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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
November 22, 2022**

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

Chair Young called the meeting to order at 5:32 PM.

Commissioners Present:           IN HOUSE: Chair Sandra Young, Vice-Chair Andrew Miller, Commissioner Eric Hauptman, Commissioner Phil Tarvin, Commissioner Kevin Harris,  
Excused absence: Commissioner Ron Miller

Staff Present:   Planning Director Wendy FarleyCampbell, Assistant Planner Clare Kurth, Planning Technician Sharon Barker (virtually), Management Analyst Peighton Allen

At 5:32 PM, Chair Young opened the meeting, FarleyCampbell gave the Roll call. Commissioner Phil Tarvin led the flag salute.

**1.     APPROVAL OF THE AGENDA**

Start Time: 5:32PM

Action: Approved

Motion: Comm. Hauptman

Second: Vice Chair A. Miller

Vote: 6-0

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

**2.     APPROVAL OF THE MINUTES: October 25, 2022, approved unanimously**

Start Time: 5:33

Action: Approved

Motion: Comm Murphey

Second: Comm Hauptman

Vote: 6-0

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

No public Comments:

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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.

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.

Chair Young: 4th Item on the Agenda tonight is a Public Hearing for **Resolution PC 21 39 SUB and PC21 40 PUD 02**

**RESOLUTIONS PC 21 39 SUB 03 and PC 21 40 PUD 02 –Preliminary Planned Unit Development (PUD) and Tentative Subdivision and AR 21 21 SIR 14 (Site Investigation Report).** Application from Joseph M. Pearson on behalf of Pacific Golf Communities, LLC, seeking approvals for a preliminary PUD, tentative subdivision, and associated SIR for Fairway Estates Phases 2-3-4 to develop the approx. 10.36 ac. as shown on Assessor's Map 18-12-15-00 Tax Lot 01500, located 781' North of Tournament Dr. nearest intersection Rhododendron Dr. and Tournament Dr. zoned Medium Density Residential (MDR).

**Hearing opened 5:41 pm**

Chair Young addressed the staff and asked if they had somebody that wanted to testify tonight.

Comm. Murphey said that this was not allowed, because applicant was not there to respond.

Chair Young reminded Commission that the meeting has been opened.

Director FarleyCampbell said that applicant is going to get the chance to respond, the Commission has two options: the applicant had the opportunity to postpone the hearing which would then require additional noticing, applicant choose to continue the hearing, and you cannot continue the hearing unless you open the hearing, the hearing has been opened, there is a staff report you have a member of the public that has responded to the notice that was mailed to her, she could come back on January 10<sup>th</sup> and offer her testimony then, but it is more convenient for her to do it now, the testimony will be a matter of the public record and the applicant will have the opportunity to respond to that testimony during the January 10<sup>th</sup> Hearing.

Chair Young said that the applicant can respond at the January 10<sup>th</sup> meeting, since the hearing has been continued and he will be able to speak to that.

Comm. Murphey said that he had a problem with that.

**Public Testimony:**

Nancy Rhodes address #9 Mariner's Lane, Florence said that she has a concern with the setback and the boundaries. She said that when the applicant began to do some work in December a couple years ago "I understood that there were some infringements on the 20' setback from the Fairway Estates property and that from my property on Mariners that is 10' so really, my understanding is that there should be nothing done within that 30', there was some work that was done against the rules, and there were some fines presented and some of the brush that was removed was supposed to be replanted. Has this been addressed, has he paid the fines, has he corrected the wrong doings that he did at the time?" Citizen asked if the City will be overseeing this project to make sure he is not encroaching on the setback between Fairway Estates and Mariners.

Chair Young asked if staff wanted to answer any of the questions.

FarleyCampbell answered the questions related to the vegetation clearing because they were not related to this hearing. The property owner did pay the fines and did meet the Ordinances and the conditions that were required. Rhodes also asked if there is going to be a watch group that makes certain that the applicant follows the setbacks and boundaries so that these don't get crossed again when they began this new phase of this development.

FarleyCampbell said she is certain that there will be a process put in place, and that there are conditions for different phases of the development; a lot of it depends on what the applicant proposes to do. The notices that were mailed stated that the applicant proposes a trail near Mariner's Village. There will be clearing there if this is approved.

Rhodes asked if that will be discussed in more detail at the January 10, 2023 meeting.

FarleyCampbell said yes, because nothing is being discussed here tonight.

Chair Young said that after providing a courtesy to the testifier that the Commission will continue with the meeting and asked if there was a motion to continue the meeting until 1/10/2023.

Vice-Chair A. Miller motioned to continue hearing to a date certain of January 10, 2023.

Second: Comm. Hauptman

Time: 5:48PM

Motion: Vice-Chair A. Miller

Second: Comm. Hauptman

Chair Young: yes

Vice Chair Andrew Miller: yes

Comm. Hauptman: yes

Comm. Tarvin: yes

Comm. Harris: yes

Comm. Murphy: yes

Vote: 6-0 – Motion passed

Hearing Started: 5:41PM

Ended: 5:48PM

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**Agenda Item #5 2021-2023 Planning Commission Work Plan** – Status of current workplan items and recommendations for 2023-2025.

FarleyCampbell: “In the packet was the 2021–2023-year one work plan, we are presently in the middle of year two, and there are still some items that we need to work on for the year one, there are some items within the work plan that are not included in this year one work plan. The goal of tonight is to go over the document Recommendations to the City Council to approve the 2021-2023 (year one) Planning Commission Work Plan. Goal is to find out where we are at with the current work plan items, and see what can realistically be accomplished by the end of June 2023.”

FarleyCampbell discussed the creation of a written report that will be given to the City Council either the week of January 30<sup>th</sup> or the week of 2/6/2023; the two weeks that have been set aside for the committees to present items in a work session. “At the same meeting you will be discussing what you think the City should be working on in the upcoming work plan for that will start July 1, 2023. It was to see what can we get done on the 2021-2023, what has been done, what can get done and what is going to get carried over. We also want to know what is new, what is important that has come up and should be included in the next work plan. The focus tonight is to focus on the year one work plan. We will have that opportunity in December and in January for you to continue working on preparing your content for work session with City Council either at the end of January or the beginning of February. There will be two new Commissioners in January, which will give them the opportunity to participate in this process. In tonight’s packet there is some information provided by Comm. Tarvin for Chapter 6 Vegetation Preservation. We had hoped to discuss this on tonight’s agenda, but the EMAC members of the sub-committee were unavailable. Comm. Tarvin participated in EMAC’s meeting; it is appropriate that EMAC participates in the full discussion with the Planning Commission. Comm. Tarvin will be going over some items with you tonight. Vegetation preservation is Item #6 on year one work plan.”

Comm. Tarvin: “The materials that we gave you tonight are an introduction, and the actual first look at the work that the sub-committee has done so far. The subcommittee started work on the project on the second quarter of this year. The sub-committee is made up of EMAC and Planning Commission members. Right now, the members are Lisa Walter-Selacek, Alan Knoblock, and Tom Benedick from EMAC, and Phil Tarvin and Eric Hauptman from Planning Commission. On November 15 we had a meeting with EMAC general committee to go over the recommendations that we have so far. At the end of the session, they did vote to accept all the revisions and to

forward it to the Planning Commission so they can start their review process. The packet contains 11 pages.” Comm. Tarvin further explained some of the highlights that he would like the Commission to keep in mind as they review the package. “The number of pages has changed to 11 pages. It was a lot of work but they are happy with the product thus far. The things to keep track of as you are going through your review is the new definition section; native vegetation has been revised, there is also a new definition for significant vegetation, which is borrowed from another section of the code that discusses preservation credits, etc. The difference between native and significant vegetation was explained. We need to get out of the habit of saying native vegetation and say significant vegetation. A new section to pay attention to is the vegetation removal permit which distinguishes itself from the under this permit there is no clearing or felling of trees allowed just removals for specific purposes. This section was made because of the survey-types of incidents that we have had and the clearing of vegetation on private lots in order to discourage homeless encampments on private property. The sub-committee hopes that this is an over-the-counter type of permit. This permit is for either surveying or homeless encampments. The third purpose for the permit is specific enough so we may have to do some revisions. There is a new section for organization and enforcement establishing the authority to the entity that is administering the process. The section for violations and penalties has widely expanded. Comm. Tarvin stated that he is hoping that the Commission will take these materials and study them until they have their next meeting. The list for native vegetation is being greatly expanded. Lisa Walter with EMAC is in consultation with the Water Shed Council to get some handle on what some other entities feel should be included in this project which is going to be an ongoing project until we go to Council.

Comm. Murphey asked if the committee was reviewing dune grass because the grass that we have here now is not native grass; it is European Dune Grass. Comm. Tarvin said that there was a lot of discussion on dune grass. Chair Young asked Comm. Tarvin if the Commission can email him if they have questions. Comm. Tarvin asked FarleyCampbell how that should be handled. FarleyCampbell recommended that if they have questions, formulate them and send them to Phil and herself so that they are in the record and then if people have questions, we can create a unified response that goes to everyone. FarleyCampbell mentioned that EMAC had one approach to this activity and the Planning Commissioners had a different approach to this project because they both have different interests in this project. This project will also be given to the attorney for his input, but she said she will wait until we have a more final product before that is done. FarleyCampbell asked the Commission if they would like to have this on their December 13<sup>th</sup> meeting, because they already have one item scheduled. Comm. Hauptman asked what hearing will be on that night. FarleyCampbell said the Food Truck Pod.

Comm. Murphey asked the Commissioners to please take up the need for additional staffing for an expanded Code Enforcement Department for Wendy, because the department needs to have somebody to make sure that the projects that are approved are following the conditions that are set by the Commission.

Comm. Hauptman agreed.

Chair Young said that it would be great to have this at their December meeting.

FarleyCampbell discussed the #1 Housing Efforts & Initiatives page 11-12 of the workplan. The plan includes code updates for mobile home and RV parks, transitional housing, short term rentals, special needs and emergency housing. Also needs to codifying code to be compliant with new State statutes and subsequent rules. The adoption of code changes could probably happen in April or May 2023. The Planning Commission will be having a work session with the City Council on December 5<sup>th</sup> at the FEC at 5:30 on this topic next week in an email you will be receiving a packet for that meeting, the email will have all the proposed code updates. Changes for Chapter 7 and Chapter 19, some changes in Chapter 10, the items will be book marked so you can go to what you are interested in and read that chapter. The items that will not be discussed in the project specifically, will be short term rentals, there is a short-term rentals subcommittee that has been doing work. Clare is here to give an update on that. The short-term rental portion may get done by June 2023.

Chair Young asked if the new Councilors be invited to the work session. FarleyCampbell said “Yes” and the new Mayor and the new Councilors will be invited to the work session. The applicants for the Planning Commission will also be invited to attend the work session. Chair Young said that the code changes are a huge job. FarleyCampbell said that if you want to get a jump on what is going in the packet that the Commissioners could go

to City calendar and go to July 28, 2022 and you will see the Florence Housing Implementation Plan Stakeholder Advisory Team Meeting #3, that packet includes the code.

Kurth shared information on the short-term rental sub-committee meetings; that they have been going over the survey results, and that one of the members has written up a summary on what the committee has done and the results of the data. She stated they have been working on group edits on the summary with the goal of having something to present to the joint work session on the 5<sup>th</sup> of December.

Vice Chair Miller said that the committee has made a lot of progress.

FarleyCampbell said the survey results are on line if you would like to see the survey results, on the September 27<sup>th</sup> SAT meeting.

Chair Young asked if the survey results made major changes in the code that they are going to be looking at. FarleyCampbell said, "Not major changes."

Comm. Hauptman asked if there have been a lot of complaints about short-term rentals. FarleyCampbell said occasional complaints about trash cans but not much else. Kurth said most of the complaints we get are from the owners of the short-term rentals complaining about the neighbors, but we do not get a lot of complaints. Chair Young said that most of the complaints are about the traffic. Comm. Tarvin asked if there has been any sense of about whether the short-term rentals have any effects on the housing supply. Vice Chair Miller said not any local study, but some of the larger cities we have read surveys that showed problems with housing supply. But that it would be nice if we started a local study on this subject. Comm. Murphey said that it is going to be really hard to get to the point to be able to answer the question about housing supply and the increase purchase prices. Comm. Tarvin said he didn't think it has been shown to drive the price, and that he thinks he has seen information where it gobbles up the real estate foot print. Comm. Murphey said that we are just going to have to limit the zones that vacation rentals can be allowed. Chair Young said that there are 4 or 5 short term rentals on her small street and all of those could be long term rentals. Commissioners and staff continued to discuss short term rentals.

Comm. Murphey asked if staff got the loop hole fixed in multi-family zoning now so that the 38 Loop project can't happen again where there just put a rose trellis to connect houses to make them multi-family? FarleyCampbell said that the loop hole that was there for that was what we did not have a definition for attached and now we do. The definition for attached is to share common wall, common roof, or a common foundation. Shared foundation could be something that is underground that nobody can see, the layperson won't know the difference. The City adopted the state building code's definition of attached.

FarleyCampbell: "On this item the things that I see that are needing conversation to whether we want to continue working of these next biennia are the RV park, this wasn't included in this project because there was only so much money. I think that short term rentals are going to continue into the next biennium maybe the code will be there or it will be the start of the code. Maybe the committee can contact companies to get a bid on a short-term rental analysis, so that if they want to do that then it can be budgeted for."

Staff and Commissioners discussed contacting a company to see how many short-term rentals are in Florence and how many are paying TLTs. One of the things that is going to happen when Florence reaches the 10,000 population is that the City will need a new buildable lands inventory and a housing needs analysis. These have to be done every 5 years. Commissioners discussed the increase in population and a vision for Florence. Staff asked if it is time to look at Chapter 2 of the Comp Plan? Commissioners discussed that maybe they should revisit the Comp Plan. #2 Land Use Housekeeping Amendments -Commercial and Industrial (pp. 8 of Workplan). Commission Tarvin has done some work on this item as it relates to the metal buildings and trying to come up with more opportunities to meet the design criteria for commercial buildings. There are 5 items and how do we avoid Driftwood Shores, the problems that happened with that application? If we want to allow metal buildings in the Commercial and Highway zones, they can't meet them with the current code: it cannot happen, because they cannot meet the design criteria.

Commissioners discussed metal buildings. Comm. Tarvin said that he can work on the metal building project the guidance that he needed to get to allow it to be a permitted situation in certain districts and leave it at that and then eventually codify it everywhere else and asked if we want to look at options to make it more wide spread? "I think that we can keep this item on the workplan."

Chair Young said that she thinks that she had said that she could look at the landscaping items along Hwy 101 because some of it is awful or non-existent, if we need to revise the standards to get what we think we want opposed to what we are getting.

Comm. Murphey asked about OPB's original approval for landscaping permit, do they have to get a new permit? FarleyCampbell affirmed that they do and that the landscaper knows the rules but did not reach out to City Hall.

Commissioners discussed the contractor's obligation to know what they need to do and the permits that they need. Chair Young has volunteered to go around and do condition checks and see if this is what we approved, that is something else we will need to in the commercial and industrial zone. Do we need to update our standards so that we get what we want? FarleyCampbell thinks that the standards are there and what would be helpful is that we have these huge plant lists and she knows that whenever she has to review a landscape list that she has to research to see how tall the plants are going to get in this planting zone optimum conditions. Planners needs to know which plants provide a buffer. Commissioners discussed plant sizes and conditions. Having the plant heights could be incorporated into #5 of the workplan because stormwater is already on there, the plan with that particular element is not hard; it was to update our stormwater design to be up to speed with the latest version that Portland updated. FarleyCampbell: "We will discuss #2 more at our next Planning Commission meeting. #3 we don't need to worry about. #4 Lighting Code updates still need to be completed - amortization period is over this year. What that means is that all the commercial and industrial properties in the city are supposed to have their lighting meet current lighting code standards. We need to do the education to bring people into compliance and then we need to update the lighting code specifically related to the parking standards. Our lighting standards are too high. It is too bright. #5 stormwater is a staff project that we are going to try and tackle."

*Chair Young inaudible*, as an item by itself. FarleyCampbell answered that it was a Transportation Committee item and there are two members sitting on the TSP project, it's in here your committee is supporting that, they are the lead committee for that project. It is on your work plan too but that is an supporting role. There are a lot of workplan topics not on this year 1 list but that are on your work plan, we looked at bees, trying to figure out a way to permit bee hives on vacant lots. The way our code is currently written you cannot do this as a primary use. There are other things but staff will bring them up next meeting.

Comm. Murphey suggested that staff gives the Planning Commission a prioritized list of the things that Planning Commission struggles with the most and get them out of the way first.

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#### **Reports and Discussion Items:**

- none

#### **Directors Report and Discussion Items:**

FarleyCampbell: A reminder that there are two Planning Commission positions open. There are two applicants so far and applications are being accepted through Monday, November 28, 2022.

A reminder that on December 5<sup>th</sup> that you have your joint CC/PC meeting at the FEC at 5:30. Reminders will be sent and City Recorder Lindsey White will be emailing you the packet.

#### **Calendar:**

On December 13<sup>th</sup> there is a hearing for a Food Truck POD and we will continue to discuss the Work Plan We also will work on the work plan again in January, and this will be your final product that will be taken to the City Council

for presentation at the work session. Also, the vegetation preservation code update discussion will be held on December 13, 2022.

December 27, 2022 Dairy Queen may be seen on this date. Planning Commission was asked that if this application is complete would they like to hear it 2 days after Christmas, and the Commissioners said that they will be available to hear the hearing on 12/27/2022.

January 10, 2023 will be Fairway Estates.

The meeting adjourned at 7:04 PM.

**ATTEST**



Sharon Barker, Planning Technician



Andrew Miller, Planning Commission Vice-Chair