

CITY OF FLORENCE PLANNING COMMISSION
November 22, 2016 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Vice Chair Murphey called the meeting to order at 7:00 p.m. Roll call: Vice Chair John Murphey, Commissioner Ron Miller, Commissioner Robert Bare and Commissioner Clarence Lysdale were present. Chairperson Curt Mulenburg and Commissioner Michael Titmus were absent and excused. Also present: Planning Director Wendy FarleyCampbell and Administrative Assistant Vevie McPherren.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda. Commissioner Miller seconded. By voice, all ayes. The motion passed 4 to 0.

APPROVAL OF MINUTES

Commissioner Miller motioned to approve the Minutes of November 8, 2016. Commissioner Lysdale seconded. By voice, all ayes. The motion passed 4 to 0.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items. There were no public comments.*

PUBLIC HEARING

Vice Chair Murphey announced there were two public hearings before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

RESOLUTION PC 16 19 ANN 03: To consider a request for annexation of undeveloped property located east and west of Xylo Street between 12th St. and Hwy 126, Map # 18-12-26-42 Tax Lots 01000, 02400, 01202, and 00800 and east of undeveloped Vine St. between 11th and 12th Sts., Map# 18-12-26-24, Tax Lot 01700 and Map # 18-12-26-31 Tax Lot 00100 within the Urban Growth Boundary.

RESOLUTION PC 16 20 ZC 03: To consider a request to zone the properties to the corresponding City of Florence zoning: Single Family Residential regulated by Florence City Code Title 10, Chapter 11 and Commercial regulated by Florence city code Title 10, Chapter 15.

Vice Chair Murphey opened the public hearing at 7:04 p.m.

VC Murphey asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias and Commissioner Bare indicated he had made a site visit. There were no challenges to Commissioner Impartiality in making decisions. VC Murphey asked for the staff report.

Staff Report

PD FarleyCampbell gave the staff presentation with the introduction with information regarding four petitioners that included six proposed properties. She continued with annexation and zone assignment criteria and pointed out the existing and proposed city limits with an aerial of the property to be annexed. She went on to explain the meets and bounds to be drafted prior to finalizing the annexation and the commercial plan designation with corresponding implementing zone of commercial district. PD FarleyCampbell stated there had been several verbal inquiries however no written testimony was received. She continued that Lane County Transportation had requested Xylo Street be included, the alley east of Xylo be included and there was an inquiry of the status and possible inclusion of Willow Street. Staff agreed that Xylo Street would be included however not the alley east of Xylo. Willow Street would be included and staff was awaiting response from the county surveyor's office. She reported that the site did not meet current City development code, with regards to buffers, landscaping, etc., but pre-existing, non-conforming issues with the site could be addressed at the time of site redevelopment. PD FarleyCampbell pointed out where the water and sewer would be extended from and explained that the access was indeterminate but available at Xylo, 12th and Vine Streets. She concluded and stated that both double and triple majority methods had been met and said staff recommended that the Commissioners provide a recommendation to support the annexation to the City Council. PD FarleyCampbell stated the alternatives and asked for questions.

Commissioner Miller inquired about the barricades at the top of Xylo Street and PD FarleyCampbell stated that the barricades would be left in place. She clarified that utilities only would be placed and that access would not be punched through Xylo Street. Commissioner Lysdale inquired about the implication on the alley if it were annexed and if it would have to be served and PD FarleyCampbell answered that the property owners could request to be added and the City was not obligated but could extend utility services. Commissioner Lysdale also questioned the ODOT owned property on Highway 126 as being located within the city limits and PD FarleyCampbell confirmed that it had recently been annexed. There were no further questions for staff. Vice Chair Murphey

Applicant/Proponent – Desiree Clifton, on behalf of Mr. & Mrs. Gage – PO Box 225, Florence, OR 97439

Ms. Clifton had no presentation but was prepared to answer questions.

Opponent – Paul Patrick – PO Box 490, Florence, OR 97439

Mr. Patrick stated that he was concerned at what could happen to his water rights and the two wells that were currently located on the property, Map #18-12-26-42, Tax Lot 00800, below and next to Highway 126. He continued and said that the two wells serviced the four homes above the property and that they had the right to dig additional wells if problems occurred to the existing wells however, Mr. Patrick did not present any documentation confirming the existence of a water easement agreement. There was discussion that included PD FarleyCampbell regarding the exact location of the wells and details of the possible water easement and it was determined that a title search should be done to confirm the existence of the water easement agreement. VC Murphey concluded that further discussion would be given at Commissioner deliberation.

Opponent – Candace Hollick – 86210 Xylo Street, Florence, OR 97439

Ms. Hollick asked for details of the size of sign that could be installed on the property if it was annexed and zoned commercial and VC Murphey explained it would be within the city sign code. She expressed concern about the possibility of a sign being constructed on the property, Map #18-12-26-42, Tax Lot 00800, below and next to Highway 126 that could potentially obstruct her view.

There was no neutral party and no rebuttal from the applicant and VC Murphey asked for staff recommendation. PD FarleyCampbell stated that she did not have a concise answer to the questions surrounding the existing wells on the property, Map #18-12-26-42, Tax Lot 00800 however, no action of the

evening would change any current water easement rights. She added that the possibility of any future private wells on the property were not in her purview to give an answer to. She explained that any construction of a sign would have to comply with the Florence City Commercial District sign standards and that would allow the property owner a 100 square foot limit and a height limit of twenty feet with a five foot property line setback. She added that an electronic reader board would be allowed, but was required to be architecturally integrated into the host sign and that flashing or neon lights would not be allowed.

VC Murphey closed the public hearing at 7:41 p.m.

COMMISSION DELIBERATION

There was Commission discussion regarding the possible legal access and it was determined that it should have no bearing on the City's decision and should not affect the annexation and zoning. It was agreed that the hearing should be continued to a date certain of December 13, 2016 to allow more time to sort out the questions regarding the water easement rights and to offer other property owners the opportunity to be added to the annexation.

Commissioner Bare motioned to continue Resolution **PC 16 19 ANN 03 & PC 16 20 ZC 03 – Highway 126 North Annexation & Zone Assignment** to the date certain of December 13, 2016 and leave the record open for written testimony. By voice, all ayes. The motion passed 4 to 0.

PLANNING COMMISSION DISCUSSION ITEMS

There were no discussion items.

CALENDAR

PD FarleyCampbell updated the Commissioners with details of the upcoming hearings of Tuesday, December 13, 2016 and Tuesday, January 24, 2017.


Vice Chair Murphey adjourned the meeting at 7:51 p.m.

Vice Chair John Murphey
Florence Planning Commission

Date

North Hwy 126 Annexation

**PC 16 19 ANN 03
& PC 16 20 ZC 03**



● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 2

Introduction

- Bob & Sarah Gage petitioned for annexation on August 30, 2016
- Three additional petitioners joined
- Annexation proposed for six properties illustrated in Exhibit A & listed in Exhibit B of Res. 16 19 ANN 03

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 2

Annexation Criteria

Oregon Revised Statutes:
ORS 222.111, 222.120, 222.125, and 222.170(2)

Florence Realization 2020 Comprehensive Plan:
Chapter 1: Citizen Involvement, Policy 4
Chapter 14: Urbanization, Policies 1 and 3 through 7

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 3


Zone Assignment Criteria

Florence City Code:
Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3 and 10-1-2-3 and 10-1-3-B-4
Title 10, Chapter 11 - Single Family Residential
Title 10, Chapter 15 - Commercial

Florence Realization 2020 Comprehensive Plan:
• Chapter 2, Land Use, Policies 1 & 8, Section on Commercial & Residential Designations


● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 4

Property to be Annexed




● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 5

Area of Annexation



● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 6

Zoning Assignment



- Commercial District: Beale Property
- Single Family Residential District: Gage, Williams, & Hamilton Properties, Xylo St. & Willow St.

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 7

Public Comments


- No written testimony
- Several verbal inquiries

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 8

Referral Comments

Exhibit D:

- Lane County Transportation:
 - Include Xylo St.
 - Include Alley east of Xylo
 - Status of Willow St. & Include



● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 9

Referral Comments

Staff Response:

- Xylo St. included
- Willow St. included & awaiting response from the county surveyors office
- Alley not included

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 10

Utilities & Access

- Water: Extend from Yamaha shop east on south side of Hwy 126 then bore north under Hwy 126 continue to Xylo traverse north and connect with Coastal Highlands
- Sewer: Extend from pump station along north side of Hwy 126 then north on Xylo to Coastal Highlands.
- Access: is indeterminate but available at Xylo, 12th and Vine Sts.

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 11

Consents

- Both Double and Triple Majority methods are met

● North Highway 126 Annexation- PC 16 19 ANN 03 11/22/2016 ● 12

Staff Recommendation

Provide a recommendation supporting the annexation to the City Council.

Alternatives

1. Provide a recommendation supporting the annexation and zone assignment to the City Council, or
2. Provide a recommendation to the City Council to deny the petition for annexation and zone assignment with reasons for the denial, or
3. Modify the findings, reasons, or conditions and provide a recommendation supporting the annexation and zone assignment to the City Council, or
4. Continue the Public Hearing to a date certain if more information is needed.

Questions?

