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**City of Florence**  
**Planning Commission Meeting Minutes**  
**250 Hwy 101, Florence, OR 97439**  
**January 10, 2023**

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

Chair Sandra 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 Kevin Harris, Commissioner Laurie Green, Commissioner John Raleigh  
VIRTUALLY: Commissioner Phil Tarvin (excused absence), listening but not participating

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

At 5:32 PM, Chair Young opened the meeting, Sharon Barker gave the Roll call. Vice-Chair Andrew Miller led the flag salute.

1. **APPROVAL OF THE AGENDA**

Start Time: 5:33PM

Action: Approved

Motion: Comm. Hauptman

Second: Comm. Harris

Vote: 6-0

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

2. Introduction of new Planning Commission members Laurie Green and John Raleigh. They were appointed to the Commission by Mayor Joe Henry on December 12, 2022.

3. **APPROVAL OF THE MINUTES:** December 13, 2022, approved unanimously

Start Time: 5:34PM

Action: Approved

Motion: Comm. Hauptman

Second: Comm. Harris

Vote: 6-0

4. **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 an, ex-parte contact, or biases and the right of the public to challenge any commissioner's ability to hear this matter.

There were no declarations of conflicts of interest.

Chair Young asked if there was any conflict of interest, Commission Green said that she did not have a conflict of interest but that she works with Mr. Pearson, the applicant, on the Board of Directors of the Boys and Girls Club.

There were no ex-parte contacts declared

There were no bias declared.

No citizen present wished to challenge any Commissioner.

Chair Young: 5th Item on the Agenda tonight is a Public Hearing for **Resolutions PC 22 39 SUB 03 and PC 21 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).** *Continued hearing from November 22, 2022.* An 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 5:46 pm**

Planning Director FarleyCampbell presented staff report. This application is the first of a two-step process, following an approval of these types of processes, the next thing to do would be to build infrastructure and then come back and file for final approvals. Tonight's, meeting will be looking at the layout and consideration of related criteria. The criteria were explained and read into the record. The background for Fairway Estates Phase I and was explained in the introduction. In Sept. 2020 Vegetation Clearing permit was issued for Phase 2-3-4 surveying, December 2020 clearing was performed, staff received complaints and there were violations of the Conditions of Approval, in February and March 2021 the public process for violations of the Vegetation Clearing Permits was issued, the Commission set Conditions that the applicant needed to follow. The application process for the Phases 2-3-4 was explained. The hearing that is being heard tonight was opened on November 22, 2022 the staff did not make a presentation, the applicant requested continuance to a date certain of January 10, 2023, there was one piece of public testimony and that was verbally submitted to the applicant. Aerial Photo of Phase 1 was displayed on overhead screen. Aerial Photo of Phase 2-3-4 was displayed on the overhead screen, it was explained that the little grove of trees in the upper right, is the remaining wetland area, and the project is located to the viewers left of the golf course and right of Mariner's Village. There is a channel that originates from wetlands to the North. Both Mariner's Village and Fairway Estates have had a long history of storm water drainage issues. In Phase 2 the applicant is proposing 13 homes, 10 homes in Phase 3, and 19 homes in Phase 4. Open space slide was shown overhead. Their proposed open space is a 10' wide path on the West side of Phase 2, between Mariner's Village and this particular development, and along the North property line there is a 10' wide space going East to West, with a spot carved out of the NW Corner, they are also

proposing a “Tract A” which is included in Phase 4. They are also proposing a trail connection access in a platted alley that goes to the North East.

Testimony received as of 3:00 on 1/10/2023 include 5 sets of written testimony and they are on the dais before the Commission. Staff sent testimony to referral agencies, and the responses are Exhibits R1-R5. Agency referrals include Exhibit P1 – Stormwater and Utilities, Exhibit P2 – Referral TIA Review and Exhibit P3 – Referral SVF. Exhibit P2a – a response from Kittleson was received regarding the TIA question, from the individual that provided testimony. There is also a response from Mike Miller, Public Works, to one of the questions regarding the sizing of the utilities. He stated the sizes to be adequate for this development and for Phase 3 of the Master PUD Plan located east of this project. Staff researched secondary access, and Chief Schick was able to provide Exhibit J of Phase 1 approved in 2015. IT is relabeled as Exhibit S for this project and it shows that the secondary access is established with Royal St. George to the South it is a mutual cross over easement. The people that live off of Royal St. George, including the townhomes and all the other homes, have cross over access to into phases 1,2,3, and 4 of Fairway Estates. Fairway Estates residents have emergency access through the gate and then via an easement, the Fairway Estates residents have emergency pedestrian and vehicular access onto Royal St. George. Emergency access may need to be resolved as the project goes forward. Secondary access is required or all of the homes have to be sprinklered. Staff responses to the other items that are not referral items, but staff items. Walking path/green belt, there is a walking path proposed, staff will be reviewing. TIA is required in accordance with FCC 10-35-2-5, Kittleson the peer reviewing agency made a response which is included in the packet. Open Space Plan was received Jan 3, 2023. Removal of Native Vegetation, there is not a plan to retain the wetland in the upper West corner. Exhibit K is a DSL delineation. Alternatives were listed. The Staff recommendation was Alternative 3 to continue the public hearing to a date certain so the new materials could be reviewed and incorporated into findings and request the applicant to extend their 120-day waiver.

### **Questions:**

Comm Green: asked if the same analysis that was performed on the TIA, was also done to look at the storm water that is going to be coming from that development, the stormwater drainage looks like it is coming from this property will be going to the same location, the property north of 35<sup>th</sup> (Florence Golf PUD) and I wonder if that is excessive, compared to what has already been predicted?

Staff said they would find the answer to that question.

Applicant Testimony: Jed Truett, Metro Planning, it looks like this hearing is going to be moved to another date, their intent is to work with the City to get a plan that is recommended for approval to the Planning Commission, they did have the application deemed complete at the 180 days, on November 30<sup>th</sup> they came to City Hall and went over some of the issues, and came up with some revised information and they will probably be submitting some more, because they are just now getting new comments back from the City’s engineering consultant. Open space was discussed and that they got rid of one lot and converted it to the “Tract A”. They are still going to fall short of the 20% requirements of the open space, but have crossed the 10%, there is a high likelihood that in order to make the other 10% they are going to have probably a cash in lieu of open space that hopefully adds some amenities to the City property that is North of this property, like walkways and pathways that can be used by people that not only live in this subdivision but adjacent subdivisions. There will probably be changes to the plans that have already been submitted. Michael Pearson and Brandt Melick were available to answer questions.

Comm Hauptman asked if Metro Planning did the TIA study. Truett said that they had not.

Comm Green asked if they will be proposing a revegetation plan for the open spaces. Truett said that most of the open space is a nature path along the perimeter, so the actual detail has not been designed yet. Comm Green asked about “Tract A”. Truett said that they have not talked a lot about the landscaping yet, the

owner has talked about maybe a community garden or something like that, but no solid plan yet on how it is going to be used.

**Public Testimony:**

No proponents

Opponents:

Nancy Rhodes: (9 Mariner's Village) Her concern at this time is the Nature Path and the location of that path, wanted to know the type of material the path would be made of and where it will be located. She understands that Mariners has a 10' easement and Fairway Estates has a 20' easement, she has some confusion of the terminology of easement and open space. What she understands is that the nature path is going to be somewhere within the 30' behind her property. She would like to know more about that and she would like to be kept informed about that, her concern it is going to be an invasion of her privacy.

Tom Faber: (4205 Caddington Lane) Said that he also submitted written public testimony to the PC and to Public Works. His concerns were walking a ten-foot path behind people's 6' wood fences, it is more like trespassing than it is a nature trail. He wants the Planning Commission to take a closer look at what the applicant proposes for open space in Fairway Estates phases 2-3-4 and the requirement of the City Code are met. He mentioned Tract A and not being able to find it. The opens spaces from phase 1 were mentioned, one is the North bound shoulder of Rhododendron Dr. wanted to know how that can be considered open space. He mentions the South side of Tournament Drive, the street is considered open space, the other open space leads back to the ditch that is mentioned in the staff presentation, the storm water drain is considered open space, the only true open space in Phase 1 is the area behind peoples back yard on Royal St. George, he is asking for something that provides privacy. In phases 2-3-4 he asks for a pocket park that includes the wetlands.

Christy Davis: board member of Fairway Estates Homeowners Association, #5 Ballybunion Crt. her concerns are some of the City recommendations regarding the emergency access for their portion of Fairway Estates, they will also affect phases 2-3-4, they are supposed to have emergency access through Sand Pines West, Royal St. George, they have an entry gate, and access into our subdivision, gate has been constructed and is blocking their access and emergency egress through the Sand Pines West subdivision, the HOA has asked them for access, the gate was broken at one time and they asked them to not put it back up and they refused. The only emergency egress is through Sand Pines West. A prior approval it recommends that Sand Pines West give them access, it was not required. She would like to have that issued revisited by the Planning Commission and since Sand Pines is not willing to work with them, if something can be done to achieve a better result.

Applicant Rebuttal:

Jed Truett, he says that since this hearing is going to be a 2-part hearing, and that the feedback he has heard tonight and the feedback that Wendy has given them, we will take this back and discuss between our team, at the next meeting they will have some more definitive answers to some of these questions.

Staff Comments:

FarleyCampbell commented on public comments. The first comment, asked if the path was an easement. Through the planning process, it is an actual separate lot, it is a separate property, it would not be an easement, will have it labeled something else. The exhibit that Chief Schick did find was dated from 2004,

it does talk about the emergency secondary access being available and that she will make sure that it is available and she will make sure that it is emailed to the parties that are inquiring. Chief Schick did provide information and it wasn't necessarily testimony or entered into the record because it was a conversation, Chief Schick supplied an excerpt from the code, one of the things that we will be evaluating is the fire code, our code says we need to meet fire code. All the information will be reviewed. FarleyCampbell's recommendation is that the meeting continues to a date certain.

The Planning Commission did not have any questions of Mike Miller or Chief Schick.

Chair Young asked about, the location of the walking path relative to the 10' Mariner's easement and the 20' Fairway easement, and where is the path relative to where those easements are.

FarleyCampbell, explained that for reference Mariner's Village lots there on the West, all of them have on the East side of their most western property line, Mariner's Village has a 10' setback. When this was talked about in November 2022 one of the code criteria available in the PUD is that the Planning Commission may require a perimeter setback around the PUD, that is as much as the front yard setback for that zone or the abutting zones, that particular code criteria were utilized for Florentine and other subdivision developments that were platted in the 1990's. In this development the 10' wide trail would be the next thing that you would see after Mariner's Village's 10' setback. After the trail would be the property line for phase 2 and 3 of this development.

Comm. Green asked that in effect you would have about a 20' wide gap between the fences of Mariner's Village properties and this development.

FarleyCampbell, not all Mariner's Village properties have fences, there is a fence and then the 10' Mariner's Village HOA property and then the trail and then possibly a fence. There is 20' between property lines. Between Mariner's Village Owner's property and Fairway Phases 2 & 3 owners', there will be a 20' separation between property lines.

Chair Young the Phase 1 path looks wide, it looks to be 15' narrowing down to 10' in Phase 3 & 4.

FarleyCampbell said the heavy dark line is the perimeter boundary of the project you can see the path on the inside of that heavy line and then the outside of the line to the west there abutting the Mariner's village common area D you can see a 10' open space area, the 10' open area is a ditch in the NW corner of this property, there is a drain there, but the water primarily continues south in the drainage ditch.

#### **Applicant Rebuttal:**

Mr. Pearson, applicant, spoke. He addressed a couple things about the neighbor's concerns. Secondary access, he wanted to know with Mariner's Village, how many lots are in Mariner's Village, he heard there are 70-75 lots, he would like to know how many exits do they have, 1 and that seems to be safe so far, he has never heard about having a secondary access as a requirement for having this subdivision, Phase 2-3-4 will have 80 lots vs 75, if you count Sand Pines West as a secondary access, it is a fact that the easement that was given by Sand Pines West did not include ingress and egress for Fairway Estates even though they have access across our property. It is my understanding that in the case of an emergency there would be access through, I do not know if that is written or if it needs to be written, there is a roadway so that if people need to get out that are concerned about a secondary access. The nature trail, when we first started Phase I, it was suggested to us that people want nature trails and this was a way to satisfy the open space requirement, that is why we put a 15' open space trail, not a drainage ditch, it is not a drainage ditch 98% of the time it is a walking trail, and when there is a water event, if we are getting a lot of rain then it is

likely to get some water. Along the trail there is a place for some water to go, they have a catch basin that will accept water that is coming down there. The trail Mariner's Village has 10' and we propose to have 10', on our 10' people could extend onto where the City's property is and they have a trail also, a pathway that goes over to 3 Mile Prairie Wilderness Park. Open space, within a quarter mile of this property there is over 400 acres of open space, there is a 165-acre golf course, there is a 160-acre county park, so we are providing trails, and to have to give up an improved lot that has utilities past it, and streets, a pocket park, doesn't make any sense to him, when you have open space all around this subdivision. He covered the secondary access, the open space, one of the reasons they cut the 15' down to 10' is because they were having difficulties in Phase 1 with the depth of the lots and it was getting very difficult to design homes that would have any kind of back yard, that was the reasoning to having only 10' trail instead of 15', the trail amounts to about maybe 10', so that extra 5' is not even necessary. I think I have covered everything that I wanted to talk about. I understand Mrs. Rhodes concerns about privacy, but this is a subdivision that has been approved more than once, 20 years ago it was approved. The people behind Sand Pines West, they probably think the open space there, that's invading their privacy. They have a 10' buffer, we have a 10' buffer that is a 20' buffer between the homesites. He also talked about the wetlands, he did not want the Planning Commission to think that there is a lake there, there is about 7,500 sqft, a little more than half the space of this tract A of over 11,000 sqft, they have already made arrangements with the mediation bank to pay money for that parcel, because it is right in the middle of a street, you couldn't put this subdivision in if you leave that wetlands there, he hasn't seen water in it in 15 years, it is not much of a wetlands, in his opinion. He is available to talk to anybody about this subdivision at any time.

**Neutral:**

Sylvia Duran 3141 Dunbar Way, Phase 1 of Fairway Estates, clarified the secondary access. She reviewed the easement document, supplied by the title company; this is a non-exclusive easement, and doesn't say there should be ingress and egress with Fairway Estates residents, it infers that it possibly could be, in the preliminary report, there was a recommendation from the Planning Commission, that there be access allowed onto St. George, it recommended that Fairway Estates have access, it wasn't required. On behalf of Michael Pearson, he has approached their HOA and asked for Royal St. George and has been unsuccessful. Would like the Planning Commission make some kind of enforceable recommendation or findings that it is necessary. She feels that if there was a real emergency there would be no way to get out.

**Staff's Recommendation:**

Is to continue the public hearing to a date certain of either January 24<sup>th</sup> or February 14<sup>th</sup>. If it is for January 24<sup>th</sup> the record would be closed as for the applicant giving staff anything else, in order for staff to get the Findings available 7 days prior. Staff would suggest February 14<sup>th</sup>. Staff would ask that they extend the 120 days to April 3, 2023.

Applicant agreed (1:33:39 *tape location*)

**Commission Discussion:**

No further discussion

Time Continued to date certain of February 14, 2023: 7:03 with a 120-day waiver until 4/3/2023

Motion: Comm. Green

Second: Comm. Harris  
Chair Young: yes  
Vice Chair Andrew Miller: yes  
Comm. Hauptman: yes  
Comm. Harris: yes  
Comm. Green: yes  
Comm. Raleigh: yes  
Vote: 6-0 – Motion passed  
Hearing Continued: 7:04pm

1:34:39 (tape time)

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### **Agenda Item #6 Planning Commission Work Plan Review and Preparation**

FarleyCampbell displayed the Year 1 Planning Commission Work Plan, and discussed the carry-over and what might be accomplished by June 2023. The HIP (Housing Implementation Plan) will be done by June short term rentals are the only part of the HIP that has not been addressed, this is the recommended carry over, it will not be resolved by June. 2th Item is the Commercial and Industrial Code updates, Comm. Tarvin had provided information regarding this at an earlier Planning Commission workshop. PC needs to come up with some criteria for industrial buildings. There are some other parts regarding the northern part of the City. Doing some design criteria for the gateway area. 3rd Item City Committees and Commission Coordination, this we do not need to worry about it is already happening. The next stake holder meeting for the Transportation Committee is February 8th. Planner Clare Kurth will be the new staff person for that taking over for Shirley Gray. Item #4 Lighting is probably going to be a carry over. The amortization period expires January 2025. Comm. Green asked what is meant by amortization period. FarleyCampbell explained that in 2014 Council adopted dark sky lighting code, and they gave a 10-year amortization period, where you don't have to make any changes to your property until the 10 years and then you would need to buy new lighting, or alter your lighting to comply. Comm. Hauptman asked if notices will be sent out to property owners. FarleyCampbell said that notices will be sent out this year. 5th Item Amending the Stormwater code. This is a staff item; it needs to be done. 6th Item is vegetation preservation and it looks like we can get that through Council this year. Comm. Hauptman asked it that has gone to legal. It has not gone to legal yet. The revised Vegetation Preservation Code was presented to the Planning Commission at a meeting in December 2022, the same information was presented to EMAC and they approved the revisions. It will now go to legal, if there are any edits it will come back to the Planning Commission, then you make a recommendation, it then goes to City Council, and starts the process for an update in code. Summary carryover short-term rentals, carry over commercial and industrial, carry over lighting, and carry over stormwater code. If there is a group of Commissioners that would like to take on any of these items, there will be staff support and legal support. Year 2 Work Plan was discussed. Does the PC want to do compact standards in 2023, should compact standards be introduced back into the code. The Commission discussed the compact standards and decided they would like to take a look at it and decide what makes sense. It will be carried over and Chair Young and VC Miller will be presenting it to the Council in February. Sustainability local food production and security was discussed.

FarleyCampbell asked Commission what they wanted to do for the 2023-2025 workplan. Staff is starting to get requests for EV charging stations banks. Legal was contacted because it seems like these stations are basically a service station, but legal disagrees. Kurth and FarleyCampbell will be attending a planning seminar on this subject. Planning Commission discussed this issue. The State has adopted legislation that says requiring electric vehicle charging stations. Planning Commission decided to put this on their work plan.

Green asked if there is anything the Commission can do to find out what is happening with Cannery Station. Is there any recourse that the City can do to force them to do something with that property? Is there a way to tighten up the rules on developers so they don't just walk away from projects half way through. Is that the kind of thing the PC can look into?

FarleyCampbell said that staff can look into it, and that there is abatement code that can be looked into regarding nuisances.

Kurth said that there are new rules regarding homelessness and how the homeless and their possessions are handled. Maybe these kinds of things can be added to the 2023-2025 workplan.

FarleyCampbell said that a house bill went into effect regarding fencing, so the fencing code will have to be updated. Also, software solutions for development tracking this has been brought up by the Planning Commission, to help with making sure developers follow through and do what they are supposed to do. We need to get this in the work-plan so that it will be budgeted.

Comm. Hauptman brought up the need for hiring another code enforcement officer. FarleyCampbell said that anything that the Commission would like to see has to be in the work plan so that it has a budget implication. Comm. Green said that they should create the operations manual and see if there is an interest and if there is, run a pilot program and see if it works. FarleyCampbell said there is a plan partially drafted. Chair Young said that perhaps somebody could come visit with the commission and tell them how it works, maybe set up a GotoWebinar meeting. The State has offered to tackle an update for beaches and dunes update. Need to work on getting a Code for a food truck pod. The urban renewal plans to look at the Old Town Code, and consider updates to the Old Town Code. Maybe they will try to work on a Food Truck Code, that they will bring before the Planning Commission. Coastal palette colors were brought up.

**Reports and Discussion Items:**

- none

**Directors Report and Discussion Items:**

The is an application from 37<sup>th</sup> and Oak development, they were issued a Notice of Incomplete and applicant is getting together all the items that staff has asked them to provide. Butter Clam is still trying to get their information together. Oak Manor has applied for their building permits.

**Calendar:**

Next meeting is January 24<sup>th</sup> work session to review work plan. February 2, 2023 work session with City Council at 8:30 am. February 8, 2023 TSP open house, February 14, 2023 Continuation of Fairway Estates application and Variance request for 86 Outer Drive Ramada replacement. February 28, 2023 Annexation request for Foul Weather Street.

The meeting adjourned at 8:38 PM.

**ATTEST:**

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Sandra Young, Planning Commission Chair

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Sharon Barker, Planning Technician