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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
February 14, 2023**

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

Chair Young called the meeting to order at 5:31 PM.

Commissioners Present:      IN HOUSE: Chair Sandra Young, Vice Chair Andrew Miller, Commissioner Eric Hauptman, Commissioner John Raleigh, Commissioner Laurie Green, Commissioner Kevin Harris

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

At 5:31 PM, Chair Young opened the meeting, Barker gave the Roll call. All members present. Comm. Raleigh led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:32PM

Action: Approved

Motion: Comm. Hauptman

Second: Comm. Harris

Vote: 6-0

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

**2. APPROVAL OF THE MINUTES: 1/10/2023 minutes**

Start Time: 5:33

Action: Approved

Motion: Comm. Green

Second: Comm Raleigh

Vote: 6-0

There was no discussion on the minutes and they were approved unanimously.

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

No public Comments:

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Vice 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.

Vice Chair Young asked the Commissioners if they would like to declare a conflict of interest.  
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.

Vice Chair Young: 4<sup>th</sup> Item on the Agenda

**4. RESOLUTION PC 23 01 DR 01 – LCC SITE LIGHTING EXCEPTION:** An application submitted by Willis DeWitt, representing Lane Community College, requesting approval of an exception to site illumination levels. They propose levels ranging from 1.2 to 8.2 footcandles both under and over the minimum and maximum levels of 2 and 7 footcandles. The property is shown on the Lane County Assessor's Map # 18-12-22-14, TL 00200; and located at 3149 Oak Street, in the High Density Residential District regulated by Florence City Code Title 10, Chapter 10.

Hearing opened 5:41 pm

Planning Director Wendy FarleyCampbell presented the staff report. Criteria and site location were shown on screen and explained. Area is zoned High Density. Code was explained at 10-37-4 and it is for parking lots only, the areas with vehicular striping in them and any pedestrian ways within that area. Foot candles requirement in parking areas were explained. The Planning Commission can decrease the minimum of foot candles or increase on a case-by-case basis. Staff performed site visit and tried to get a reading of the existing foot candles, but were unable to field verify. The reason this application is being heard and their request for an exception was explained. The areas for discussion are the North parking lot and the East parking lot. The screen captures of the lighting plans that were submitted, a picture of parking lot luminaire, and the North and East parking lot photometric plans were displayed and explained.

A site visit was performed the pictures were taken at night showed what the lighting looks like. The Bollard lights near the entrance are double the allowed foot candles. Staff received public testimony from Gary and Dolly Brock regarding light trespass and that there is no relevant justification for an exception. The alternatives were listed. Staff wrote the findings without a recommendation because staff had already provided a recommendation on the Type II application that was already completed. If the Commission approves than staff would update the Findings. Should the PC would like additional information, such as a verification of the light reading than you can continue this public hearing to a date certain.

#### **Questions:**

Comm. Green wanted to know if the light values that were shown were measured by the contractor. FarleyCampbell said that photometric plans were required to be submitted by the applicant. They were not measured by staff. Chair Young wanted staff to repeat what they had said about the bollard lighting. Staff complied. Green asked if there are standards for walkways, opposed to parking areas. FarleyCampbell, code doesn't interpret parking area. Staff will address bollard installation.

#### **Applicant Testimony:**

Miles Woofter and Willis DeWitt, the applicants, attended via GotoWebinar. DeWitt explained the project. Woofter commented that the modeling for the lighting that was shown is based on an electronic model and captures all outdoor lighting. The fixtures were modeled by their lighting design consultant. The applicant had to improve building lighting, bollard lighting and light pole lighting. Lights were set evenly to distribute the lighting across parking areas. The luminaires have night shut off, shielding, so light pollution is prevented with the lights focused downward. The reason the application was brought to PC was

explained. The applicant says they have the ability to control the amount of light. Woofter also explained about the bollard lighting, they will knock it down a little bit to an acceptable range.

### **Questions:**

Comm. Green asked for a clarification of what the City Code specifies for the photometric plan. Woofter explained that there is some over lapping. FarleyCampbell explained that the photometrics do take into account the overlapping and how the readings are performed. Woofter asked FarleyCampbell if the Code addresses the zone in between light pole parking lighting and the transition to the sidewalk lighting. VC Miller asked the applicant the lighting code is inadequate. Woofter said it is hard to meet the codes because of the conditions and configuration of the existing parking and existing light poles. VC Miller asked if lights go off at midnight. Applicant said they can set them to go off for whenever the City would like for them to go off, the applicant's client (LCC) would like them on during their operating hours which he believes will be until midnight.

**Applicant has read and understands the staff report.**

### **There was no public testimony**

FarleyCampbell discussed the code for exterior lighting at the end of the business day. The 30-day review period was discussed. A site visit will be performed to check lighting with meters. Midnight was determined too late to turn off lights. FarleyCampbell asked if the meeting could be continued to March 14 for a 30 day review period to give the campus the opportunity to make some adjustments to their lighting. Commission was agreeable. Applicant is ok with a continuance to March 14<sup>th</sup>.

Comm. Harris made a motion to continue until March 14, 2023

Comm. Green Second

Motion: Planning Commission voted to continue until March 14, 2023 for a 30-day review.

Comm Hauptman: yes

Comm Raleigh: yes

Comm Green: yes

Comm Harris: yes

Vice Chair Miller: yes

Chair Young: yes

Hearing Opened: 5:42 pm

Hearing Closed: 7:21 pm

Motion Carried: 6-0 pm

Hearing Continued at: 6:29

Vice Chair Young: 5<sup>th</sup> Item on the Agenda PC 22 24 VAR 01 86 Outer Drive.

### **5. RESOLUTION PC 22 24 VAR 01 – 86 OUTER DR. – VARIANCE RAMADA REPLACEMENT**

An application from Lisa Von Wald, property owner of 86 Outer Dr., requesting a special setback reduction/hardship variance for replacement of a Ramada covering an RV in the Coast Village District regulated by Title 10 Chapter 7. This property and previous structure are partially within the significant riparian area of Munsel Creek Side Channel, Reach RMC-Cs. The rebuilt ramada is proposed to be with the footprint of the previous structure.

**Hearing opened 6:30 pm 59:41 until 2:04:30**

Asst. Planner Clare Kurth gave the staff report. Introduction & Timeline was displayed and explained with construction in the riparian area being reported the building official was sent to address and a stop work order was issued, leading to this hardship variance application in the Coast Village Zoning District which is Comp Plan Designated Medium Density Residential. The criteria were displayed and explained. Referrals were sent on January 25, 2023. SVFR cited the 2022 Fire code clearance requirement and Public Works commented on the proximity to the riparian area. DSL said the proposed project doesn't likely impact Munsel Creek. Public testimony was received from proponents of this development. Riparian area was explained. The shed and carport were pointed out and they are not part of this application. The signification riparian reaches map and site images were shown and explained and the propane tank was pointed out to be on the far right. Fire code safety is a 3' clearing between the buffer and the dwelling. The location of Munsel Creek in reference to the structure was shown and explained. The new structures distance to the creek is the same as where the pre-existing structure was located and is 9'3" from the creek, not the 25' as required. Coast Village was given a 25' riparian setback. Structures that are built before 2013 are allowed to be rebuilt. A slide with the previous site plan and the proposed site plan were shown and explained. The Conditions of Approval were read and explained. The application meets the Codes purpose and intent, and without a hardship variance, lot is unbuildable. In FCC 10-7 it mentions that all of the Coast Village lots are an exception for the hardship variance, because of its unique constraints of having started out as a campground and then turning into residential lots. The alternatives were shown and explained. Staff recommends alternative 1: Approve the hardship variance with conditions of approval.

ViceChair Miller asked if the propane tank needed to be included in the Conditions of Approval. Kurth said that the Commission can but staff's thinking was that since it is regulated by State Fire Code, that staff would have it regulated through the building codes.

Comm. Green asked if it had anything to do with the variance that the Commission is addressing. Kurth said no because the variance that the Commission is dealing with the riparian area setback. Utilities are exempt from setback requirements. Comm. Green asked if there was a propane tank previously, Kurth said that she would leave that to the applicant to answer. Applicant Lisa Von Wald explained that there was one on the property but she installed a new larger tank.

There were no additional questions of the applicant, and she has read and understands the staff report and the resolution.

### **Public Testimony:**

Dianna Newman, property owner of 85 Outer Drive, Ms. Newman handed pictures to the Commission. Ms. Newman said that she told the owner of 86 Outer Drive. Newman has been watching the clearing and now there is a path between the two lots. Newman the application was submitted by the applicant is because of the Stop Work Order. Newman also mentioned that there is a sound coming from the fifth wheel that sounds like a semi idling which is causing her to not be able to sleep. She did not like the height of the new ramada.

The staff report says that no removal of vegetation is not being proposed, and Newman pointed out that it is already gone. Newman explained how her privacy has been taken away, due to the removal of the vegetation.

Natasha Fontaine testified that she has owned her lot for 50 years and she agrees with Dianna's statements the reason there is not application for the removal of vegetation is because the vegetation has been removed already. She asked that the Planning Commission makes sure that there is some serious oversight on this project.

Dory Heathcote testified that she loves Coast Village and the lifestyle it provides and that the HOA takes the green belt very seriously. She appreciates the Planning Commission.

Applicant VonWald added that she has made mistakes in assuming that she could put in something different if she stayed within the foot print of the original structure, and that she has since learned a lot about the green belt and that she has made her efforts on what she has going on and that she has to come before the Planning Commission for changes. Comm. Green asked if her contractor ever suggested that she might need a building permit. Applicant said that she did not think she need a permit since she was staying in the foot print of previous structure. Comm. Hauptman

asked about the vegetation between her lot and Ms. Newman's lot and why did she clear it all. VonWald said that not all the vegetation has been cleared and she plans to replant. Ms. Newman asked to speak again, Comm. Green told applicant that the City will be coming up with a new native species list and that she may want to look at it, for the species to plant in the riparian zone. Ms. Newman returned to the podium and said that the Butterfly bushes that are on the applicant's land are native bushes.

Staff Input: Kurth went back to the propane tank conversation FCC 10-7-G was read and explained and nothing is permitted in the buffer zone. Fire Code says that all propane tanks will be set back 3' from all required setbacks, there is a little bit of inconsistency between those two codes. Condition 4.2 of draft resolution, is that if any native vegetation is removed or destroyed during the construction of the ramada it shall be replaced with native vegetation that is similar in size. Staff suggests to consider saying that the riparian area setback areas, excepting 3' fire break area. Plants height is listed in FCC 10-29. Chair Young clarified that there is the riparian area and green belt and asked to clarifying what they are. Kurth explained that the riparian area is the 25' of area from the top of the bank of the channel, and the green belt is required to be a minimum of 5' wide and is between properties. Comm. Raleigh wanted to know the if the Commission is considering the replacement of the ramada or the replacement of the green belt and the riparian area. Kurth explained that they are considering the replacement of all the vegetation that was removed from the riparian at the same density as it was before removal and they are also considering the safety of the propane tank location. CampbellFarley explained that fire safety is allowed in the riparian area according to code. Chair Young asked if the City enforces the green belt code or if Coast Village does, the City has the enforcement in their code. Comm. Green asked if the green belt currently meets City Code. FarleyCampbell says that if the green belt it there it will need to be maintained. This application is for a variance to the riparian setback, if there is anything else that has to do with anything else on the lot code enforcement would handle that.

Hearing Closed: 7:34pm

Discussion and Questions??

Motion: Comm. Green

Motioned to approve PC 22 24 VAR 01 86 Outer Drive Variance Ramada Replacement with recommendations as proposed by staff regarding the riparian zone, fire setbacks, and changes to Condition 4.2

Second: Comm. Harris

Comm Hauptman: yes

Comm Raleigh: yes

Comm Green: yes

Comm Harris: yes

Vice Chair Miller: yes

Chair Young: yes

Hearing Opened: 6:30 pm

Hearing Closed: 7:34 pm

Motion Carried: 6-0 pm

Break: 7:35

Back in Session: 7:50

Vice Chair Young: 6<sup>th</sup> Item on the Agenda

**6. 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 from November 22, 2022 and January 10, 2023. 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 @ 740 ft. north of Tournament Dr. and east of Mariners Village zoned Medium Density (MDR).

Hearing re-opened 7:51 pm

Staff report presented by Community Development Director FarleyCampbell recapped prior staff presentation and report. AIS nearly verbatim from previous. Original hearing opened November 22, 2022, continued to a date certain of January 10, 2023, items were received from the applicant on the 3<sup>rd</sup> of January but there was not sufficient time to review and add it to the Findings so there hearing was continued until February 14, 2023 this evening the 120-day deadline was also extended during the January 10<sup>th</sup> meeting. Materials were also received on February 6, the staff report says that it was received on the 8<sup>th</sup> of February but that is incorrect we received the materials on February 6<sup>th</sup>, included in that information received there was a memo labeled Exhibit T and a memo labeled C2, this is an older memo, but there may be some information in it that is applicable but there has been a lot of updates since the date on the memo. Exhibit T is a cover letter that is explaining the other items in the packet, and there are responses from peer reviews also included in the packet. An updated stormwater response, and updated open space plans were received and explained. All additional items received were listed and explained including exhibit labeling. It was explained that there has been quite a bit of testimony received and that has been included in the packet. Information on the dais that have been labeled Exhibit R6-R10. The applicant submitted some material before this meeting from their conversation with the building official. Some materials that have been submitted in the past week were not able to be incorporated into the Findings of Facts due to staff shortages. The fire access updates were explained, at the last meeting there were concerns about no cross over access to Royal St. George gate, staff was able to look at the easement and the original approval for Phase 1, the easement grants access both ways. Royal St George and Fairway Estates easement is not functionally there, but easement is present and needs to be addressed by HOAs. Gate belongs to Royal St George HOA to the south, not Fairway Estates. The access was recommended to be granted, but not required at the time of Phase 1 approval. Fairway Estates is required to have two emergency egress points per state fire code. The City land use approval was explained that the Phase I approval says that the gate area is the owned by the Royal St. George HOA, if you look at the original ownership it does not belong to Phase 1 or any of the other phases of Fairway Estates, the property is owned by the HOA to the South, they are who are required to provide access easements to be able to get out onto Rhododendron Drive. In the approval there is a Condition where everybody has access to go through the gate onto Rhody and for the Royal St. George to get through the gate on Rhody it was also recommended, not required, that Phase 1 gets access through Royal St. George to 35<sup>th</sup> Street. The Fire Code is the same as what was implemented during the approval, and secondary access is required. The Phase 1 approval is legal within the realm of Florence City Code. Phase 2, 3, and 4 which is the subject of this application, is that the Fire Code still exists. The applicant has been working with the Florence Fire Chief. There has been more information submitted into the record, that there was not time to review before this meeting. Staff has also met with the applicant and has discussed fire egress opportunities. The issue is that there is a gate unto Rhododendron Dr., but that the gate that goes South to Royal St. George they are too close and do not meet the fire separation distance. That will all be addressed. The applicant is proposing a park fee in lieu for 50% of the open space and part of the open space expenses that can be paid with the fee in lieu access to park areas, part of the drive area could be funded with the fee in lieu money. Crossing the Barnett property was discussed. Staff is looking at the Traffic Systems Plan right now, and the recommendation will be that it includes ingress/egress through that property and extend East over to Hwy 101 so that there is access.

Comm. Green asked if the fire lane would have to be an improved road. FarleyCampbell said that the construction is defined in Code. Vice Chair Miller asked when the road would have to be in place.

FarleyCampbell said that this what they are deciding, but feels that it should go with what the Fire Code says. There is more information that we are expecting regarding stormwater and the response from Sandow regarding traffic.

FarleyCampbell recommended that the Planning Commission continue hearing until February 28<sup>th</sup>.

Applicant representative Jed Truett from Metro Planning said that the property owner and Metro Planning have been working with the City address the remaining issues and items and that they met with the Fire Marshall this evening, and they have more information that needs to be reviewed by City Staff.

There were not questions of the Truett.

There was no public testimony.

Chair Young asked the staff about the 120-day limitation. Staff replied that the Council appeal date would be April 3, 2023. That would not leave much time but that they could ask the applicant to extend at the next meeting if it is thought to be a problem.

ViceChair Miller moved that the Planning Commission continue the hearing for Resolution RC 21 39 SUB 03 & PC 21 40 PUD 02 and AR 21 21 SIR 14 (SIR) until February 28, 2023.

Second: Comm Hauptman

Comm Hauptman: yes

Comm Raleigh: yes

Comm Green: yes

Comm Harris: yes

Vice Chair Miller: yes

Chair Young: yes

Hearing Opened: 7:51 pm

Hearing Continued: 8:15 pm

Motion Carried: 6-0 pm

Hearing Continued to February 28, 2023 at: 8:15

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### **Discussion Items:**

There were no Planning Commission discussion items.

### **Director's Report:**

The City Council did hear Chair Person Young and Vice Chair Miller's presentations of the Commissions recommendation for the work plan, the next step is Council reviewed a draft of the work plan on Monday morning and they are preparing their final comments, staff will be reviewing as well, to

see what can be done now before June 2023. The Council will be reviewing the final draft in March 2023.

The State of the City being held at the FEC, February 23, 2023 was announced and everybody was urged to attend. March 1<sup>st</sup> is the final housing meeting.

The TSP was last Thursday and the consultants that they will be hosting a virtual open house and that staff just got the link for that tonight.

**Calendar:**

Next meeting scheduled for February 28, 2023 which is an annexation request for a property at the corner of 1<sup>st</sup> Ave. and Foul Weather St. and the Fairway Estates continued to that date.

March 14, 2023 Fairway Estates hearing and the Lane Community College lighting standard exception that was continued from 2/14/23.

The Micro Tel has submitted their TIA part to go with the Quince St. improvements.

37<sup>th</sup> and Oak was sent a Notice of Incomplete.

Staff would like to bring back the calendar so the Commission can make a conscientious decision on how they want their calendar set.

There will also be some training that is coming up.

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The meeting adjourned at 8:28 PM.

**ATTEST:**

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Sharon Barker, Planning Technician

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Sandra Young, Chair