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**City of Florence**  
**Planning Commission Meeting Minutes**  
**250 Hwy 101, Florence, OR 97439**  
**April 25, 2023**

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

PC Chair Sandra Young called the meeting to order at 5:33 PM.

Commissioners Present: IN HOUSE: Chair Sandra Young, Vice-Chair Andrew Miller Commissioner Eric Hauptman, Commissioner Wendy Krause, Commissioner Debbie Ubnoske  
Commissioner Laurie Green (remote),  
Commissioner Kevin Harris (Excused absence)

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

At 5:33 PM, Chair Young opened the meeting, Clare Kurth gave the Roll call. Commissioner Hauptman led the flag salute.

1. **APPROVAL OF THE AGENDA**

Start Time: 5:33PM

Action: Approved

Motion: Comm. Hauptman

Second: VC Miller

Vote: 6-0

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

2. Welcome new Planning Commissioners Wendy Krause and Debbie Ubnoske appointed by City Council on 4/17/23, and will be participating in tonight's hearing.

3. **APPROVAL OF THE MINUTES: 1/24/2023**

Start Time: 5:35

Action: Approved

Motion: VC Miller

Second: Comm. Hauptman

Vote: 6-0

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

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 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, ex-parte 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: 5th Item on the Agenda tonight is a Public Hearing for **PC 21 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 from November 22, 2022, January 10, 2023, February 14, 2023, February 28, 2023, March 14, 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 Residential (MDR).

Hearing 5:44 pm reopened

FarleyCampbell started with procedural information regarding Commissioners standing to participate. Commissioners Krause and Ubnoske have read the materials, they were provided an email online that provided a bulleted list of all the materials from all the previous hearings, the videos, minutes, and materials, both Commissioners were asked if they felt confident in their ability to participate in tonight's hearing: Commissioner Krause did not feel she should be taking a vote tonight. Farley Campbell asked if she felt if she had more time with the materials would she feel like she could vote and participate in deliberations, Comm. Krause said that she could. Commission Ubnoske said that she has reviewed all the materials and feels comfortable voting.

The process slide was displayed and reviewed the dates that application was received, the date payment was received, date of NOIC, 180-day deadline forced complete was explained, the first Public Hearing was on November 22, continued to January 10, 2023, 1/23/23 revise plans for Open Space, block, and utilizes were received, 1/5/2023 – 120 day processing deadline waived until 3/6/2023, 1/8/23 Revised plans related to naming were received, 1/10/23 Public Hearing continued to 2/14/2023, on 2/8/23 applicant submitted revised plans, and referral comments were received regarding TIA, fire, and storm. February 14<sup>th</sup> Hearing reopened, staff report was given, staff requested a continuance to February 28, 2023. February 28 hearing reopened continued to March 3/14 waiver was extended, on March 14<sup>th</sup> a written request from the applicant's consultant was received requesting the hearing be continued until April 25<sup>th</sup>, 2023, on April 21,2023 staff received 3 items from applicant, open space fee in lieu, revised open space plan and a utility plan. On April 25<sup>th</sup> hearing reopened and the newly received materials were explained. An aerial of the proposed Fairway Estates was displayed. The original tentative plan was displayed indicating all the changes that have been made on the original plan. Block length was explained that the maximum block

length is 600 LF. The access ways are included on map to meet the block length criteria. Block is defined as from street to street, or it is from street to vacant land. Access ways have to be paved. One of the changes on the layout of this version of the utility plan is that the access way went all the way to the property line with this revision that has been closed off. Close up of the northeast corner was shown, the area was reconfigured, it was more angular but now there are curves, they have added the widths, so what you are looking at are the total widths of 30' with 10' being nature trail connection and the other 20' being the access way for the 3 lots on the east side, plan has been sent to the fire chief it needs widths and lengths on the plan. The code regarding access ways greater than 150 feet needing a turnaround or a hammerhead was explained, the fire code makes sure there is adequate fire access for the fire trucks. The applicant is seeking modification on the return radii and are using the PUD modification process to waive that requirement. The conditions to requiring signage to the walking path was explained. The sidewalk is on the interior area of the plan of this development. The colorized open space was displayed to visualize the areas that the applicant proposes for open space. Tract A has been reconfigured, applicant has proposed reconfiguration in the upper east corner and has proposed a 5' wide nature trail that extends along the perimeter of the east side. The three kinds of proposed open space, tract A, nature trails, and fee in lieu were discussed. The required amount of open space is 20% if not met the applicant can provide up to 10% of open space in fee in lieu of, money paid is for not putting enough open space on site. Any monies paid will then go for improvements on a park site to the north. Comm. Hauptman asked what the square footage is for the open space. Staff calculations are 14% open and 6% Fee in lieu. Nature Trail is 30,912 sqft, "tract A" is 17,407 sqft, the required open space amount is 68,470 sqft, total open space provide is 48,319 which is 10% of the net area. Applicant is proposing nature trails which are conditioned in the Resolution. The upper eastern corner where it says it is a nature trail, they need to have a trail system through it and then need to be improved. The code says that open space needs to either be retained in its native state or improved for the use in which it is intended. Fee-In-Lieu methodology was explained. Public testimony was discussed and the concerns explained regarding walking path and green belt locations, requiring a perimeter setback, concerns that Phases 2-4 do not offer access to open space, bike trails, or nature trails, there were questions about the TIA data-intersections, secondary access is needed, there are concerns about extensive removal of native vegetation, wanted to know if the wetland areas have been addressed, the request for pea gravel and fencing of tract A open space. Fee in lieu methodology and parkland access. The applicant is proposing with the HOA that they will do landscaping in the "tract A" open space. The applicant has also said that if the secondary access is not required then the HOA will remove their request for a vehicular gate and just have a pedestrian gate. The HOA concern is that there are a lot of residences on one access. In the prior approvals, the master PUD approval, it was required in the past that City have an easement to be able to access the City property. The secondary access is related to fire, and to provide access for the future residents. A resident was concerned about the methodology used for figuring fee-in-lieu. Excerpts from the Park Master Plan January 18, 2011 were displayed and explained and that the spirit of the code has been met with applying fee-in-lieu. Goal 1 objective 4 – strategy g: Ensure pedestrian connectivity between Rhody and 101 through 3 Mile Prairie. Goal 4: Develop 3 Mile Prairie with interpretive signage of wetlands and intermittent lake system, market 3 Mile Prairie. The applicant wanted to know how much the proportionality is going to be for their participation in the Rhododendron Multi-Use path. Staff requested from Public Works to get the amount, they talked to the engineer who is reworking of 35<sup>th</sup> and Rhody Drive project. The applicant's portion for the multi-use path is \$14,686.20. The applicant can pay in one lump sum or they can defer and can pay as they build get each building permit. There were numerous agency referrals, but none since the last hearing. Conditions of Approvals that are listed in the Resolution were explained, with sources provided. Based on the information that the applicant has provided and some of the things that they wanted figured out are, proportionality, 4-5 there were no changes needed related to

them, Conditions 6&8 the applicant wanted to know where the tree lining requirement came from. It was explained that it came from earlier approvals on the master plan which said that developments were tree lined on the perimeters, 1997's approval found that the tree lining comment, was that the houses were all to be designed with Craftsman or Cottage style architecture. The Condition that is in the code says that they need to meet the architectural design standards of the Old Town and the Main Street Districts. The condition was revised to meet the original criteria of design, or go through a Type I procedure. A Stormwater Covenant of release is needed. Conditions 9-24 related to the PUD, these are everything provided in the summary, staff is proposing to remove the Condition related to tree lined. Modifying the Condition on Fee-in-lieu with whatever the Commission decides tonight if you are going to be using the linier foot methodology or staff's methodology or some other methodology for establishing fee-in-lieu. Another change will be that accessways will all have to be paved, (the ones that meet the block connection). Condition 34 lighting stays the same. Conditions 35-40 Access stay the same. Conditions 41-47 Subdivision Plan: would modify the Condition to establish the proportionality for the Rhododendron Drive multi-use path and removing the one on return radii if it so suits the Planning Commission that they can have a modification through the PUD process.

Alternatives: The AIS recommended Alternative #1, instead staff is proposing that under alternative 4 or 5 and to avoid another continuance, or to close and keep the written record open for 7 days, so that if anybody has any comments about anything said that has been presented, or questions that the Commission poses for the applicant, questions for staff you will have time to get those things into the record, after the 7 days the record is closed and then you could hold deliberations on May 23<sup>rd</sup>, this provides time for staff to provide revisions to the Findings and the Resolution after the 7 day written record period has expired. The Commission could also close the hearing and the record and hold deliberations on May 23<sup>rd</sup>, if anybody asks that the record be left open than you are obligated to provide that period and then hold deliberations on May 23<sup>rd</sup>. There is also the opportunity to continue the hearing to another time, so that the revised findings and resolution can be drafted, but in doing so you still have the opportunity to allow the submittal of more changes and drawings. Staff has consulted with legal counsel and we are not obligated to do that, we have an application that was submitted over a year ago, there has been a lot of time to get the materials in that were required. Staff thinks that we have enough in the record to produce a set of Findings and a Resolution, there are some decision points for the Commission as outlined in the AIS, the Commission may feel like you have not had enough time with the materials and want the opportunity to look at those more and to ask more questions, and get more information from the applicant as can be available.

Comm Ubnoske said that she does not consider the 5' access they are providing to be open space and asked if the Commission can Condition for that open space to be provided earlier, in the event that they never develop, can we tie that to the building permit issuance? FarleyCampbell said that the commission can do that. proportionality can be established with each phase. Staff said they can write it up so it is proportional to phases. Comm. Ubnoske asked if the fire department is ok with the lack of a secondary access. FarleyCampbell said that to her understanding of the Fire Code, in summary, is that it says more than 30 units you must provide secondary access, there is also Building Code that says if the Fire Department has determined that insufficient access is available, the Building Official may offer another remedy. It was explained that the Building Official is allowed to select a substitute for the secondary access, and that the building official has the final say. Florence City code says they have to follow fire code. Comm. Ubnoske says that her concern is with that the secondary access is not only needed with fire but with other natural disasters as well. Ubnoske also wanted to know if there is access to the lots in the northeastern corner. Staff said that the revised drawing shows a 10' pedestrian access and nature path to the edge of the open space boundary, they have a 20' driveway that is proposed. Vehicular access to lots 65, 66 and 67 using the 20'

access easement was explained. Comm. Green questions were read into the record by Peighton Allen, and were regarding the paving of open space, if the trail on the east side connects to the trail to the north, does the northeast driveway cross the swale and if there is ADA access at this point, if the swale is paved and culverted under the swale and if there is ADA access. FarleyCampbell explains that in the AIS the applicant is proposing the accessway be open space and they also meet block requirement. The Planning Commission can decide if a dual use of the property meets the open space criteria, and the 5' trail on the eastern perimeter connects to the nature trail to the north and dead ends in the south, all accessways and block connections will have to be ADA accessible, the swale is paved and culverted under the swale, and it is ADA compliant. The trail will be paved and it will need to be ADA accessible to the street, across the street somewhere there will need to be a curb cut to accept and to let people get to the connection across the street. Staff may need to reword the Condition, but will look into it. Comm. Green asked that with only a 5' width on the east side trail, how does that get landscaped, and that she would like to see a plan for landscaping. Staff explained that there is no design standard for nature trails. and that what they are looking at is a conceptual plan and that the Commission can ask that they include that with the PUD plan. Vice Chair Miller asked for clarification on open space on the east side, and if it was going to be an actual nature trail or is it a buffer between the golf course and the development. Staff said that the materials say a 5' wide nature trail.

### **Applicant presentation:**

Jed Truett, representative, wanted to let the Commission know that they have been working diligently on the project, and that he wanted to answer some of the questions. The 5' open space on the east side, is not proposed to be a nature path, it is just proposed to be part of the open space, and will be on the landscape plan, and he will check to see if he has it in their materials as a nature path. Comm Ubnoske wanted to know if it was part of the open space, and if it was usable. Truett said that it is part of the open space, and it is usable for landscaping and buffering the golf course. Exhibit H was displayed, which is the open north east corner, he explained why the access road wasn't connected to the north property line, the road should be connected, it was just an oversight on their part, this was one of the things that the applicant had to provide in order to get the fire department to agree, it's a secondary connection for future connect through the park, it is less than 150' and they will document that on drawing, it has a 50' center line radius, it meets minimum fire standards and typically in their experience fire standard is the truck goes in 150 feet, the hose comes out 150' to reach all parts of the house, and you won't need a turn around and this is not longer than 150', the path has 20' pave width which is the minimum for a fire vehicle to connect all the way to the park property to the north, the extra 10' is the connection to the nature trail. Comm Ubnoske asked if he were saying that this is a secondary access. Truett explained that the agreement that was reached is if the applicant built with the fire-resistant materials, and provided access to the park extended the water line that the fire marshal and the building inspector would agree with this concept. The 20' width is not part of the open space calculation because of the paved drive but it does have functionality to add access to the lots 65, 66 & 67, the applicant will request this through the PUD process. Applicant has not decided if the lots will be platted as a second tract or whether it would be an easement. Comm. Ubnoske asked for explanation on accessway and if it is open space. Truett explained that 10' strip is open space, but the 20' strip is not. Truett explained the applicants fee in lieu of calculation and he also wanted to know about staff recommendation of keeping the record open and if it is just for the applicant or is it for the public as well, because if it is for the public as well, they would want to request 7 days beyond that to respond as a type of rebuttal to the comments that come are submitted. Comm. Ubnoske asked that since they are now changing what was going to be open space and now it is going to be access, how is that revising your in-lieu calculation? Truett, said that he did not think that they included the 20' easement into their calculations, if they did include than their payment would increase, unless in the final design they included

more open space. Comm. Green wanted to know if the 10' strip is proposed to be paved. Truett said that it is actually proposed to be a connection to the nature path and is not proposed to be paved. The proposal right now is to just have that be a bark path and it will be a possible place for the water line extension that the City is requesting, to the park property. Truett explained the in-lieu of fees and that the fees will likely be about \$70,000 that will be going towards improvements to the park on the north.

**Staff recommendation:** Staff addressed applicants' question regarding the leaving of the record open for 7 days. Staff does not know of any reason that the applicant can't have 7 days for rebuttal of any comments that come in after the 7-day period. Staff suggested alternative 4, closing the hearing and keep the written record open 7-days and hold deliberation on May 23<sup>rd</sup> or alternative 3, continuing the public hearing to a date certain and request the applicant extend their 120-day waiver if the Commission wants to get more information from the applicant and the public. Staff requested an opinion about which decision points provided, that would be helpful in crafting the conditions or if the Commission has more specificity on what you would like to see. If you have to deliberate about it, I will write it either/or and you can select whenever during deliberations or you may require something different.

Chair Young: asked the Commission if they wanted to keep the record open or close the public hearing, or select Alternative 4, with a question of whether or not there are any other public comments, Chair Young did not know if there is anything in code that prohibits. FarleyCampbell, the way that I have seen it worded is that if somebody requests that the written record be left open, it needs to be left open a minimum of 7 days, it is staff's understanding the state is silent on that. Chair Young said that she does not think it is against code. FarleyCampbell, explained that there enough time for either alternative if meeting is May 23<sup>rd</sup>, but that the Commission could also say that if you do not receive any additional testimony in the 7 days than it is closed. Chair Young, you could also say that if nothing is received in those 7 days than there is no additional 7 days. Chair Young asked the Commission, if they wanted to do the 7 and 7 with a cut off at 7 days if there are no additional comments. Comm. Ubnoske, said that she is fine with doing that, but would like clarification on the open space issue, and the 5' perimeter landscaping. Chair Young said that the Commission will deliberate at the May 23<sup>rd</sup> meeting, and decide what we are going to approve not going to approve. VC Miller said bordering of the golf course and it being kind of dangerous for a nature trail. Comm. Green, wanted to know if the Commission will have the feedback from the fire chief about sprinklers and the public works about the utility layout. Staff said that they will get the response from them and review it, and if the applicant can just say there are no edits to the utilities plan. There was a statement to the fact that they needed to sprinkler and not do construction until there is an accessway provided, and once an accessway is provided than they do not have to do those construction methods, as far as the open space comments about the conditions, the phasing condition would have to be revised, to reflect what the Commission say. The original master plan, said that the perimeters would not be open space, whether or not the buffers count as open space, the Commission has to decide if they are going to provide that separation. The applicant is providing it and you have to decide the requirements for providing that it not be open space. There is a Condition about the amenities that are required in the open space. Staff will work with the fire chief to try and get him to respond to Condition 51 that talks about the construction of homes and the accessway.

Chair Young asked the Commission if they wanted to give staff any directions on which methodology to use for calculating in-lieu of fee. Comm. Hauptman commented that he would like to have everything redrawn.

Comm. Hauptman: Made a motion to deny the application based on the Commission's findings that the application does not meet the requirement of City Code and just start over.

Comm. Young is there a second motion of what we want to do with this application? Chair Young, hearing none, motion dies for lack of a second

VC Miller: Moved that the Commission close the hearing and keep the written record open 7 days unless there is additional public comment and then there will be additional 7 days., and to hold for deliberation on May 23<sup>rd</sup>, 2023.Second:

Comm. Ubnoske

Roll Call:

Chair Young: yes

Vice Chair Miller: yes

Comm Green: yes

Comm Hauptman: no

Comm Krause: excused herself from voting

Comm Ubnoske: yes

Motion carried: 4-1

Chair Young: 4 out of 7 is a quorum

Hearing was closed at 7:32pm

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**Reports and Discussion Items:** Chair Young wanted to know what is going on at the lot on Oak that is being cleared. Staff responded that it is a Type II, and is a 24-unit apartment complex, multi-family affordable housing.

**Directors Report and Discussion Items:** The Commission was reminded about the joint work session that Thursday April 27, 2023 at the FEC. Staff has confirmation that Green, Harris, and Hauptman will not be able to attend. Friday April 28, is a retirement party for Eric Rines of the Building Department will be retiring after 30 years with the City. Kurth talked about the TSP about the third and final stake holder transportation advisory open house on April 20, 2023 to discuss the preferred alternative analyst from Kittleson, the intent of this meeting is for the consultants to offer preferred alternatives analysis from Tech Memo 6. There will also be a virtual open house coming soon. The next TSP STAC meeting is June 29<sup>th</sup>, with no open house, the next joint work session will be July 11<sup>th</sup> 2023 at 5:30 pm. We are hoping to get this through City Council by September. Chair Young asked if Public Works is ok with memo #6. Staff said that tech memo 6 does have a few problems but they will be working through those and getting them to the consultant. There are no updates on the housing.

**Calendar:**

Next scheduled meeting is May 9, 2023, no public hearing scheduled, the Mayor will be making a presentation, and it is a work session. Annual training from the Recorder (June?). June 13<sup>th</sup> is the Myrtle Glen development hearing.

The meeting adjourned at 7:55 PM.

**ATTEST:**

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Sandra Young

Chair

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Sharon Barker, Planning Technician