
City of Florence
Planning Commission Meeting Minutes
250 Hwy 101, Florence, OR 97439
June 22, 2023

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

PC Chair Sandra Young called the meeting to order at 5:38 PM.

Commissioners Present: In Person: Chair Sandra Young, VC Kevin Harris, Commissioner Debbie Ubnoske, Commissioner Laurie Green, Commissioner Eric Hauptman

Commissioner Absent: Commissioner Wendy Kause

Staff Present: Planning Director Wendy FarleyCampbell, Assistant Planner Clare Kurth, Planning Technician Sharon Barker

At 5:38 PM, Chair Young opened the meeting, Assistant Planner Clare Kurth gave the roll call. Commissioner Green led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5:40 PM

Action: Approved

Motion: Comm. Green

Second: Comm. Hauptman

Vote: 5-0

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

2. APPROVAL OF THE MINUTES: 6/13/2023

Start Time: 5:41

Action: Approved

Motion: Comm. Ubnoske

Second: VC Harris

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:

Chair Sandra 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: 4th Item on the Agenda tonight is a Public Hearing for **Resolution PC 22 21 PUD 01 & PC 22 25 SUB 03**

Resolutions PC 22 21 PUD 01 & PC 22 25 SUB 03– Myrtle Glenn – 37th and Oak, Preliminary Planned Unit Development (PUD) and Tentative Subdivision: *Deliberations continued from June 13, 2023.* 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.

Staff Report was presented by Assistant Planner Clare Kurth, the discussion points were reviewed. The applicant was advised that if they chose to request final written argument that date would be June 29, 2023, and that the 120-day period would end on July 25, 2023. An aerial view and a site plan were shown. 25 units with a garage and driveway are being proposed. 37th St. is going to be a 60’ right-of-way with a 5’ public utilities easement/sidewalk on both sides. Storm water and parking were mentioned. The emergency fire turn around was pointed out and that it had been reviewed by Fire Chief Schick. Future East Myrtle Loop was pointed out and where the connections are located. The blank square on the right-hand side of the side plan is a single-family dwelling and is not part of the development. The agenda item summary (AIS) was explained to have 8 decision points regarding the open space, recreation space, the termination of 37th Street, architectural design and the modification/exception criterion has been met. Director FarleyCampbell explained that items one through five may not all apply depending on how the discussion goes.

Chair Young asked if there were any questions of staff.

Kurth and FarleyCampbell explained about the open space and the recreation space area and cleared up the inconsistencies regarding the amount of open space explaining 10-10-7-C-3. The applicant is providing open space in the form of a vegetative hill and a buffer between the development to the north.

The Planning Commission discussed each slide as presented. On Question 1.1 discussed open space allocation standards, Comm. Ubnoske has a question about the open space and that she believes the PUD requirements, supersede the other code requirements and that she does not believe that the 25% of the 20% has been met in this case, and that if you go through the sections then not only has 10-23-5-E not been met because hillsides over 5% are not acceptable for recreation areas, storm water retention are also not acceptable, and yard setbacks are not acceptable. Comm. Green that she agrees with Comm. Ubnoske. Comm. Hauptman asked what the hill’s slope is. Kurth said that she did not know what the exact slope is, but that it is over 5%. Comm. Green asked about the findings and them stating that the units do not have a side, back or front yards available, and that now they say that there is a 5’ setback. Kurth said that this is an inconsistency in the Findings that hasn’t been fixed yet but she went on to explain the changes. The 5’ setback is conditioned in the revised Resolution. Comm Green asked if the CC&R’s will prevent the property owners from fencing the 5’ setback. FarleyCampbell explained that the applicant’s CC&R’s that were provided state that if you apply 10-10-7 code that the 100 sq.ft. counts as 10’ consisting of patio, and the rear yard is 10’ deep and 18’ wide so that they meet the 100’sq. ft. If you go to 10-10-7 the townhome yards count as open space and that they can fence it, regardless to what the CC&Rs say depending on what code criteria is being used either 10-10-7 or 10-23. If 10-23 is applied then yards don’t count and setbacks don’t count, then the recreation areas that they are supplying will not count towards recreation area or open space because they cannot use yards. It first must be decided what code section is going to be used. If 10-23 is used than section 10-23-5-E-1 says natural features worthy of preservation can be used, the hillside, in my opinion could count and also the natural buffer on the north side. If 10-10-7 is used than you cannot count anything greater than 5% slope, so the hillside will not count as open space, and the available open space to be used as recreation area will have to be cleared of brush so it can be

used as actual recreation area. Comm. Ubnoske asked about the site plan, regarding sites 1, 2 & 3 and the area right before the first 4 plex and if it was going to be hardscape. Kurth said that the area is necessary to be left unobstructed for fire access to the rear of the units. Comm. Ubnoske's concern is with the parking and that there is 86% of this development in impervious surface and that there seems to be too much hardscape. The Commissioners all agreed that they would like to use the PUD requirements. Staff when this comes to a vote later in the hearing than we will revise the Findings to support which code section you will be applying. Staff said that if the Commission is saying that 10-23 PUD criteria applies, then we are saying that the recreation applies too, yes to Conditions 1.1, yes to 1.2. Kurth said that the PUD recreation space may be public dedication or it can be property owned by the HOA for PUD residents. The PC can determine what they would like to see in the recreation area. FarleyCampbell said that the applicant has not proposed any new amenities and if the PC disagrees and says "no: it doesn't meet the criteria, then we would be looking for conditions to be added that required that.

Comm. Ubnoske, said that her intent is that the PUD and 10-23-5 E talks about the minimum of 20% oof the 25% of that be intended for recreational use and enjoyment--can this be achieved with this design? FarleyCampbell said that what the applicant is proposing is not illustrated here but is in the narrative, and that they had wanted the porch to be counted and if it didn't, they're proposing park land dedication in the amount of 5,833 sq ft, elsewhere in their property to the south. Comm. Ubnoske asked if what staff was saying is that the applicant can't meet the recreational requirements on this site. Staff said that yes, that is what they are proposing and in order for this to happen it would need to be included into the PUD and have a condition written so it becomes part of the final PUD approval. This application is the preliminary PUD where the concept is nailed down, and then the applicant will bring the final plans to you at the final PUD for landscape, storm water and final details. The City of Florence has a two-step process. Comm. Ubnoske wanted to know if the property owner sells what will happen with the Condition. Staff explained that the land use decisions run with the property, not the owner and if an encumbered property is sold the Condition goes with it.

Comm. Ubnoske asked if the applicant's overall master plan narrative includes the applicant's property to the south, and if they will have parkland if they have to. Staff stated the application plans do not include the land to the south but the narrative does for the rec space. Comm. Green asked if it could be conditioned, staff answered in the affirmative.

Chair Young says that she does not think that they can condition a property that is not part of the application. Staff says that they are including it in the narrative, but have not included a location. Chair Young asked if the inclusion of the southern property was part of the noticing. Staff answered that it was not. Comm. Ubnoske said that her concern is the same as the Chair's, and asked where on this site is the applicant going to be providing open space for this development, and she would like to have a master plan and asked if this was Phase 1 of the master plan, and if they could condition for future phases.

The applicant's representative, Hailey Sheldon, asked if she could speak to the Commission, with the Chair and Commission's invitation, and a warning to not introduce anything new into the record, Sheldon tells the Commission that the applicant plans to accommodate the amount of recreational space that the commission determines is necessary on the site and that there will be no proposal for final PUD that includes off-site recreational space. Kurth said there is a time line to provide the open space and that recreation space can be in a later phase or should it be in conjunction with the construction of this project and the applicant has verified that it will be provided prior to the final PUD and that staff will write a condition for that statement.

FarleyCampbell, the applicant is not proposing a phased development. Chair Young wanted to know when the parkland should be in, when the building permits are issued? Staff said they can do that now or wait for the final PUD. Comm. Green commented that without a construction timeline they don't know when the buildings are going to be built and in which order, but thinks a two-year time line for the overall project is still fairly tight, and personally does not think the need to specify when they must be done.

The Commission decided to look at recreation space and parklands during the final PUD.

Condition 7.6 was stricken.

FarleyCampbell a tentative concept plan will be revised because they are not doing a phased development.

Condition 7.7 will be rewritten to remove the phase language; the applicant is not doing any of this that will need to be partitioned off site. 7.7 was written with the offsite concept in mind.

FarleyCampbell because the applicant is requesting exceptions then additional recreation area is part of the criteria and they would like to give the applicant some guidance on what is considered extras.

FarleyCampbell wanted the Commission to know that the City Park Plan does identify that a park is needed in this area, and what has not been suggested or proposed is fee in lieu and is an alternative option as well; if they applicant does not have enough room on this site. Chair Young asked if they would have to do that as part of the final plat. Staff said no, that they would just pay the fee and the City would use the money for a park in that area. Chair Young asked if the Commission would have to approve that first. Staff said yes and that the applicant has not proposed this but if they come back at final PUD and say that is what they want to do, then that is an option. Chair Young then said PC would review that then, but in the meantime, there are required to do their full amount on this site because they have not requested anything else.

FarleyCampbell how much extra recreation space is needed is not something established, we have not had any other PUD go, other than Fairway and they are doing fee in lieu. Chair Young said that unless the applicant is doing fee in lieu, then they will have to do the 25% of the 20%. Comm. Ubnoske wanted to know if staff is asking them to determine a percentage over and above the 5,833 sqft. FarleyCampbell said the PUD criteria requires 20% plus 25% if you are doing a PUD and you meet the code, if you don't meet the code, and you have exceptions then you provide more. The reason the criteria were created is because more specificity was needed for the developer. Additional recreation area is sort of getting there but it still not very clear and objective, but PUDs are not intended to be clear and objective, they are meant for the applicant to bring something to you.

Comm Ubnoske stated that in terms of this application and any PUD application, are we looking at it in its entirety. I know when they don't meet the underlying zone in terms of setback and lot coverage, we are asking to see architectural standards that meet old town standards or at least Main Street, more recreation space, is it all inclusive or if we got better architecture could we be okay with the 5,833?

FarleyCampbell the applicant is contending that not all of the criteria apply the way that the bullet is written in the narrative. There are about 7 things and it would be hard for them to all apply.

Chair Young if we are going to look at exceptions and extras we need to look at where the proposal needs extra something to make it a better in the neighborhood, the architectural standards will clearly do something to improve the site. I'm not sure they can get any extra recreational area on their site. But maybe there is another one of the other things that we can condition.

Comm. Ubnoske 10-23-5-8 speaks to it basically says "all proposed modifications, the applicant shall submit an application that achieves the following and it discusses building design and more recreation than the minimum requirements" and it discusses a mix, the way I read that is that we should be asking for all 3 of those criteria to be met based on the applicant wanting to reduce lot coverage, reduce setbacks. Is this correct?

FarleyCampbell, you are reading it as I am interpreting it, I think an additional way to look at it is, additional recreation area can be additional amenities instead of real estate, if you have a reflecting pond and you put KOI in it does that raise the bar for the recreation, or instead of just a bench, maybe you have a bench that is a resting area for an exercise station.

Comm. Green Raising the bar on the amenities is a more reasonable approach.

Chair Young so better recreation facilities not necessarily more space.

Comm. Ubnoske. I am fine with that.

Chair Young it says onsite amenities reflecting the values of both active and passive recreational facilities is one of the options. So better recreational facilities not more space, the architectural permits, and improved recreation amenities are the ones off this list so far that we think makes sense.

FarleyCampbell so for question 5 you are saying you would accept quality over quantity? The Commission answered in the affirmative.

FarleyCampbell the applicant will have to provide stormwater facilities. Kurth stated stormwater in this case does not towards recreation area.

Decision pt #6 was regarding the 37th St. termination and the Commission decided that a barricade was fine. Chair Young asked if the City plan showed 37th Street being extended. Staff said that there are no plans for extension due to the topography. The proposed hammerhead location was discussed and approved.

Hailey Sheldon, applicant, told the Commission that the proposed hammerhead location is directly above the extension that could be West Myrtle Loop, so is a benefit of have that hammerhead in that proposed location is because its logical extension goes to West Myrtle Loop, whereas if you were to have a hammerhead on the end of the street, it would require ground disturbance and would dig up some of the area that we do have that is relatively flat common space. In our last meeting, I did offer that the stub on West Myrtle Loop, the stub that is furthest to the west there, we are proposing could be dedicated and developed to City standards like East Myrtle Loop.

Comm. Ubnoske asked if the applicant is saying that the hammerhead that is to the east is the one that will connect to east Myrtle Loop. Sheldon replied that it is West Myrtle Loop. Comm. Ubnoske's understanding is that, she would be more for the leaving the hammerhead that is going to connect with East Myrtle Loop and not doing the hammerhead at the end.

Comm. Green but if that is part of an ultimate plan, would it make sense then to have the width of that hammerhead that is pointing south more like the proposed East Myrtle Stub? FarleyCampbell, what it sounds like Comm. Green is saying is that do to the west, what is being done to the east and make both Myrtles the same. Comm. Green says that she doesn't think that is something to be worried about from a planning standpoint if they are ultimately going to look at the building up of the southern property you might as well start with the end in mind rather than disturbing any utilities outside of that 37th St. in the future. FarleyCampbell, I just do not want to be in a situation in 5 years from now, have it become a driveway. Comm. Green says right but it sounds like they are planning, if it goes anywhere, it would be a connector to West Myrtle Loop.

Comm. Ubnoske, this hammerhead that is going to be developed is a temporary measure to alleviate any of the fire departments concerns, it is not going to be full constructed out with curbs, gutters and all that it is going to be so, I think, when the development comes in to the south it will be incumbent upon the developer to submit a proposal to make the connection with East Myrtle at that time. FarleyCampbell said that staff would like to add the hammerhead to the exceptions.

The Commission agreed to the barricade and adding the hammerhead to the exceptions list. FarleyCampbell said that the Commission is approving it as the applicant provided, the only edits that we need to make to the findings would be to put the conversation about the hammerhead into the 10-23 modifications list.

The architectural standards were discussed and that Condition 7.1 talks about different building facades and exterior designs being used on each building grouping it is to include but is not limited to diversity of building materials, colors and design details. Staff explained that the spirit to what Condition 7.1 says is that that basically the applicant doesn't have to change their drawings but that they have to meet the spirit of the code for offsets. Comm. Ubnoske says she is concerned with the linier aspect of the development and would like to see quality features added. Comm. Green asked how prescriptive the Commission can be on requirements.

The Commission discussed how to break up the hardscape and what architecture details should be added and if they wanted a condition to say the architectural standards of Old Town of do they want to reword the one shown. The Commission decided they would like direction from staff. Staff that additional consideration will be at final PUD

and that the Commission will be seeing these plans, and that Condition 7.1 needs a time frame on it like, “Plans will be submitted with final PUD for review and approval.”

Condition 8 modifications and exceptions requested slide was shown and explained as to the modifications and the exceptions that were requested, the Commission discussed the modifications.

Comm. Ubnoske, obviously we are not doing a mix of types and uses, when we enact the resolution and the conditions of approval, just so we don't put the commission in a bind the next time we have a PUD like this, is there a way for staff to add some language into the resolution or the condition's that is based on the configuration of the lot, the fact that there is a hill side just so it doesn't become a precedent, where we are put into a difficult position if this come before us again, so that it is very clear that we were ok with not doing the mix and types, density or the mix of uses, because of lot configuration because of the constraints of the hillside, can we tie it to this project?

FarleyCampbell, we have 37th St being platted in with the original plat which is very helpful, so there is the presumption that 37th St. is extending westward in a logical block configuration, that is how I would word it. Chair Young said that language will be in the Findings and become part of the Resolution by reference. Comm. Ubnoske, said that she just wants to make sure that it is tied to this project, so we are not setting precedence for the next PUD. Kurth mentioned that this is in the applicant's narrative and that part of these exceptions are because of the hillside, and we staff can absolutely include that language.

Kurth says that at the last meeting the Resolution was gone over and a couple of the Conditions were removed which left gaps in the order, so staff decided to move some and add some things to fill the gaps, so there were no empty Condition numbers. Condition 6.2 will mention the 5' rear yard setback. Condition 4.4 was requiring a parking lot plan and a bulleted list of requirements were missing from the original plant that was submitted these are still required. These will be added to the conditions. 7.6 will have to be reworded because it is not constituted as a phase. 7.8 will be removed and changed because it was redundant. Changed the number 7.9 to 7.8 the date for completion or extension will be changed from 6/13/2024 to 6/22/24. 8.7 strike out applicant developer and change to HOA. 9.12 was not changed. 10.1 strike and change to “Lighting shall be cut-off in accordance with FCC 10-37-4. Lighting plan for individual units shall be submitted for review prior to building permit issuance. 10.2 was removed and replaced with “Design, and height of the proposed streetlights for review and approval by the Florence Planning Department and Public Works Department”. 10.3 was removed. 10.4 was moved to 10. 1.. and 10.5 moved to 10.2.

The alternatives were displayed and explained.

Comm. Green wanted to know about the lighting for the long-term bicycle parking and that it needs to be in the final PUD. Kurth said that this is something that has been determined in the Resolution and the that Condition 6.4 covered it but will see what the applicant come up with on final plan.

The Commission requested that a Condition be added regarding the bicycle parking and lighting on that site.

Comm. Green asked if staff has received the contours of the site. Kurth, no that was conditioned to be provided with final PUD. FarleyCampbell, the applicant provided us with an update. Kurth, I believe the applicant's representative mentioned that they were going to grade the private lots, but then anything that is beyond a couple feet that was needed for stability is going to be left. They are not going to grade all the way to the property line.

Chair asked the applicant if they had any additional comments.

The applicant Mike Johnson spoke about the Jasper Lane and Oak Common townhomes and when they were built. The façade on the outside of the structures were explained, and that he tries to use the best siding on the outside that he can all the way around and that any changes other than paint or fixtures is a pretty big deal. Comm. Ubnoske asked if he had attended a pre-development meeting with staff. Johnson said that yes, he had. Comm. Green said asked if maybe he could change up the garage doors. Comm. Ubnoske said that what they are trying to get away from is the cookie cutter look, so maybe varying from each cluster to the next. But it not up to the Commission to tell the applicant how to design their project, but if you can do something different that would be good.

Chair Young said that she is supposed to ask the applicant if they have read the final Resolution and Conditions, but since we made some changes tonight, you have not had them to review.

Chair Young asked applicant that pursuant to 197.763 regarding the applicant’s right to submit final written argument, the applicant has a right to waive that. Sheldon waived the right to submit final written argument.

Chair Young, we can make a motion to approve what we did here tonight

Comm. Ubnoske made the motion to approve would like it to read subject to Conditions, Findings, and Resolution as amended.

Second by Vice Chair Harris.

Comm. Ubnoske: yes

Comm. Green: yes

Comm. Hauptman: yes

Vice Chair Harris: yes

Chair Person Young: yes

Motion Carried: 5-0

Time: 7:48

Reports and Discussion Items:

Comm. Ubnoske said that in the future she would love to see more cluster type development, or maybe mixed use, if that is going to be part of a master PUD. Maybe something a little more innovative.

Comm. Hauptman: the prior multitude of hearings that we had, most of those could have been easily solved and all the other issues by cutting down the number of units on a lot.

Directors Report:

June 29, 2023 the TSP STAC is happening at 3:00 pm, this is the last meeting for that. Lane County starting next week, on Thursdays will be occupying the front conference room at City Hall for County residents. Shore Pines has opened their wait list for their apartment units, the wait list closes on the 28th of June, the applications are on line. The City Block party is on the 14th of July. The Transportation Committee will be there handing out treats. Kurth has just approved a Class II charging station at Safeway.

Calendar:

Next week you will have public hearings on the Code updates. July 11th will be joint work session with CC at the FEC. After the joint session the CC will leave and the PC will open a hearing for the code updates at approx. 7:30. We have received the application for Dollar General that will be just north of Burger King. Starbucks is going into the old Pizza Hut. Pine Crossing subdivision Kurth has been doing the completeness review on that. Roxanne Johnston is reviewing the Phase Ib for final plat at Three Mile Prairie. The PC will be hearing a design review of 3 Mile Prairie’s proposed attached housing on July 25th.

The meeting adjourned at 8:16 PM.

ATTEST:

Sandra Young

Chair

Sharon Barker, Planning Technician