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**City of Florence
Planning Commission Meeting
250 Hwy 101, Florence, OR 97439
April 13, 2021**

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Chairperson Phil Tarvin called the meeting to order at 5:30 PM.

Commissioners Present: (via videoconference) Chairperson Phil Tarvin, Vice Chairperson Sandi Young, Commissioner John Murphey, 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 AIC FEC Manager Aleia Bailey

At 5:30 PM, Chair Tarvin opened the meeting and Aleia Bailey did a Roll call. All members were present, and Comm. Hauptman led the salute to the Flag.

1. APPROVAL OF THE AGENDA

Start Time: 5:32PM

Action: Approved

Motion: Comm. Murphey

Second: Vice Chair Young

Vote: 7-0

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

2. APPROVAL OF THE MINUTES OF MARCH 23, 2021

Start Time: 5:33

Action: Approved, with no changes proposed

Motion: Vice Chair Young

Second: Comm. Hauptman

Vote: 7-0

3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

No Speaker's cards were received nor public comments made. Chairperson Tarvin relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest. Regarding conflict of interest, other ex-parte contacts and biases, Comm. Murphey declared he would recuse himself due to business associations with the appellants, Larry and Crystal Farnsworth. Commissioners revealed that they had attended the publicized site visit for Fairway Estates on April 2, 2021. These attendees included Vice Chair Young, Chair Tarvin, and Commissioners Hauptman and A.

Miller. Comm. Jagoe also recused himself from the Fairway Estates item due to business relationships with the defendant.

4. Fairway Estates Phase II Vegetation Clearing Violations: Planning Commission will consider any additional penalties for not following Resolution AR 20 04 VEG 02 conditions of approval and clearing without a permit in accordance with Title 4 Chapter 6 Vegetation Preservation Section 6: Penalties.

Chair Tarvin opened the hearing and called upon Wendy FarleyCampbell to deliver the staff report for this agenda item. FarleyCampbell commented that she had no presentation and that all materials were included in the packet. She revisited the series of events that had taken place up to this meeting (where this matter was continued) including those of the previous March 9th meeting. She provided details of a site visit by Planning Commission members and Mr. Pearson and additional materials submitted by Mr. Pearson that were included in that packet. She explained that the recommendations had been modified and that timeline-based penalties were included and were open for times and dates. She added another condition related to an additional wetland found on the site. Ideally, she explained, the state wished to see wetland delineations completed by the end of June and the tentative plat completed. She explained that the Pearson's were working towards those goals. She further recapped what modifications, as suggestions, she made to the proposed conditions from the previous meeting.

Chair Tarvin asked the Commissioners for questions of staff. Comm. Hauptman wanted assurance that the re-plantings would include four of the specimens that had been removed and was not sure of the enforcement of them. He said he did not know when they would be replanted. FarleyCampbell explained that the replanting of the Mariner's Village boundary was proposed to be evergreen in her recommendation and said that they could be different. She said the intent to plant along Mariner's Village would be now due to water availability, but that if they wanted another timeframe, then that was open as was specificity. She had included a video in the packet that showed the log decks so that they could see what had been removed and that her intent was not to waste monetary and natural resources on plantings if the planting season was wrong. Comm. Hauptman questioned if planting was required along the golf course. FarleyCampbell commented that yes, there was a recommendation to replant the area.

Vice Chair Young commented that the recommendation to plant trees 20 feet apart were fairly close and recommended a distance of 30. FarleyCampbell discussed her recommendation and that she would be amiable to changes; that her recommendation was ratio and not distance-related. Bailey put the recommendations up on the screen.

Chair Tarvin asked Michael Pearson if he wanted to address the Commission. Pearson commented that he had not had a chance to read the materials. He stated that he did not take down trees along Mariner's Village, with exception to the tree removed at the request of a homeowner, and that he did not believe he should replace trees there. He also stated that growth was coming up along the nature trail and said that Mariner's Village should place a fence given that they have a ten-foot buffer on their side full of vegetation and that he did not believe he should be required to plant on their property and also did not agree with being required to plant within the 50-foot wetland buffer to previous density when the wetland would be filled and a road and homes added there.

Mr. Pearson reviewed the conditions on the screen. He read that replanting buffers would be required if a tentative plat submission application was not received within three months and a wetland delineation report completed by May 31st. Chair Tarvin asked him which timeline he would like to see. Pearson questioned the wetland buffer replanting. FarleyCampbell clarified the conditions of approval from the

September 3, 2020 approval and that these were not areas that were supposed to have vegetation removed. She explained that the state requests the timeline of June 31st as the deadline for wetland delineation. Last year, she explained, before the approval, she stated Mr. Pearson had relayed how hard it was to get a wetland delineation done and believed he had time to get the delineation. Mr. Pearson said that he was under contract with someone to provide one, but that as of now, he does not have one. He believes that May 31st is too aggressive a timeline as it is in the hands of the person doing the delineation.

Mr. Pearson was asked by Chair Tarvin if he had been able to review the recommendation items. Mr. Pearson said he had not and took time to question those on the screen. Chair Tarvin further asked if Mr. Pearson had had the opportunity to review the materials and understood them.

Chair Tarvin asked if there were any speaker's cards and there were none and move on to staff Recommendations and if they needed to be read again. FarleyCampbell addressed the recommendation to replant the boundary along Mariner's Village. She had an aerial of the area from the written testimony received put on the screen for reference. A conversation between Mr. Pearson and FarleyCampbell regarding the area ensued, for clarification. She stated that the point of the recommendation was to retain the buffer and suggested that she could move the wetland delineation timeline to June, and not beyond, and that the rest of the recommendations pertained to actions that would happen a year out. Pearson asked the Commission if they noticed that there were trees and foliage between Mariner's Village and that those belonged to them on their property and that he should not be required to replace any there. Pearson said he was willing to pay the fines; but did not want to replace trees he did not remove. FarleyCampbell advised Chair Tarvin that a 20-foot buffer was proposed because of the same issue and requirement came up for Florence/Golf Links PUD's application.

Mr. Pearson said that Mariner's Village had 10 feet and that he had 10 feet and that amounted to 20 feet and questioned what constituted 20 feet between properties.

Chair Tarvin asked the Commission and staff if they saw reasons to continue the hearing to a later date. None were provided.

Deliberations. R. Miller continued the conversation about the twenty feet distance for a buffer and believed that the ten feet on both sides met the 20 feet.

Comm. Hauptman questioned what the recommendations were. FarleyCampbell explained that nothing new with the application had been added since the previous Friday.

Comm. A. Miller stated that mistakes were made and that he interpreted the recommendations to be twenty feet from the property line and that it appeared that clearing had been done inside the perimeter. FarleyCampbell said that conditions were not made on someone else's property. She clarified that the plan had been to be a PUD and that when the condition was made in September, she was unaware of previous clearing.

Vice Chair Young stated that since there was not a PUD application, we were operating in a vacuum so there was a violation, and that once there is an application, we would know more. She said the clearing was a violation. She was ambivalent on the 10- and 20-foot buffer, that she was fine with the 10, but that not having the PUD, which would provide more information, would require 10'. But for now, Vice Chair Young believed a compromise could be made by allowing a 10'. She said that the other plantings would be subject to whether or not the wetlands were delineated- that this was difficult to know.

Chair Tarvin stated that there were violations of original conditions regarding the replanting of the 50' wetland buffer. He explained that a letter Mr. Pearson had provided by a wetland specialist stated that the end of May was the preferred timing but that Chair Tarvin could expand that to June. If the delineation has not been done, then it was the responsibility of the Commission to have the buffers replanted. With regard to the 20 versus 10 feet buffer, he believed that we could not say with certainty and would like more input on a timeline from staff or the Commissioners. He said that the \$500 fine for encroaching into the golf course should stand, which should have been done under a permit, and that someone needs to apply for a permit even though it has already been removed, and that he did not want the City held liable for responsibility for the clearing having no evidence from the golf course stating that they had known of the vegetation removal.

Chair Tarvin asked for a motion. Comm. Hauptman asked if Mr. Pearson had applied for a vegetation permit. Chair Tarvin stated that Mr. Pearson had and the two had a discussion on application timing, deferring to Mr. Pearson for wetland delineation information. Mr. Pearson stated that he would pay the fine for the golf course clearing because he did not intentionally violate an order; he was doing it to provide a future view and apologized for the clearing.

Vice Chair Young asked if a motion should be made, and that they could all agree that a fine should be required. Going line by line, with reference to August 1st for submittal of PUD as a date certain, this would need to show a 20-foot buffer adjacent to Mariner's Village (planting shouldn't happen until the Fall-not part of the motion). Subject to the wetland's delineation, if the wetlands need to be replanted, then they would be replanted in the fall, depending on if they turn out to be important. Regarding replanting of buffer Fairway Estates and the golf course, this should be agreed upon by the two of them and plans submitted to staff with the agreement from both the appropriate re-plantings, which would be attached, but not shown on, the PUD application. If cutting was done on the City property to the north, then it would need to be replanted in the Fall. If the PUD plat is not submitted by Aug.1, then presumably, the last two recommendations would be in place because it includes the wetland delineations.

Chair Tarvin asked FarleyCampbell for input and asked if she was able to revise and apply date certain some of the items. FarleyCampbell went through each item for clarification. Vice Chair Young stated that the fine should be paid in this fiscal year, which ends June 30. No Commissioners objected. All re-plantings would be required to happen in October. Regarding recommendations of the 20 feet distance to read 10 feet dependent on the application for PUD, then the tentative plan, to be submitted by Aug. 31st, then the plantings would be done on the fall. Mr. Pearson asked for Mr. Pearson. Mr. Tarvin was told he would submit a tentative plan that showed the buffers in all areas. Pearson asked about the evergreen trees. Vice Chair said they were modifying that by allowing Mr. Pearson to propose which trees to plant through the PUD application. October planting were proposed for condition Number 3. The wetland, bullet number 4 in the AIS, would be handled by requiring the wetland delineation – which would be handled through the PUD application. If they were present, then they would need to be protected/ replanted. Number 3 was eliminated and number 4 revised, bullet 5 remains, and bullet 6 had to do with coordination of replanting through the PUD application. A date for this letter would be for September 1st. The golf course folks would need to agree with Mr. Pearson, in writing, on a plan to be submitted with the PUD, but not included on the PUD itself.

FarleyCampbell recommended drafting up the conditions and bringing the item back to the next meeting. The Commissioners were polled to see if they were in concert. All were in concert.

Motion to continue the consideration of a draft of conditions discussed above to April 27 was made by Comm. Young. Comm. A. Miller seconded the motion. Motion passed 5-0.

Start Time: 5:40 PM

End time: 7:00 PM

Action: Continuation to April 27, 2021 hearing.

Motion: Vice Chair Young

Second: Comm. A. Miller

Vote: 5-0 with Comm. Murphey and Jagoe abstaining

Planning Commission took a break until 7:15 PM.

5. **Resolution AR 20 10 DR 03:** An appeal regarding a recent Administrative Review decision (Type II) approval with conditions, for **Resolution AR 20 10 DR 03**. The appeal concerns stormwater design conditions imposed. The Resolution pertains to a proposed design review application submitted by Larry and Crystal Farnsworth on behalf of Heceta Self Storage Corporation to construct a phased 470-unit storage facility with an associated office building on multiple lots. These unaddressed lots total approximately 4.5 acres owned by the City of Florence and located on Assessor's Map 18-12-22-43, Tax Lots 00900, 00800, 00700, 00600, 00500, and 00400 and Assessor's Map 18-12-22-42, Tax Lots 00200 and 00100, and being Lots 4 through 10 and the southern half of lot 11 of the Industrial Park plat of the City of Florence. Additionally, these lots may be described as being located along Kingwood St., between the Oregon Coast Military Museum to the south and the Florence Public Works building to the north. Lastly, these properties lie within the Limited Industrial District, regulated by Florence City Code Title 10 Chapter 20.

Chair Tarvin opened the hearing and called upon Senior Planner Johnston to deliver the staff report. Johnston provided general background information pertaining to the appeal including review criteria. She emphasized the Title 9 of the Stormwater code and explained that the appeal was related specifically to the proposed eastern stormwater facility and whether or not the Planning Commission could determine if a Technical Equivalency was applicable for appealed design. She explained that the appellants wished the existing landscaping to remain and that only testimony and information submitted with the packet was allowed for consideration. Johnston shared a diagram depicting the property and of where the stormwater design area was to be located (Region 7) and that water would be received by various half roofs, an eastern drive aisle and proposed filter strip itself. The landscaping requirement of 15 percent, she explained, tied into the appeal as the outcome could affect that number. She explained that the applicants would be bringing back an updated landscaping plan at a later date. In focusing on stormwater, she explained that the appeal did not specifically call out particular conditions. Nonetheless, Johnston paraphrased the conditions related to stormwater. She explained that the existing vegetation would need to be removed in order to install the stormwater filter strip. The applicants had proposed a testing process to demonstrate that the existing vegetation could handle the stormwater. This is not included as a best practice as outlined in the City's Stormwater Design Manual. Johnston relayed the peer review comments by Civil West, the City Engineer of record which basically stated that conveying stormwater to vegetated areas was not recommended. Johnston showed an image from the Stormwater Design Manual, SW-160- which the applicant proposed for the area in their stormwater study, and explained that removal of vegetation was part of the design.

Johnston explained the processes to determine whether or not a technical equivalency was warranted by paraphrasing the code. She then went through the alternatives and stated that the engineers would be discussing this appeal.

Chair Tarvin asked the Commission if they had questions of staff. Comm. Hauptman asked what hardship was declared. Johnston stated that the applicants would discuss this. Johnston said that the central issue was clearing out the landscaping, since the landscaping was needed to meet the minimum requirement and that the applicants had been working hard to preserve the vegetation. Vice Chair said that she wanted clarification if all or some landscaping would need to be cleared.

Appellant Larry Farnsworth explained that they (the applicants) believed that using the existing vegetation as a stormwater design and the design as outlined in code would both work, and argued that the Stormwater Manual encouraged designers to incorporate on-site filtration to landscaping systems which would treat and filter stormwater where it would then infiltrate into the aquifer. He assured the Commission that the plan had not changed since its original proposal and that nature could adequately handle the stormwater and was not a contradiction to the design. The applicants/appellants believed that the existing vegetation had the same components that a planned design would have, and that it would best treat stormwater. Crystal Farnsworth stated that the native vegetation would function as screening. Larry Farnsworth also relayed the requirements for a Technical Equivalence. Aric Farnsworth, site engineer, explained his engineering background as it related to the city, including the Stormwater Master Plan and other capital improvement projects. He explained that the intent of the design was created to comply with the City's Stormwater Manual and protect the aquifer. He further asserted that the existing vegetation exactly matches SW-160, shown in the Stormwater Manual. He explained how the filter strip operated. If existing vegetation for the purpose of constructing what was required, the newer vegetation would not be as effective as the mature vegetation. He explained the proposed test of the existing vegetation as a filter strip which include inspecting, logging event conditions, and maintenance. If stormwater was observed 2 inches of stormwater flowing during/after the storm event, then it would fail. Addressing Vice Chair Young's question about removing any of the vegetation, A. Farnsworth showed a plan and explained where removal would occur if the appeal not approved. He explained that the requirement for removal was 5'.

Larry Farnsworth stated that he was prepared to submit an updated landscape plan and that the existing root mat was better and thicker and would absorb more water than if a new system was installed and that all engineering supports the existing design.

Comm. Hauptman questioned Aric Farnsworth about the memo provided by Mike Miller (Attachment 6) that was provided in the packet. Comm. Farnsworth stated that he had coordinated with the City and that statements were addressed in the stormwater plan.

Comm. Jagoe asked A. Farnsworth if he had done a site visit and does the plan include a rock or gravel swale as shown in the design in the Design Manual. A. Farnsworth said that he had visited the site, and that the rock strip from SW-160 does not show in his design and would be glad to add it. He was asked if the gravel would make a difference. A. Farnsworth said he did not believe so. Johnston again shared slide 14, which detailed SW-160. Johnston said that Mike Miller and Civil West Engineering were present. A. Farnsworth explained the mechanics of the filter strip shown in SW-160. He explained that he designed the grading to sheet flow to the filter strip and not disperse to any one spot.

No speaker's cards were submitted.

Chair Tarvin welcomed Mike Miller, Public Works, and Sean Lloyd, P.E. with Civil West Engineering and said he did not see anything objectionable about the request and testing. He asked if there were any issues. Lloyd said that the eastern area being left as-is escaped their review and said that the existing vegetation might work as a standard detail; he had not visited the area and there were a lot of variables but would

most likely work and stated that the Planning Commission would determine whether to permit the Technical Equivalency. Chair Tarvin said that he had known other entities to not have that authority and if the Planning Commission had this authority. Miller affirmed that they do, and recommended that installing the rock buffer would help with disbursement.

Comm. Hauptman asked how crucial was the test being so close to the end of the rainy season. Chair Tarvin said that they would do the test, document it and Comm. R. Miller was asked if the hearing needed to be closed.

The hearing was closed at 8:19 PM. Vice Chair Young commented that a lot of reliance was made on the existing landscaping to provide screening of the units and that no one wanted to look at the back of the units. She explained that a benefit of the public would be applicable here as screening would allow for the design in the eyes of the public good. Chair Tarvin said that staff made no errors and that the testing would provide more information going forward. Comm. Jagoe motioned to approve the appeal of the resolution with the addition to install a gravel/crushed rock swale. This was seconded by Comm. R. Miller.

The motion passed 6-0.

Start Time: 7:16 PM

End time: 8:23 PM

Action: Appeal upheld with conditions; Technical Equivalency approved.

Motion: Comm. Jagoe

Second: Comm. R. Miller

Vote: 6-0 with Comm. Murphey abstaining.

6. Report and Discussion Items. No Commissioners had a report item.

FarleyCampbell provided her Director's Report. She relayed the Commissioners needed to send the City ethics training completion confirmation to Kelli Weese if not yet done yet. She also shared the Commissioners should have received an email from the state on their annual reporting, which was separate from the City's requirement. She provided an update on the City's work plan and that it was nearly completed and scheduled for April 19th review and vote. She spoke with the TGM grant coordinator and said that within the next month, the RFP would go out and work start in September at the earliest. She reviewed the calendar – two hearing items for annexations/zone change assignments and an action item for Fairway Estates that was discussed earlier in the evening. Another site visit for a vegetation clearing permit from Lane Community College was also in the works. She recommended a buffer against the residential zoning and protecting the drainage from being obstructed on the property. FarleyCampbell said she did not have anything right now for May 10, 2021.

The meeting adjourned at 8:32 PM.

ATTEST:

Phil Tarvin, Chairperson

Aleia Bailey, Admin. Assistant