

**City of Florence  
Planning Commission Meeting Minutes  
250 Hwy 101, Florence, OR 97439  
July 27, 2021**

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

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

Commissioners Present: (In House) Chairperson Phil Tarvin, Vice Chairperson Sandi Young, Commissioner John Murphey, Commissioner Eric Hauptman, Commissioner Ron Miller, Commissioner Andrew Miller.

Staff Present: (In House) Planning Director Wendy FarleyCampbell, Senior Planner Roxanne Johnston, Assistant Planner Dylan Huber-Heidorn, AIC FEC Manager Aleia Bailey, and Planning Technician Sharon Barker

At 5:30 PM, Chair Tarvin opened the meeting and welcomed everybody to the first in person meeting since the start of the Covid -19 pandemic. Sharon Barker did a Roll call. All members present. Ron Miller led the flag salute

**1. APPROVAL OF THE AGENDA**

Start Time: 5:32PM

Action: Approved

Motion: Commissioner Ron Miller

Second: Vice Chair Sandra Young

Vote: 6-0

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

**2. APPROVAL OF THE MINUTES OF July 13, 2021**

Start Time: 5:32

End Time: 5:32

Action: The review and approval of the minutes for July 13<sup>th</sup> is postponed until the next meeting

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

None were noted

No Speaker's cards were received nor public comments made.

Chair Tarvin instructed the audience that since it is the first in person meeting that we have had in a while that if anybody in the audience would like to speak, he would recognize them and allow them to speak. Chairperson Tarvin relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases. None were declared. Now we will move onto the first item of three tonight on the agenda. We will be hearing all three.

**4. PC 21 13 ANN 04 & PC 21 14 ZC 04 – Gott 88352 1<sup>st</sup> Ave. Annexation and Zone Assignment:**

Petition from Mary and Suzanne Gott, to annex approx. .14 acres of property and apply Medium Density Residential (MDR) zoning. The property is located approx. 90 feet NW of the intersection of 1<sup>st</sup> Ave. and Kiwanda Street described as Assessors Map No. 18-12-04-42, Tax Lot 04501.

Chair Tarvin opened the hearing and called upon Assistant Planner Dylan Huber-Heidorn to deliver the staff report for this agenda item. Dylan commented that the first Annexation tonight is Gott at 88352 1<sup>st</sup> Avenue an existing residential lot, with an existing water and is already hooked up to Heceta Water. Petition was submitted on May 17, 2021 and obtained 100% of the property owners, they meet both triple and double majority, property lies between Kiwanda Street and Driftwood Shores area. Between lookout Street and Kiwanda ST. Dylan read the criteria for sake of the record, Dylan also read the Zone Assignment Criteria. An annexation map was displayed showing before and after annexation, petition was for a single lot, no right-of-way included and would be Medium Density Residential. Dylan corrected information that was left at the dais, he pointed out that one of the items regarding amended exhibit G. Lane County gave us 3 letters regarding these three annexations. We Received referrals from Public Works Depart provided comments on how sewer would be provided and the status of the streets, and requirements for storm water management, and water to the provision. Lane County Transportation comments were that 1<sup>st</sup> Ave. is classified as an Urban Local Road. And until jurisdictional transfer occurs, development must comply with Lane County Road requirements. Stormwater runoff must not be directed to LC roads or drainage facilities. Exhibit G Lane County Transportation letter should be the comments for this annexation. Utilities will be provided by Heceta and is existing and serviced by HWPUD, Access to property is 1<sup>st</sup> Ave. Police will be Florence Police Dept. Sewer Connect to pressure sewer line in 1<sup>st</sup> Ave via a private pump system. There is no way to connect this property via gravity feed. Met both the double and triple majority, for consent for annexation, which means we are not required to hold an election on the annexation, we hold a public hearing instead. One outside public comment from Bruce Hadley stating The City of Florence should assume maintenance responsibility for all annexed streets. Staff's response to that is the jurisdictional transfer of the street network will occur when more annexations occur not a piece meal approach with each annexation, the majority of the annexed properties are in the County, this annexation does not include any annexation of the right of ways. No conditions of approval attached to this annexation. Staff's recommendation is that the proposed annexation meets the requirements of City Code with conditions of approval as presented, including modifications as discussed. Staff recommends approving a recommendation to the City Council supporting annexation and a zoning assignment of Medium Density Residential.

John Murphey, we do have the right address on Exhibit "G" in the subject line we do have the correct address as 88352, and the first paragraph it says 88353, I would like to state for the record. It was in Mike Miller's email.

There were no questions for the staff.

Chair Tarvin asked if the applicant was present and did, they have a presentation. Mary Gott signed up with a speaker's card but was not able to attend. She had a representative present.

Daniel Lofy of Lofy Construction said that he was here to answer any questions.

Commissioner Hauptman: asked if there were any soil borings in the Heceta Beach area?

Daniel Lofy, said none were done on this property.

Chair Tarvin asked representative if he had read the staff report and findings of facts. And he had.

There were no public comments.

Staff final comments were to forward to City Council

Applicant's representative was asked if he wanted keep the meeting open or to waive the written testimony, he said he would waive.

There was no Commissioners wanted to discuss this item.

Commissioner John Murphey made a motion to approve P21 13 ANN 04 & PC 21 14 ZC – Gott 88352 1<sup>st</sup> Ave. Annexation and Zone assignment with the modification to include the amendment, due to typographical error to exhibit G.

Second Ron Miller.

Chair Tarvin asked applicant's representative if he had any objection to amending exhibit G. Rep said "No".

Motion to recommend forwarding to City Council :

Motion: Commission J. Murphey

Second: Commissioner R. Miller

Motion Carried: 6-0

Started: 5:38

Ended hearing 5:53

Chair Tarvin went to the next item on the agenda a hearing for PC 21 15 ANN 05 & PC 21 16 ZC 05 Mantzouranis

5. **PC 21 15 ANN 05 & PC 21 16 ZC 05 – Mantzouranis Annexation and Zone Change:**

Request from Shiloh and Melissa Mantzouranis to annex approximately 0.28 acre of property and apply Medium Density Residential (MDR) zoning. The property is described as Assessors Map No. 18-12-04-42, Tax Lots 06601 and 06608 and also described as Lots 11 and 12, Block 14, Heceta Beach Subdivision. The properties are located at the SW intersection of Rhododendron Drive and Kiwanda St.

Chair Tarvin opened the hearing and called upon Assistant Planner Dylan Huber-Heidorn to deliver the staff report for this agenda item. Dylan Huber-Heidorn: This annexation involves a property on the corner of Kiwanda and Rhododendron Dr. Applicant applied on June 2, 2021 and 100% consent of property owners. There are two tax lots historically platted. Annexation Criteria was read into the record. Zone Assignment Criteria was read into the record. Annexation Maps were shown, it would add two lots to the City of Florence. Two lots will be added to the Medium Density Residential district. Referral comments were from Public Works Dept and Lane County Transportation Planning, they are close to the same comments as the Gott request except that these two lots are not developed yet. Public works provided comments on sewer provisions, streets, stormwater, and water information. Lane County provided comments on Kiwanda St being classified as an urban local road, Rhododendron Dr. is classified as an Urban Major Collector, until jurisdictional transfer occurs, development must comply with Lane County Road requirements. Stormwater runoff must be not directed to LC roads or drainage facilities. If development was to occur, they would have to connect to Heceta Water, their access would be Kiwanda St. even though these lots border Rhododendron it is much harder to get a driveway permit off Rhododendron, you would add to the Florence Police Dept. service area, and the Sewer would connect to pressure sewer line in Kiwanda St. via a private pump system. The Double and Triple Majority methods are met so that you can hold a public hearing on an annexation, rather than an election. The only public comment that was received was from Bruce Hadley, stating that Cit of Florence should assume maintenance of all annexed streets. His comments arrived after the packets were distributed last week. Staff doesn't recommend attaching any conditions of approval. Alternatives: same as above hearing.

Staff Recommendation: Staff finds that the proposed application can meet the requirements of City Code with conditions of approval as presented, including modifications as discussed. Staff recommends approving a recommendation to the City Council supporting annexation and a zoning assignment of Medium Density Residential.

There were no questions from the commissioners.

Melissa Mantzouranis joined the meeting via teleconference, she said she was available for questions but did not have a presentation.

There were no questions from the commissioners for the applicant. Melissa was asked if has read the staff report and the finding of facts, and does she understand the conditions of approval as they were proposed. Melissa said "yes".

Chair Tarvin asked if there was anybody in the audience that would like to speak on this agenda item. There was nobody that requested to speak. Chair Tarvin asked if the staff had anything else to report.

Staff recommendation was to approve the resolutions recommending the annexation and zone assignment to City Council.

Planning Commission elected to not hold the hearing open.  
Applicant waived keeping the hearing open.

Closed hearing at: 6:11 pm

No Commissioners chose to discuss this item.

Motion to recommend forwarding to City Council:

Motion: Commission Andrew Miller  
Second: Commissioner Eric Hauptman  
Motion Carried: 6-0  
Started: 5:59  
Hearing Ended 6:11

*10-minute break back at 6:24.*

Chair Tarvin moved onto the 6<sup>th</sup> item on the agenda PC 21 17 ANN 06 & PC 21 18 ZC 06 Pear Blossom

**6. PC 21 17 ANN 06 & PC 21 18 ZC 06 – Pear Blossom Annexation and Zoning Assignment**

Request from Viktor Nazartchouk, sole property owner, to annex approx. 6.76 acres of property and apply Low Density Residential zoning. The property is located approx. 0.33 miles NW of the intersection of Heceta Beach Rd. and Highway 101 as shown on Assessor's Map # 18-12-10-40, Tax Lot 101. Public rights-of-ways are also proposed to be annexed and assigned zoning. These include sections of Heceta Beach Rd., (Low Density Residential, Service Industrial & Neighborhood Commercial); and Highway 101, (Neighborhood Commercial and Service Industrial).

Chair Tarvin opened the hearing and called upon Senior Planner Roxanne Johnston to deliver the staff report for this agenda item.

Johnston started with the introduction of Viktor Nazartchouk, who petitioned for the annexation & zoning assignment June 4, 2021 and that the property is a 6.76 of undeveloped property that does contain wetland. The notice of hearing was mailed to the owners within 300' of the property and also Heceta Beach Rd which is the property access road) and Hwy 101, property was posted, and if recommended tonight the tentative scheduled hearing before the City Council will be 8/16/2021. A vicinity map was shown. A wetlands Map Except was shown,

showing where the property is in relationship to the wetlands, these wetlands are #28 and are identified in our Comprehensive Plan. Any development with have to go through state approval, and possibly Army Corp of Engineers. Annexation and Zoning Assignment Criteria was read into the record. Proposed zoning assignment is Low Density Residential and is in line with the Comp Plan. Heceta Beach Rd and US HWY 101 would have a mix of LDR, Neighborhood Commercial & Service Industrial as shown on the Comp Plan. Road zoning does tie to the Comp Plan & TSP. Annexation Map was shown. This proposed annexation is within the Urban Growth Boundary. The Comprehensive Plan Designations were shown. Lane County Transportation and Public works returned a referral comment. Heceta Beach Rd is classified as an Urban Major Collector. Lane County supports our annexation, they actually wanted us to annex more property, in my findings I discuss why we are not interested in the entire elbow there. Development will comply with Lane County Road requirements, that would include driveway access permits, they also noted that Heceta Beach Road would be under their jurisdiction maintenance wise and they would support the City in the future if they would like to take that over but they are not saying that it is one of the things they want right now. No storm water runoff to Lane County roads or drainage facilities. Florence Public Works supplied the distances to the City sewer facilities and Hwy 101, one is over a quarter mile east side of hwy 101, that is the closest one and it requires directional boring under hwy 101 to get to access, and we have one over ½ mile to the west side of 101. Public Works Dept also say that the Streets- county and state ROW no City jurisdictional maintenance. Water provider is Heceta Water district will remain provider once annex is approved, although there is not connection at this time. There is no development at this time. (Applicant later stated that he does have a water meter). Property would be served by the Florence Police upon annexation, and Siuslaw Valley Fire and Rescue would continue to service that whole entire area. Both the double and triple majorities have been met.

Public Testimony by Bruce Hadley, he provided the testimony after the report was written, he says that the proposal is not consistent with Comp Plan, only benefits development, not orderly nor efficient use of land and that the City is taking advantage of legal loopholes that are unfair to Lane County resident and tax payer as he is a citizen and a tax payer of Lane County. Bruce Hadley states that the City needs to stop relying on road maintenance subsidies from LC – City Should assume full responsibility “do the right thing”

*See the findings of fact for additional verbiage and staff responses to Mr. Hadley’s comments.*

Staff had no conditions of approval.

Staff’s recommendation is to Approve Resolutions PC 21 17 Ann 06 and PC 21 18 ZC 06 recommending approval of the annexation and zoning assignment to the Florence City Council

Chair Tarvin asked if any Commissioners had any questions for Staff.

Commissioner Hauptman: asked if there are any designated wetlands on this property.

Johnston: yes, there are, in the southern area there is, it is in the south east area. The significant wetlands are protected in our Comp Plan and any development would trigger a lot of different mechanisms that go into protecting them.

Commissioner Hauptman: next questions how many feet of frontage on Heceta Beach Road?

Johnston: Well over 100 feet, I know that Heceta Beach there has many different widths.

Chair Tarvin: We will move onto the applicant presentation.

Applicant Viktor Nazartchouk was present and gave presentation.

*Commissioner Hauptman: You do realize that you have over a ½ mile run to access City sewer. Your property to the City sewer line.*

*Applicant: I do realize that and I think consideration is to use current county rules for septic systems I'll work with them in the consideration, I do realize that.*

*Wendy FarleyCampbell: In order to partition a property in the City or in the County you have to annex, so the applicant in conversation with Mike Miller, there is an opportunity to do a septic systems for one or two lots, if there is anything greater, then we would look at the opportunity to extend the sewer through a participation program, we do not have applications yet but there are more annexations coming, that are going to likely shorten this distance and Mike has a couple sewer projects that I am not up to at this time, but will make it more feasible, so if the applicant was looking to do with 5 units, you know something more than two, then we would be looking at a sewer extension to this property. But for anybody in the City to do more than one house in order to split they have to annex, so we are offering this opportunity for this gentleman to do that, and if sewer looks like it is coming sooner, than all the better for everyone. With the wetlands on the lot, it will be pretty restrictive on the lot, or for lots that could happen. There is a 100' setback on these wetlands. We will look to see what design it possible, he just knows that he wants more than one. You could make a decision to get into some sort of annexation agreement with him, but I don't know if that is legal any more. I'll look at that in more detail before the Council Meeting. If you need more information we could have Mr. Miller, come and talk to you about providing sewer to these lots.*

*Chair Tarvin: We might have more follow up questions for you Wendy it sounds like there may be a path to either septic or tying onto the sewer, that will we will be an issue that we would handle at a later meeting, that you would present to us?*

*Wendy: Not for this lot in particular, if you would like more information I can ask Mike to come join us and have a conversation about that, we thought that it would be a possibility for this application tonight, what Mike has communicated is that we do not want septic in the City limits, more than two is too many, in general, Mike did not provide that information into the record, I'm giving it to you verbally, if you would like him to be a part of this I can give him a call and see if he is available to join us tonight.*

*Chair Tarvin: Would anyone else like to hear from the Public Works Director?*

*Vice Chair Young: It would be nice to know if we can do annexation agreements or not, we used them a lot in another city that I worked for, they are very effective, but again, I don't know what the current law is on that.*

*Wendy FarleyCampbell: The law did change; I do know that.*

*Vice Chair Young: I don't know that either. Is Mike current on that and if he is not current maybe we want to continue deliberations on that, I don't think there is a rush on this, is there?*

*The applicant Viktor Nazartchouck said there was no rush on finishing the hearing.*

*Vice Chair Young: so, we could continue without causing the applicant urgent, until the next meeting to get more information.*

*Applicant agreed*

*Chair Tarvin: perhaps the representative would like to address this?*

*Rob Ward(representative): I'd like to call your attention to page 15 of the staff report, at the very top Mike Miller comments talks about the area being a ways away from the City's waste water service area, he goes on to say , so septic system or systems would be a feasible alternative at this time. We talked to Mike Miller and he has indicated that he, like Wendy said, we can have a couple septic systems out there, if there were a couple homes out there with the understanding that when sewer was available the land owner would switch over to the sewer system and the septic systems would go away. The other comment I wanted to make is that yes there are wetlands out there, and the land owner fully intends to once the annexation goes through to move forward with a full delineation of that wetland by a designated wetland specialist, which will provide an absolute boundary of where that wetland is so we will know where the 50' or 100' setback would have to be. My recommendation to the applicant was, let's wait to see if the annexation works, if it does work than our next step would be to proceed with the delineation.*

*Chair Tarvin: Are there any more questions?*

*Applicant was asked if he had read the staff report and the findings of fact and if understood the conditions of approval. Applicant stated he had.*

*There were no speaker's cards.*

*Keith Carrico from the audience asked to speak and he was invited to give his testimony. Keith Carrico is from the lot next door, he said that he noticed that is said the 100% was in favor of annexation, 100% are not, I do not know where that came from, and neither us agreed.*

*Senior Planner Roxanne Johnston explained that what the 100% means is that 100% of the owners of that particular property owned by the applicant gave their consent.*

*Wendy FarleyCampbell: You are not proposed for annexation.*

*Senior Planner Roxanne Johnston: only that property and Heceta Beach Road are set for annexation and that doesn't affect its use.*

*Applicant did not want to rebut any of the testimony that the commission just received.*

*Staff recommended approval of Annexation and zone change.*

*Chair Tarvin: discussed closing the public hearing, or continuing it*

*Vice Chair Sandra Young: I would like to continue the hearing, I'd like to hear from Mike Miller regarding annexation agreements and whether or not we can use them, so that we don't run into a problem later. It would be good if there was something formal that is in their deeds, it would also be good to have Mike talk a little bit about what the sewer extension plans are for that area, or for more annexations out there, it is information we should have anyway. If we continue to the next meeting is that enough time for Mike to respond Wendy?*

*I just reached out to Mike to see if he is available, he is not presently available.*

*Vice-Chair Young: But he would be able to talk at our next meeting if we hold it over?*

*Wendy FarleyCampbell: I would have to look into that.*

*Vice-Chair Young: that would be my thought but, you will all have to agree.*

*Commissioner Andrew Miller: The annex is tonight we do not have a proposal, we don't even know if they are going to ask for septic systems or not, and if they come up with their meeting with Mr. Miller all of those things can be put in the deed at that time. The people aren't buying tonight, that can all be done in the next phase.*

*Wendy Farley Campbell: I do have additional comments, Dylan is watching and he is reminding us of the 120 days, if we hold over, we would not be able to make the 120 days rule in we continued to the next meeting. If the applicant requests a continuance, then it is an automatic waiver of the 120-day rule, 120 days falls on October 2<sup>nd</sup>.*

*Vice Chair Young: but the next meeting is in August.*

*Wendy FarleyCampbell: But because the Council has an shortened schedule of only one meeting in the month of September, their only meeting is September 20<sup>th</sup>, if we continue this to August 24<sup>th</sup>, if you make your decision on the 24<sup>th</sup> then we can still get them on the September 20<sup>th</sup> CC agenda, we would just be noticing in advance assuming your decision is being made on the 24<sup>th</sup>, your next meeting is not until the 10<sup>th</sup> and the Council meeting is the 16<sup>th</sup> and the findings are due on the 9<sup>th</sup>, that doesn't mean you can't continue it just means that Council would not have their meeting until September 20<sup>th</sup>.*

*Commissioner Hauptman: October 2<sup>nd</sup> is still the deadline?*

*Wendy Farley-Campbell: Council would have to make their decision; September 20<sup>th</sup> it is Council's only shot to consider this. What I will say is that annexation agreements are by definition are an agreement between the City and the developer, saying that if you will provide us service sometime in the future extra territorial service provision, this is in reverse, annexation agreement is not what we would be looking at it would be some sort of non-monstrance agreement. I would agree it is not optimal.*

*Chair Tarvin: asked Vice-Chair Young if her motion still stands.*

*Vice Chair Young: It still stands but I will withdraw my suggestion, because it doesn't look like we have a clear path to get to where I want to go so. And hopefully Mike will be in at some point and give up a up date on sewer service in on 101 north.*

*Wendy FarleyCampbell: Your recommendation can be altered to say, "we recommend, but" just like you have done before. Or you can recommend denial.*

*Vice Chair Young: No, I'll pull it.*

*Chair Tarvin: Are there any more comments? (There were none)*

*Chair Tarvin: closing the hearing it is 7:04 pm*

*The applicant waived the submission of written argument.*

*Deliberation started at 7:05: no commissioner chose to deliberate*

Motion to recommend forwarding to City Council :

\_\_\_\_\_ Motion: Commission J. Murphey

Second: Commissioner R. Miller

Motion Carried: 6-0

Started: 6:25

Ended 7:04



7. **Report and Discussion Items.** There were not discussion items from the Commissioners. Wendy Farley Campbell that Kelli Weese will be living on August 6<sup>th</sup>. Also had a question for the Commission regarding Oak Commons, we have issued all the CofO's we are holding unto a \$5,000 bond to finish up some last minute items, one of the items is their fence is constructed at 6' and there is a little bit left to take it to the 8', the applicant has applied to modify the conditions of approval to have a 6' fence along 32<sup>nd</sup> Street with the reason being that the anticipated move of Knife River up to HWY 101 would eliminate the purpose of that fence, a 6' fence would be all that would need to be required, the applicant suggested the height and it turned into being a condition it was actually a proposal by the applicant so what we have is something that would be considered a type II or typically a landscape modification, since it is a PUD I am offering the Planning Commission to call it up, and if you want to have a public hearing on it, and if not, then I would still process it as a type II and do a property notice on it, I told the applicant and the HOA is that I will process it as a staff review Type II as long as the Planning Commission was not wanting to call it up, and the HOA concurred with 6' fence, if the PC and the HOA don't agree then I will process it as a type III a landscape modification, it's not a voting item tonight, but I do have an application. The Commission said it is ok to handle as a Type II. The City Council will consider the Planning Commission's Work Plan recommendation at their next meeting on August 2, 2021.

8. Calendar: August 10<sup>th</sup> 2021 there will be two hearings Driftwood Shores Variance on lap siding for maintenance, and Cannery Station request for extension of the conditional approval of PUD. August 24<sup>th</sup> Cannery Station Subdivision/PUD and possibly Sand Master Park, on September 7<sup>th</sup> Shore Pines Multifamily and then on September 21<sup>th</sup> Anderson Annexation. Commissioner John Murphey mentioned that he will not be at the August 10, 2021 meeting or the September 7<sup>th</sup> meeting.

The meeting adjourned at 7:22 PM.

ATTEST:

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Sharon Barker, Planning Technician

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Phil Tarvin, Chairperson