This document is supplemented by agenda packet materials and electronic audio / video recordings of the meeting. These supplemental materials may be reviewed upon request to the City Recorder.

City of Florence Planning Commission Meeting 250 Hwy 101, Florence, OR 97439 March 10, 2020

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 PM.

Commissioners Present:	Chairperson John Murphey, Vice Chairperson Phil Tarvin,
	Commissioner Sandra Young, Commissioner Eric Hauptman,
	Commissioner Brian Jagoe, Commissioner Ron Miller,
	Commissioner Andrew Miller
Staff Present:	Planning Director Wendy FarleyCampbell, Senior Planner Roxanne
	Johnston, and Assistant Planner Dylan Huber-Heidorn

PD FarleyCampbell began the meeting by introducing Roxanne Johnston, the newly hired Senior Planner in the Community Development Department.

1. APPROVAL OF THE AGENDA

Start Time:	5:33 PM
Action:	Approve agenda as presented.
Motion:	Commissioner Young
Second:	Commissioner Ron Miller
Vote:	Unanimous

2. APPROVAL OF MINUTES OF NOVEMBER 26, 2019

Start Time:	5:34
Action:	Approve minutes as presented.
Motion:	Commissioner Ron Miller
Second:	Commissioner Young
Vote:	Unanimous

3. PUBLIC COMMENT

This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time:5:35 PMCommenter 1:Larry FarnsworthTopic:Request to change the order of the agenda itemsComments:Mr. Farnsworth requested that the action item concerning his
application for vegetation clearing (Agenda Item 5) be moved
forward on the agenda. He had recently been through the ethics
training included in Agenda Item 4 through his position on the city's
Transportation Committee.
The Commissioners unanimously agreed to hear Item 5 before Item
4.

5. <u>ACTION ITEM: RESOLUTION AR 19 14 VEG 07 – HECETA STORAGE</u> <u>VEGETATION CLEARING</u>

An application from Heceta Self Storage Corporation to clear vegetation from a 4.5acre, city-owned property in advance of building permits for a phased construction project to develop a new self-storage facility on Kingwood Street

Open:	5:40 PM
Closed	6:06 PM
Applicant:	Larry and Crystal Farnsworth
Discussion:	As follows

Chairperson Murphey declared a conflict of interest stemming from his professional role as an agent of Coast Insurance, which provides insurance to one or more of Mr. Farnsworth's businesses. He recused himself from the decision and ceded the chair to Vice Chairperson Tarvin. No other Commissioner declared a conflict of interest, ex parte contact, or bias. There were no challenges.

PD FarleyCampbell clarified that, per state law and at the direction of the city attorney, this item was not being considered in a public hearing. As an administrative review, the Planning Commission was making a decision on the application as an action item, with no opportunity for parties to add evidence to the record.

AP Huber-Heidorn delivered a staff presentation on the proposed vegetation clearing permit (see attached), beginning with a discussion of how vegetation clearing permits are generally processed by staff. He explained that the staff report for the application contained staff's interpretation of the applicable city codes, but invited alternative interpretations by the Commission if they saw fit. AP Huber-Heidorn delivered the staff recommendation that the application could meet the requirements of Florence City Code if accompanied with conditions of approval to alter the phasing of vegetation clearing over the span of the project.

Commissioner Jagoe asked about options for sand management accepted by the city. AP Huber-Heidorn explained that mulching, wetting, and other strategies were generally accepted.

Commissioner Young asked about access from Kingwood St. to the stormwater retention area proposed at the south end of the site. Staff clarified that a stormwater pipe would run from Phase 1 of the project

on the north end of the site to the stormwater facility on the south end of the site, and clearing was proposed along the pipe's path for access and construction.

PD FarleyCampbell elaborated on the possibility of issues stemming from bringing equipment onto the site to remove trees and the lack of a replanting plan for areas of vegetation disturbed by tree removal.

Commissioner Ron Miller discussed the additional vegetation that could be removed as collateral damage in the process of removing trees throughout the heavily vegetation site.

Mr. Farnsworth requested a private discussion with staff, but was informed that only information already in the record could be introduced for consideration in the Commission's decision.

Commissioner Hauptman requested clarification of the condition of approval describing the areas approved for vegetation clearing. AP Huber-Heidorn replied that the areas designated blue and yellow on the clearing plan would not be permitted for clearing.

Action:	Approval of the application and conditions of approval as presented
	by staff
Motion:	Commissioner Jagoe
Second:	Commissioner Ron Miller
Vote:	Unanimous

4. PRESENTATION - ANNUAL COMMISSION TRAINING

Overview of the Committee, Public Meetings, and Ethics Laws

City Recorder Kelli Weese delivered a presentation on policies applying to volunteer committee members.

REPORT ITEMS

6. PLANNING DIRECTOR REPORT & DISCUSSION ITEMS

Start Time: 6:30 PM

Discussion:

PD FarleyCampbell discussed the timeline for work on the City Work Plan. AP Huber-Heidorn gave a presentation on the 2020 Census

Meeting adjourned at 6:57 PM.

ATTEST:

John Murphey, Chairperson

Dylan Huber-Heidorn, Assistant Planner

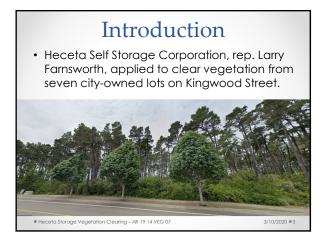
3/10/2020 •2

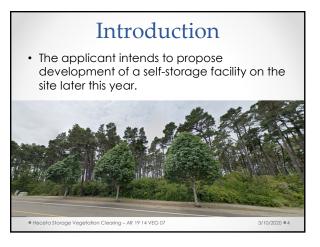


Administrative Review

- Vegetation clearing permit applications are reviewed as Type 2 Admin. Reviews
- Whether staff or the Commission makes the decision, there is no public hearing
- The applicant cannot add information to the record used for the decision
- Vegetation clearing permits are not required for sites with active building permits

Heceta Storage Vegetation Clearing - AR 19 14 VEG 07





Criteria

Criteria applying to this matter include:

Florence City Code:

 Title 4 Chapters:

 1: Building Regulations, Section 15-3

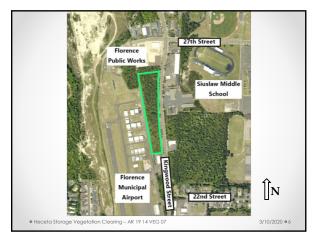
 6: Vegetation Preservation, Sections 2, 3, 4, and 6

Title 9 Chapters:5: Stormwater Management, Section 2

Title 10 Chapters: 1: Zoning Administration, Section 1-6-2 34: Landscaping, Section 3-7

Heceta Storage Vegetation Clearing – AR 19 14 VEG 07

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Zoning

3/10/2020 •7

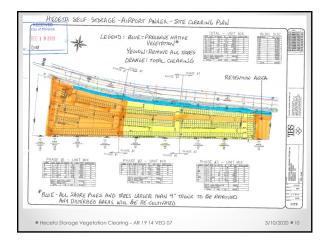
• Entire site is Limited Industrial District

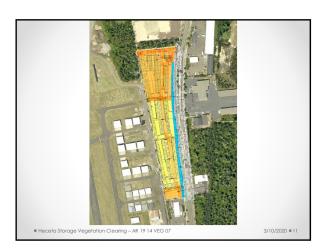
Heceta Storage Vegetation Clearing - AR 19 14 VEG 07

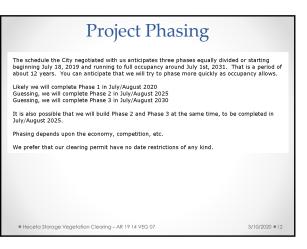
 Ord. No. 3, Series 2019 rezoned lots 1-14 of the Industrial Park plat and added "storage" as an allowed use











3/10/2020 •14

Stated Reasoning

• The applicant states that tree removal outside the Phase 1 area would be completed to protect workers from falling shore pines.

Staff Recommendation Staff finds that the proposed application can meet the requirements of City Code with conditions of approval as follow. Staff

recommends approval of the application.

Heceta Storage Vegetation Clearing - AR 19 14 VEG 07

Conditions of Approval

3/10/2020 •13

3/10/2020 •15

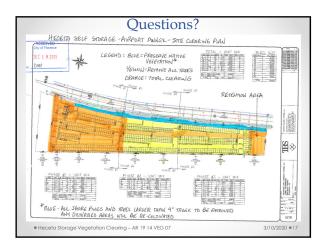
4. Requires sand management

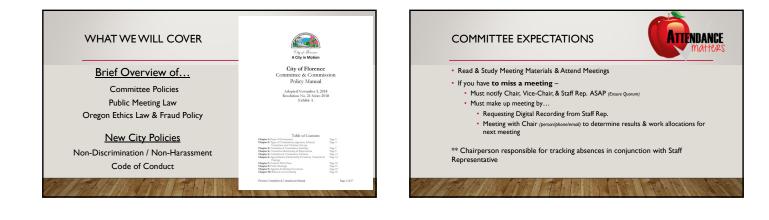
Heceta Storage Vegetation Clearing – AR 19 14 VEG 07

- 5. Calls for proof of a DEQ 1200C permit
- 6. Requires replanting in cleared areas if building permits are not issued within 6 months
- 7. Limits the clearing permit to the first phase of the storage facility, including areas of the clearing plan marked in orange

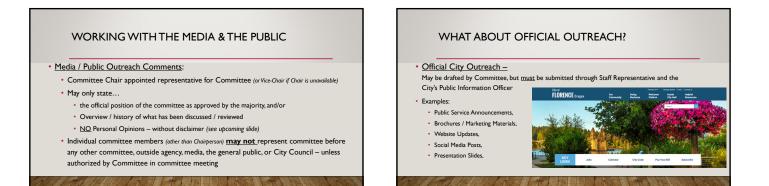
Heceta Storage Vegetation Clearing – AR 19 14 VEG 07











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PERSONAL OPINIONS

- · You have a right to testify / state your opinion as a citizen at meetings / to the media.
- Need to specify:
- "I am a member of the Planning Commission, but today I am speaking as a private individual"
- Do so at the beginning of your comments,
- prior to anything else being said.
- Courtesy: Tell the Chair / Staff Ex-Officio in advance
- <u>Consider</u>: How your role as a Committee Member will be perceived. i.e. Comment respectfully.

ROLE OF CHAIRPERSON & VICE-CHAIRPERSON

- Established first meeting in February
- Chair presides over meeting
 - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
 - · Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions

CHAIRPERSON TERM LIMITS & SUCCESSION PLAN

- · Chairperson shall serve for a period not to exceed two-consecutive years (starting 2.1.19)
- Vice-Chairperson Role:
 - Fulfill the role of Chair when Chair is unavailable
 - Expectation Vice-Chair will be next party in succession to the role of Chairperson
 - & will fulfill position during a vacancy or when the Chair has reached their term limit
 - Transition in leadership Vice-Chair should be involved in all correspondence / work of Chair

RELATIONSHIP BETWEEN COMMITTEE & STAFF

City Staff do not report to committee

- Each Committee Assigned 1-2 staff:
- Ex-Officio Member
- Staff Representative
- Responsible for Clerical Assistance for Meeting / Coordination · Staff work above required to be in annual committee work plan
- Requests for items not in approved work plan that exceed 15 min. of staff time made in writing to
 - applicable department director

GOALS & WORK PLANS		
Approximate Date(s)	Action	
February (I st Committee meeting of service year)	Welcome new members Appoint Chairperson / Vice-Chairperson / Secretary (optional)	
Spring	Review Council goals & work plan Begin creation of committee work plan & prior year activities report	
Spring	Committee approval of proposed work plan & prior year activities report Committee work plan & prior year activities report submitted to City Manager & City Council for approval	
Fall	Work session with City Council to: Review work performed thus far Receive committee actions for overall City work plan & budget Receive committee actions for overall City work plan & budget	
19911-1-1-1		



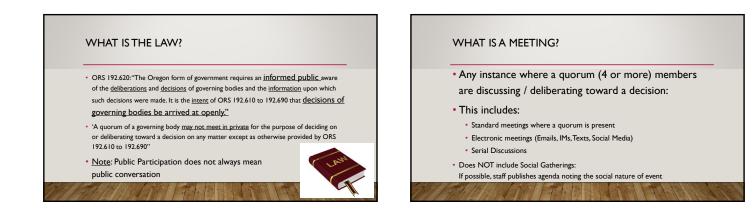
OTHER ITEMS INCLUDED IN MANUAL

- Process for Appointments, vacancies, resignation procedures, removal, etc.
- Public Meetings Requirements
- Agendas & Meeting Procedures
- Ethics & Accountability

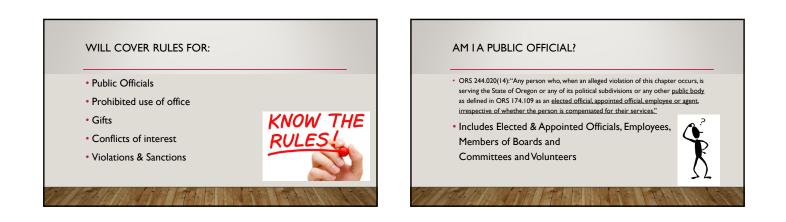




<section-header> PUBLIC MEETINGS LAW Pengulated by State of Oregon – Department of Justice From ORS 192 Attorney General's Public Meetings and Open Records Manual Image: Control of Control of









PROHIBITED USE OF OFFICE (ORS 244.040(1)

A public official <u>may not</u> use or attempt to use official position or office to:
 obtain financial gain or avoidance of financial detriment

• Who applies?:

 The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated

Disclaimer:

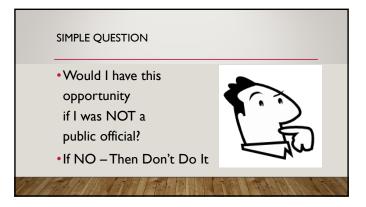
 If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office (The 'But-For' Test)

RELATIVE (ORS 244.020(15))



Spouse

- Children of the Public Official or the Public Official's Spouse
- The following of Public Official or Public Officials Spouse
 - Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter-in-Law
- · Anyone for whom the public official has a legal support obligation or provides employment benefits
- Note: Don't forget member of the Public Officials Household (i.e. anyone living with public official irrespective of relationship)



GIFTS (ORS 244.020(6)(A)

- Something of value given to a:
- Public Official, Candidate, Relative, Or Member of the Household
- Without valuable consideration of equivalent value (i.e. not a trade)
- Including: Full or partial forgiveness of indebtedness • Which is not extended to others on the same terms or conditions
- Gifts are limited to \$50 per year, per giver

THE GIFT RULE:

- I. You (your relative or member of household)
- 2. Cannot ask for, receive, or give
- 3. Or even hint at getting / giving
- 4. Gifts over \$50 from any single source in one year
- 5. IF your source has an interest in your official actions: i.e., a decision or vote



"BUSINESS WITH WHICH PERSON IS ASSOCIATED"

- Any private business in which you or a relative are:
 - an owner, director, officer,
 - Employee, or
 - in which you or a relative has 1,000+ worth of interest
- Any publicly held corporation in which you or a relative has:
 - \$100,000 of interest, or
 - an officer / director



TWO TYPES OF CONFLICTS

Actual Conflicts
 <u>Would</u> result in financial benefit or detriment

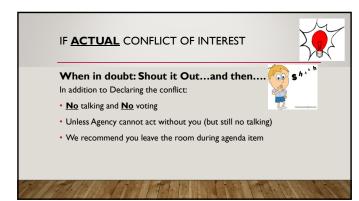
Potential Conflicts <u>Could</u> results in financial benefit or detriment





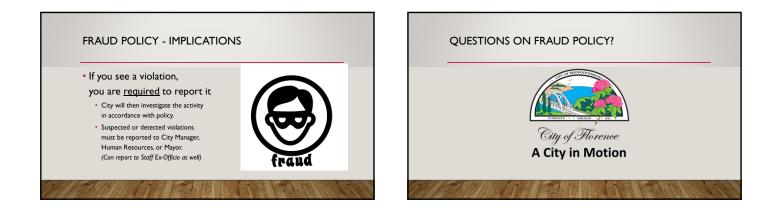
When in doubt: Shout it Out!

- State the nature of your conflict
- Do it **before** voting or discussing the manner
- Do it on the record
- Do it each meeting issue is discussed



SANCTIONS • Civil penalty = Up to \$5,000 per violation • Forfeiture = twice the amount of financial benefit realized • Letters of reprimand, explanation or education (503) 378-5105 (503) 373-1456 - Fax ogec.mail@state.or.us - E-mail ogec.state.or.us - Web







BULLYING & MICROAGGRESSIONS

 Subtle: The comments are usually subtle – which is what makes this hard for some people to realize what they said.

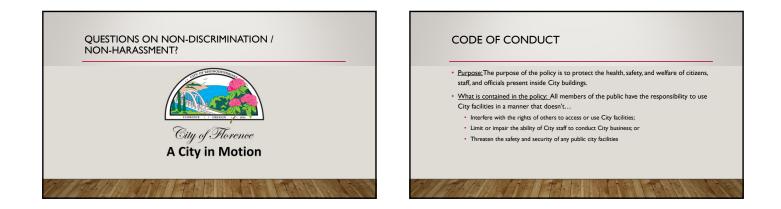
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- Acts: They are things people say and do again often not intended
- Exclusion: They create exclusion of people

Examples:

- 'Everyone knows Asians are Smart!'
 The 'Girls in the Office'
- Ine Giris in the Office
- Using 'gay' to describe something you don't like.











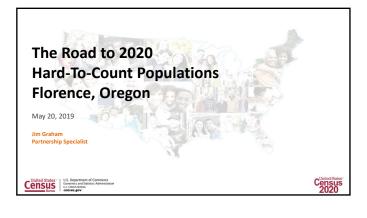
Oregon Government Ethics Law -

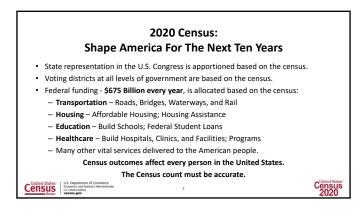
- League of Oregon Cities: Avoiding Problems Conflicts of Interest http://www.orcities.org/Training/LOCTV/tabiod/6768/language/en-US/Default.aspx
- League of Oregon Cities: Gifts –
 <u>http://www.orcities.org/Training/LOCTV/tabiod/6768/language/en-US/Default.aspx</u>

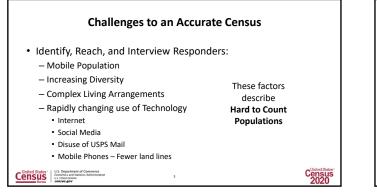
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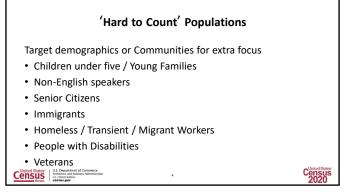
 Oregon Government Ethics Commission "Guide for Public Officials" -<u>https://www.oregon.gov/OGEC/pages/training.aspx</u>

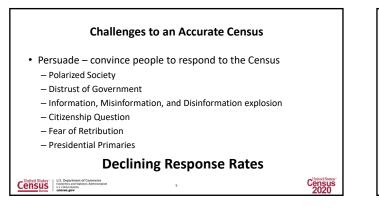


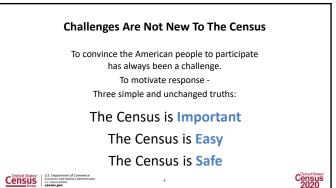












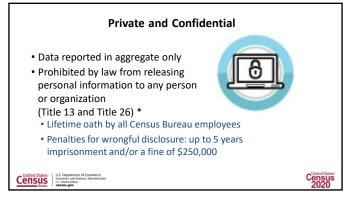
What Do We Ask?

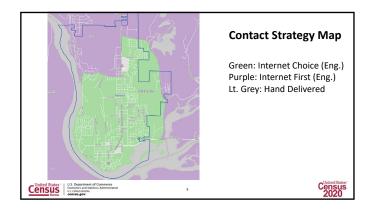
- 1. Address
- 2. Phone Number
- Count of Each Person At That Address
 Name
- 5. Gender
- 6. Age and Date of Birth
- 7. Race
- 8. Hispanic, Latino or Spanish Origin
- 9. Whether Someone Lives Somewhere Else
- 10. Relationship 11. Citizenship *

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