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**City of Florence  
Planning Commission Meeting  
250 Hwy 101, Florence, OR 97439  
December 8, 2020**

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

Chairperson John Murphey called the meeting to order at 5:30 PM.

Commissioners Present: (via videoconference) Chairperson John Murphey, Vice Chairperson Phil Tarvin, Commissioner Sandra Young, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller, Commissioner Brian Jagoe.

Staff Present: (via videoconference) Planning Director Wendy FarleyCampbell, Public Works Director Mike Miller, Senior Planner Roxanne Johnston, and Administrative Assistant Aleia Bailey

**1. APPROVAL OF THE AGENDA**

Start Time: 5:31 PM  
Action: Approved  
Motion: Comm. Young  
Second: Comm. R. Miller  
Vote: 7-0

**2. APPROVAL OF THE MINUTES OF November 24, 2020**

Start Time: 5:32  
Action: Approved  
Motion: Comm. Jagoe  
Second: Comm. Young  
Vote: 7-0

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

No public comments were made.

- 4. RESOLUTION PC 20 22 ANN 01 & PC 20 23 ZC 02 – Benedick Holdings, LLC Annexation and Zone Change (continued from November 10, 2020)**: Applications from Michael Farthing, on behalf of Benedick Holdings, LLC, to annex approximately 48.82-acres of property and right-of-way and apply a City of Florence zoning designation to annexed lands. The applicant’s proposal consists of annexing Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801. Oceana Drive is located east of Rhododendron Dr. within Idylewood and the property is located south and west of Heceta Beach Rd., and south of Kelsie Way and Kelsie Court within the Heceta South subdivision, and east and south of Sandrift St., and also east of the eastern terminus of Cloudcroft Lane

within Idylewood and Idylewood 1<sup>st</sup> and 2<sup>nd</sup> Additions. The property is proposed to be zoned Low Density Residential with a Prime Wildlife shorelands management unit overlay (LDR/PW).

Planning Director Wendy FarleyCampbell gave the updated staff report that explained the information received since the November 10, 2020 meeting, where the written testimony period was extended was extended 14 days to November 24<sup>th</sup>. Included in the materials was a letter whereby the applicant waived the seven-day argument period. Staff's recommendation was to modify the findings and provide a recommendation supporting the annexation and zone change to the City Council. FarleyCampbell suggested that the Commission vote on making a change on page 16 of the findings replacing the number '10' to '28' for the resolution number. Comm. Jagoe asked if staff was requesting two recommendations or combined, one for the zoning and one for the annexation. FarleyCampbell informed the Commission that two recommendations could be offered as there are two resolutions. Vice-Chairperson Tarvin had a question on slide 21 of the staff presentation, asking if outside of the overlay zones if the applicant would be able to possibly take advantage of the PUD process. Vice Chair Tarvin asked if there was anything statutorily that would preclude Commission from making a modification or recommendation at least to the extent that it does not increase the low-density regulation. Comm. Tarvin asked if Planning Commission could recommend to Council to disallow the PUD to the extent that it would increase density over the base amount. FarleyCampbell answered by saying that the zone assignment of low-density offers the opportunity to have a PUD, it could be included as a provisional item to Council, but that it would need to be reviewed before legal council prior to City Council approving it.

Chairperson Murphey asked for deliberation. Vice-Chairperson Tarvin brought up the expectation of the other nearby residence being able to tap into the sewer main upon system failure. The pressure system will intermittently be under pump pressure and there are a number of places along the line that when the pump comes on, there will be sewage pumped into bathtubs and shower pans. All residences along Oceana Drive would need to have sewage conveyed to their pump station on site to Benedick Holdings property in some manner. Vice Chair Tarvin asked if they could have a clarification if homeowners would be required to hook up to the sewage system. If only one person did it, their share could be expensive. Comm. A. Miller stated that he believes this type of development would be consistent with other properties in the area and the Comp Plan. Comm. Jagoe asked if home owners along Oceana Drive would have the option to either tie into the sewer lines if they had a failure, or if they would need to use their back up septic field which they are required to have; would they still have the option to tie in or not? FarleyCampbell stated that staff understanding is if the residence's sewer needs repair, then it would have to be tied in. Other properties have connected either through a pump station or through a straw pipe into the line. Comm. Young stated that annexations need to be in the UGB, that the City needs to serve them, and that they are supposed to be adjacent to city limits. The Cherry Steam is what makes it adjacent. Young also stated that the application meets the annexation criteria, and the other issues would be dealt with at the time of development and not now.

Public Works Director Mike Miller addressed the Commission about questions related to the sewer systems. He stated that yes, there will be opportunities for those who would like to connect and connecting to the pressure sewer line in this area would most likely be allowed due to the area's topography. He further stated that there are many who are connected to the pressure sewer line, that it is a simple configuration of how valves are checked so that sewage does not flow back into the homes, and that the homes need a pump. In other areas, like Lookout, when it comes to residential connections, the ones that have been converted over due to failed systems were connected to the City pressure sewer line. These had their pump reconfigured with a modified step system that has a grinder pump with correct sized pumps. By sizing the pumps correctly, this would overcome the pressure issues. The costs to connect

range from \$10,000 to \$12,000 plus system development charges for sanitary sewer, which would be roughly \$5,100 dollars per connection for the impact fee. Chairperson Murphey asked if it takes the property developer 5 years to develop the annexed property, would a residence with a failure be able to join the City sewer without Benedick holdings putting in a sewer pump station. Miller responded by saying there is always potential. He referenced Treewood Court saying that the property had a septic failure and that they wanted to connect to the City sewer. They were annexed in. The City planned for a larger project, assumed construction costs and put in a gravity sewer system because a gravity system was available from South Vista Harbor Drive. The sewer was extended looking at potentially who could connect to the line. A judgement was made on the City's part that if only one property were to connect, their share would be about \$12,000 to \$15,000 with the hope that others would take advantage of the opportunity. It is set up so that people who front that project can connect, depending on who wants to connect and how quickly they can try to make it happen for Oceana Dr.

Comm. Jagoe made a motion to approve PC 20 22 ANN 01 to make a recommendation for approval to the City Council as modified by City Staff. Comm. Young seconded the motion. A roll call vote was conducted and the motion carried 7-0, unanimously.

Chairperson Murphey stated that he would entertain a motion for the PC 20 23 ZC 02 zone change. Comm. Jagoe recommended approval to the City Council with the recommendation on future PUD (density) restrictions. Comm. R Miller seconded. Chairperson Murphey asked for clarification if the applicant was to be given an opportunity to respond to the changes made by the recommendation given that the public hearing had been closed. FarleyCampbell stated that it is not a condition and the applicant was not available for comment. A roll call vote was taken and the motion carried 7-0 unanimously.

Start Time: 5:41

Motion: Annexation - Comm. Jagoe/ Zone Change – Comm. Jagoe

Second: Comm. Annexation – Comm. Young / Zone Change – Comm. R. Miller

Vote: Annexation – 7-0 / Zone Change – 7-0

5. **RESOLUTION PC 20 26 DR 06 – 35<sup>th</sup> & Hwy 101 Burger King Design Review**: Charlie Patton of Ambrosia QSR Oregon LLC submitted a Design Review application for a new 2,728 square-foot Burger King restaurant. The project would include double drive-thru lanes, parking areas, landscaping, stormwater management facilities, and other site improvements. The project is to be located at the northeast corner of 35<sup>th</sup> Street and Highway 101, on the southern half of Assessor's Map 18-12-23-22, Tax Lot 06800. The property is zoned Highway District , which is regulated by Florence City Code Title 10, Chapter 16.

Assistant Planner Dylan Huber-Heidorn gave the staff report. Staff recommended that the application be approved with conditions of approval. Comm. Jagoe asked if the rear door required an awning, Huber-Heidorn replied by saying the awning is not required by code. Comm. Jagoe asked about the propane tank, where it would be located, and if it would be covered. Huber-Heidorn stated he believed they would be located underground. Jagoe stated his concern is that the tanks be shielded from the residential area. The applicant Charlie Patton addressed the Planning Commission by asking Adam Clark, the project architect, to address the concerns of the propane tanks. He confirmed the tanks would be located underground. Comm. Jagoe stated that he is unaware of any underground tanks located in Florence due to the water table. Huber-Heidorn stated that the Geotech report didn't find water digging into the ground to a level of eight feet but he wasn't aware of the time of year and whether or not eight feet was acceptable. Chairperson Murphey asked if Charlie Patton has read and understands the staff report with the conditions of approval as proposed, Mr. Patton responded by saying he has not read the staff report but he stated that it is clear to him based on the presentation. There was no public testimony for the

application. Chairperson Murphey asked for the staff recommendation be repeated. Chairperson Murphey then asked the Commission and staff if there was any reason to continue the hearing. No reason was given. The hearing was closed at 7:33 PM. Comm. Jagoe wanted to make sure that in the event that the propane tank could not be placed underground, that they it would be shielded from the residential area and that it was possible the trees along the residential home would be taller to provide a larger buffer between the commercial and residential districts.

Comm. R. Miller recommended approval of PC 20 26 DR 06 with the conditions of approval and Comm. Jagoe's recommendation for the propane tanks. Comm. Jagoe second. A roll call vote took place, the motion carried 7-0 unanimously.

Start Time: 6:44 PM

Motion: Comm. R. Miller

Second: Comm. Jagoe

Vote:7-0 unanimously

6. **REPORT & DISCUSSION ITEMS**

No discussion items were raised by the Planning Commission. FarleyCampbell gave a Director's report. She reminded the Commission that applications for boards and committees are due on the 31st of December. Those of the Planning Commission renewing needed (Commissioners Young, Tarvin and Hauptman) to give their intent to continue serving to the City Recorder and for all to share the information with anyone who may be interested.

FarleyCampbell went on to state that the appeal period for the 3 applications (Driftwood Shores, Drive-Thru Coffee and Car Wash, and Lemhouse CUP), has expired with no appeals. The staff review of cold weather shelter vegetation clearing made it through the appeal period without an appeal as well. She let the Commission know that she is building the content for the annual department report, and asked that if the Commission had any ideas or items they wanted added to let the Planning Department know.

The upcoming December 22<sup>nd</sup> Planning Commission meeting will include the lighting and barbed wire fences for the Farnsworth Storage Units. No hearing is scheduled for January 11, but that sometime in January and February, there may be some applications. An email was received by Michael Farthing stating that he does not have any issues with the proposed PUD density restrictions. She concluded saying that the next meeting for the Benedick annexation would probably take place in February to give opportunity for the new Council seats to participate.

Start Time: 6:45 PM

The meeting adjourned at 7:42 PM

**ATTEST:**

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John Murphey, Chairperson

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Aleia Bailey, Admin. Assistant