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**City of Florence**  
**Planning Commission Meeting Minutes**  
**250 Hwy 101, Florence, OR 97439**  
**January 9, 2024**

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

PC Chair Sandra Young called the meeting to order at 5:30 PM.

Commissioners Present:        In Person: Chair Sandra Young, Commissioner Debbie Ubnoske, Commissioner Laurie Green, Commissioner Eric Hauptman, Commissioner Wendy Krause, Commission Renee LoPilato  
Excused absence: Vice Chair Harris

Staff Present:                    Planning Director Wendy FarleyCampbell, Associate Planner Clare Kurth, Planning Technician Sharon Barker (virtually), Management Analyst Peighton Allen

At 5:30 PM, Chair Young opened the meeting, Community Development Director Wendy FarleyCampbell gave the roll call. Commissioner Hauptman led the flag salute.

**1. APPROVAL OF THE AGENDA**

Start Time: 5:33 PM

Action: Approved

Motion: Comm. Green

Second: Comm. Hauptman

Vote: 6-0

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

**2. APPROVAL OF THE MINUTES: November 14, 2023 and November 28, 2023**

Start Time: 5:34 PM

Action: Approved

Motion: Comm. Hauptman

Second: Comm. Green

Vote: 6-0

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

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

No public Comment for items not on the agenda.

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Chair Sandra 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

Comm. Green declared that she added a couple of responses to a next-door social media thread regarding information about the agenda for tonight's meeting and quoted some city code on business licensing. Comm. Ubnoske declared that she did the same thing.

There were no bias declared.

No citizen present wished to challenge any Commissioner.

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Chair Young: 4th Item on the Agenda tonight is a Public Hearing for **Resolution PC 23 25 PUD 01**

**RESOLUTION PC 23 25 PUD 01– Myrtle Glen Final PUD:** Continued from December 12, 2023.... An application submitted by Mike Johnson, on behalf of the applicants William Johnson Construction, Inc. and property owner David J. Bielenberg, for final planned unit development (PUD) plan review. The PUD proposal consists of extending 37<sup>th</sup> St., and constructing 25 townhomes, parking, stormwater, open space and recreation space on 3.34 acres of property as shown on the Lane County Assessor's Map # 18-12-22-11, TLs 01200 & 00200 located west of the 37<sup>th</sup> and Oak St. intersection.

Hearing Re-Opened at 5:39

See attached presentation slides

Staff Report:

Associate Planner Kurth presented the staff report for the Myrtle Glen Final PUD this hearing was continued from December 12, 2023.

- The time line was shown and it is similar to the one that was shown on December 12<sup>th</sup> with the addition of the January 9<sup>th</sup> public hearing.
- The hearing was continued because at the December 12<sup>th</sup> hearing there was a request to review additional items.
- An addendum to the application was received December 28th that included the garage door and the front door designs as requested.
- An updated landscaping, open space plan and gazebo example were received as requested.
- On January second, an additional document was received with an example of the proposed benches and pet waste stations.
- The main decision points and discussion tonight are a review Condition 7.1 which is from the preliminary PUD and Tentative Subdivision that was approved in June 2023 regarding the exterior design and façade variations between individual building groupings.
- The Commission requested garage door and front door designs changes. An addendum was received.
- Then Condition 7.7 regarding the tentative recreational space plans was reviewed.
- There was a request from the Planning Commission at that first meeting to have plans with the recreational amenities and intended recreational use.
- The bench and the pet waste station design, was submitted on 1/2/2024.

- The revised plans and amenities were received on December 28th.
- In front of the Commission there is an additional set of landscaping plans that was submitted Friday, 1/5/2024.
- The main points that we're looking at on this one is, does the proposed plan meet recreational requirements, and are the proposed amenities sufficient to the intent and of the condition?
- Traffic impact study was conditioned with the final subdivision.
- On December 29, 2023 and January 3, 2024, an additional referral request was sent out to Public Works Director asking about the amenities being appropriate for their use. His comments are that the pet waste stations are appropriate for the intended use with the recommendation of metal posts for improved life of the amenities.
- Miller commented that the park benches appear to be light duty and not appropriate for use in a common area. He did recommend that revised plans with higher durability materials be submitted for the park benches.
- Open Space B, in reviewing the landscaping plan, staff missed this in the previous review, the stormwater line goes right through Open Space B.
- The Public Works Director recommended a condition that any trees planted in that open space area be a minimum of seven and a half feet from the storm line and require a root barrier to protect the stormwater pipe.
- Director Miller stated that the proposed gazebo is suitable for an HOA maintained structure but not for city maintained.
- The tree in the stormwater facility landscaping area and may require a root guard because it is within 7 ½ ft of the of the stormwater line.
- Condition 7.1, and this is from the Preliminary PUD, different building facades and exterior design shall be used for each building grouping that meet the intent of Florence City Code 10-6-6.
- As discussed on December 12, 2023, the building plan showing three different color palettes was shown and explained to be the same color, alternating where the colors are going on the building.
- The difference in the facade is that horizontal siding pattern above the garage gables, the garage gables horizontal siding on the four-unit buildings, and then the shingle pattern on the three-unit buildings. This was conditioned to flip that and have the shingle pattern on the four-unit buildings and the horizontal pattern on the three-unit buildings to help break up that long expanse of horizontal lines.
- There are the garage door patterns that were submitted on December 28, 2023 with white as the proposed color.
- The proposal was to have buildings one and five have the same garage doors, buildings 2 and 6 have the same garage doors, building 3 and 7 have the same garage doors, and then building 4 having the other garage door.
- The Condition, based on discussion from the Planning Commission, was to condition the garage door to be a color other than white because white was considered stark.
- The front doors are proposed to be the same varying buildings 1 and 5 with the same front door, buildings 2 and 6, with the same building 3 and 7, and the building 4 with the final fourth front door.
- The applicant has already proposed different front door colors with each building and the proposals to keep that front door color with the palette.
- Issues and decision points.
- 1. Does the alternating door combinations meet requirement of **Condition 7.1**, and do the differing facades on the four-unit, three-buildings meet Condition 7.1.
- **Condition 7.6.** The minimum open space area has been provided, and that's 25% of the 20% open space should be designated for an intended recreational use.

- The condition that the open space areas be plotted as Track A and Track B, so they remain as open space as intended.
- **Condition 7.7** discusses the tentative concept plan required. The revised open space plans that were submitted still include the grass in open space Area A, along with the gazebo, a bench, the pet waste station and a walking trail.
- Open Space Area B improvements include native vegetation, a bench, a pet waste station, and a walking trail. The shore pines have been removed from that because of the stormwater pipe. From the updated landscaping plan, the Sheet L1, and that was printed off and put on the dais in front of you.
- The Open Space Area B plan shows the proposed walking path, the bench and the pet waste station.
- The gazebo is proposed to be a 10' by 12' wood structure with a steel roof.
- The public works states that the gazebo is appropriate for HOA maintenance, the Public Works Director is recommending a higher quality, higher durability bench than what is being proposed.
- In accordance with FCC 10-36-6 that regulates easements, no building structure, tree, or shrubbery in the easement. In the draft Resolution, the gazebo appears to be outside of that 20-foot utility easement just to make sure that that's the case with construction and installation.
- The walking path plan didn't come with the dimensions. Looking at trail design guidelines from the Portland Trail Design Guidelines. Their Type D walking path design recommends a minimum 6-foot-wide walking path with 8 feet total for the fabric underneath, minimum 4 inches of gravel, minimum 4 inches of mulch.
- **Condition 11** includes the combination of the Portland Trail design guidelines for that wood fiber path and then the edging to keep material secure in place. Open Space A has a condition to have the path meander around the Type 3 barricade to provide access that's clear from obstructions. The way that it was written in the Resolution, which can be changed at the discretion of the Planning Commission, was to the north of the barricade to help keep it out of the easement in case work needs to be done.
- **Condition 13**, the gazebo. There are no amenities proposed underneath the gazebo other than a gravel pad. This condition at the discretion can be changed by the Planning Commission, what this condition currently says is a minimum of two benches of better quality under the gazebo.
- **Condition 17**, Requires additional details be submitted, pending public works review and approval.
- **Condition 14**, amenities to be sufficiently secure to prevent removal or theft.
- **Condition 15**, maintenance is the ongoing responsibility of the HOA for the amenities in the open space areas.
- **Condition 16**, as previously mentioned, is a condition for those pet waste stations to be installed with the metal aluminum post.
- **Condition 18**, trees in Open Space B shall be a minimum of seven feet from the water lines and shall be planted with a root guard. The revised landscaping plan that was received on the January 5<sup>th</sup> doesn't include the trees in the Recreational Open Space B, so the HOA has record of required root guards and distance from water lines.
- **Condition 19**, is an addition to the Revised Resolution, that's in front of you and that wasn't included in the packet that was distributed Friday is ADA accessibility to the walking paths in the open space area A. The image is of a parallel curb ramp from the city of Florence. Standard drawings, drawing number F-206A, Condition 19 is just a condition to make sure that there's ADA accessibility to the walking paths and the recreational area.
- The question before the Commission tonight is, with the revised plans and the conditions, does this plan meet the code and the conditions of approval from previous conditions for the exterior

design of facades of the exterior building? And for condition 7.7, does a tentative concept plan meet recreational requirements and intent?

- What I would ask the Planning Commission to consider; is a walking path and a bench a recreational use by itself, or is there anything else that's needed.
- Alternative 1. Recommend approval of PC 23 25 PUD 01 based on the commission's findings that the application meets the requirements of city code subject to conditions.
- Alternative 2. Is to recommend denial of PC 23 25 PUD 01. Based on Commission's finding that the application does not meet the requirements of city code.
- Alternative 3. Recommend partial approval of PC 2325 PUD 01. Based on the Commission's finding that the application meets some of the requirements of city code and relevant resolutions, or alternative for continued deliberations and continued hearing to a date certain if information is required, to issue a decision.
- **Staff recommendations.** Alternative one, recommend approval of PC 23 25 PUD 01 based on the commission's finding that the application meets the requirements of City Code It's subject to conditions.

Chair Young asked the Commission if they had any questions for staff.

Comm. Green asked about the HOA undertaking maintenance of the gazebo, presumably of the pet waste station and when does the maintenance actually start? When the first resident moves in, when it's fully populated?

- FarleyCampbell answered that CC&Rs are built up different ways, but this one will probably be similar to what most developers do, where the developer is the HOA until certain number of units are built then at that point, HOA does their voting and has a president, and they assume the responsibility. The applicant will be able to answer that question.
- Kurth said that she would recommend that the Commission condition the gravel pad under the gazebo, because right now the description is just a gravel pad and would also recommend a similar condition to the path design.
- Chair Young asked if the pad has edging so that the gravel doesn't go everywhere.
- Kurth said the applicant can answer that.
- Kurth said that she would like to add a Condition 20 to the Resolution that has similar conditions to the path with the edging, the depth and the fabric.
- Comm. Green asked if it was for the structural integrity of the gazebo, some wording for that?
- Kurth agreed that it should be firm enough for perhaps a walker or a wheelchair if needed.

Chair Young asked for the applicant to come forward.

Hailey Sheldon of Sheldon Planning representing Mike Johnson and Dave Bielenberg spoke saying that she had a few clarifying items and then she was going to turn the mic over to Lisa Walters-Sedlacek, who just has a few questions and comments about landscaping.

- First clarification is that the pad under the gazebo is not proposed to be gravel, we have a note on our landscaping plan that says gravel installed around the perimeter. Our plan is to have it be a concrete slab with gravel installed around the perimeter, but we didn't specify that it was a concrete slab.
- The applicant would like clarification on Condition 19, the staff report that we received did not have a Condition 19 and they would like to see the verbatim condition.
- Condition 12 talks about how the path needs to go around the barricade. The applicant would like to revise the path to have just in conformance with this Condition 12, to have that path come out of the parking lot and go in from the north. I just wanted everybody to know that so that it's on the record.

- The third clarifying item is regarding the garage door color. We reached out to staff via email regarding the garage door colors and said we couldn't figure out my notes, whether the Planning Commission was okay with them being white and just having different design, or if they needed to have different design and different color. We reached out to staff and asked them, and staff sent us a video recording of the meeting, which Mr. Johnson listened to in its entirety, but we still weren't able to figure it out. We're happy to change the color if that is what the Planning Commission would like, but I didn't feel like that I came across in the staff report. We said in our email, The applicant is happy to modify the garage doors to be colored if the Planning Commission prefers.
- We are also unsure of the Commission's preference direction in that area.

Lisa Walters-Sedlacek of Marine Garden Designs spoke regarding Conditions 3 and 11.

There were two things that she wanted to speak about after receiving the staff report.

- They initially proposed putting wood chips on landscape fabric for the path, they do this to create a more natural path.
- The applicant's concern is that the new construction requirement that was in the staff report is from the City of Portland Trail Standards and the requirements of a 7 ½' wide landscape fabric, an overlayment of 4 inches of 1 ½ inch rock compacted and then 4 inches of wood chips; making the path 8 1/2" deep which seems excessive.
- The applicant had proposed just the wood chips, but if the Commission would like to have a more substantial path for this project, what the applicant would like to propose is the same width, 6-foot-wide path, on commercial landscape fabric, and then using 4 inches of compacted gravel.
- The applicant understands about the edging and making it so that the gravel is contained at the edge.
- Walters-Sedlacek spoke about part of Condition 3 in the staff report, regarding future liability for the north vegetated area.
- The applicant is planning on doing an inventory of the existing trees as required by the Conditions, which will include the deciduous and evergreen trees in the track. Applicant understands the requirement to protect and ensure that the native vegetation area is preserved during construction.
- The applicant is concerned about the requirement that the HOA will in perpetuity, have to replace any trees that are identified in this initial survey if they die, if the trees were to be blown down is the Commission making the HOA replace those trees in that native tract?
- The applicant would like to propose that we... that in accordance with FCC 10-34-3-8, any required trees on the northern buffer that dies, fall, or is damaged during construction shall be replaced with an equivalent specimen within six months, of requiring a removal, whichever comes first and that the HOA will be responsible for maintaining the native vegetated buffer and will not remove any additional vegetation or trees unless there is a reason for tree removal that could result in a hazardous condition. At that time, the HOA will be required to hire a licensed arborist to ascertain tree health, and if needed, the HOA will be allowed to remove the tree after submitting the request and getting approval from the City as a part of a vegetation removal permit.

Hailey Sheldon said that Florence's code requires one tree per 30 linear feet and that is what they had originally. The city has said that we have to inventory the buffer, we agreed to inventory the area, but now there is a condition that goes beyond having one per 30 feet and instead says, it all has to stay, and it has to stay forever, we think that is too extreme.

*Chair Young asked if there were any questions, for the applicant.*

Comm. Ubnoske had a question on the path that leads to the gazebo, and if it is ADA accessible? Can somebody in a wheelchair or using a walker easily access the gazebo on that path the way it's being constructed?

- Walters-Sedlacek said that if you use the wood chips, it would not be. If we now ask for 4 inches of compact gravel, it is accessible. It is not ADA-approved, because then you get into a concrete path with the yellow bumps in front and everything, but that's more for buildings.

Comm. Ubnoske had 2 questions regarding the location of the benches at the very beginning of the path and why they aren't halfway on the path as people are walking and she would like to see a picnic table under the gazebo.

- Comm. Green said that if the gazebo is 10' by 15" feet and we're already asking for two benches under there.
- Comm. Ubnoske said that she was hoping that maybe we could get the picnic table with the bench instead of in lieu of the two benches.
- Comm. Green or maybe just replace it with some terms for seating. Things are going to change as the residents make requests. If the Commission can establish minimum requirements, then the developer can manage their project.
- Comm. Ubnoske also asked if the gazebo is wood and steel.

Sheldon said that it is wood and that they had submitted an example picture of the gazebo.

Comm. Ubnoske asked if there is a possibility of using hardy plank in lieu of the wood for the gazebo just because of the weather here?

- Mike Johnson, applicant, asked if this is in reference to the gazebo.
- Comm. Ubnoske said yes, it is about the structure of the gazebo as opposed to wood could they use hardy plank.
- Mike Johnson said that if the wood is stained wood should not rot, and that will be part of maintenance.

Comm. Green made a comment that she thought that the Commission was in a pretty good agreement on the garage doors and they would be similar in the color palette but would prefer that the garage door colors to match the door color of that unit.

- Comm. Hauptman asked what is the unit mix, like How many bedrooms, how many baths in each unit, and do they have the same floor plan in every unit.
- Mike Johnson said they are two bedroom, two and a half bath, and they alternate floor plans.

Comm. LoPilato said that the applicant mentioned that they have never seen a condition for the Portland Trail design review and asked staff where they got that particular condition and if it is something that the City of Florence like to put into these developments.

- Planner Kurth explained that the City of Florence doesn't have specific trail standards adopted and that there are no state standards.
- Comm. Green asked if Trail Type D, is that intended for a more public path that would be heavier use than this?
- Kurth said yes and the reason why that seemed appropriate at the time and that the PUD common space areas are supposed to be developed to park or similar standards, and this is a park or similar standard and this is a common space and its intent is going to need to be high durability and long lasting.
- Comm. Green asked if this trail is comparable to the trail in Park Village that leads up to their gazebo? I'm just wondering if we are requiring more than the usage would need. Kurth said that because there are no standards but would love to have that discussion if there's something better that could be suggested that would get to the same intent of a high durability surface for walking.

Comm. LoPilato asked staff what is their impression was of the proposal for four inches of compacted gravel with edging?

- Kurth, I haven't had time to review that, and this was submitted to Public Works for comment
- FarleyCampbell said that she would find out.

Kurth said in regards to the trees in Condition 3, the intent of that condition was to maintain that minimum buffer requirement but at the Planning Commission's discretion it could be reworded to specify the required trees that need to remain.

Comm. Green asked if the Commission does still need to keep the language in about during construction that the native vegetation remains protected.

Comm. LoPilato asked if the applicants have some more concerns with new development as it is just a leveling of the trees that are already there and could the applicants address what their sense is of how many of those trees would need to be cleared.

Mike Johnson said that as a general rule, I only clear for the footprint of the structure. And that he doesn't clear lots completely and that he usually leaves maybe 5 ½ to 10 feet all around the house, and then you put your foundation in, and then you backfill to the house there and that most of the houses that he builds, the vegetation is left.

Sheldon; said that she would like to talk about Open Space B, the retention of vegetation. This open space was added because there is a square foot requirement for recreational open space, which we didn't meet. That 1,000 square feet of open space was added because we couldn't find more room for open space. When we originally proposed that open space, we proposed to leave native vegetation and the reason is because there's a house on the other side of it and so that path is going to be between one apartment unit or townhome unit, and somebody's house. It's going to clear all that vegetation. It's going to put a giant path there with benches and a dog poop station, all in pursuit of this criteria. We provide 30% more open space than is required. We've made this argument over and over, but I have to because you asked about that. The applicant would love for us to remove this open space B and let it go back into the common area.

Johnson I'm concerned about the people that live in the house on Oak Street, too. They're right there, and we're going to be building there. We'd like to leave as much vegetation as possible to give them a buffer. Comm. Green asked if there would be a fence around the site.

Sheldon said there is no fence proposed and that the vegetation was what was to be the buffer, and the vegetation has been removed in pursuit of recreational open space.

Johnson said that there is a fence that exists on the north side to Jane Lake.

*Chair Young asked if there were any more questions, and that the Commission reserves the right to ask more questions later.*

*Chair Young asked if there is anyone else who wishes to speak in favor of this application? If so, please come. State your name and address and sign in on the sign-in sheet, please.*

John Barnett said this is a beautiful product that's been successful time and time again and that pea gravel can be used in making an ADA accessible path.

*Chair Young asked if there were questions for Mr. Barnett.*

*Chair Young thanked Barnett for providing that information, and if anyone else wishes to speak in favor*

Chair Young informed the Commission that Commissioner Hauptman Would need to be excused by at least 8:30pm.



Planner Kurth displayed Condition 7.6 and 7.7, to discuss the minimum open space requirements and the amenities and what these conditions are and where they came from. They came from the first application for the preliminary PUD, and a tentative subdivision, and because of the modifications, additional open space is required, and it's difficult to get there because of the hill and just the topographical constraints. The allowance was, that since there isn't room for additional quantity of open space, additional quality is required and that is why the emphasis is on the high durability standards.

FarleyCampbell told the Commission that Director Miller said the three-quarter inch minus as a base is fine.

*Chair Young asked if it was fine as a base.*

FarleyCampbell said that they can leave the specifics to the trail to Mr. Miller to work with the applicant.

- Comm. Kraus made a comment that her concern is about Open Space B because logically it is encouraging people to walk from the parking lot to the backyard, there is no real visual barrier between the house on Oak and the path.
- Comm. Krase asked if the Commission is encouraging them to clear that space of the trees in order to create that path?
- Kurth explained that the open space is behind the lots and properties end 5' behind the house. The rest of it is common open space.
- Comm. Green asked if the home on Oak has a fence across their backyard and there is going to be natural vegetation on the west side of Area B.
- Comm. Krause that she would also want to say thank you to Lisa Sedlacek for pointing out that verbiage regarding "in perpetuity".

Audience member Justin Young said that he has a picture of the house on Oak Street, if the Commission would like to see it.

Chair Young clarified that they are not related. There's no conflict of interest.

Justin showed a picture of the house on Oak Street to the Commission.

Staff was given a picture of the house for the record.

*Chair Young asked if the Commission had any more comments from staff and asked applicant if they had anything to add before they start deliberation.*

Sheldon said that we do want to see the verbatim Condition 19.

It was determined that staff had already given Sheldon the verbatim Condition 19.

Chair Young asked the Commission if they wanted to close the hearing or would they like to leave it open.

Hearing Closed at 6:48pm

### Deliberations:

Regarding Garage and front Entrance Doors:

The Commission decided that the garage and entrance doors for each unit would vary and that the garage doors and the entrance doors should match and that the garage doors would not be white.

- Comm. Ubnoske commented that the colors are so closely aligned, (light brown, dark brown, green) and that the applicant did not provide enough articulation for the changes to the façade and does not think that paint is enough of a façade change. She would also like to see the front entrance doors to not be so uniform.

- Commissioners Krause, LoPilato and Green said that they do not see any problem with the proposed doors.

#### Open Space Area A:

Chair Young: The Applicant and staff agree that the path would come from the north side as opposed to starting at the barrier. Chair Young asked if the Commission should leave the details about the surface of the path between staff and public works and the applicant as long as it is wheelchair and walker accessible.

- The Commissioners agreed.

#### Others comments about Open Space A:

Chair Young asked if the seating in the gazebo should be addressed. Because staff has shown a requirement of 2 benches in the gazebo and a picnic table was suggested and a bench or a picnic table that has two benches. Also wanted to know if there is an ADA requirement for entrance into the gazebo and if the gazebos concrete pad is flush with the ground. It was determined that the pad needs to be ADA accessible and that the details will be left to staff.

- It was agreed that referring to the area as a Tract is a good idea.
- The bench at the beginning of the path will become one of the benches in the gazebo and the pet waste station will move up to the entrance of the path.

#### Open Space Area B.

Comm. Green said that she would be ok with removing the path requirement and just leaving a bench and a dog waste station.

- Comm. Ubnoske asked staff if removing the pathway would then increase the percentage of recreational open space that is required from the applicant?

Kurth: replied that Open Space Area B is proposed to be native vegetation and that without a path it would be hard to walk through.

- Comm. Green asked if the native plants are on the west side of property.
- Kurth replied that the area is very small and that it will have native vegetation and a temporary irrigation drip installed for the new trees as is consistent with the landscaping code. No irrigation is required for native vegetation. Specifications bench installed, south end, walking path installed, running north to south, wood chips, and fabric, pet waste station, there is not grass proposed in this area, it's proposed to regrow native vegetation.
- Comm. Green said that she was assuming by code that it was saying native upland grass is proposed for Area A.
- Kurth explained that here is no grass proposed for that area.
- Comm. Green says that since it is just native vegetation then she is ok with have the path at that location.
- Chair Young: asked if the path needed to meet the same standards as the path that is going to the gazebo or could it be a wood land path with woodchips instead of gravel.
- Comm. LoPilato asked if not have a solid path would preclude some people from not being able to use the path.
- Chair Young said that the Commission is trying to make a balance of as much native vegetation as they can and make it accessible to most people.
- Comm. Green asked how wide the path is and are there any Cite requirements, to have the ADA accessible entrance, and would the entire path have to meet ADA for City Codes.
- Staff answered that there is no code for that.

- Comm. Green asked if it is ok to have these standards for this path.

Chair Young asked the Commission if they are ok with the 4' park path and they all agreed.

Chair Young asked if the path needed a bench.

- The Commission said no because of the length of the path.

Comm. Green: said that they will now have to come up with the wording for Condition 3.

- Comm. Young: There is a 30' buffer and that the suggestion is that the applicant maintain the minimum number of trees and shrubs.
- Kurth: Explained that the Condition is written says that the northern property line is 655lf long and what is required is a minimum of 1 tree and 6 shrubs per 30lf which works out to 22 trees and 132 shrubs, what we will do at the Planning Commissions discretion is to write the Condition that the trees and the shrubs be replaced if they are damaged during construction and then we can pick a time line, maybe 6 months or a year after construction, then if they are required to be maintained after the minimum level, the minimum of 132 trees and 22 shrubs to allow for a little bit of leeway for trees that just natural die or get blown down.
- Krause asked if staff is requiring a minimum of shrubs.
- Kurth answered yes and explained that they will be located on the northern buffer between this property and the properties of the East Bank and has nothing to do with the open space area.
- Chair Young asked the Commission if they were comfortable with just requiring the replacement of trees and shrubs that are damaged during construction and with normal planting standard, and if they wanted irrigation for the new ones in the native area.
- Kurth there is only a need for temporary irrigation for new vegetation and not for the established vegetation. Storm water irrigation was discussed earlier.
- Chair Young said that they do need irrigation for existing native vegetation.
- Chair Young: The Commission is going to require the replacement of anything that is damaged during construction and have the buffer maintained at the minimum ratio as required by code. It is the HOA's discretion on how they do that. Does the Commission want to establish a time?
- The Commission agreed to six months after construction.
- Chair Young clarified that is for what is damaged and asked if the staff would be able to write a Condition that states that.

Chair Young mentioned the bench that Director Miller said would need to be made of better material.

- Comm. Green said that the gazebo shown was only an example and not the one that is going to be constructed.
- Chair Young, said that it will be similar.

Chair Young asked if there were any other questions for staff and asked for a motion.

Comm. Green said that they should go back to Alternative 2 and approve with the Conditions as the Commission has discussed.

Kurth asked for a clarification of the question about the garage doors and the entrance doors, would the Commission like to Condition that the doors are the same color on the individual units.

- Commission answered yes, and that they won't be white.

Kurth as far as the pathways, either they meet trail standards per public works approval. We will re-word the Condition to have a little bit of gray area to have a little wiggle room to help Mike Miller to figure out what would be appropriate.

- Chair Young: We have the path in Area A being different than the one in Area B.
- Kurth: Area B – bark chips nothing else.

*Young: said the public hearing is closed but did the applicant wish to clarify something or add something new.*

FarleyCampbell said that the applicant can respond to the Conditions. Sheldon had a clarifying question regarding the pathway into open space B, a two-part question, 1. is the specifications for the pathway which were provided in Lisa’s most recent updated landscape plan the specification for the pathways that we are looking at are which are wood chips on landscape fabric is the first part of the question. 2. Second part of the question is the ADA accessibility Condition 19 talks about the ADA entrance to both paths, if that’s I would like to clarify if this is required for open Space B.

- Chair Young: if the path isn’t ADA accessible, I don’t see any reason why they would need an ADA accessible entrance.
- FarleyCampbell said the in looking at Title 10 Chapter 35 Access and Circulation criteria and if there is something in there that says it has to be ADA accessible than it would need to be.
- Chair Young: it’s whatever the City Code says we could add that it would have to comply with City Code for accessibility
- FarleyCampbell: in regards to the construction level I would just take Lisa’s recommendation of the open space B.

Comm. Green moved to accept Alternative 1 to recommend approval of Resolution PC 23 25 PUD 01based on the Commission’s findings that it meets the requirements of state code subject to Conditions.

Seconded by: Comm. Hauptman

Roll Call Vote:

Comm. Ubnoske: yes  
 Comm. Hauptman: yes  
 Comm. Krause: yes  
 Comm. Green: yes  
 Comm. LoPilato: yes  
 Chair Young: yes

Motion Carried: 6-0

Hearing Opened: 5:39

Hearing Closed: 6:48

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**Discussion Work Plan Items: 7:26**

Planner Kurth discussed child care locations and House Bill 3109, where local jurisdictions can no longer regulate childcare facilities more than other uses in the zone and that there are permitted in all Commercial and Industrial zones. The summary from LOC says the House Bill prohibits local governments from enacting, enforcing, or imposing any land use regulation or fees that prohibit or place conditions on childcare facilities that are more restrictive than the uses in the same zone.

- Reasonable conditions are permitted and wanted to know if there were any conditions that the Planning Commission would suggest that staff can look into and see if they are a reasonable Condition, and can they be added and enforced.

Regarding short-term rentals:

Kurth explained that there was a subcommittee that was formed to work on this topic and that Comm. Ubnoske would lead the discussion on the topic.

Comm. Ubnoske explained the formation of the Sub-Committee and that researched how neighboring cities handled their short-term rentals and their regulations.

- The committee would like more information on how many short-term rentals are in Florence at this time.
- They would like to cap the number of short-term rentals in the community.
- They also talked about revoking permits for short-term rentals that have 3 or more annual complaints.
- Also talked about restricting occupancy, to perhaps two occupants per bedroom.
- The importance of having a local contact with the physical address, and to have that information accessible for the neighbors in the area.
- The committee is also wondering about could there be an overlay zone.
- They would like to be specific on what they want the property owners to do.

There was much discussion regarding what can and can't be done in regulating short-term rentals.

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### **Reports and Discussion Items:**

The Planning Commission discussed the upcoming Rhododendron Drive project, and that Director Miller said that the project is set to start in March 2024.

### **Directors Report:**

FarleyCampbell reported that Monday, February 26, 2024 is the State of The City and that the Commission is invited to attend. The City Council will have a work session on the camping ordinance on January 11<sup>th</sup> at 8:45 am.

The cold weather shelter was discussed and that the City Manager issued the emergency shelter and there are about 15 residents living there now.

Shore Pines has temporary occupancies for both buildings, and they are not quite ready for their final land use inspections, but they are getting there. Staff has received an application for Cannery Station for the assisted living facility.

### **Calendar:**

- The next meeting will be
- On January 23<sup>rd</sup> and the first evidential hearing on the transitional housing and emergency shelter code proposal

- Also, Twombly warehouse building on the west side of Highway 101. There will be two hearings that evening. In February we hope to get the application from Public Works Director Miller for the Estuary Trail and Rolling Dunes.
- We will have the housing initiation either the last week of February or in March.
- We also anticipate another joint session with the City Council on these topics.

The meeting adjourned at 8:18 PM.

**ATTEST:**

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Sharon Barker, Planning Technician

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Sandra Young

Chair