

CITY OF FLORENCE PLANNING COMMISSION
November 08, 2016 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Vice Chair Murphey motioned to approve the Agenda. Commissioner Bare seconded. By voice, all ayes. The motion passed.

APPROVAL OF MINUTES

Vice Chair Murphey motioned to approve the Minutes of October 25, 2016. Commissioner Bare seconded. By voice, all ayes. The motion passed.

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 Muilenburg announced there were three 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 18 EAP 01 – Extension of Approval Period: A request for an extension of approval period, ending September 9, 2016 and September 9, 2017 for Resolution PC 15 17 PUD 01 - a Preliminary Development Plan and Tentative Subdivision application from J. Michael Pearson of Pacific Golf Communities, LLC to develop the 10-acre parcel located adjacent to the Sandpines Golf Course and abutting Rhododendron Drive into a 40-lot Planned Unit Development. This item is a continuance from October 11, 2016.

Chairperson Muilenburg opened the public hearing at 7:03 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Commissioner Bare declared a site visit. There were no challenges of Commissioners impartiality to make decisions. CP Muilenburg asked for the Staff report.

AP Southerland presented the staff report that included applicable criteria, introduction, aerial of the site and the site-lot layout. He stated that there had been no referral comments and no public testimony received. AP Southerland stated that Staff found the proposed application met requirements of City Code and recommended approval with the following conditions from Resolution PC 17 PUD 01: Condition #3 regarding an 18-month extension approval of preliminary PUD date to August 9, 2018 and Condition #4 regarding a 12-month extension approval date for tentative plan approval to November 8, 2017. He presented the alternatives and asked for questions. There were no questions.

CP Muilenburg asked the applicant if they had a presentation. The applicant did not have a presentation. CP Muilenburg asked if there were any proponents, opponents or neutral parties. There were none. CP Muilenburg asked for Staff recommendation. AP Southerland stated that Staff recommended approval with the noted conditions of approval.

Chairperson Muilenburg closed the public hearing at 7:09 p.m.

There was no Commission deliberation.

Commissioner Bare motioned to approve **Resolution PC 16 18 EAP 01 – Extension of Approval Period** with conditions of approval. Vice Chair Murphey seconded.

There was no Commission discussion.

By roll call vote: Commissioner Lysdale, "yes"; Vice Chair Murphey, "yes"; Chairperson Muilenburg, "yes"; Commissioner Bare, "yes"; Commissioner Titmus and Commissioner Miller were absent and excused. The motion passed.

RESOLUTION PC 16 21 PUD 01 – Snegireff Sandpines PUD Modification: An application for a modification to a Planned Unit Development from Allen Snegireff to allow for a detached single-family residence on Lot 48, a remnant lot designated for multi-family and single-family attached residences within the Sandpines West PUD. The proposal is located on Royal St. Georges Drive within the Sandpines West PUD, Assessor's Map # 18-12-15-43 Taxlot 01500. This item is a continuance from October 11, 2016.

Chairperson Muilenburg stated that all previous procedures would apply and opened the public hearing at 7:11 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were none. There were no challenges of Commissioners impartiality to make decisions. CP Muilenburg asked for the Staff report.

PD FarleyCampbell reminded the Commissioners the verbal record had been closed at the Hearing on the October 11, 2016 and added that she would re-open the record for any verbal testimony. She proceeded with the report that included applicable criteria and the background with special note taken to the original PUD final development plan of 1992 and details of the master plan. She continued with Phase I re-plat information of 1993, Phase II re-plat information of 1994 and Wisteria re-plat information of 2004. PD FarleyCampbell showed the aerial of the site and explained the minimum lot and PUD modification requirements with consideration of any existing covenants that may exist. She pointed out the stormwater aerial and noted that Public Works staff conducted a site recon and walked the property and the GIS Tech annotated where the storm drainage was across the site. It was determined that stormwater utilities would need to be relocated or placed in the easement if encroachment was to be found on lot 48. PD FarleyCampbell reported there had been public testimony received from four neighboring property owners with concerns regarding the Townhomes CCRs, setbacks and other requirements, more information requested and a statement that the lot should remain buildable for townhomes. One referral comment was received from Siuslaw Valley Fire and Rescue that stated they had no concerns. AP FarleyCampbell concluded and stated that Staff found the proposed application met requirements of City Code and recommended approval with the following Condition #3 regarding the private stormwater facilities possible relocate with construction in accordance with Title 9 Chapter 5. She pointed out Exhibit H that had been distributed at the Dias regarding three separate sets of CCRs that included Townhomes, Sandpines West Lot Association and Sandpines West Master Community. She then described the declarations of the documents and referenced details of exhibits that could apply. In summary, the remnant lot #48 did not appear to belong to either the Townhome PUD or the Sandpines West PUD. She closed and stated that in Staffs review of the exhibits there did not appear to be any waive of covenants. PD FarleyCampbell presented the alternatives and asked for questions.

CP Muilenburg inquired about possible protective language that could be added and PD FarleyCampbell stated that she would check about the language and suggested that it should be covered in Condition #2. There were no other questions from Commissioners. CP Muilenburg asked the applicant for their presentation.

Applicant – Tim Sapp – PO Box 1776, Florence OR 97439

Mr. Sapp stated he had located the property corners during a site visit, suggested that the drainage would not create a problem with the proposed buildable site of the property and concluded that he was in favor of a single-family dwelling at that site.

CP Muilenburg asked the applicant if they understood and agreed with the conditions of approval and Mr. Sapp said that he did.

CP Muilenburg asked if there were any proponents. There were none. He asked if there were any opponents.

Opponent – Mark Moynahan – 1525 12th Street, Florence, OR 97439

Mr. Moynahan stated that he was an Attorney and represented the Barbara Bowman Trust, the property owner of Lot #47. He said that they asked that the modification be denied. Mr. Moynahan continued and said that his client was concerned about the accuracy of the property locate and requested that a formal survey be done. He also stated that they were concerned of how possible bulldozing and vegetation removal could affect the existing drainage system. Mr. Moynahan requested additional time to have a drainage assessment done and to further review the CCRs and the possibility of additional declarations. He concluded said that he had made two site visits and suggested that the man-hole and the drainage appeared to be on the property. VC Murphey asked if Mr. Moynahan's client's property had been surveyed and he indicated that he believed it had. He added that his client said that the fence could not be used as a reference.

There were no neutral parties. CP Muilenburg asked if the applicant had a rebuttal and Mr. Sapp confirmed that the pins he had located were all placed with a cap from a licensed surveyor. He indicated that based on his site visit there did not appear to be any drainage problem area on the property.

CP Muilenburg opened a discussion regarding the located pins, the possible drainage issues and the opponents request for a continuance. PD FarleyCampbell clarified the 120-day timeline, noted some scheduling options if the Commissioners decided to issue a continuance and confirmed that the record could remain open for no more than seven days. Commissioner Lysdale pointed out that city code and zoning and building requirements was the purview of the City and not CCR's and covenant issues. There was Commission discussion. CP Muilenburg asked for Staff recommendation. PD FarleyCampbell stated that for the record she had noted that an apparent marketing document found in the City files advertised this subject property as a recreation facility but, there were no City approvals to substantiate that finding. Staff concluded that the applicant met criteria and recommended approval with the noted conditions as sited in the resolution.

Chairperson Muilenburg closed the public hearing at 7:57 p.m.

Chairperson Muilenburg polled the Commissioners regarding the approval of a continuance. The decision was "No" with the unanimous vote of four to zero.

Vice Chair Murphey motioned to approve Resolution PC 16 21 PUD 01 with conditions of approval. Commissioner Bare seconded. Commissioner Bare, "yes"; Commissioner Lysdale, "yes"; Vice Chair Murphey, "yes"; Chairperson Muilenburg, "yes". Commissioner Titmus and Commissioner Miller were absent and excused. The motion passed.

RESOLUTION PC 16 23 PT 03 & PC 16 24 VAR 02 – Mullins Partition and Variance: An application from Patricia Mullins requesting a variance and minor partition to the property located at 87545 Highway 101 to create three parcels with a variance for highway frontage. Two parcels will border Highway 101 and one parcel will border Spruce Street. The existing use of the parcel is as a single-family residence within the Service Industrial District, Assessor's Map #18-12-14-20, Tax Lot 00100.

Chairperson Muilenburg stated that all previous procedures would apply and opened the public hearing at 7:59 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were none. There were no challenges of Commissioners impartiality to make decisions. CP Muilenburg asked for the Staff report.

PD FarleyCampbell presented the staff report with the applicable criteria and the introduction that included information regarding the error that had been found in the 1948 and 1951 surveys that resulted in erroneous placement of buildings. She showed the aerial of the site, the proposed partition that would result in three lots and the requested variance for the Service Industrial District frontage requirements. She explained how the permitted single family residence met the conditional use criterion, that it could serve as a caretaker facility in the future and that it met the development standard of other properties in the area. She stated the conditions of approval and provided details of the combined driveway requirement and access and circulation that was designed to allow future access via Spruce Street. PD FarleyCampbell said there had been no referral comments or public testimony received. AP FarleyCampbell concluded and stated that Staff found the proposed application met requirements of City Code, recommended approval, presented the alternatives and asked for questions.

There was brief discussion between CP Muilenburg, Commissioner Lysdale and PD FarleyCampbell regarding the encroachment from the error that was found in the property survey and clarification of the shared driveway. CP Muilenburg then asked the applicant for their presentation.

Applicant – Patricia Mullins – PO Box 1642, Florence, OR 97439

Ms. Mullins indicated that the garage was on the property when her family purchased it in 1972 and that she paid taxes on the property that included the encroachment. She added details of the shift of the property lines and the encroachment of the pump station fence near the emergency lane on the south end of the property line. Ms. Mullins continued and explained her position, including the changes of the property that had impacted her and her future proposed land use.

CP Muilenburg asked if there were any proponents, opponents or neutral parties. There were none. CP Muilenburg asked for Staff recommendation. PD FarleyCampbell stated that Staff recommended approval with the conditions of approval and noted that she would modify the findings of fact regarding the detached garage.

Chairperson Muilenburg closed the public hearing at 8:21 p.m.

There was brief Commission discussion regarding the possible adjustment of the property line and encroachment and PD FarleyCampbell pointed out that there was no proposed adjustment of the erroneous survey.

Commissioner Bare motioned to approve Resolution 16 23 PT 03 & PC 16 24 VAR 02 – Mullins Partition and Variance with conditions of approval. Commissioner Lysdale seconded. Commissioner Lysdale, “yes”; Commissioner Bare, “yes”; Chairperson Muilenburg, “yes”; Vice Chair Murphey, “yes”. Commissioner Titmus and Commissioner Miller were absent and excused. The motion passed.

CALENDAR

AP Southerland provided information of current applications and PD FarleyCampbell detailed the scheduled hearing dates of November 22 and December 13, 2016.

Chairperson Muilenburg adjourned the meeting at 8:29 p.m.

Vice Chair John Murphey
Florence Planning Commission

Date