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**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
May 23, 2023**

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

PC Chair Sandra Young called the meeting to order at 5:36 PM.

Commissioners Present:           IN HOUSE: Chair Sandra Young, Commissioner Eric Hauptman, Commissioner Wendy Krause, Commissioner Debbie Ubnoske, Commissioner Laurie Green, Commissioner Kevin Harris

Staff Present: Planning Director Wendy FarleyCampbell, Assistant Planner Clare Kurth, Planning Tech Sharon Barker

At 5:36 PM, Chair Young opened the meeting, Sharon Barker gave the Roll call. Commissioner Harris led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:38PM

Action: Approved

Motion: Comm. Harris

Second: Comm. Green

Vote: 6-0

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

**2. APPROVAL OF THE MINUTES: 4/25/2023**

Start Time: 5:35

Action: Approved

Motion: Comm. Green

Second: Comm. Harris

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: 4th 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. April 25, 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 5:42 pm reopened for deliberations only

FarleyCampbell presented staff report giving a complete rundown of the public testimony and applicant rebuttal that was received in the 7 day period for public testimony and the 7 day rebuttal period from the applicant. The edits to the proposed resolution were explained in detail to the Planning Commission who asked questions for clarity.

Chair Young opened the meeting for deliberations only, the proposed resolution was displayed on the overhead screen and the Commissioners were asked if they would like to review the conditions of the proposed resolution line by line. The Commissioners agreed that, that is what they would like to do.

The first 3 conditions were the standard conditions that are on all resolutions.

Condition 4 - was discussed and there were not changes needed.

Condition 5 - there were no changes needed.

Condition 6 - is that the applicant shall either construct homes that are craftsman or cottage style as per the Master PUD plan. & ok no corrections.

Condition 8 - no changes.

Condition 9 - Comm. Ubnoske wanted some specificity in terms of what the modifications are, and if the applicant is meeting criteria. Staff explained that Condition 9 comes from 10-23-25-H and that if an applicant is seeking modifications to the code, then they will need to meet other standards. The applicant didn’t provide evidence on how there is more than 25% open space, Condition 9 is saying that if you want these modifications the applicant needs to provide justification on these other things. The applicant is seeking a variance instead of a modification. The applicant variance for knuckle/elbow, in order to avoid the long cul-de-sacs, to create a circular situation because of the shape of the lot. Chair young asked if the design of the cul-de-sac is actually a variance, and if the applicants are trying to get a variance through the PUD process. Exhibit C1 is where the applicant talks about the elbows, block lengths and trails. Comm. Ubnoske asked if the Resolution contains findings for approving the variance. Staff explained that the applicant talks about the unusual topographical areas, and that staff will double check the Finding to make sure they contain that information.

Condition 10 - is a replacement and will say, require a temporary turnaround & Type III barricade.

Condition 11 - was ok as written.

Condition 12 - regarding final plat delineating pedestrian and vehicular areas of the North East driveway stem being demarcated with either paint or pavement markings. Comm. Green asked if the Commission needs to say something about the numbering on the streets. Staff said that with the final PUD and subdivision, the applicant will be submitting design drawings for a final PUD for that area but that the Commission could require that they do their PUD’s prior to the plat. Comm. Green asked if this is a condition that the Commission has to impose now and Chair Young said they did not need to yet. Chair Young asked staff if they needed a recommendation regarding a paint line or a landscape buffer. Staff said that the Commission can add a Condition or let the applicant figure out what

they want to do. Chair Young thinks that the strip should be conditions to be a sidewalk with a curb, raised above the driveway. Comm. Green asked if they condition a sidewalk would it still be open space. Comm. Ubnoske asked if the Commission is creating a problem if they condition for a sidewalk. Staff explained that a sidewalk is only 5' wide, the applicant is proposing 10' there, that would leave a 4' separation instead of a curb. The Commission said that they are requiring a sidewalk for the strip in the northeastern corner. The applicant Mr. Pearson said that they had intended to have a water line in the 10' strip, but if the Commission would like a sidewalk, he would do that. Chair Young said that the Commission wants Condition 12 to be a sidewalk built to City standards. Condition 13 is regarding the construction plans for the outer perimeter.

Condition 13 - The Commission is ok with how #13 is written. The applicant said that it was his understanding that he wouldn't need construction plans for that pathway if it wasn't part of the open space, he thinks that they have delineated the property "Tract A", which will have all the recreation requirements. Staff the definition of open space is that it will be improved to its intended use. The applicant wanted clarification of if the construction of the open space would require benches. Comm. Green said that what the Commission is proposing is a Nature Trail with improvements such as a bench. The applicant said that would be OK. Staff suggested an edit to Condition #13, which is that the applicant delineated tract A as their recreation area, Condition 13 says the pathway shall not count towards recreation open space, unless amenities are provided, not that that isn't still relevant because he still needs to do his modifications that justifies, that he has more recreation space than what is provided so he may want this to count towards his recreation space and then add those benches in there. It just says it doesn't count as recreation, unless those things are provided. Comm Green asked if it still counts as open space, staff said it does because applicant is proposing to have a trail.

Condition 14 - The Final PUD application shall include a plan for all open spaces that provides for either recreation amenities. the proposed changes were accepted. Chair asked what areas this Condition is referring to. Staff explained about the fencing along the North and that one of the requests submitted by the HOA described what they would like the fencing to look like, they are just asking for the northern boundary beginning at the NW intersection and Mariner's Village in phase III proceeding east along the northern boundary of phases 3 and 4 stopping at the end the northeast boundary of phase 4, which intersects with Florence Golf Course with fencing all around. This does include the vehicular gate, pedestrian gate, being electric. Comm. Green asked if the Commission is specifying what kind of fencing and gate. Staff, said that the Commission can but believes that the applicant has stated that it will be the same coated chain link. Staff said yes you can ask clarifying questions. The applicant said their plan is to use the same materials that we used in the Phase 1 which is coated chain link fencing along the northern boundary. Chair asked how about the gate at the driveway and the gate at the pedestrian path. Applicant said that he is happy to do that also. Chair are we ok with Condition 14, Commission said yes.

Condition 15 - The Final PUD application shall include evidence that the recreational open spaces will be provided in greater amount than the 15% required. The PC was ok with this.

Condition 16 - Required open space and recreation areas. Comm Green asked about how performance bonds are handled. Staff explained how the bonds are handled, and if the applicant does not complete the bonded project that the City will build it using the bond. Comm Hauptman asked if it would be 100% of the cost. Staff said yes. Chair said and if the applicant builds it, the applicant gets the bond back. Comm Ubnoske, asked about open space areas, and if it included Tract A, and if this was all the open space. Staff said yes, it is. Comm Ubnoske, said that her concerned about Tract A not getting built until Phase 4 and she would like to see, proportionality as we develop the phases, so that Tract A starts to get improved early rather than later. Staff thought that this is already stated earlier. Comm Ubnoske said that she believes it does say this but that she has a question about, she would like to add in to include Tract A. Chair asked if the Condition should say "Required open space and recreation areas, including tract A, shall .....

The applicant thinks that on phase 4 would not have tract A completed until Phase 4 was developed and so it will be difficult to build "Tract A" until we have a phase 4 under construction and the infrastructure is in. The applicant is not sure how to solve that problem, but wonders if they move "Tract A" from Phase 4 over into Phase 2. Chair Young asked if he was talking about taking Tract A and moving it below the cross connection. The applicant said possibly in the first phase, maybe where the block connection is located. Chair asked if he was talking about the two

lots that are parallel to the long section or the ones one each side of the short connection? Pearson said possibly on the West. Staff explained that if they get an application for final PUD for phase 2, it could include Tract A being moved, is it a change for this, but it is not a substantial change. Chair then the 33% calculation would still apply.

Condition 17 - Regarding fee in lieu: Chair asked staff what the Code says. Comm. Green asked if the applicant's method and Staff's method were modifications. Staff the one that I proposed is similar to the one that was used by the City Council for the last vacation that they heard and staff felt that a modification would be an acceptable path. The differences that I have already stated is that the applicant is looking a linier frontage and staff is looking at area. Staff the code creates an opportunity for an interpretation, code was read into the record 10-23-5-e -5, "the fee for open space shall be calculated by multiplying the square foot of open space area being met with fee-in-lieu, multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment role, less a percentage for an easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the under developed park land as defined". The City is only looking for open space fee-in-lieu of, not recreation area. The calculations of Staff's methodology was explained and discussed in detail. Applicant representative Brand Melnick from Metro Planning explained the methodology that they used. John Pearson said that the reason there is no precedent is because they are the first people to be a victim of this fee, and that this methodology was created for them by staff. Chair Young explained that the provisions have been in the code for quite a while. Comm. Hauptman left the meeting at approximately 7:51 (2:45:40) John Pearson did not like that staff was using calculations from a vacation code. The applicant said that a few years ago when he spoke to a commissioner, he was told they would need open space. Chair asked for staff comments. Staff said that they agree that the linier frontage you are not creating something arbitrary but is not opposed to it. Comm Ubnoske said that perhaps the commission can condition in such a way to not be seen as contrary to precedent, sounds like the other was a road vacation, this is something completely different I think the Commission can word it in such a way that their methodology and still not be in a situation where it would like we are going against precedent. Chair asked staff if that was ok. Staff said that it makes since and that she will reword.

Conditions 18-20 ok as it is written.

Condition 21 - With the Final PUD application, construction plans shall be provided for the accessway between lots 65, 66, 67, and 68 illustrating its planned connections with the northern on-site pathway and the southern street from which it extends from. This Condition was discussed between Staff and the Commission, The Planning Commission was ok with the way it is written.

Condition 22 – regarding the installation of signs for parking on the streets was okayed by Planning Commission.

Condition 23 - The PUD phasing shall be completed within 8 years of preliminary PUD approval with each final development plan for a phase submitted within 2 years of each other. Condition 23 is the condition that a recommendation to make an edit regarding the TIA being updated with the phases that extended past 2029. Commission said that they are ok with adding that with the addition. The applicant said that Sandow provided the new updated TIA do they did to still do this. Staff said that in Exhibit K and K-1, K-1 was a response to Kittleson questions and they provided an update that is good through 2029, we will need a new one I 2029 if project is not complete.

Condition 24 - Planning Commission ok with this Condition there was no discussion, except to correct a typo.

Condition 25-30 There was no discussion needed on these Conditions.

Condition 31 - The structures built in Phases 2, 3, and 4 shall meet ORS 918-480-0125-4e implemented by 2021 Oregon Residential Specialty Code R327. At such time secondary access is available that meets Fire Code D107 standard construction may be performed and this alternative method end. Emergency vehicular access connection shall be available to the abutting City property to the north to provide the opportunity to meet fire code requirements. Staff, this states that this emergency vehicular access connection, editing the Findings. Proposed streets or street extensions shall be located to provide access to existing or planned...parks." Conditions 14 and 24 include this requirement. Putting this requirement in the Findings it says 'this criterion is used to support these conditions of approval, with both gates accessible to Fairway residents. Staff we had the requirement for access related to the fire

access this code section has been included in the public hearing but it wasn't in the findings in the body, this condition is about adding this because it was inadvertently left out of the findings. The access is required to connect to the park land to the north. I am just adding the additional justification to Condition #24.

Condition 32 - was discussed and Planning Commission was ok with deleting.

Conditions 33 – 35 no discussion needed Planning Commission ok with how they are written.

Condition 36 - regarding driveway access for lots 65,66, 67 and 68 was discussed. Comm. Green said she would like to have one single word for the driveway access way. Chair wanted to know if they wanted to put the sidewalk part in there instead of the demarcated business because that just what the Commission did before. This also included a requirement for a turnaround from the Fire Chief. Staff in the testimony that the applicant provided, on the plans they provided the dimensions were not provided. Chair asked if they can delete the turn around language out of the Condition, and Staff agreed because it is part of the fire code and the fire code stands whether it is a condition or not. 3:15:03 Chair but the applicant would probably want to know. Staff there is no problem in keeping it they just evidence that it doesn't apply. Pearson said that it is not necessary for it to be in there. Chair, just make it work, Chair asked applicant if that was ok, and he said it was.

Condition 37 - the pathway in Phase 1 shall connect with the adjacent one in Phase 2. The Planning Commission was ok with how this was written.

Condition 38 - The accessways/pathways used to meet block length criteria and those connecting offsite shall meet the provisions of 10-35-3 related to design and construction. The multi-use paths provided to meet block length criteria shall be concrete or asphalt at least 10 ft. in width. Staff on condition #38, will have all the paths added in that, construction standards apply to this is being added into the record. Commission said they were happy with that.

Condition 39 – Regarding walkways and multi-use paths conforming to applicable ADA requirements. There was no discussion needed on this Condition.

Condition 40 - The Phase 4 accessway shall either be platted as a private right-of-way or as a tract and have a private access easement for vehicular and pedestrian uses. Comm Ubnoske asked if the code required a secondary access after construction of 30 homes. Staff said that the City does not have that requirement in code, but that the Fire Code does. Comm Ubnoske asked if this is condition is fine with the Fire Chief. Staff said that the way it is being resolved by the applicant constructing to the wild fire standards.

Condition 41 - The applicant shall provide financial security for proportionate contribution for the future right-of-way improvements to Rhododendron Dr. in conformance with the TSP for Phases 2, 3 and 4. Proportionate financial security shall be provided to the City of Florence prior to Final Plat approval or prior to turning improvements over to the Home Owners Association for the respective phase and/or prior to issuance of the building permit for the home on the lot that constitutes the point at which HOA turnover would occur as stated in the CCR's and/or Bylaws. Failure to do so does not pass the financial obligation on to the HOA. Payment remains the responsibility of the applicant and no additional building permits will be issued until payment is received or a notarized plan for payment is coordinated with the City. The per lot cost is \$358.20 per dwelling to be adjusted by Engineering News Record (ENR) 20-City Composite Construction Cost Index (CCI), and shall be the difference between the ENR CCI for the month in which the tentative subdivision plan is approved and the ENR CCI for the month in which the final plat is signed or building permit is pulled, whichever event the applicant chooses to pay. Staff this Condition is regarding the multi-use path. The TSP capital improvement plan project say that since the applicant is adding capacity this triggers Rhododendron Dr. to be built, this was presented in a previous presentation. Chair asked if that is making sense to the Commission. Commission said that it makes sense to them.

Conditions 42 thru 45 were all ok, did not require Planning Commission discussion.

Chair asked staff if they are ok with what the Commission has suggested? The chair asked if the Commission wanted to vote or did, they want to wait until they see the corrected Resolution. The Commission decided that they wanted

to wait until they see the final product. Comm Green asked if this put them in a time bind. Staff said that it is fine and that July 25<sup>th</sup> is the dead line for the 245 days, which means that you can look at final work product on June 13<sup>th</sup>.

Chair asked for a motion to continue the deliberations until June 13, 2013, Comm Green said that she will be out of town, but will remote in.

Motion: Comm Ubnoske  
Second: Comm Harris

Staff: Point of Order, does the Chair mind asking the applicants if they are willing to provide a waiver to the July 25, 2023 to 245 days

Pearson asked if they would need to delay until the 7/25/23 if they are continuing until the 6/13/23? Staff what I am asking for is waiver to the processing deadline to make sure we can meet the 245 days, just making sure that if we can all agree to get you an answer by then, it's a waiver of the 120 days, it's like what you granted back in November or January, whenever it was. Pearson, yes, he is fine with that.

Roll Call:

Chair Young: yes

Comm Green: yes

Comm Krause: yes

Comm Ubnoske: yes

Comm Harris: yes

Comm Hauptman: not present

Motion carried: 5-0

Deliberations were continued to June 13, 2023 at 8:50 pm

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Chair Young: 5th Item on the Agenda tonight is a Public Hearing for **Consideration of Initiating Amendments to the City Code**: Consider initiating amendments to Florence City Code Title 10 Chapters 2, 3,10,15, 16,17, and 25 and Title 11 Chapters 3, 4&5 concerning complying with state legislation related to housing.

**Item on the agenda Consider Initiating Amendments to City Code:**

Consider initiating amendments to Florence City Code Title 10 Chapters 2, 3,10,15, 16,17, and 25 and Title 11 Chapters 3, 4&5 concerning complying with state legislation related to housing. The Chair asked if the Commission wanted to move it to another meeting or finish tonight. Commission wanted to finish tonight.

Staff said that they have been talking to the city attorney about ADU's, and that as of right now, does not have any answer on the third question. There is a proposal in the initiation to remove the requirement for ADU parking which is in conjunction with state law, state law says that cities can require siting and design standards, but you cannot require onsite parking and the question is asked if off-site parking can be required. Also, would like to only allow ADU's on single family dwelling lots detached and that the City only implement what is required by state law. The Commission may want to keep the provision that ADU can also be on duplex and tri-plex lots. Staff wanted to see if the Commission wanted to initiate that or not. It was discussed how the City was different back when the ADU code was written. The Chair asked if it would be better to do it at the next meeting. If the Commission initiates tonight than the information that was provided tonight will go to DLCD tonight and DLCD post acknowledgement plan amendment and then go for the Planning Commission public hearing will be on June 27, 2023. Staff added that in the AIS the Transportation Committee reviewed the bicycle parking at their meeting last week and their recommendation to the Commission to initiate the bicycle parking also, it is a work plan item.

Comm. Harris made a motion to Consider Initiating Amendments to City Code:

Consider initiating amendments to Florence City Code Title 10 Chapters 2, 3,10,15, 16,17, and 25 and Title 11 Chapters 3, 4 & 5 concerning complying with state legislation related to housing.

Second: Comm. Green

Comm. Ubnoske: yes

Comm. Krause: yes

Comm. Harris: yes

Comm. Green: yes

Chair: Young: yes

Motion carried: 5-0

Time: 8:53

**Reports and Discussion Items:** nothing to report

**Calendar:**

Next scheduled meeting is June 13, 2023, for Myrtle Glen PUD 37<sup>th</sup> and Oak and the continued deliberations for Fairway Estates. June 27, 2023 housing code updating hearing. There will be training also sometime in June, and there are two extension request applications that we will be bringing to you, probably second meeting in July 2023. July 11, 2023 is joint City Council/Planning Commission work session. Vice Chair Andrew Miller tendered his resignation this morning, effective immediately, there will be recruiting for the Commission.

The meeting adjourned at 8:57 PM.

**ATTEST:**

\_\_\_\_\_  
Sandra Young

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Sharon Barker, Planning Technician