

**CITY OF FLORENCE PLANNING COMMISSION**  
**April 24, 2018 \*\* MEETING MINUTES \*\***

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

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

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**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

No minutes were presented for approval.

**PUBLIC COMMENTS**

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

There were no public comments.

**PUBLIC HEARING**

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

**PC 18 07 ANN 04 & PC 18 08 ZC 04:** A request from Ryan Knott for annexation of property located at Assessor's Map 18-12-11-33, tax lot 01100.

*The applicant withdrew his application prior to this session of the Planning Commission.*

**RESOLUTION PC 18 03 ANN 02:** A resolution recommending approval of annexation of property within the UGB: Assessor's Map 18-12-04-42, tax lots 1302 & 1303 & the abutting portion of Lookout Street to the south as part of a proposed annexation.

**RESOLUTION PC 18 04 ZC 02:** A resolution recommending approval of assigning single family zoning to assessor's map 18-12-04-42, tax lots 1302 & 1303 as well as the abutting portion of Lookout Street within the UGB as part of a proposed annexation.

There were no conflicts of interest, bias, ex parte contacts, or site visits declared by the Commissioners. There were no challenges. Chairperson Murphy opened the public hearing at 5:34 PM.

AP Southerland presented information connected to the application for annexation by Judy Armstrong (see attachments). Criteria for the resolution to annex: ORS 222 Sections 111, 120, 125, and 170(2); Florence Realization 2020 Comprehensive Plan Chapter 14: Urbanization, Policies 1 & 3-7 as well as Recommendation 3. Criteria related to zone assignment: 1) Florence Realization 2020 Comprehensive Plan Chapter 2: Land Use, Policy 5; Residential Policies 7, 8, and 10; and the Section on Residential Zone Assignment 2) Florence City Code: Title 10 Chapter 1 Sections 10-1-1-6-4, 10-1-2-3, and 10-1-3; Title 10 Chapter 11 Sections 1-5. The property will be served by Heceta Water. Referral comments from the Florence Police Department stated that the property

could be adequately served. There had been no written testimony submitted in regards to this annexation. The staff recommendation was for passage of the resolution recommending annexation and corresponding rezoning to single family residential.

**Applicant – Judy Armstrong, owner**

Ms. Armstrong made a brief statement and stated her agreement with the staff report. Ms. Armstrong described the sloping nature of the property and plans to build a house and workshop.

Chairperson Murphy closed the public hearing at 5:42 PM. Commissioner Titmus motioned to approve **Resolution PC 18 03 ANN 02** and **Resolution PC 18 04 ZC 02** to April 24, 2018; Commissioner Miller seconded.

By roll call vote: Vice Chairperson Young, “Yes;” Commissioner Miller, “Yes;” Commissioner Titmus, “Yes;” Commissioner Hauptman, “Yes;” Commissioner Jagoe, “Yes;” Chairperson Murphy, “Yes;” Commissioner Tarvin was absent and excused. Motions passed 6-0.

**RESOLUTION PC 18 05 ANN 03:** A resolution recommending approval of annexation of property within the UGB: 88405 4<sup>th</sup> Ave., Assessor’s Map 18-12-04-14, tax lot 02200 and Assessor’s Map 18-12-04-00, tax lots 00105 & 00117 as well as the abutting portion of 4<sup>th</sup> Avenue to the west as part of a proposed annexation.

**RESOLUTION PC 18 06 ZC 03:** A resolution recommending approval of assigning restricted residential zoning to 8845 4<sup>th</sup> Ave., Assessor’s Map 18-12-04-14, tax lot 02200 and Assessor’s Map 18-12-04-00, tax lots 00105 & 00117 as well as the abutting portion of 4<sup>th</sup> Avenue to the west as part of a proposed annexation.

There were no conflicts of interest, bias, ex parte contacts, or site visits declared by the Commissioners. There were no challenges. Chairperson Murphy opened the public hearing at 5:45 PM.

Planning Director FarleyCampbell presented information concerning the application for annexation (see attachments). Criteria for the resolution to annex: ORS 222 Sections 111, 120, 125, and 170(2); Florence Realization 2020 Comprehensive Plan Chapter 14: Urbanization, Policies 1 & 3-7 as well as Recommendation 3. Criteria related to zone assignment: 1) Florence Realization 2020 Comprehensive Plan Chapter 2: Land Use, Policy 5; Residential Policies 7, 8, and 10; and the Section on Residential Zone Assignment 2) Florence City Code: Title 10 Chapter 1 Sections 10-1-1-6-4, 10-1-2-3, and 10-1-3; Title 10 Chapter 10.

PD FarleyCampbell discussed and addressed written testimony submitted by the public in regards to the potential annexation, which included concerns for traffic on area roads, vision clearances at intersections, wetland protection, drainage, overdevelopment, utility demands, tax increases, unnecessary infrastructure expansion, development in the tsunami zone, threats to wildlife, and other issues. In addition to addressing these concerns, the director alluded to responses contained in the staff report (see supporting documents). City of Florence Public Works and Police Department provided referral comments stating that existing sewer and police services would be adequate to serve the property. Heceta Water PUD serves the property.

The staff recommendation was for passage of the resolution recommending annexation and corresponding rezoning.

Vice Chairperson Young asked a question to clarify the contiguous nature of the potential annexation (as opposed to a “leap-frog” annexation).

**Applicant – Norman Waterbury, owner’s representative**

Mr. Waterbury made a presentation and addressed some of the concerns voiced in public testimony. He described that the subdivision he plans for the property will feature larger lot sizes than the subdivision nearby and might represent a gradation of development between surrounding developed areas and the more natural conditions in nearby undeveloped areas.

**Neutral Testimony – Bonnie Williamson of Florence**

Ms. Williamson, who dwells primarily in Eugene, voiced concerns about water drainage and described drainage problems in the surrounding area, including her own property, and asked that developers be held accountable for handling drainage issues. She was also concerned that her street, which does not cut all the way through the block, would be more heavily trafficked by people walking to Heceta Beach and could become a target for vandalism and crime.

**Neutral Testimony – Ron Edelman of Florence**

Mr. Edelman described that his ~20-acre property, which adjoins the proposed annexation, has a wild character that was the impetus for his family to purchase and build a house some years ago, and he would like to see it remain that way.

#### **Neutral Testimony – Harlen Springer of Florence**

Mr. Springer stated that he represented a collection of neighbors in the area north of Driftwood Shores. He pointed out that 4<sup>th</sup> Avenue is the only access road to many residents in his area at the north end of the UGB. He also asked about the number of lots that might be subdivided in the area proposed for annexation and how sewer capacity decisions would take this into account.

#### **Neutral Testimony – Rhea Gambill of Florence**

Ms. Gambill voiced concerns about traffic issues that could stem from the proposed annexation and development as well as how this annexation could put pressure on surrounding landowners to annex their own properties. She was also concerned with costs and how area residents might be affected.

#### **Neutral Testimony – Rob Gambill of Florence**

Mr. Gambill cited the case of the River Road area in Eugene, OR, where residents were forced to pay for sewer service whether or not they annexed their property to that city. He was worried about the costs related to development in the northern Florence UGB and who would be paying for them.

Planning Director FarleyCampbell addressed issues raised in public testimony. She described Florence's aggressive stormwater management policies, including requirements for developers that stormwater flows be no greater post-development than prior to development. Comprehensive, engineered stormwater plans will be required before any development can proceed. Wetland conservation would be addressed by the city as well as relevant state agencies at the time of development. Excess sewer capacity is available to deal with development in this part of the UGB. Many people who have annexed in the recent past have done so in response to failure of their septic systems. The city has not forced any annexations; all annexations have been at the request of the property owners. 4<sup>th</sup> Avenue is classified as a local road and would need to be widened if enough development occurs at the northern tip of the UGB.

#### **Neutral Testimony – Benny Anderson, 4550 Ocean Way, Florence**

Mr. Anderson, who also submitted written testimony, agreed with previous statements about 4<sup>th</sup> Avenue's status as the only point of access for residents in his area. He also raised concerns that residents of the proposed development might live too far from the beach to walk and might park their vehicles in front of driveways or along private property.

#### **Applicant Rebuttal – Norman Waterbury, owner's representative**

Mr. Waterbury reiterated that he believed many potential issues would be dealt with during the development review process.

PD FarleyCampbell presented the staff recommendation for approval of the recommendation to City Council for annexation and zone assignment.

Commissioner Titmus stated that the Planning Commission was not voting to approve any development, only annexation.

Chairperson Murphy closed the public hearing at 6:31 PM. Commissioner Titmus motioned to approve **Resolution PC 18 05 ANN 03** and **Resolution PC 18 06 ZC 03** to April 24, 2018; Commissioner Jagoe seconded.

By roll call vote: Vice Chairperson Young, "Yes;" Commissioner Miller, "Yes;" Commissioner Titmus, "Yes;" Commissioner Hauptman, "Yes;" Commissioner Jagoe, "Yes;" Chairperson Murphy, "Yes." Commissioner Tarvin was absent and excused. Motions passed 6-0.

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

There were none.

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

The final hearing for these annexations will be before City Council on May 21<sup>st</sup> (*corrected from May 22<sup>nd</sup>*). The next Planning Commission meeting will be on May 8<sup>th</sup>. Discussion items will include ADU code changes and a request by the Seventh Day Adventist Church to move a modular building to their property on U.S. 101. The following Planning Commission meeting will be held on May 22<sup>nd</sup>. The ReVision Florence open house will be held on April 25<sup>th</sup>.

Chairperson Murphy adjourned the meeting at 6:17 p.m.

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Sandra Young, Vice Chairperson  
Florence Planning Commission

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Date

## Glen Southerland

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**From:** ryan knott [REDACTED]  
**Sent:** Tuesday, April 17, 2018 1:55 PM  
**To:** Glen Southerland  
**Subject:** Re: Public Hearing Testimony - Kryan Knott annexation of property (18-12-11-33 Tax Lot 01100)

Hello Glenn

Thanks for all your help on this property. Because of some of the water issues on this ground I am withdrawing my application of annexation.

Thanks  
Ryan Knott  
[REDACTED]

On Apr 16, 2018, at 11:49 AM, Glen Southerland <[glen.southerland@ci.florence.or.us](mailto:glen.southerland@ci.florence.or.us)> wrote:

Hello Ryan,

I am sending along some testimony we just received as well as some dropped off Friday afternoon by Larry & Crystal Farnsworth.

Thank you,  
**Glen Southerland**  
Associate Planner  
City of Florence Planning Department  
[ci.florence.or.us](http://ci.florence.or.us)  
City of Florence Public Works  
(Temporary Location)  
2675 Kingwood Street  
Florence, OR 97439  
Phone: (541) 997-8237

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**PUBLIC RECORDS LAW DISCLOSURE:**

This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

**From:** Katie Jeremiah [REDACTED]  
**Sent:** Monday, April 16, 2018 11:40 AM  
**To:** Glen Southerland <[glen.southerland@ci.florence.or.us](mailto:glen.southerland@ci.florence.or.us)>  
**Cc:** Kris Jeremiah <[REDACTED]> Sandy Jeremiah <[REDACTED]>  
**Subject:** Public Hearing Testimony - Kryan Knott annexation of property (18-12-11-33 Tax Lot 01100)

Mr. Southerland –

Please include this e-mail and the attached letter (dated October 20, 2011 to Sarah Wilkinson regarding Lane County Department File PA 11-5474) in the staff report for the April 24, 2018 public hearing, in which the Knott Property is being considered for zoning as Service Industrial District.

I represent ARP Florence, LLC, which owns the property directly adjacent to the north boundary of Mr. Knott's property. While Mr. Knott's application is not the subject of the attached letter from 2011, it is the same property, and the same concerns with respect to flooding and drainage apply to this application.

While we do not oppose a property owner's right to pursue developing its property to the highest and best use, it cannot be to the detriment of the surrounding properties. Because the flooding and drainage issues in this area have still not been addressed by ODOT, Lane County or Florence, development of the subject property will only make matters worse. As noted in the attached letter, these drainage issues have been ongoing since the 1970's without any public intervention or remediation of issues created by ODOT, despite decades of repeated requests by property owners in the area.

We plead the City of Florence to acknowledge the drainage problem, and to work in tandem with Lane County and ODOT to resolve the drainage issues so that property owners can pursue development in this area in a way that is not detrimental to surrounding property owners before it approves zoning changes like the one being considered on April 24.

Sincerely,

ARP Florence, LLC

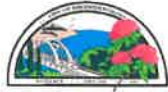
-Sandy, Kris and Katie Jeremiah

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<Farnsworth Testimony - 4-13-18.pdf>

## Armstrong Annexation and Zoning Assignment

PC 18 03 ANN 02 & PC 18 04 ZC 02



## Introduction

- **Feb. 12, 2018** – Petition/Application received
- **April 4, 2018** – Application deemed complete
- **April 24, 2018** – First evidentiary hearing (PC)
- **May 21, 2018** – Scheduled hearing (CC)

• Armstrong Annexation and Zone Assignment

4/24/18 • 2

## Applicable Criteria

### Annexation

#### **Oregon Revised Statutes (ORS)**

222.111; 222.120; 222.125; and 222.170 (2)

#### **Florence Realization 2020 Comp Plan**

Chapter 14: Urbanization, Policies 1, and 3 through 7; Recommendation 3

• Armstrong Annexation and Zone Assignment

4/24/18 • 3

## Applicable Criteria (con't.)

### Zone Assignment

#### **Florence Realization 2020 Comprehensive Plan**

Chapter 2: Land Use, Policy 5; Residential Policies 7, 8 & 10; and Section on Residential Plan Designations

#### **Florence City Code (FCC)**

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-6-4, 10-1-2-3, and 10-1-3

Title 11, Chapter 11: Single-Family Residential District, Sections 1 through 5

• Armstrong Annexation and Zone Assignment

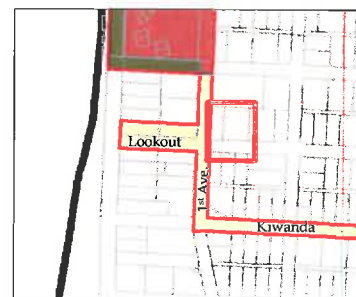
4/24/18 • 4

PC 18 03 ANN 02

• Armstrong Annexation and Zone Assignment

4/24/18 • 5

## Area Proposed for Annexation



• Armstrong Annexation and Zone Assignment

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## PC 18 04 ZC 02

• Armstrong Annexation and Zone Assignment

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## Current/Proposed Zoning



• Armstrong Annexation and Zone Assignment

4/24/18 • 8

## Utilities and Access

- Vacant properties
- Addition of sewer, other City services
- Water provided by Heceta Water PUD

• Armstrong Annexation and Zone Assignment

4/24/18 • 9

## Testimony/Referrals

### Testimony:

- None Received

### Referral Comments (Exhibit C):

- Florence Police Department

• Armstrong Annexation and Zone Assignment

4/24/18 • 10

## Staff Recommendation

Approve Resolutions PC 18 03 ANN 02 and PC 18 04 ZC 02 recommending approval to the Florence City Council for the annexation and zoning of the petitioner's property to the City of Florence and the corresponding Single-Family Residential District.

• Armstrong Annexation and Zone Assignment

4/24/18 • 11

## Questions?




• Armstrong Annexation and Zone Assignment

4/24/18 • 12

## 4<sup>th</sup> Ave. Annexation

**PC 18 05 ANN 03  
& PC 18 06 ZC 03**



## Annexation Criteria

**Oregon Revised Statutes:**  
ORS 222.111, 222.120, 222.125, and 222.170(2)

**Florence Realization 2020 Comprehensive Plan:**  
Chapter 1: Citizen Involvement, Policy 4  
Chapter 14: Urbanization, Policies 1 and 3 through 7

04/24/2018 ● 2

## Zone Assignment Criteria


**Florence City Code:**  
Chapter 1: Zoning Regulations, Sections 10-1-1-6-4, 10-1-2-3, and 10-1-3  
Title 10, Chapter 10 – Restricted Residential

**Florence Realization 2020 Comprehensive Plan:**

- Chapter 2: Land Use, Policy 5; Residential Policies 7, 8 & 10; and Section on Residential Plan Designations

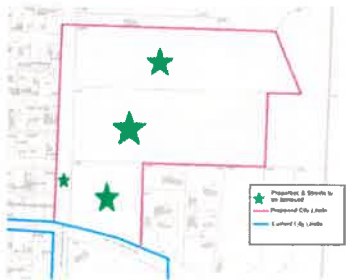
04/24/2018 ● 3

## Aerial of Annexation Area



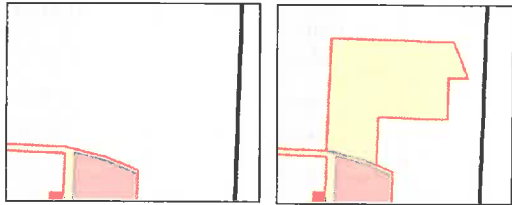
04/24/2018 ● 4

## Property to be Annexed



04/24/2018 ● 5

## Zoning Map



- Restricted Residential**

04/24/2018 ● 6

## Public Comments

- Clavel
- Leo
- Sturdivan
- Anderson

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 7

## Referral Comments

### Exhibit C:

- Public Works Dept.:
  - .555 mgd excess sewer capacity
- Police Dept.:
  - Has capacity to expand police response from current emergency response levels.

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 8

## Utilities & Access

- Water: Remain on Heceta Water
- Sewer: Connecting to existing pressure sewer in Rhody via Heceta Beach Road.
- Access: Existing street system, with needed improvements at development

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 9

## Consents

- Both Double and Triple Majority methods are met

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 10

## Alternatives

1. Provide a recommendation supporting the annexation and zone assignment to the City Council, or
2. Provide a recommendation to the City Council to deny the petition for annexation and zone assignment with reasons for the denial, or
3. Modify the findings, reasons, or conditions and provide a recommendation supporting the annexation and zone assignment to the City Council, or
4. Continue the Public Hearing to a date certain if more information is needed.

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 11

## Staff Recommendation

Provide a recommendation supporting the annexation and zone change to the City Council.

• 4th Ave. Annexation- PC 18 05 ANN 03

04/24/2018 • 12

## Questions?

• 4th Ave. Annexation- FC 18 05 ANN 03

04/24/2018 ■ 13

## Glen Southerland

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**From:** Pete Sturdivan <pete.sturdivan@milliman.com>  
**Sent:** Tuesday, April 17, 2018 8:55 AM  
**To:** Glen Southerland  
**Subject:** Annexation and Rezoning request from Mr. Norman Waterbury

April 17, 2018

Dear Mr. Southerland:

We are responding to the Notice of Public Hearing of a request by Mr. Norman Waterbury for annexation of properties located at Assessors Map 18-12-04-14 Tax Lots 00105, 100117, 02200 and a portion of right-of-way on 4<sup>th</sup> Avenue. We also understand that the properties are proposed to be rezoned Restricted Residential District. Below are two issues that we respectfully request that the Planning Commission and Mr. Waterbury consider with respect this application.

1. The properties may have a natural creek or spring within its boundaries. Given this situation we request that the Planning Commission consider the possibility of rezoning some or all of these properties as an estuary or as a protected watershed under another ordinance. It is possible that Lane County may currently have jurisdiction over this situation.
2. The consequences of the potential redirection of a natural creek / spring or water run-off due to the construction of a major development as described under Chapter 10 need to be identified and resolved. Redirecting a water source or runoff could result in major issues for nearby properties and could destabilize 4<sup>th</sup> Avenue.

We appreciate the opportunity to comment on this request and proposed action by the Planning Commission.

Best Regards,

Peter R. Sturdivan  
12820 SE Geneva Way  
Happy Valley, OR 97086

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## Glen Southerland

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**From:** sodell@oregonfast.net  
**Sent:** Tuesday, April 24, 2018 12:27 PM  
**To:** Glen Southerland  
**Cc:** odelldk@gmail.com  
**Subject:** annexation of heceta properties

sirs,

thank you for taking time to read my email, my name is steve O'Dell, i own lot 115 that borders lot 105 that is being considered for annexation, i just wanted to draw the cities attention to the multiple identified wetlands and year round creek contained within the properties being considered for annexation, as it seems the construction of storm/drainage system would be quite extensive, as these properties handle the runoff of very large area, in my opinion the cost of a proper storm/drainage system would over shadow the cost of sewer connection, and be a burden for the city to maintain.

In the 30 years i have owned lot 115 neither me or my neighbors have had any standing water or flooding

on our properties, and hope any decision made by the city does not change this. Just something to consider in your decision

again thank you for your time, respectfully, steve O'Dell (sodell@oregonfast.net)

## Glen Southerland

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**From:** Terry Leo <joyrideleo@gmail.com>  
**Sent:** Monday, April 23, 2018 5:09 PM  
**To:** Glen Southerland  
**Subject:** Re: Please let me know if you can't open this Document.

Glen I would like to add to my original document that this area is a Wetlands, its got Ducks, Osprey, Salamanders, Leopard frogs, tree frogs, weasels, beavers and any other animal that goes a long with a wetlands. Thanks, Terry

> On Apr 16, 2018, at 2:10 PM, Terry Leo <joyrideleo@gmail.com> wrote:  
>  
> <Growth.docx>