

CITY OF FLORENCE PLANNING COMMISSION

April 11, 2017 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Vice Chair Bare motioned to approve the agenda. Commissioner Miller seconded. By voice, all ayes. The motion passed 6-0.

APPROVAL OF MINUTES

Commissioner Young motioned to approve the minutes of March 28, 2017. Vice Chair Bare seconded. By voice, all ayes. The motion passed 6-0.

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

Chairperson 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 17 04 PT 01 – deRyk Minor Partition: An application from Jon and Janet deRyk requesting a minor partition to property located at 4744 South Harbor Vista Drive to divide one developed lot into three parcels. Parcel 3 will abut Treewood Court, Parcel 1 will abut South Harbor Vista Drive, and Parcel 2 will abut both Treewood Court and South Harbor Vista Drive, Assessor's Map #18-12-15-22 Tax Lot 05300.

Chairperson Murphey asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Commissioner Young stated for the record she lived just outside the notice area of the proposed partition. There were no challenges. Chairperson Murphey opened the public hearing at 7:05 p.m.

PD FarleyCampbell presented the staff report (attached). She concluded that the application met requirements of Florence City Code and recommended approval with the language change and time extension in Condition #3 to address the applicants concern regarding possible delay between the County and the City for sewer installation. Condition #3 was modified to state: *"The applicant shall at the time of final partition application place a deed restriction or similar notification on Parcel 3 that within 2 years of final plat recording either a land use application for a permitted use shall be applied for and received or a building permit for a dwelling shall be applied for and received. The applicant shall provide evidence of recording the restriction with Lane County Deeds and Records. Non-compliance with this condition shall be considered a nuisance and shall be abated in accordance with the nuisance code subject to a penalty of \$500 a day."* She presented the alternatives and asked for questions.

Commissioner Titmus questioned the vegetation clearing and PD FarleyCampbell stated the applicant had cleared the vegetation before final annexation when the property was still in the county. Chairperson Murphey questioned Condition #8

regarding the possible delay between the City and Lane County and the effect it might have on the one year time line for the applicant. PD FarleyCampbell indicated that it might apply to Condition #5 regarding improvements. There was discussion and it was agreed to allow the applicant a one year time frame from the completion of City and Lane County joint work.

Applicant, Jon deRyk –

Mr. deRyk requested the extension of the approval period to be allowed for all parcels due to a pending sell of parcel #3. Commissioner Titmus asked if the potential buyer had a business and the Mr. deRyk replied that he had a car collection. PD FarleyCampbell stated the modified language, there was discussion and it was agreed to accept the revised language of condition #3, to remove Condition #8 and renumber the following conditions. There was also discussion that the conditions would still apply after a sell of parcel #3. Mr. deRyk said that he understood and agreed with the modified conditions of approval. Chairperson Murphey asked if there were any proponents, opponents, or neutral parties. There were none. Staff stated that the application met Florence City Code and the Comprehensive Plan with the modified language of Condition #3 removal of Condition #8 and the renumbering of #9 and #10 and recommended approval.

Chairperson Murphey closed the public hearing at 7:37 p.m.

Commissioner Jagoe motioned to approve Resolution PC 17 04 PT 01 – deRyk Minor Partition with modifications that included the removal of Condition #8, renumbering #9 and #10 and language modification to Condition #3 previously stated by Staff. Commissioner Titmus seconded.

By roll call vote: Commissioner Miller, “yes”; Commissioner Titmus, “yes”; Vice Chair Bare, “yes”; Commissioner Jagoe, “yes”; Commissioner Young, “yes”. Chairperson Murphey, “yes”. Commissioner Lysdale was absent and excused. The motion passed 6 to 0.

RESOLUTION PC 17 02 CUP 02 – Port of Siuslaw Rip Rap: A continuance from March 28, 2017 of an application from Steven Leskin, General Manager, on behalf of the Port of Siuslaw seeking approval of a Conditional Use Permit to perform C-Row Erosion Repairs (Revetment/Bulkhead Installation – Rip Rap) at the Port of Siuslaw Campground. Property is located on the Siuslaw River, Map #18-12-35-22 Tax Lot 03500 in the Waterfront/Marine District regulated by FCC Title 10 Chapter 24 as well as Mixed Development Overlay, Development Estuary, Natural Estuary, and Conservation Estuary Districts regulated by FCC Title 10 Chapter 19.

Chairperson Murphey opened the public hearing at 7:39 p.m. and PD FarleyCampbell stated that the applicant had requested another continuance of 30 days for the hearing to a date certain of May 23, 2017.

Vice Chair Bare motioned to continue the public hearing for Resolution PC 17 02 CUP 02 – Port of Siuslaw Rip Rap to a date certain of May 23, 2017. Commissioner Miller seconded.

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

By roll call vote: Chairperson Murphey, “yes”; Commissioner Young, “yes”; Commissioner Jagoe, “yes”; Vice Chair Bare, “yes”; Commissioner Miller, “yes”; Commissioner Titmus, “yes”. Commissioner Lysdale was absent and excused. Motion passed 6 to 0.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

CALENDAR

PD FarleyCampbell explained the Park Village modification and Roger Center conditional use permit of April 25, 2017 along with additional applications scheduled through June.

Chairperson Murphey adjourned the meeting at 7:46 p.m.



Chairperson, John Murphey
Florence Planning Commission

59-12

Date

deRyk Tentative Minor Partition

PC 17 04 PT 01



Criteria

Criteria Applying to this Matter for the application include:

Florence City Code, Title 9:

Chapter 5: Stormwater Management Utility, Sections 2, 3 & 4

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Sections 1-4, 1-5 and 1-6-3

Chapter 2: General Zoning Provisions, Section 14

Chapter 7: Special Development Standards, Sections 5 and 6

Chapter 11: Single-Family Residential District, Sections 2 through 4

Chapter 19: Estuary, Shorelands, and Beaches and Dunes, Sections 5 and 6

Chapter 36: Public Facilities, Sections 1 through 8

deRyk Partition - PC 17 04 PT 01

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Criteria

Criteria Applying to this Matter for the application include:

Florence City Code, Title 11:

Chapter 1: Subdivision Administration, General Provisions, Sections 2 and 3

Chapter 2: Minor Partitioning Procedure, Sections 1 through 9

Chapter 5: Platting and Mapping Standards, Sections 1 through 5

Realization 2020 Florence Comprehensive Plan:

Chapter 16: Siuslaw River Estuarine Resources

Chapter 17: Coastal Shorelands – Ocean, Estuary, and Lake Shorelands

Oregon Revised Statutes

ORS Chapter 92 – Subdivisions and Partitions – ORS 92.010 through 92.170

deRyk Partition - PC 17 04 PT 01

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Aerial of Site



deRyk Partition - PC 17 04 PT 01

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Introduction

- 1990—Parcel 1 partitioned into 2.36 acre lot
 - Manufactured home—3564 sq. ft.
 - Detached storage garage—600 sq. ft.
- 1994—Treewood Subdivision platted
- February 6, 2017—Annexed
- March 17, 2017—Application deemed complete

deRyk Partition - PC 17 04 PT 01

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Testimony

- Referral Comments
 - Sean Barrett, Siuslaw Valley Fire & Rescue
 - Partition—No concerns
 - Access—Treewood Ct. (sink hole)
- Public Testimony
 - Pensco Trust Co.—Could not identify client



deRyk Partition - PC 17 04 PT 01

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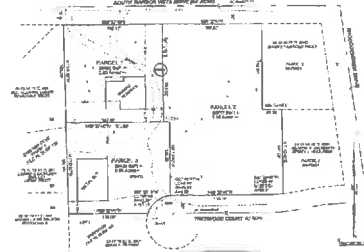
Staff Findings

Application meets the requirements of City Code with conditions of approval.

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #7

Proposed Partition



- Single Family Residential, Shoreland Residential Overlay
- Minimum Lot Dimensions, Frontage, Area, Uses

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #8

Conditions of Approval

3. Building permit Parcel 3 or bind lots
4. Submit legal descriptions for Parcels
5. Public Improvements
 - Sewer
 - Sidewalks
 - Street
6. Title Report
7. Submit final partition map within 6 mos. – meet req. of Title 11 and show parcel areas
8. One year deadline—meet conditions
9. Easements access and sewer-Parcels 1 & 3
10. Type & number monuments with final partition

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #9

Informational



1. Storage building use
2. Vegetation Removal

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #10

Recommendation

The application meets the requirements of City Code with conditions of approval. Approve Resolution PC 17 04 PT 01

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #11

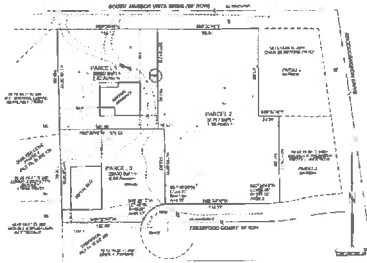
Alternatives

1. Approve the application with the conditions of approval & modifications as proposed;
2. Modify the findings, reasons, or conditions and approve the proposal
3. Deny the application; or
4. Continue the Public Hearing to a date certain if more information is needed.

• deRisk Partition - PC 17 04 PT 01

4/11/2017 #12

Questions?



• dePVA Partition - PC 17 04 P1 D1

4/11/2017 #10

From: [Port of Siuslaw Manager](#)
To: [Wendy Farley-Campbell](#)
Subject: RE: Port of Siuslaw Hearing materials
Date: Monday, April 03, 2017 3:41:38 PM

Wendy:

The Port waives its right to a decision on our land use application within 120 days.

Thank you.

Steven Leskin

Steven Leskin
General Manager
Port of Siuslaw

100 Harbor Street
Florence, OR 97439
(541) 997 3426
www.portofsiuslaw.com

Member, South Coast Ports Coalition

Public Records Law Disclosure: This is a public document. It may be obtained through a third party public records request. This email is also subject to the State Retention Schedule.

From: Wendy Farley-Campbell [<mailto:wendy.farleycampbell@ci.florence.or.us>]
Sent: Monday, April 03, 2017 3:27 PM
To: Port of Siuslaw Manager <manager@portofsiuslaw.com>
Subject: RE: Port of Siuslaw Hearing materials

Thank you Steven. The City is required to provide a decision and time for an appeal within 120 days of receiving a complete application. This date is May 17th. Can you please send confirmation that the Port is waiving its right to a decision within 120 days? Thank you.

r/Wendy

From: Port of Siuslaw Manager [<mailto:manager@portofsiuslaw.com>]
Sent: Monday, April 03, 2017 11:20 AM
To: Wendy Farley-Campbell
Subject: RE: Port of Siuslaw Hearing materials

Wendy:

From: [Port of Siuslaw Manager](#)
To: [Wendy Farley-Campbell](#)
Subject: RE: Port of Siuslaw Hearing materials
Date: Monday, April 03, 2017 11:20:13 AM

Wendy:

May 23 works for us.

Thank you.

Steven Leskin

Steven Leskin
General Manager
Port of Siuslaw

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Member, South Coast Ports Coalition

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From: Wendy Farley-Campbell [mailto:wendy.farleycampbell@ci.florence.or.us]
Sent: Monday, April 03, 2017 10:05 AM
To: Port of Siuslaw Manager <manager@portofsiuslaw.com>
Subject: RE: Port of Siuslaw Hearing materials

Thank you Steven. So 30 days out would be May 23rd. Please let me know if that works for the Port's schedule.

r/Wendy

From: Port of Siuslaw Manager [<mailto:manager@portofsiuslaw.com>]
Sent: Monday, April 03, 2017 8:49 AM
To: Wendy Farley-Campbell
Subject: RE: Port of Siuslaw Hearing materials

Wendy:

Sorry for the delay in responding to your e mail.

I do not think we will be ready by the April 11. Can we please postpone again. I think 30 days may be appropriate.

I'll be speaking with the Port's attorney and Jack Aiken a little later this morning.

Thank you.

Steven Leskin

Steven Leskin
General Manager
Port of Siuslaw

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Member, South Coast Ports Coalition

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From: Wendy Farley-Campbell [<mailto:wendy.farleycampbell@ci.florence.or.us>]
Sent: Friday, March 31, 2017 8:26 AM
To: emc@emcengineersscientists.com; Port of Siuslaw Manager (manager@portofsiuslaw.com)
<manager@portofsiuslaw.com>
Cc: Glen Southerland <glen.southerland@ci.florence.or.us>; Vevie McPherren
<vevie.mcpherren@ci.florence.or.us>
Subject: RE: Port of Siuslaw Hearing materials

Good morning Jack and Steven,

This email is following up to see if a new design has been drafted yet. Findings for the April 11th meeting are due the 4th. If it looks like another continuance is in the cards then I would suggest pulling the application and we will renote when the Port has things lined out with the state/corps and Mr. Saxon. The notice period is 21 days—so once we get the notice to proceed from the Port we could get in back on an agenda in 30 days or less. Alternatively you could request to reserve a date a few months out without renote. I would just need a specific 2nd or 4th Tuesday date to do so. If the latter is the desired option then I would strongly suggest the Port send someone to the April 11th meeting and give the PC an update of the challenges and status.