2” wide on center with the striping being 4” as required by code. Condition 4.5 is that the City shall have a 30-day review period starting the day following the final Certificate of Occupancy to evaluate and request adjustments to illumination levels based on staff inspections and public comments. The application shall be permitted to have decreased illumination levels onsite of 1-foot candles versus 2 required in FCC 10-37-4-B. New Conditions 6.1 and 6.2 were determined to be statements not conditions therefore they were replaced with: Condition 6.1 Based on FCC 10-2-13 definitions of front lot line, the front lot line for lots 23, 24, and 25 consider the lot line adjacent to Oak St. Therefore, the maximum fence height along Oak St. shall be 4 feet in height in accordance with FCC 10-34-5. Condition 6.3 states that garage and driveway parking stalls shall be maintained as vehicular parking for the use of the single-family attached units and not be converted to another use.

Alternatives were listed, a #1 to recommend approval, #2 recommend denial, #3 Recommend partial approval #4 Continue deliberations & continue hearing to a date certain. Staff’s recommendation was approval of the preliminary PUD and tentative subdivision subject to conditions.

Questions:

Commissioner Krause asked about Condition 7.1 where it says to include, but is not limited to a diversity of building materials and colors, window designs, garage door designs, roof eaves and similar details etc. Comm Krause asked if the condition should have been and or, would like to know what the staff is asking for in this particular condition, it seems like these should all be different per building could they be different colors but similar designs. FarleyCampbell explained that the code for 10-23 says that if you want to have exceptions than you need to either meet the Old Town/Main Street district architecture criteria or better, staff’s interpretation of that means is that their design does not meet that criterion. The applicant will provide this with final PUD, and the Commission will decide

if it meets the criteria. Comm. Krause asked about the units that are facing Oak St. and their back fence can only be 4' high. Staff states that the fence along there can only be 4' high but the applicant's narrative clearing states that no fences are proposed.

Commissioner Harris had a question regarding Condition 7.7, is this regarding decks versus a potential park and if there are different alternatives available to the Commission. Staff explained that there is, but the applicant does not have a lot of land to use. Harris asked about 37th St. on the West end, if instead of a hammerhead or a cul-de-sac was put in, would there be enough area North of South of that spot for a recreation area? Staff said that it would depend on how far back the cul-de-sac goes, but probably not.

Commissioner Green asked what is being proposed for the northeast quadrant north of unit 23. Staff said that it is a single-family home that is not part of this project.

Comm. Ubnoske asked about the parking and the requirement to have 2 parking spaces. Staff explained the Code for parking spaces. Comm. Ubnoske asked about long term bicycle parking. Kurth explained that they are going to have the applicant address that question and their dimension for inside the garages. Comm. Ubnoske's is concerned with the linear nature of the project and the applicant's request for exceptions, variances, where the applicant is providing open space and she doesn't think back patios should be considered open space. Comm. Ubnoske would like Condition 9.9 reworded to say that no building should be greater than 27' and will be confirmed with a building permit. Comm. Ubnoske also asked for clarification regarding the fence and the use of shielding headlights and did it need to be continuous. Staff explained that the fence, or wall does not need to be continuous, but the condition can be reworded at the Planning Commissions discretion. Ubnoske said that she would prefer to see vegetation in a continuous row and that the Commission should be looking at Old Town standards because this is a Planned Unit Development.

Chair Young asked about the location of the hammerhead and the TIA. Kurth explained that the hammerhead is at the west end of 37th Street. Chair Young inquired about the TIA not being available until the final PUD. Staff stated they requested a TIA in the notice of incompleteness, to which the applicant provided a narrative for all of the items in the notice, Exhibit B, the applicant has stated that they do not need to provide a TIA. Chair Young asked if the sidewalks could be bonded instead of built as the project goes along. Staff said that the improvements will have to be in before issuance of a CofO.

Applicant Representative Hailey Sheldon, Sheldon Planning, came up to the mike and made a presentation, Hailey introduced Dave Bielenberg, property owner to the south of project, and Mike Johnson, developer of project. Sheldon explained the reasoning for requesting modifications and variances. The applicant is competing to preserve the natural resources, get the maximum density and also have big enough lots. Comm. Ubnoske wanted to know why the applicant are not putting the number of units on there so not to necessitate so many requests for variances to the underlying code. Sheldon, said that she feels that she has explained that as best as she can in our narrative, and that one of the problems with trying to meet these standards applicant putting a parking lot in the project. This proposal is not requesting a lot of modifications because we want to, it is a request that the developer, based on their experience has come up with, because we think this is the best way to develop this property inside Florence's code standards. Sheldon explained that this is a preliminary PUD and that they have provided far more information than what is required by Florence's code for this meeting and they will be coming back in front of you with more detailed plans. Sheldon explained about the hammerhead and the open space. The hammerhead meets the fire code requirements and the location was explained. The applicant asked the commission that if they should decide that they would like a more permanent turn-around, there is not enough room for a cul-de-sac in here, unless they do excavation on the hill, Florence's code does not favor unnecessary impacting sand dunes, the applicant's request to the Commission is to approve the location of the hammerhead as it has been requested. Sheldon explained that the applicant provides far more open space than is required, and the applicant would like for the Commission to allow for the recreational space that they provide for the back yards and porches to be counted towards recreational space. When we come back for the final PUD we will show you where that additional 35 hundred square feet of recreational/open space is going to be. If the Commission decides not to allow for the decks, porches, and backyards to be counted towards recreational open space then they would come back with a proposal for the full requirement, which is 5,800 sqft of recreational area. The applicant doesn't do not want to do this is because it would limit their ability to develop the lower property. What they tried to say is that they will give the 5,000 + sqft of recreational open space in 8 years

when they figure out exactly what they are going to do on the lower property, they will sign a contract promising that, their question is can they count this towards the recreational open space, and then provide the 5,800 recreational on site, when they come back with the final PUD they will explain all of that or if the Commission chooses to count porches and decks then they will provide a PUD with an even higher square foot proposal. The applicant does plan on providing bicycle parking in the garages and they will come back with the final PUD and explain how they can fit in the garages. The additional condition about the building height saying 27' the code says that we can go 30' and do not plan on going over 30', there are no fences proposed at this time. Sheldon would like to request that the Commission strike Condition 7.6 because it requires that the applicant moves building 23, 24, 25 about 2 feet south and Sheldon explains the negative impact this would cause for onsite circulation.

Comm. Green asked about the large area of impervious surface on the plans and wanted to know if there was a plan to use something instead of concrete that was more permeable. Sheldon explained that the lots are way under Florence's requirement for lot coverage of impervious surfaces and they would like to stick with asphalt.

Comm. Ubnoske asked how they were breaking up the long expanse of building elevations on 37th. Sheldon said that they fully intend to comply with the condition that requires them to bring a proposal for the building's facades in the final PUD approval. Ubnoske asked if they were going to meet Old Town standards. Sheldon said they will bring a proposal, that will comply with that Condition.

Chair Young asked about the large buffer on the north side is open space, and not recreation area. Sheldon said that the applicant doesn't plan to do much with that space, they want to leave as much open space as they can. Chair Young asked if they are planning on grading back there at all, or are they just going to leave it alone. Sheldon said that the area is mostly flat back there, so they are going to grade it back a few feet to get to the correct contour, there will be some fill placed at the very end of the house to get it all flat with the 79' elevation the houses are going to be located and that there is going to be about 10' and 20' of untouched land. Chair Young wanted to know if the staff was going to require replanting of the graded land. Staff said that the condition is not worded as such, but that they could reword the condition to require it. Chair Young said that usually the Commission requires it to be revegetated, unless we are expecting it to grow back. Staff open space needs to be developed for its intended purpose, unless they have something planned for a park area or something. Chair Young we need to clarify if it is open space or recreation space. Sheldon explained that the land inside of the property lines will be graded there will be a porch there and then there will be 5' of yard, that is what I am asking to be their recreational space, their back yard, that will be their recreational space. The land beyond their lot line is already pretty flat, and won't be graded once they get to that line, everything beyond their lot line is open space, not recreational.

Public Comments:

There were no proponents.

Opponents: David Grove spoke his concern is not knowing why they are building 2 story houses next to single story houses. He thinks that the two-story houses should be on the south side of the property. He also mentioned the elevations. He was surprised that the Commission has the final say in application and that it doesn't have to go to the City Council for approval. He was worried about his property value going down. Chair Young explained that the only way that an application goes to Council, is if were appealed.

FarleyCampbell discussed Condition 7.6 the perimeter setback, the extension 37th Street becoming a through street. Condition 8.5 relating to sidewalks, staff recommends that this Condition be modified to say "Certificate of Occupancy for individual units shall not be issued until required sidewalks are constructed or financially secured on the South side of 37th Street and that the North Side of 37th Street will be constructed prior to CofO". The location of the properties on Nandina Dr. were discussed. In regards to the concerns of the abutting townhomes to homes on Nandina, staff feels quite confident that the first 7 or so units do not back up to any lots on Nandina. There is an updated grading plan. This is the multi-family zone and this zone does permit 40' tall buildings. The applicant has proposed a greater than 20' setback on the North, buildings are 28' tall.

Comm. Ubnoske asked the Director how the Commission stands on the processing timelines, if they were to continue the meeting? FarleyCampbell said that she would need to ask the applicant for another extension to the 120 days. The applicant has agreed to extend if it is needed.

Chair Young asked the Commission if they want to start deliberations, or did they want to continue to next meeting which would be June 28th. Kurth said that the applicant's representative, the applicant's representative does have a conflict on the 4th Tuesday of the June and the PC has a work session on July 11th, the hearing would need to be continued to August 8th. It was decided to hold a special meeting on June 22, 2023.

Staff asked if they wanted to continue the hearing, or did they want to close the hearing and keep the written record open? Chair Young suggested the need for additional information on some of the items discussed could use some additional information and asked the Commission if they wanted to leave the meeting open.

Comm. Ubnoske made a motion to close the public hearing, leave the written record open for 7 days, continue this item to June 22, 2023 for PC 22 21 PUD 01 and PC 22 25 SUB 03 – Myrtle Glenn 37th and Oak.

Second: Comm. Harris

Roll Call:

Chair Young: yes

Comm Green: yes

Comm Krause: yes

Comm Ubnoske: yes

Comm Harris: yes

Comm Hauptman: not present

Motion carried: 5-0

Time: 8:30

Deliberations were continued to June 22, 2023 at 5:30 pm

Staff explained procedure for the continuation of this hearing.

Reports and Discussion Items: nothing to report

Directors Report: TSP work session on July 11, 2023, with the City Council at the FEC. Human Bean had their CofO issued today for the coffee kiosk. Pine Crossing Subdivision application was received, this is for Spruce St. Also, an application for the Dollar General was received today, also an application for Starbucks to go into the old Pizza Hut building, this might be a Type II. PC will hear the Dollar General. Pine Crossing Subdivision is a Type II. Planning Assistant Kurth has just finished a decision for a bank of EV charging stations at Safeway. We also have several vegetation clearing permits. Couple extensions are also going to the PC. The next hearing will be for the housing code updates.

Calendar:

Work session with City Council at FEC on July 11 for Transportation System Plan update and the Stakeholder Advisory Committee on June 29, 2023 and then the work session will be about a week and a half later. On June 29th is the final STAC meeting. The recruitment for the Planning Commission member to replace Andrew Miller is going through until this Sunday, if you know people that are interested let them know.

The meeting adjourned at 8:41 PM.

ATTEST:


Sharon Barker, Planning Technician


Sandra Young

Chair