

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Florence City Hall
250 Hwy 101, Florence, Oregon
Final Action Minutes
February 1, 2021**

COVID-19 UPDATE

Due to federal and state restrictions on public gatherings, the Florence City Council meetings shall be held via videoconference and shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury,
(Videoconference) Sally Wantz, Bill Meyer and Maggie Wisniewski.

Councilors Absent: None

Staff Present: City Manager Erin Reynolds, Planning Director Wendy
(In person and Farley-Campbell, City Recorder / Economic Development
via Videoconference) Coordinator Kelli Weese, City Attorney Ross Williamson and
Public Works Director Mike Miller.

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

Handout: February 1, 2021 City Council Meeting Base Presentation

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda.

Start Time: 6:01 p.m.

Handout: Speaker's Card & Written Comments

Commenter 1: Mr. Michael Allen
Discussion: Mr. Allen discussed...

- Request for action on the climate crisis

PUBLIC HEARING & ACTION ITEMS

2. BENEDICK HOLDINGS, LLC ANNEXATION & ZONE ASSIGNMENT

A. PUBLIC HEARING ON ANNEXATION AND ZONE ASSIGNMENT

Hear and consider written and oral testimony regarding the annexation and zone assignment of 48.82 acres of property and right-of-way, including Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and Assessors Map No. 18-12-10-34 Tax Lot 801. Oceana Drive is located east of Rhododendron Drive, within the Idylewood Subdivision, and the property is located south and west of Heceta Beach Road, and south of Kelsie Way and Kelsie Court within the Heceta South subdivision, and east and south of Sandrift Street, and also east of the eastern terminus of Cloudcroft Lane within Idylewood and Idylewood 1st and 2nd Additions.

Start Time: 5:36 p.m.
Hearing Reading: CR Weese read the Land Use Hearing Script and officiated the public hearing procedures.
Handout: Public Hearing Script

Declarations: CR Weese noted that the City had placed all opinion pieces and articles from the Siuslaw News concerning the annexation in the record for the proceedings as Exhibit O.

The City Council declared...

- Councilor Wisniewski:
 - No conflicts of interest were declared.
 - Declared conversation with party at 'The Shipping Shack' prior to her appointment to the City Council, including concerns from the resident about the possibility of being taxed. Councilor Wisniewski said she let the party know that she did not have the information at this time. She said that she had read the newspaper articles and had driven Oceana Drive.
 - No biases were declared.

- Councilor Meyer:
 - No conflicts of interest were declared.
 - Councilor Meyer declared that he read the letters that were published in the Siuslaw News. He said he had driven Oceana Drive at least twice and had no contacts with anyone in the area, and no direct contact with anyone trying to discuss the matter. He said that he had used google earth to view the site and surrounds. Councilor Meyer said he had used the State of Oregon website to look up the various definitions of terms within the application.
 - No biases were declared.
- Councilor Wantz:
 - No conflicts of interest were declared
 - Councilor Wantz said she had received numerous emails that she forwarded to the Planning Department and they had become a part of the public record. She said that she had driven Oceana Drive in the last couple of months to understand what the road looked like. She said she didn't talk to anyone nor get out and look at that time. She said every conversation she had she referred them to the appropriate party for more information.
 - No biases were declared.
- Councilor Woodbury:
 - No conflicts of interest were declared.
 - No exparte contacts were declared.
 - No biases were declared.
- Mayor Henry:
 - Declared that he had been accused of having a financial interest with the developer. Mayor Henry said he had not met Mr. Benedick and did not have a conflict of interest in that matter. He also declared a potential conflict of interest based on his vocation as a mortgage originator and the possibility that he would have the opportunity to handle a loan on a property within the annexation area. He indicated that he could make a decision in an impartial manner.
 - Mayor noted he had received in excess of 100 emails, had read all the news and other media, including social media, had any number of telephone calls and personal contacts on the

street, including a telephone call with Lane County Commissioner Jay Bozievich who was very much against the annexation for a number of reasons. Mayor Henry said that Commissioner Bozievich stated that he didn't believe the developer should use annexation as a way to circumvent the County guidelines and restrictions. Mayor Henry said he asked Commissioner Bozievich to submit his concerns in writing, which he did, and they were included in the packet.

- No biases were declared.

Public Challenge: Mr. Zack Mittge - Idylewood Owners, LLC

- Inquired whether the emails referenced by the Mayor were added into the public record.

Mayor Henry: Replied that they were included in the record.

Public Hearing: The public hearing for Ordinance No. 1 and No. 2, Series 2021 was opened at 5:57 p.m.

Discussion: Planning Director FarleyCampbell presented the staff report.
Handout: Staff Presentation

Break: The City Council took a break from 6:53 – 7:09 p.m.

Discussion: The City Council discussed...

- Traffic flow on Oceana Drive, traffic studies for the street, and width of the street and right-of-way.
- Concerns from residents in the area and clarification on who would pay for the improvements based on the annexation.
- Clarification that the City has a policy to not force annexation unless there is a need for a health hazard abatement.
- Stormwater needs for the site and eventual development requirements to maintain the stormwater on site, and analysis that would be required during the development approval.
- Concern for natural hazards, stormwater, and eventual analysis for high groundwater table, including requirements for stormwater facilities on the developed streets.
- Clarification of terms for ordinary & high-water line, coastal shorelands, and potential setback

requirements based on State Law and the Florence Comprehensive Plan / zoning codes and clarification on the process for review of soils, stormwater, wetlands, and other water concerns for the area.

- Clarification regarding concerns expressed from lot owners that they will be required to connect to the new sewer lines and the City's policies regarding annexation.
- Clarification of the use of Oceana Drive right-of-way and loss of landscaping improvements.
- Clarification on concern from property owners about the cost of the sewer line extension, who would be required to pay for those improvements, how improvements are regulated and paid for including System Development Charges.
- Process for parties to request city services through annexation, the costs they would pay to hook up to city services, and when they would be required to pay city taxes.
- Clarification of the Council's decision point regarding the annexation and zone change, and the process for the City to review a development application.
- Recommendation to hold over the Council's decision until the next Council meeting.
- Clarification regarding the Idlywood Improvement Agreement referenced by Mr. Bruce Hadley in Exhibit M-8.
- Traffic studies and data provided regarding the traffic on Rhododendron Drive, concerns for additional developments in that area approved since the traffic counts, as well as concerns for the time of year the studies were completed, and clarification of the need for traffic impact analysis during the development application.
- Clarification that if the residents of Oceana Drive decide to annex, that it would include police service, and how the police would ensure service.

Comments: All Councilors present

Break: The City Council took a break from 7:54 p.m. – 8:00 p.m.

Applicants: Mr. Michael Farthing - Benedick Holdings, LLC
Handout: Speaker's Card
Discussion: Mr. Farthing discussed...

- Appreciation for the explanation of System Development Charges.
- Granting of 60-day extension to 120-day time limit.
- Reason for the need for annexation based on requirements for subdividing and septic systems in the aquifer.
- Clarification on Lane County application and changes to the zoning requirements during their application timeline.
- Designation of low-density residential and prime wildlife and assurance that the development would protect the coastal shorelands.
- Clarification that there had been 8 annexations in the urban growth area since 2017.
- Clarification that the annexation and zone assignment did not commit the City nor Benedick Holdings to completion of a development and statement that they currently did not have a development plan for the site.
- Clarification that they would be paying for the sewer line extension to the annexed property and that this action would provide a service to the other residents in the area.

Opponent 1: Mr. Bruce Hadley – Idylewood Owners LLC
Handout: Speaker's Card
Discussion: Mr. Hadley discussed...

- Reminder of his request at the January 4, 2021 City Council meeting regarding the City's policies for cherry stem annexations and examples of recent cherry stem annexations in the City.
- Concern for the threat to property and public expense with the annexation particularly regarding stormwater concerns in the area, and his belief that stormwater cannot be maintained on the site.
- Concern that the majority of the surrounding residents did not support the application.
- Situations where Mr. Hadley would approve of an annexation.
- Concerns for loss of property along Oceana Drive.

Questions from Council:

- Reference to revision to the Idylewood Improvement Agreement.

Comments: Mayor Henry

Opponent 2:

Mr. Zack Mittge - Idylewood Owners, LLC

Handout:

Speaker's Card

Discussion:

Mr. Mittge discussed...

- Reference to written comments noting their opposition and highlight of important points relating to...
 - Potential forced annexation and connection to sewer based on the proximity to the new sewer line.
 - Concern for stormwater and seasonal flooding in the development and history of flooding in the area and applicant stormwater applications to Lane County.

Next Steps:

CR Weese noted that the continuation of the meeting scheduled for February 2, 2021 has been canceled due to the lack of additional speakers requesting comment times.

CR Weese noted that in order to allow additional time for surrounding property owners to respond to the public notice, the City of Florence would be continuing the public hearing for Ordinance #1 and #2, Series 2021 until February 22, 2021. She provided an overview of the process to provide comments including:

- Process to provide written comments.
- Process to provide verbal comments, including clarification that any party who provided verbal testimony at the February 1, 2021 Council meeting would not be able to provide additional verbal testimony at the February 22, 2021 City Council meeting.

REPORT & DISCUSSION ITEMS

3. CITY MANAGER REPORT & DISCUSSION ITEMS

Start Time:

8:24 p.m.

Discussion:

The City Council discussed...

- Upcoming City Meetings and Events
- Applying for a Travel Oregon Destination Ready grant

4. CITY COUNCIL REPORT & DISCUSSION ITEMS

Start Time: 8:28 p.m.

Discussion: The City Council discussed...

- Idylewood Improvement agreement and direction to the staff to investigate the agreement after the completion of the Benedick Holding Annexation application process.
- Emergency management plan and tsunami routes.
- Clarification on the process to extend the public hearing for the Benedick Annexation.

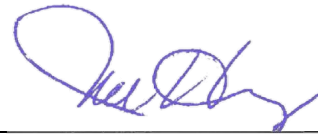
Comments: Mayor Henry and Councilors Wisniewski, Wantz and Meyer

Meeting adjourned at 8:41 p.m.

ATTEST:



Kelli Weese, City Recorder



Joe Henry, Mayor