

CITY OF FLORENCE PLANNING COMMISSION
July 28, 2015 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Muilenburg called the meeting to order at 7:03 p.m. Roll call: Chairperson Curt Muilenburg, Vice Chair John Murphey, Commissioners Chic Hammon, Clarence Lysdale, Robert Bare, Ron Miller and Alan Burns were present. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Planning Administrative Assistant Vevie PopplewellWalker.

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 July 14, 2015 with spelling correction on page two. Commissioner Miller 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 **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING:

Chairperson Muilenburg said that there were two public hearings before the Planning Commission that evening. The hearings 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, prejudice, 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 15 14 PT 01 – Clawson Minor Partition: An application from William Clawson requesting a minor partition to the parcel located at Map 18-22-27-32 TL 4700, 935 Rhododendron Drive. The applicant has applied to create two additional parcels south of the existing residence. The applicant has proposed three total parcels.

CP Muilenburg opened the hearing at 7:07 p.m.

CP Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. No Commissioner had anything to declare. CP Muilenburg asked if the

public had any challenges to any commissioner's impartiality in making this decision. There were no challenges.

CP Muilenburg asked for the staff report.

Staff Report

AP Southerland delivered the staff report for Resolution PC 15 14 PT 01 beginning with the list of criteria, a brief history of the site and an aerial of the site. He pointed out the existing building and the proposed partition site. AP Southerland continued by stating there had been one referral response with no comment and one public testimony received only with an inquiry into details of the proposal. AP Southerland discussed the new findings brought forth by Commissioner Burns questioning the possibility of the Spruce Point Cemetery being located on the proposed partition site and he distributed printed information on the Dias for the Commissioner's review and consideration. Staff found that the proposed application met the requirements and recommended approval with Condition #3 regarding setbacks for the existing home in Parcel 1, Condition #4.1 regarding legal description, #4.2 requiring applicant submit a final partition map within six months that meets requirements of Title 11, #4.3 regarding the one year deadline of July 28, 2016, and #4.4 regarding the type and number of monuments with final partition. AP Southerland concluded by stating the alternatives and asked for questions.

Vice Chair Murphey questioned the certainty of the cemetery not being in the proposed location after determining the latitude and the longitude and AP Southerland said that there would need to be more research completed before a confirmation could be made. AP Southerland clarified street location for Commissioner Hammon, and the approximate and uncertain distance of the cemetery to the property line for Commissioner Bare. Commissioner Bare asked Commissioner Burns how long it had been since the cemetery had been used and Commissioner Burns explained that it was not in his lifetime and added that he brought it to the Commission's attention because of the awareness he had come to have of it. PD FarleyCampbell pointed out that the Public Land Ownership map indicated either city or county land at the furthest west point of Rhododendron, it was noted as a recreation resource, and it was uncertain as to whether or not it correlated to the cemetery site. Commissioner Lysdale asked for comment from PD FarleyCampbell regarding any possible implications and PD FarleyCampbell responded that if there had been prior knowledge of the cemetery, SHPO should have been notified to request guidance and proper protocol if in fact, the cemetery was found to be located on the property. Commissioner Lysdale said that if it was tribal there may be added issues to work through and PD FarleyCampbell indicated the tribe would be notified if there were any standard building permits issued, however it should not be an issue if it was not a tribal cemetery and added the project could be flagged for more research before any building permits were issued. Commissioner Lysdale said that with a title search a cemetery association should have been recorded. Commissioner Bare questioned what post it was recorded on and Commissioner Burns said that he felt that the cemetery was south of the proposed area and said he would support approval of the application with the condition that staff would follow-up with the tribe and check with the Siuslaw Pioneer Museum records. Chairperson Muilenburg said that he would table the suggestion until deliberation.

CP Muilenburg asked Commissioners if there were any further questions for Staff. There were none. CP Muilenburg asked for the applicant to come forward.

Applicant Testimony – Gene Wobbe with Wobbe & Associates Surveying, representing William Clawson – 88008 Windjammer South Florence, OR 97439

Mr. Wobbe made clarification of the red lines on the Proposed Partition as the Miller's Addition on the original plat, the process was a re-plat, and he also confirmed that the setbacks qualified. Mr. Wobbe had no further testimony and said he would take any questions.

Commissioner Lysdale asked Mr. Wobbe if he had any comment regarding the new information regarding the cemetery and Mr. Wobbe responded that this was the first he had heard of the cemetery but was aware of

an old sawmill in the general area and added that the cemetery looked to be at the bottom of the map that had been distributed on the Dias.

There were no more questions for the applicant.

CP Muilenburg opened up the opportunity for any proponents, opponents, or interested neutral parties to speak. There were none.

CP Muilenburg asked for Staff response and recommendation.

AP Southerland restated the Staff recommendation with time allowed to confirm exact location of the cemetery.

CP Muilenburg closed the hearing at 7:29 p.m.

Commission Discussion

Vice Chair Murphey indicated that Google showed the latitude and longitude of the Spruce Cemetery as 43.97310 and -124.12080 and AP Southerland took the information for further research. Commissioner Bare stated that he felt the right thing to do was to find exactly where the cemetery was located before going any further. Vice Chair Murphey suggested a motion to approve unless the cemetery is found to be located on the proposed partition and Commissioner Burns motioned to approve the Resolution with the added condition of confirmation that the cemetery is not on the proposed partition site. AP Southerland said that he would add the Condition of approval as a tentative approval, Commissioner Burns responded that if the cemetery was found not to be on the proposed site he did not want the application to come back and AP Southerland clarified that it would only come back to Staff.

CP Muilenburg asked the Commission for any added comments and Commissioner Bare said that he felt that the Tribe should be contacted, Commissioner Hammon requested that it be defined exactly where the cemetery is located and who it belonged to, AP Southerland responded that Mr. Wobbe had pointed out that the cemetery may never be located and there was brief Commission discussion regarding the coordinates and the additional time to investigate further. PD FarleyCampbell said that as a condition there would need to be confirmation of whether or not the cemetery is located at the proposed site and if there is a cemetery at the proposed site, then the burden would be on the applicant to establish an easement to be placed over it or go through the motions to have it removed and she added that SHPO and the Tribes would be notified before they could apply for the final plat. PD FarleyCampbell clarified that SHPO would be notified and the Conditions would specify that the applicant would work with Staff to determine that the cemetery is not on the proposed site before the final approval.

Commissioner Lysdale commented that Condition #3 regarding setbacks should possibly be worded more specifically to indicate the side yard setbacks only.

Commissioner Burns ask PD FarleyCampbell for verbiage regarding Condition #5 and the determination of the cemetery and PD FarleyCampbell read the new Condition of approval regarding the applicant working with Staff to determine any existence of the cemetery and AP Southerland read Condition #3 with the change for clarification regarding the side setbacks. Mr. Wobbe expressed some concern over Condition #5 in regards to not ever being able to determine that the cemetery is not on the proposed location and Commissioner Burns assured that the Siuslaw Pioneer Museum should have enough information to determine where the cemetery was located. Mr. Wobbe said that Condition #5 should state that determination was made based on the best available evidence and all Commissioners agreed. There was no more discussion.

Commissioner Burns motioned to approve Resolution PC 15 14 PT 01 - Clawson Minor Partition with the added Conditions. VC Murphey seconded the motion. By roll call vote: Commissioner Lysdale “yes”;

Commissioner Hammon “yes”; Vice Chair Murphey “yes”; CP Muilenburg “yes”; Commissioner Bare “yes”; Commissioner Miller “yes”; Commissioner Burns “yes”. The motion was approved.

RESOLUTION PC 15 15 EAP 01 – CLPUD Temporary Building Extension: A request for an extension, ending June 12, 2017, to the approved conditional use permit for the Central Lincoln PUD Break Building, located at 966 Highway 101, Assessor’s Map # 18-12-36-32 Tax Lots 5400, 5500, 5600, & 5700 (Original File # PC 12 03 CUP 02).

CP Muilenburg opened the Public Hearing at 7:44 p.m.

CP Muilenburg stated that all public hearing procedures continued to apply.

CP Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex parte contacts or site visits.

CP Muilenburg asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. CP Muilenburg asked for the staff report.

Staff Report

AP Southerland delivered the staff report for Resolution PC 15 15 EAP 01 beginning with the list of Criteria, a brief history of the 1962 site, the aerial of the site and pointed out the current location of the temporary building. AP Southerland continued with the approved site plan and landscaping and stated there had been no referral responses and one public testimony received who expressed they thought the previously granted approval period was long enough and that the structure was one of the first buildings seen by those entering the area and they were opposed of the approval. Staff found that the proposed application met the requirements and recommended approval with Condition #3 regarding the applicant abiding by the conditions of approval of Resolution PC 12 03 CUP 02 exhibit C and Condition #4 regarding the conditional use permit deadline with the extension date of July 28, 2017. AP Southerland concluded and stated the alternatives and asked for questions.

Vice Chair Murphey requested clarification of placement dates and AP Southerland and PD FarleyCampbell stated that it had originally been placed in error without a permit and that the applicant promptly submitted the application for approval which was granted in June 2012. Commissioner Hammon asked for confirmation of the building approval agreement and AP Southerland stated that it was a three-year agreement with a possible two-year extension. Chairperson Muilenburg asked for interpretation of the placement after the three year approval and the two-year extension and AP Southerland explained that at the termination of the extension the building would have to be removed or come up to current code and become a permanent building.

CP Muilenburg asked Commissioners if there were any further questions for Staff. There were none. He asked for the applicant to come forward.

Applicant Testimony – Gary Wenzel, Central Lincoln PUD – 966 Hwy 101, Florence OR 97439

Mr. Wenzel began and recapped that the building had initially been placed in error and stated that there had been the need to create more room and the original intent was to build a bigger facility at another location. Mr. Wenzel went on to explain that the plans did not come through and indicated that they have contacted a consultant who specialized in utilizing space who would be coming in to assist them on how to better use the existing space and they would not be looking for another extension or make the temporary building a permanent one.

Commissioner Hammon asked for confirmation that move to a new location would not be happening, Mr. Wenzel stated that was correct at this time, one of the facilities in the Newport located in the Tsunami zone

would have to be addressed first, and Commissioner Hammon stated the current temporary building was also in the Tsunami zone.

CP Muilenburg asked for any proponent, neutral, or opposed party. There were none.

CP Muilenburg asked for Staff recommendation.

AP Southerland restated the staff recommendation.

CP Muilenburg closed the hearing at 7:58 p.m.

Commission Discussion

There was no Commission discussion.

Commissioner Bare motioned to approve Resolution PC 15 15 EAP 01 – CLPUD Temporary Building Extension. Commissioner Hammon seconded the motion. By roll call vote: Commissioner Lysdale “yes”; Commissioner Hammon “yes”; Vice Chair Murphey “yes”; CP Muilenburg “yes”; Commissioner Bare “yes”; Commissioner Miller “yes”; Commissioner Burns “yes”. The motion was approved.

DIRECTORS REPORT

PD FarleyCampbell stated that the monthly report was in the packet which was submitted to City Council for the month of June and noted that permitting was up, due largely to Peace Health Hospital pulling for their permit for the Emergency Room addition. PD FarleyCampbell went on to report that Planning had slowed down with a few Administrative Reviews including the Coin Shop storage building.

CALENDAR

AP Southerland said the next Planning Commission meeting was tentatively scheduled for August 25, 2015 at 7:00 p.m. currently with one item followed by a Wednesday, September 9, 2015 at 7:00 p.m. which PD FarleyCampbell explained was because of the Labor Day weekend that moved City Council to a Tuesday night and went on to add that was the same day from 10:00 a.m. to 12:00 Noon that City Council planned to have the work session with the Commissioners regarding Recreational Medical Marijuana policies. All Commissioners responded they would be able to attend however Chairperson Muilenburg informed he would not be able to be present at the Wednesday evening Planning Commission meeting.

PD FarleyCampbell said that Fairway Estates, formerly Sandpines West, was resubmitting their application and may or may not be ready for that meeting. Vice Chair Murphey inquired about the Stillwater Condominium modifications and AP Southerland indicated that they were proposing to go from vertical to horizontal siding due to water leakage and damage.

PD FarleyCampbell concluded by extending the invitation to the Saturday, August 15th EMAC Black & White event at the High School from 10:00 a.m. – 2:00 p.m. that will give the opportunity to bring old tires, propane tanks, wash machines, etc. for free disposal.

CP Muilenburg adjourned the meeting at 8:06 p.m.

Curt Muilenburg, Planning Commission Chairperson