

**CITY OF FLORENCE PLANNING COMMISSION**  
**August 14, 2018 \*\* MEETING MINUTES \*\***

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

Chairperson John Murphey called the meeting to order at 5:30 p.m. Roll call: Chairperson John Murphey, Vice Chairperson Sandra Young, Commissioner Michael Titmus, Commissioner Brian Jagoe, Commissioner Phil Tarvin, and Commissioner Eric Hauptman were present. Commissioner Ron Miller was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland, and Planning Technician Dylan Huber-Heidorn.

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**APPROVAL OF AGENDA**

Vice Chairperson Young motioned to approve the agenda. Commissioner Jagoe seconded. By voice, all ayes. The motion passed.

**APPROVAL OF MINUTES**

Commissioner Titmus motioned to approve the minutes of June 12, 2018. Commissioner Hauptman seconded. Commissioner Tarvin pointed out a clerical error in the minutes. Chairperson Murphy amended the motion to include the correction. By voice, all ayes. The motion passed.

**PUBLIC COMMENTS**

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

**PUBLIC HEARING**

*Chairperson Murphey announced there were two public hearings before the Planning Commission that evening. The hearings would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearings tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.*

**RESOLUTION PC 18 21 DR 02 – Riley's Fence Height Exception:** An application from Donna Boggiano Chmelicek requesting approval of an exception request to allow a 7-foot fence on the north property line for security purposes. The site is located at 1161 Highway 101, Assessor's Map No. 18-12-26-32, Tax Lot 01700 in the Commercial District regulated by Florence City Code Title 10, Chapter 15.

Chairperson Murphy declared a conflict of interest or bias based on his professional involvements and did not participate in the hearing. Vice Chairperson Young and Commissioners Titmus, Jagoe, and Hauptman declared site visits. There were no challenges to impartiality.

Vice Chairperson Young opened the public hearing at 5:36 PM.

PD FarleyCampbell presented the staff report on the subject of Ms. Boggiano Chmelicek's application (see attached presentation). Criteria pertaining to this decision include:

**Florence City Code, Title 10:**

- Chapter 1: Zoning Administration, Section 1-6-3
- Chapter 6: Design Review, Sections 2, 6-3-A-1, 6-5-C & J, and 7
- Chapter 15: Commercial District, Sections 15-4-D, 15-5-B, and 15-5-D
- Chapter 34: Landscaping, Sections 3-7 and 5

PD FarleyCampbell described the exception to city code being requested, which focused on fence height restrictions in front yards. The fence had already been constructed in a manner which violated Florence City Code, but that code includes a

process to request an exception to the restrictions that had been violated. She drew the Commission's attention to the many police reports the applicant supplied to demonstrate the need for additional security as well as submitted photos of unappealing site conditions to support a need for improved screening, including repeated issues related to overflow from the grease trap belonging to the restaurant next door. She pointed out that Florence City Code requires screening between residential and commercial uses. Due to the presence of a residence on the property next door, if Riley's was being constructed as a new building under current code, the owners would be required to construct a 6-foot fence along the entire property line with no exception required.

Public testimony was received prior to the public hearing.

Carl Frazier submitted written testimony in support of the application. He recounted his time spent working at the property when it was Craig's Family BBQ, which included recurring issues with problematic behavior in the street behind the building and the need to escort female employees to their cars. He also stated a strong aesthetic preference for the fence and the improved state of the building.

PD FarleyCampbell delivered the staff recommendation to approve the application with the condition that the applicant check with the Oregon Department of Transportation to ensure compliance with their processes.

Commissioner Jagoe asked about the reported recurring issues with the grease trap next door. Florence Public Works Director Mike Miller was present and willing to field the question. PWD Miller explained that his department's grease trap inspection program had been on hiatus but would soon be more active. He stated that the city's current programs would resolve this issue.

#### **Applicant – Donna Boggiano Chmelicek**

Ms. Boggiano Chmelicek detailed that she and her husband purchased the property in 1997, operated an establishment there for years, rented the building for a time, resumed operations as Riley's Steakhouse, leased it to Craig's BBQ for four years, took over operations once more, and have spent a year and a half rehabilitating the property. She described that the fence panels themselves are six feet high, but the decorative caps on the posts extend a few inches higher, which led to the application for a seven-foot fence. She described some of the large amount of work that had been devoted to improving the property in advance of opening for business.

Commissioner Titmus asked about the timeline of the application. Ms. Boggiano Chmelicek explained her misunderstanding of the city's fence codes, specifically the issue of the fence extending – at a height of six feet – to the front face of the building next door rather than the applicant's building as required by code. Commissioner Titmus also asked whether the applicant had considered that the fence could block views from the windows of the restaurant next door and whether the fence, as constructed, achieved the applicant's stated goals any better than a fence constructed to meet the code requirements as written.

Commissioner Jagoe also stated opposition to the fence panels that block views from the neighbor's windows and pointed out that any business occupying that lot in the future would be subject to the fence's approval. He voiced skepticism that security was improved by the higher fence being proposed for approval and pointed out that the fence does not surround anything.

Vice Chairperson Young asked about vegetative screening around the property's parking areas.

PD FarleyCampbell delivered the staff recommendation that the application meets the requirements of Florence City Code with included conditions.

Vice Chairperson Young closed the public hearing at 6:16 PM.

Commissioner Jagoe motioned to approve **RESOLUTION PC 18 21 DR 02 – Riley's Fence Height Exception** with the condition that 2<sup>nd</sup> and 3<sup>rd</sup> panels from Hwy 101 be reduced to a height of six feet. The motion died for lack of a second. Commissioner Tarvin motioned to approve **RESOLUTION PC 18 21 DR 02 – Riley's Fence Height Exception** as presented by staff. Commissioner Hauptman seconded.

Commissioner Titmus discussed a desire to see the 2<sup>nd</sup> and 3<sup>rd</sup> fence panels lowered to four feet rather than six. Commissioner Jagoe pointed out that in certain circumstances, a six-foot fence would be allowed.

By roll call vote: Commissioner Titmus, “No;” Vice Chairperson Young, “Yes;” Commissioner Hauptman, “Yes;” Commissioner Tarvin, “Yes;” Commissioner Jagoe, “No.” Motion passed 3-2.

**RESOLUTION PC 18 22 CUP 03 – Miller Park Concession Building:** An application from Public Works Director, Mike Miller, on behalf of the City of Florence requesting approval of a Conditional Use Permit to demolish the existing concession/storage building and construct a new 1,408 square foot concession/storage/restroom building. The site is located at 1901 Oak Street, Assessor’s Map no. 18-12-27-10, Tax Lots 00100 & 00103, in the Open Space District regulated by Florence City Code Title 10, Chapter 22.

Chairperson Murphey opened the public hearing at 6:23 PM.

Chairperson Murphey declared a perceived conflict of interest but stated he was able to make an impartial decision due to the quasi-judicial nature of the proceedings. There were no challenges to impartiality.

AP Southerland presented the staff report on the proposed Miller Park concession structure (see attachment). Criteria pertaining to the application include:

**Florence City Code, Title 10:**

- Chapter 1: Zoning Administration, Section 1-6-3
- Chapter 4: Conditional Uses, Sections 3 through 11
- Chapter 6: Design Review, Sections 5, 6, and 10
- Chapter 22: Open Space District, Sections 2 through 4
- Chapter 35: Access and Circulation, Section 3
- Chapter 37: Lighting, Sections 2 through 4

AP Southerland explained the conditions of approval included in his report, including resolution of issues such as building protection and lighting.

Commissioner Jagoe asked about the use of security cameras on the structure. He also asked if the barbeque storage area would be protected with fire sprinklers. AP Southerland directed these questions to PWD Miller.

Public Works Director Mike Miller presented the project as the applicant on behalf of the City of Florence. He explained the grant funding that allowed the project to begin. He described the security camera pods throughout Miller Park as well as the new camera at the south end of the park which, together, will allow for full coverage of the park and new concession structure. The propane and barbeque storage area is enclosed, ventilated, and separate from the rest of the building.

Commissioner Hauptman asked about the operating schedule of the facility. PWD Miller replied that the concession building would operate during many events, rather than just during baseball games. The bathrooms would be open during park hours for much of the year. Other events being discussed could include public movie nights, private rentals, and weddings. The Public Works Department would be in charge of the structure and operations, although they wouldn’t necessarily staff it.

Commissioner Hauptman then asked about the building physical security against break-in. PWD Miller described that the concession area would be locked with roll-down metal shutters. The rest of the building would be strongly constructed and locked, potentially including timers on the bathroom locks.

Commissioner Jagoe inquired about the proposal to include storage space. PWD Miller explained that team associations and other activity groups and coaches would be able to store materials in the building.

AP Southerland delivered the staff recommendation to approve the application.

Chairperson Murphey closed the public hearing at 6:43 PM.

Commissioner Titmus motioned to approve **RESOLUTION PC 18 22 CUP 03 – Miller Park Concession Building**; Vice Chairperson Young seconded.

By roll call vote: Chairperson Murphey, “Yes;” Commissioner Titmus, “Yes;” Commissioner Hauptman, “Yes;” Commissioner Tarvin, “Yes;” Commissioner Jagoe, “Yes;” Vice Chairperson Young, “Yes.” Motion passed 6-0.

#### **PLANNING DIRECTOR’S REPORT/CALENDAR**

PD FarleyCampbell described upcoming events and meetings related to FEMA’s updated Flood Insurance Rate Maps, including an open house on September 18, 2018.

#### **PLANNING COMMISSION DISCUSSION ITEMS**

Commissioner Titmus proposed working with city staff to improve compliance with permitting processes in order to prevent future instances of construction going forward without a permit and members of the public being brought in for permits or hearings after the fact.

PD FarleyCampbell elaborated that the city has had recent issues with illegal vegetation clearing. In these cases where the public are being brought in for permits after clearing, the applications are administrative reviews, and the Planning Commission has the power to call the applicants before them for a hearing. If staff has not already applied a fine as allowed by code, the Commission can choose to do so. Replanting plans are also required.

Commissioner Titmus described the vegetation clearing section of code, which distinguishes between tree felling and general vegetation clearing. He suggests that code improvements should be made to further separate the two processes in the interest of preserving the city’s vegetation and mature trees. Doing so would help to protect Florence’s character, provide wind breaks, control soil erosion and sand movement, improve stormwater runoff, and other issues.

PD FarleyCampbell pointed out that the Florence City Council is approaching the date to complete a new city work plan, which would be an opportunity for the Commission to recommend projects for staff to prioritize.

Chairperson Murphey suggested adding this issue to the agenda on a later meeting.

Commissioner Hauptman asked for clarification of topics of discussion for the upcoming Commission work session.

Chairperson Murphey adjourned the meeting at 6:57 PM.

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Chairperson, John Murphey  
**Florence Planning Commission**

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Date