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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
September 6, 2022**

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**CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE**

Chair Young called the meeting to order at 5:31 PM.

Commissioners Present: IN HOUSE: Chair Sandra Young, Vice-Chair Andrew Miller, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner John Murphey, Commissioner Phil Tarvin (via videoconference),

Staff Present: Planning Director Wendy FarleyCampbell. Clare Kurth, City Planner, Planning Technician Sharon Barker, and Shirley Gray, Management Analyst

At 5:31 PM, Chair Young opened the meeting, Barker gave the Roll call. Vice-Chair Andrew Miller led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:32PM

Action: Approved

Motion: Comm. Murphey

Second: Ron Miller

Vote: 6-0

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

**2. APPROVAL OF THE MINUTES: there were no minutes to approve**

**3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:**

No public Comments:

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Vice 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.

Vice Chair Young asked the Commissioners if they would like to declare a conflict of interest, exparte 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.

Vice Chair Young: 4<sup>th</sup> Item on the Agenda

**4. Resolution PC 22 04 SIR2 01 – 56 Shoreline Dr. Phase II Site Investigation Report:** The hearing tonight will be to hear a Phase II Site Investigation Report. Resolution PC 22 04 SIR2 01 for 56 Shoreline Drive Phase II Site Investigation Report

### **Hearing Opened at 5:38PM**

Planning Director Wendy FarleyCampbell presented the Staff Report: The Planning Commission will be reviewing the conclusions for a Phase II Site Investigation Report. This type of review is essentially what is considered a Conditional Use permit, this is similar to other hearings where you can impose conditions and bonding to ensure that harmful effects are mitigated, because that is what you are looking for in a Conditional Use Permit. You will be reviewing an engineer's report and the opportunity to refute the findings within the report the analytical engineer type of things will come about through an appeal and that appeal is then by then the City would hire a peer reviewer Geotech to review that report and go through the process needed to see if it met the criteria within the state's engineering's practices and guidelines and if they arrive at similar conclusions. You are relying on the expertise of the Engineer; however, you can impose the actions to enforce that those recommendations are upheld and carried out. If you find additional conditions that maybe the engineer didn't think about impose those as well. If there is an approval the owner would record a covenant and the covenant recognizes that the decision is limited and understanding that when you approve the project the project was described as meeting the criteria of the City's policies only. You are not attesting to the quality of the engineer's recommendations you are just saying that it meets the policies and the guidelines. Staff's findings are limited to reviewing the criteria and making sure that the criteria are there. That they have been met within the engineer's report. This presentation includes an introduction of the application, the overview of the criteria, some pictorial information from Exhibit D, Criteria slide was shown and explained. Site Aerial Image slide was shown. Proposed Site Plan Slide was shown. The applicant had originally submitted a Type I Site Investigation Report, soils and the hazard maps were consulted which triggered the Site Investigation Report. Site is on both the soils map and the hazards. The applicant provided information and that is when staff noticed the sluffing, we were concerned that the sluffing could be happening of this lot, the applicant was asked to provide some more information, which triggered a Phase II Site Investigation Report. Drone Footage of the bank was submitted and explained. RipRap Site Plan 2003 application from Boire Associates slide was shown and explained. In 2004 the Planning Commission approved this RipRap project. In September 2005 Army Corp approved Shelter Cove's permit for revetment work. The engineer suggests that the slide occurred somewhere in between 2012 and 2016.

The City has not received any testimony. No referrals were sent out because there are no State agencies or City agencies that are stakeholders in this application. Farley Campbell stated that the applicant just wants to build a house and are not proposing RipRap or anything.

Data research was provided by Ron Derrick of Branch Engineering which included historical information of soils and placement, historical information of groin placement, erosion estimates, slope calculations, soil testing, vegetation analysis groundwater depth, hazards in the area. There was information missing from the application such as identification of potential hazards, caused by the proposed development, orientation of bedding planes where slopes exceed 25%, angle and height of cutbank (undercut) percentage of slope. The recommended mitigations are vegetation removal, retention and replacement, placement of structures, driveway, protecting surrounding area from adverse effects of development, grading, erosion control, setbacks, drainage for development, engineering for home construction (foundation, retaining walls). FarleyCampbell explained that what brought us here today has to do with the shoreward side of this project, while there are steep slopes on the North part, by the driveway, we would like the engineer to weigh in on that. Does it require a retaining wall? We will need a grading plan. FarleyCampbell would like to have the engineer weigh in on if the location of the drainage that is on the plan that the applicant submitted what is the best place for the drainage to be on the lot. FarleyCampbell would like to know what load would be permissible for the foundation and if the site will need retaining walls.

Staff's recommendation is that it doesn't meet all the information that is needed to meet the code, at this point there are two options available in their opinion #1 is to allow a continuance so the applicant can provide the missing information, or denial, the applicant chose not to submit additional materials.

Chairperson Young asked if there were any questions for staff?

Comm Murphy mentioned to FarleyCampbell that he did not see any recommendation or plans for the riprap, like the materials that they propose to use and the information that the engineer would require in order to do the riprap, and that he is missing too much information to make the decision tonight.

FarleyCampbell addressed Comm Murphey's concerns by summarizing and adding that to the list of recommended mitigation by adding a bullet point for what to do about slope stabilization. The applicant is not applying for riprap at this point, but that would be good to have the engineer's recommendation.

Comm Hauptman asked if there is a permit required by the City and County to be able to RipRap this property.

FarleyCampbell said that a permit is required.

Comm Ron Miller asked if they could require that when they lay the footprint out that a backhoe could not move any material out of the foot print.

FarleyCampbell said that the Commission could make that a condition.

Comm Murphy mentioned that there is going to need to be a road built when they start riprapping.

Comm Hauptman and Comm R. Miller said that they use barges for that.

### **Applicant's Testimony;**

Applicant Todd Larsen spoke to the Commission, Larsen is the General Contractor that will be building the house. He has been relying on the Engineers to get the information to the City and is not sure of where the miscommunication. Larsen said that he does not understand some of the concerns. He does know that the slide directly to the North is the concern. He stated that there is already riprap on this lot that has already been put in, back in the 1990's. He stated that the slide to the North barely clips in to the northwest corner of the 56 Shoreline Dr. lot. He and the Engineer do not understand what the problem is, they have never had to do this before and feels that this is way more than they have ever had to do. I am the Contractor and it is hard to speak to the Engineers report because I am relying on them.

FarleyCampbell said that the Engineer is not on the webinar tonight but that the owner of the property Scott Hancock is available and they may be prepared to request one of the options that I presented to you tonight.

Chair Young asked the applicant if they had read the staff report and the findings of facts, and if he understood them.

Larsen said that he had read them and that he understands them.

Scott Hancock (property owner) said that he has read the Staff Report and Findings of Facts and that he understands them. He said that he has talked this over with both Todd and Branch Engineering.

Chair Young asked Hancock if he had a comment about what recommendation he prefers.

Hancock said that he does and his preference is that of the two recommendations he would like to request a continuance, he believes that Ron from Branch is prepared to address those concerns, and they are ready to gather that together and resubmit the information.

Comm Tarvin asked staff what would be the earliest date that we could have a continuance.

FarleyCampbell stated that the next date is September 27, 2022 but that we would need any engineers' additional submittals no later than September 16<sup>th</sup>. If that is not enough time than the next meeting is October 11, 2022, with materials no later than September 30<sup>th</sup>.

Comm Tarvin asked the property owner if he has an idea of if his Engineer would be able to produce the information by the 16<sup>th</sup> of September for a 27<sup>th</sup> meeting or would he prefer an October 11<sup>th</sup> meeting with a submission date of September 30<sup>th</sup>.

Scott Hancock said that he would prefer the 27<sup>th</sup>, but if he doesn't have it ready by than what happens.

Comm Tarvin said he may have to sign an extension or something but that we will ask the staff.

FarleyCampbell, once a date is set, it is set, we will put it on the agenda and if they are unable to meet the deadline then we will provide the opportunity for an additional continuance, the applicant will just submit a letter we request continuance a second continuance to a date that they would like to be heard. The purpose of setting a date certain is so that we do not have to renote, they could also request continuance with no date certain, but then the applicant would have to pay for renoting. Comm Tarvin asked Mr. Hancock if he would like September 27 or Oct 11. Scott Hancock asked FarleyCampbell do you think that Branch could have this report by the 16<sup>th</sup>? Farley Campbell said that they had not talked about timelines but that she had explained to Branch what they will need to provide. Chair Young said that it sounds like the October 11<sup>th</sup> date is safer date to set. Mr. Hancock said that he thinks that Chair Young is right in that but that he had texted Branch while they had been talking and that he is waiting for a reply.

There were no more questions of the property owner by the Commissioners.

There was one proponent of the project to speak.

Pamela Henry said that she is on the Architectural Committee for Shelter Cove Subdivision and that she has a question for Comm Murphey that he brought up about the riprap, in looking at the plans it was never addressed and that in looking at the pictures the lot to the north of this project 55 Shoreline their bank has gotten worse in the past 23 yrs. If 55 Shoreline decides not to riprap and 56 does riprap, I am not sure that it will be stable. Are you saying that you want 56 to riprap.

Comm Murphey said that he believes that they are going to have to riprap 56 to build on it. Why have they come before us. FarleyCampbell said that it is to just to be able to build a house. FarleyCampbell said to clarify that if the Engineer makes the recommendation, then you would want a time line and perhaps a bond to accomplish that and if the engineer doesn't recommend then they won't have to.

Pamela Henry said that she is on the Architectural Committee and we have already approved this so if the engineer says that it does not need to be riprapped, and the contractor doesn't want to riprap, then they can go forward without riprapping? FarleyCampbell told her yes that was true.

**There were no neutral parties that wanted to speak.**

Applicant Todd Larsen let the Commission know that Mr. Hancock was able to get a hold of Branch and that they can have information by the 16<sup>th</sup> so they will be available for the September 27<sup>th</sup> meeting. Larsen spoke to Comm Murphy about not understanding about the riprap issue. Comm Murphy said that if the Engineer says you do not have to riprap, we are done here, the Planning Commission, we are not going to make a decision of whether they have to riprap or not we are only here to accept and review the engineer's recommendation. Todd Larsen asked will they have to do additional riprap? Comm Murphey said that it was up to the Engineer, the Commission doesn't make that decision. Todd Larsen said so that if the engineer says it is fine then it is? Comm Murphey said yes that is right.

Staff's recommendation is that if the applicant wishes to continue then that would be my recommendation.

Chairperson Young asked for a motion to continue the meeting to the September 27<sup>th</sup> date.

Comm Hauptman made a motion to continue PC 22 04 SIR2 01 – 56 Shoreline Drive Phase II Site Investigation Report to September 27, 2022.

Second: Vice-Chair Andrew Miller

Comm Hauptman: yes

Comm R. Miller: yes

Comm Tarvin: yes

Comm Murphey: yes

Vice Chair A. Miller: yes

Chair Person Young: yes

Motion carried: 6-0

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#### #5 Reports and Discussion Items:

Comm Tarvin made an announcement that they are making progress on the Vegetation Preservation revision and that he had been contacted by two new members of EMAC Alan Noblock and Tom Benedick that they will now be on the joint subcommittee. We are making a lot of progress.

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#### Directors Report

FarleyCampbell explained about the virtual open house that is now static and is all virtual, meaning you just click and it welcomes you to the open house. There will be an open house for housing and we will be sending out a link and advertising. They have entered the next phase of hiring the Building Permit Tech.

The next meeting will have Florence Christian Church, Clare Kurth is putting together the staff report, which is for their temporary housing. On September 27, 2022

October 11<sup>th</sup> - Hoping for Dairy Queen and possibly an annexation. We have a lot of type I's and II's in the works.

Roxanne Johnston of Johnston Planning had an update on the Cannery Station project. They are looking to sign an escrow agreement and they are looking to fund escrow with a group and commence construction on the public improvements, prioritizing the construction of the fence, once the escrow agreement is signed and the account funded through escrow, they believe they have met all the conditions to have the parties sign and record the plats, and their surveyor has already received feedback from Lane County to meet their requirements. They have received final approval from ODOT for the 47<sup>th</sup> Street access. They are still waiting on the construction financing for the assisted living facility, they anticipate that at the end of September beginning of October.

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The meeting adjourned at 6:52 PM.

**ATTEST:**

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Sharon Barker, Planning Technician

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Sandra Young, Chair

Lot 37  
Shelter Cove, Phase 2,  
Phase 2 Site Investigation  
Report

**PC 22 04 SIR2 01**  
September 6, 2022



### Criteria (cont.)

**Title 4, Chapter:**  
■ **1: Building Regulations, Section 15, 1 through 3**

**Title 9, Chapter:**  
■ **5: Stormwater Management Section 2-1**

**Florence Realization 2020 Comprehensive Plan, Chapters:**  
■ **5: Native Vegetation Section Policy 3**  
■ **17: Coastal Shorelands Ocean and Lake Shorelands Policy 16e, Mgmt Unit #1**

PC 22 04 SIR2 01 Lot 37 Shelter Cove Phase 2

### Introduction

**Proposal: Phase 2 Site Investigation Report Review**

- **July 22, 20221** – Deemed complete
- **August 17, 2022** —Notice of hearing mailed and property posted
- **September 6, 2022** —Public Hearing

### Site Aerial Image



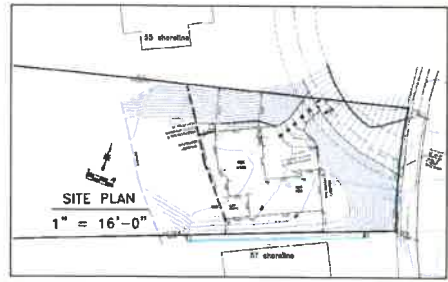
### Criteria

**Florence City Code**  
**Title 10, Chapters:**

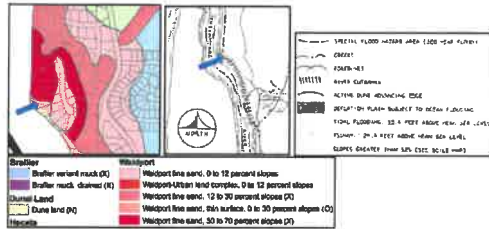
- **1: Zoning Administration, Section 1- 6-3**
- **7: Special Development Standards, Sections 2, 3B & E, 6-A, C&D & 7**
- **10: Residential District, Sections 2A, 4D**
- **19: Estuary, Shorelands, and Beaches and Dunes, Sections 3 & 6**

PC 22 04 SIR2 01 Lot 37 Shelter Cove Phase 2

### Proposed Site Plan



(Excerpts from Florence Realization 2020 Comprehensive Plan Soils and Hazards Maps)



Drone Image: Lots 36 & 37 -Looking East



8

Drone Image: Lot 37-Looking East



15

Aerial Photography: 1954, EDR



9

Drone Image: Lot 36-Looking Northeast



12

Aerial Photography: 1976, EDR



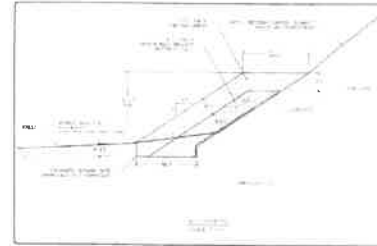
13

### Aerial Photography: 1994, EDR



16

### RipRap Lot 37 2004, Boire Associates



14

### Site Photo, 1992 Wilbur Terynik



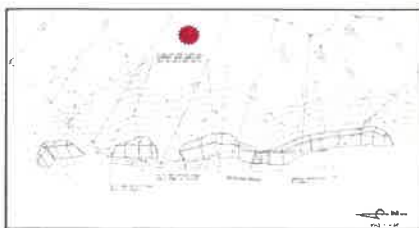
Photo 1 - by Wilbur T. Terynik - 1992  
Location - On the left side of the shoreline, facing the water, between the  
two trees and the dirt clearing. In the background, the water is visible, and the  
shoreline is visible. The photo is dated 1992.  
Note: The photo is a black and white photograph. The photo is dated 1992.  
The photo is a black and white photograph. The photo is dated 1992.

17



15

### RipRap Site Plan 2003, Boire Associates



### Testimony/Referrals

None





19

## SIR Phase 2 Submittal Findings

### Data/Research

- Historical information of soils and placement
- Historical information of grain placement
- Erosion estimates
- Slope calculations
- Soil Testing (composition, terracing, viscosity)
- Vegetation analysis
- Groundwater depth
- Hazards in area (landslides, earthquakes,

## Staff Recommendation

Staff finds that the proposed application does not meet the minimum requirements and recommends either:

- 2. Continuance so the applicant can provide the missing information, or
- 3. Denial if they chose not to submit additional materials.

20

## SIR Phase 2 Submittal Findings

*Missing Information:*

### Data/Research

- Identification of potential hazards, caused by the proposed development
- Orientation of bedding planes where slopes exceed 25%
- Angle and height of cutbank (undercut)
- Percentage of slope

23

## Alternatives

1. **Approve the Phase 2 Site Investigation Report with conditions of approval, amending the findings and directing staff to prepare a resolution to approve.**
2. **Continue the Public Hearing to a date certain to permit the engineer to complete the Phase 2 SIR report, or**
3. **Do not approve the Phase 2 Site Investigation Report, amending the findings and directing staff to prepare a resolution to deny.**

21

## SIR Phase 2 Submittal Findings

*Missing Information (continued):*

### Recommended Mitigation:

- Vegetation removal, retention and replacement
- Placement of structures, driveway
- Protecting surrounding area from adverse effects of development
- Grading, erosion control, setbacks
- Drainage for development
- Engineering for home construction (foundation, retaining walls)

24

## Questions?

