



City of Florence
A City in Motion

City of Florence Council Regular Session

Florence City Hall &
 Teleconference
 250 Hwy 101
 Florence, OR 97439
 541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

April 20, 2020

AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President Ron Preisler, Council Vice-President
 Joshua Greene, Councilor Geraldine Lucio, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
 Meeting is wheelchair accessible.

Proceedings will be shown live and for rebroadcast on Cable Channel 191 and online at www.ci.florence.or.us/citymanager/public-meetings-live and will be available after the meeting on the City's Vimeo Site.

COVID-19 UPDATE

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

It is strongly encouraged that the public not attend City Council meetings in person.

To protect safety and ensure social distancing, only a limited number of audience members will be allowed to attend the meeting. In person meeting attendance will be subject to applicable regulations in place at the time of the meeting, which are subject to change.

Citizens wishing to express their views may submit comments in writing. For more information, please see the end of this agenda or visit the City of Florence website at www.ci.florence.or.us/council/request-address-city-council-speakers-card.

CALL TO ORDER – ROLL CALL

5:30 p.m.

ACTION ITEMS

1. TEMPORARY COVID-19 PUBLIC MEETING PROCEDURES

Review and consider approval of **Resolution No. 7, Series 2020**, a resolution amending Resolution No. 5, Series 2020 to amend the temporary COVID-19 public meeting procedures to not allow in person attendance at City public meetings per Executive Order 20-16.

Kelli Weese
 City Recorder

PUBLIC HEARING & ACTION ITEMS

Please see the end of this agenda for methods to provide comments on public hearing items.

2. FEMA FLOOD INSURANCE RATE MAP AND STUDY

A. PUBLIC HEARING

Hear and consider written and verbal testimony regarding an amendment to Florence City Code and Florence Realization 2020 Comprehensive Plan adopting the revised Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map and Flood Insurance Study (FIS).

Wendy
 FarleyCampbell
 Planning Director

- 2c. **B. APPROVAL OF CODE AND COMPREHENSIVE PLAN AMENDMENTS**
 Consider approval of Ordinance No. 2, Series 2020, an Ordinance adopting amendments to Florence City Code, Title 10 Chapter 2, and the Florence Realization 2020 Comprehensive Plan, Table of Contents, Introduction, Chapter 7, and Appendix 7a to adopt revised FEMA Flood Insurance Rate Map and Flood Insurance Study (FIS) and a housekeeping amendment to the Comprehensive Plan Table of Contents to reflect updated plans and maps previously adopted or acknowledged.

Wendy
 FarleyCampbell
 Planning Director

3. TREEWOOD COURT ANNEXATION & ZONE CHANGE

A. PUBLIC HEARING

Hear and consider written and verbal testimony regarding the annexation and zone assignment of a 0.29 acre property located at 4781 Treewood Court as applied for by Andy Johnson on behalf of Kristy L. Nye.

B. APPROVAL OF ANNEXATION REQUEST

Consider approval of Ordinance No. 3, Series 2020, an ordinance approving the annexation of 4781 Treewood Court.

Dylan Huber-
 Heidorn
 Assistant Planner

C. APPROVAL OF ZONE ASSIGNMENT

Consider approval of Ordinance No. 4, Series 2020, an ordinance establishing Medium Density Residential zoning district to 4781 Treewood Court.

CONSENT AGENDA

4. RHODODENDRON SEWER CONTRACT

Consider accepting the proposal from Pleasant Hill Development Co. LLC in the amount of \$86,325 for all labor, equipment and materials necessary to extend the gravity sewer system from S. Harbor Vista Drive to Treewood Court along Rhododendron Drive.

Mike Miller
 Public Works
 Director

REPORT & DISCUSSION ITEMS

5. GENERAL REPORTS - Council Question & Answer Only – No Presentations

- March Committee, Commission & Volunteer Reports
- Government Finance Officers Association (GFOA) Budget Award
- Child Abuse Prevention Month Proclamation
- Earth Day Proclamation
- Arbor Day Proclamation

6. REPORT & DISCUSSION ITEMS

- City Manager Reports & Discussion Items
- City Council Reports & Discussion Items

COUNCIL CALENDAR

All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
May 4, 2020	10:30 a.m.	City Council Work Session Tentative
May 4, 2020	5:30 p.m.	City Council Meeting

UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19

Given executive orders from Governor Brown concerning COVID-19 and social distancing requirements, the City of Florence has established temporary procedures for public meetings in order to protect our volunteers, public and staff.

City Council meetings shall not allow for verbal public comments on any item other than a mandatory public hearing. **It is strongly encouraged that the public not attend City Council meetings in person.** Citizens wishing to express their views to the City Council may do so by submitting written communications in one of the following ways:

1. Submit written comments via email to City Recorder at kelli.weese@ci.florence.or.us.
2. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
3. Drop off written comments to the City of Florence drop box located at Florence City Hall (250 Hwy 101) to the right of the main entrance.

PUBLIC HEARING TESTIMONY

Those interested in providing testimony in a public hearing may do so via one of the following methods:

1. Written Testimony: It is **STRONGLY** encouraged that interested parties abstain from attending the meeting in person and provide testimony in writing prior the meeting through one of the methods listed above. All written testimony received at least 2 hours prior to the Council meeting (April 20, 2020 at 3:30 p.m.) will be distributed to the City Council and made part of the record.
2. Participation via Conference Call: Should it be necessary to provide verbal testimony; it is recommended that interested parties participate via a conference call line. To do so please complete a speaker's card available online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 2 hours prior to the start of the meeting (April 20, 2020 at 3:30 p.m.). Speaker's cards must indicate your desire to participate in the meeting via conference call and include the speaker's name and phone number they seek to call into the meeting from. City staff will then contact the speaker to let them know the conference call line number and protocols.

If you do not have access to a phone or computer, the City will provide an opportunity to participate in the meeting at a specified location at Florence City Hall. Parties interested in attending in this manner must complete a speakers card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card or at Florence City Hall. Speaker's cards are due at least 5 minutes prior to the meeting's start time. To protect safety and ensure social distancing, space for in person speakers will be limited. *Please note, in person meeting attendance will be subject to applicable regulations in place at the time of the meeting, which are subject to change.*

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: April 20, 2020
Department: City Recorder

ITEM TITLE: Temporary COVID-19 Public Meeting Procedures

DISCUSSION/ISSUE:

On April 15, 2020, Governor Kate Brown passed Executive Order No. 20-16 authorizing Oregon local governments to hold public meetings and hearings by teleconference, video, or through some other electronic method. In particular, the executive order gave local governments the authority to not provide a physical space for the public to attend meetings or hearings, as long as the public is able to listen to or virtually attend the public meeting or hearing at the time it occurs.

Resolution No. 7, Series 2020 sets to amend the City's temporary COVID-19 public meeting procedures to allow for the changes to state policy. Given that the public hearings set for the April 20, 2020 City Council meeting agenda have already been noticed, and preparations for safety for in person participants has been accounted for, the proposed Resolution amending the COVID-19 public meeting procedures is written to go into effect April 21, 2020.

FISCAL IMPACT:

This policy affects the City fiscally through:

- Staff time spent researching the issue and drafting updated procedures; and
 - Staff time spent training and implementing the updated procedures.
-

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery – Goal 4: Communication & Trust

ALTERNATIVES:

1. Approve Resolution No. 7, Series 2020 as proposed
 2. Review and recommend changes to Resolution No. 7, Series 2020 and approve as amended
 3. Do not approve Resolution No. 7, Series 2020 and determine steps to proceed.
-

RECOMMENDATION:

Approve Resolution No. 7, Series 2020 as proposed

AIS PREPARED BY: Kelli Weese, City Recorder / Economic Development Coordinator

**CITY MANAGER'S
RECOMMENDATION:**

Approve
Comments:

Disapprove

Other

ER Reynolds

ITEM'S ATTACHED:

Attachment 1 – Resolution No. 7, Series 2020

- **Exhibit A:** Amendments to the Temporary COVID-19 Public Meeting Procedures

Attachment 2 – Executive Order No. 20-16

**CITY OF FLORENCE
RESOLUTION NO. 7, SERIES 2020**

A Resolution amending Resolution No. 5, Series 2020 to amend the temporary COVID-19 public meeting procedures to not allow in person attendance at City public meetings.

RECITALS:

1. On March 8, 2020, the Governor of the State of Oregon issued Executive Order 20-03 declaring a statewide State of Emergency under ORS 40.025(1) due to the serious public health and safety threat posed by the spread of the COVID-19 virus within our state.
2. To protect safety and ensure social distancing requirements as required by federal and state restrictions, while allowing for the requirements of Oregon Public Meetings Law, the City Council wishes to establish updated Public Meetings Procedures.
3. On March 23, 2020 the City Council passed Resolution No. 5, Series 2020 to establish temporary COVID-19 public meeting procedures.
4. On April 15, 2020, the Governor of the State of Oregon issued Executive Order No. 20-16, noting the risk to public health of allowing in-person attendance at public meetings and authorizing local governments to take necessary measures to ensure continued operations in a safe manner during the COVID-19 outbreak.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City of Florence amends Resolution No. 5, Series 2020 – Exhibit A – Temporary COVID-19 Public Meeting Procedures, as shown in Exhibit A.
2. This Resolution shall become effective immediately upon adoption.

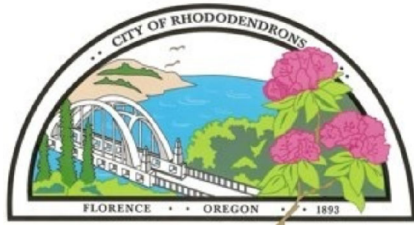
ADOPTION:

This Resolution is passed and adopted on the 21st day of April, 2020.

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder



City of Florence
A City in Motion

City of Florence

Amendments to Temporary COVID-19 Public Meeting Procedures

Resolution No. 7, Series 2020

Given executive orders from Governor Brown concerning COVID-19 and social and / or physical distancing requirements, the City of Florence has established temporary updated procedures for public meetings in order to protect our volunteers, public and staff.

The new updated public meeting procedures, as outlined below, shall become effective when approved by the public body, and shall remain in effect until action to discontinue use is completed by each public body. Where applicable, these procedures shall supersede any prior meeting procedures including the City Council Rules of Procedure, the Committee and Commission Policy Manual, and the Florence Urban Renewal Agency Bylaws.

COVID-19 Public Meeting Procedures

1. Meetings to be Held: When possible, only city meetings that are deemed mandatory based on timelines established in state law, the City of Florence charter, or City of Florence ordinance shall be held. All other meetings or agenda items shall be postponed.

Mandatory Meeting Requirements: In order to comply with social and / or physical distancing recommendations, the public will not be ~~encouraged to not~~ allowed to attend public meetings in person, ~~and in particular to stay home if they are sick or showing symptoms~~. In order to continue to provide an opportunity for public viewing / participation, all public meetings required to be held shall conform to the following updated requirements.

2. Live Streaming: All mandatory City meetings shall be streamed live on Cable Channel 191 and online through a link available on the City's website. For access to this link, visit the meetings website through the City of Florence website calendar located online at www.ci.florence.or.us/calendar.

- ~~3. Public Observation: Although it is strongly encouraged that people not attend the meeting in person, the opportunity will exist to observe the meeting at a designated location. However, to protect safety and ensure social distancing, limits to audience members will be implemented. Please note, that in person meeting attendance will be subject to applicable regulations in place at the time of the meeting and are subject to change.~~

- ~~4.3.~~ Meeting Materials: All meeting materials shall be provided to the public in advance of the meeting via the following schedule:

- a. The agenda and majority of meeting materials, including presentation materials, shall be distributed to members of the public body and the public at least 3 days in advance of the meeting date through the City's email distribution lists. To subscribe to the email distribution list, visit the City's website at

www.ci.florence.or.us/newsletter/subscriptions. Printed copies of materials may also be requested in advance of the meeting, subject to the City's Public Records Request policies.

- b. Any additional materials received after the initial meeting materials are distributed, including any written public comments received, shall be distributed to members of the public body one hour prior to the meeting's start time, and shall be posted on the meeting website.
- c. Any additional materials to be distributed after this time shall be verbally identified, placed into the record, and distributed to the public body at the meeting as technology and circumstances allow.

5.4. Public Body Participation: All members of the public body shall participate in the meeting through live streaming and conference call or other teleconference tools, unless they can show reason why they cannot meaningfully participate in this manner. Members of the public body that do not wish to participate in the meeting through virtual means shall request the ability to participate in the meeting in person in consultation with the public body's presiding officer and the City Recorder's Office. To ensure the meeting is understandable, during the meeting, all speakers shall identify themselves prior to speaking, and shall do so prior to making or seconding motions. In addition, all votes shall occur via roll call vote.

6.5. Meeting Management: Meeting management tasks including identifying speakers, clarifying decisions, and managing conference call / video conferencing lines shall be delegated to the City Recorder's Office or other applicable staff.

7.6. Agenda Updates & Public Participation:

- a. General Agenda Notes: All agendas shall be updated to delineate the new public meeting procedures in this policy and shall note that members of the public shall not attend meetings ~~if they are sick or presenting symptoms~~.
- b. Presentations, Proclamations & Ceremonial Items: The public meeting shall not include any presentations, proclamations, or ceremonial items. Such items shall be canceled, postponed, or presented in a manner separate from the public meeting.
- c. Public Comment on Items not on the Agenda: Meetings shall not allow for general public comments. All parties interested in providing general public comments will have the opportunity to do so in written form, outside of a meeting, in the manner dictated for each individual public body.
- d. Public Hearing Items: Public Hearings shall only be held if required by state law, the City of Florence Charter, or City of Florence Code. Should a public hearing be required, the following methods for public comment shall be adhered to:
 - i. Written Testimony: ~~In person attendance will not be allowed at public meetings. It is strongly encouraged that interested parties and provide testimony in writing prior to the meeting and abstain from attending the meeting in person.~~ Written testimony submitted at least two hours prior to the meeting start time will be provided to the public body in advance of the meeting. Testimony can be provided in the manner dictated for each individual public body.
 - ii. Conference Call: Should it be necessary to provide verbal testimony; ~~it is recommended that~~ interested parties are able to participate via an established city conference call line. Parties interested in participating in this manner shall contact the City Recorder's Office or other

applicable staff at least ~~two~~one hours prior to the meeting start time with their name, address, and phone number they will be calling from.

~~iii. Participate in Person: Although it is **strongly encouraged that people not attend the meeting in person**, the opportunity will still exist to participate in the meeting at a designated meeting location. The method of this participation may include in person public testimony, access to a phone to call into meeting conference call line, or other available public testimony method as allowed by Oregon State Public Meetings law. Please note, that in person meeting attendance will be subject to applicable regulations in place at the time of the meeting and are subject to change.~~

e. Action Items:

- i. Consent Agenda: In order to expedite business, mandatory public meetings shall establish a consent agenda for action items that can be approved by a single motion and vote. Wherever possible and appropriate, as determined by the presiding officer, action items shall be moved to the consent agenda. Any item on the consent agenda may be removed for separate consideration by any member of the public body.
 - ii. Public Comments on Action Items: Public bodies shall not provide for verbal public comments for action items. All parties interested in providing public comments on action items may do so in written form. Written comments submitted at least two hours prior to the meeting start time will be provided to the public body in advance of the meeting. Comments can be provided in the manner dictated for each individual public body.
- f. Report Items: Report items may be included in the meeting materials for informational purposes, but shall not incur a presentation. However, the public body may ask questions on report items included in materials as appropriate.

For questions on this policy, specific requirements for each public body, how to observe or participate in a public meeting, how to submit public comments, or other questions, please contact the City Recorder's Office at 541-997-3437, or via email to kelli.weese@ci.florence.or.us.



EXECUTIVE ORDER NO. 20-16

KEEP GOVERNMENT WORKING: ORDERING NECESSARY MEASURES TO ENSURE SAFE PUBLIC MEETINGS AND CONTINUED OPERATIONS BY LOCAL GOVERNMENTS DURING CORONAVIRUS (COVID-19) OUTBREAK

On February 28, 2020, I appointed the State of Oregon's Coronavirus Response Team.

On February 29, 2020, the Department of Human Services issued strict guidelines, restricting visitation at congregated care facilities, including nursing homes.

On March 2, 2020, the State of Oregon Emergency Coordination Center was activated.

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 12, 2020, I prohibited gatherings of 250 or more people, and announced a statewide closure of Oregon K-12 schools from March 16, 2020, through March 31, 2020.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 17, 2020, I prohibited gatherings of 25 or more people, banned on-site consumption of food and drink at food establishments statewide, and extended school closures until April 28, 2020. I also encouraged all businesses not subject to the prohibitions to implement social distancing protocols.

On March 18, 2020, I suspended in-person instructional activities at higher education institutions through April 28, 2020.

On March 22, 2020, I imposed a temporary moratorium on residential evictions for nonpayment, prohibiting law enforcement from serving, delivering, or acting on any notice, order or writ of termination of tenancy, relating to residential evictions for nonpayment.



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On March 23, 2020, I ordered Oregonians to “Stay Home, Save Lives,” directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities.

On April 1, 2020, I imposed a temporary moratorium on the termination of residential and nonresidential rental agreements and evictions for nonpayment, to ensure that individuals can stay at home to the greatest extent possible, and to ensure the provision of necessary goods and services during this emergency.

On April 8, 2020, I announced that school closures and the suspension of in-person instructional activities at higher education institutions would be extended through the end of the current academic term and school year.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, and close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. The United States Centers for Disease Control and Prevention (CDC) reports that COVID-19 is most contagious when the individual is most symptomatic, but may also spread before symptoms appear. CDC recommends measures to limit spread of the disease in the community, including limitations on events and gatherings.

The number of COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. As of today, there are at least 1,663 confirmed cases and 58 deaths.

In a short time, COVID-19 has spread rapidly. To slow the spread of COVID-19 in Oregon, and to protect the health and lives of Oregonians, particularly those at highest risk, I find that immediate implementation of additional measures is necessary to protect the health, safety, and the financial stability of all Oregonians.



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During this emergency, state and local governments must continue to operate, provide essential services, and make decisions in a public and transparent manner. Governments must do so safely, consistent with my emergency directives. Public participation is essential to the functioning of our state and local governments, but in-person attendance at public meetings presents a risk to the public health and safety of Oregonians, unless appropriate measures are taken. Thus, during this emergency, public meetings should be held via telephone, video, electronic or other virtual means, whenever possible, to keep Oregonians safe, and to mitigate the spread of COVID-19. Likewise, local governments need to be able to hold budget meetings in a way that comports with my stay-at-home directives, so they can complete their upcoming budget processes and ensure continued delivery of essential government services.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Pursuant to ORS 433.441, ORS 401.168, ORS 401.175, ORS 401.188, and ORS 401.192, I am issuing the following directives, which authorize state and local governments to take necessary measures to ensure continued operations, public participation in decision-making, and the provision of essential government services in a safe manner during the COVID-19 outbreak:

1. Definition. “COVID-19 emergency period” means the period during which the COVID-19 state of emergency declared by Executive Order 20-03 is in effect, including any extensions of that state of emergency.
2. Public Meetings. During the COVID-19 emergency period:
 - a. The governing body of a public body (as defined by ORS 192.610(3) and (4)) shall hold public meetings and hearings by telephone, video, or through some other electronic or virtual means, whenever possible. For all public meetings and hearings held by telephone, video, or through other electronic or virtual means, the public body shall make available a method by which the public can listen to or virtually attend the public meeting or hearing at the time it occurs, and the public body does not have to provide a physical space for the public to attend the meeting or hearing. This paragraph does not apply to executive sessions, as defined by ORS 192.610(2).



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- b. When public meetings or hearings of a governing body of a public body cannot be held by telephone, video, or through some other electronic or virtual means pursuant to paragraph 2(a) of this Executive Order, persons attending those meetings must maintain appropriate social distancing (six feet or more between individuals), to the maximum extent possible.
 - c. Any requirements by law or policy that testimony during a public meeting or hearing be taken in person do not apply if the public body provides an opportunity for submission of testimony by telephone, video, or through some other electronic or virtual means, or provides a means of submitting written testimony, including by email or other electronic methods, that the public body may consider in a timely manner. This paragraph does not apply to contested case hearings held pursuant to ORS chapter 183.
 - d. Unless otherwise required by law, a quorum of the governing body of a public body and the number of its members required for an affirmative act consists of a majority of its members, excluding those unable to attend because of illness due to COVID-19.
3. Local Budget Meetings. During the COVID-19 emergency period:
- a. Any requirement under ORS 294.305 to 294.565, or ORS 294.900 to 294.930, to provide members of the public or taxpayers an opportunity to ask questions and comment, or to appear before or meet with, or to attend a hearing of, either a budget committee established under ORS 294.414 or ORS 294.905, or the governing body of a municipal corporation as defined by ORS 294.311) or council of local governments (as defined by ORS 294.900), may be satisfied by providing a method of appearing or meeting by telephone, video, or other electronic methods and by also providing a means of submitting written communications, including email or other electronic methods, that the committee or governing body may consider in a timely manner.



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- b. Publication of any notice, summary, or other document required under ORS 294.305 to 294.565, or ORS 294.900 to 294.930, may be satisfied by posting the notice, summary, or other document in a prominent manner on the internet.
- c. If the public health threat underlying the COVID-19 state of emergency, or compliance with an Executive Order issued pursuant to ORS 401.165 to 401.236 in connection with that emergency, causes a municipal corporation to fail to comply with ORS 294.305 to 294.565 or ORS 294.900 to 294.930, then, notwithstanding ORS 294.338(1) or any other law, the municipal corporation may make reasonable expenditures for the continued operation of the municipal corporation within its existing or most recently adopted budget, provided it cures any failure to comply with ORS 294.305 to 294.565 or ORS 294.900 to 294.930 as soon as reasonably practicable.
- d. Any requirement of the tax supervising and conservation commission to conduct a hearing under ORS 294.640 or 294.655 may be satisfied by providing a method of appearing or meeting by telephone, video, or other electronic methods, and by also providing a means of submitting written communications, including email or other electronic methods, that the commission may consider in a timely manner before making any objection, recommendation, certification, or order regarding a municipal corporation's proposed budget, special tax levy, or bond issue.
- e. The certification requirements specified in ORS 221.770(1)(b) and (c) may be satisfied by holding a hearing and allowing written comment in accordance with paragraph 3(a) of this Executive Order, and by making certification to the Oregon Department of Administrative Services as soon as reasonably practicable upon adoption of the budget.



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This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

This Executive Order is effective immediately, and remains in effect until terminated by the Governor.

Done at Salem, Oregon, this 15th day of April, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: April 20, 2020
Department: Planning

ITEM TITLE: Ordinance No. 2, Series 2020 – An Ordinance Adopting Amendments to Florence City Code and the Florence Realization 2020 Comprehensive Plan and Adopting the Revised FEMA Flood Insurance Rate Map and Flood Insurance Study.

DISCUSSION/ISSUE:

Amendments Process:

On [February 11, 2020](#) Planning Commission initiated updates to Florence City Code Title 10 and Florence Realization 2020 Comprehensive Plan to implement the revised Flood Insurance Study (FIS) and Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), effective June 5, 2020. Notice was then filed on February 18, 2020 with the Department of Land Conservation and Development 35 days prior to the first scheduled evidentiary public hearing. The first evidentiary public hearing was held by the Planning Commission [March 24, 2020](#), with affected property owner notice mailed March 4th. Planning Commission recommended approval as provided via attached Resolution PC 20 02 CPA 01/PC 20 03 TA 01. City Council is to hold the final evidentiary public hearing on April 20th to make the final decision on amendments proposed in Ordinance 2, Series 2020 following two readings of the ordinance. The changes would become effective June 5, 2020 commensurate with the FEMA's effective map date.

Proposal: Within six months of the issuance of FEMA's letter of determination dated December 5, 2019, Florence must adopt the revised FIS and FIRM and adopt floodplain management regulations that meet the standards of NFIP regulations. Ordinance 2, Series 2020 proposes the following adoptions/amendments:

- Florence Realization Comprehensive Plan Appendix 7a: FIRM and FIS, dated June 5, 2020
- Title 10 Chapter 2 and Comp Plan Introduction: Definition related to floodplain regulations
- Florence Comp Plan Chapter 7: Flooding section background narrative changes
- Florence Comp Plan Table of Contents: Housekeeping amendments to acknowledge plans and studies previously approved by City Council (Tsunami, etc.)

BACKGROUND:

NFIP Participation: The City of Florence participates in the National Flood Insurance Program (NFIP) to qualify properties within its jurisdiction for affordable flood insurance and make them eligible for federal mortgages. This requires a participation agreement with FEMA whereby the City must adopt and enforce a floodplain ordinance and the related FIRM and FIS.

Project History:

December 5, 2019 FEMA issued a Letter of Final Determination (attached) stating FEMA’s FIS and FIRM update process for coastal Lane County, including Florence and Dunes City was complete. The process started in late 2012 with FEMA Region 10 staff coordinating with the Oregon Department of Land Conservation and Development, Oregon Department of Geology and Mineral Industries, Lane County, Florence and Dunes City. A public meeting and workshop held in September 2018 introduced the project, technology updates and proposed map amendments. The last update of these maps for Florence and the surrounding area occurred in 1999. More accurate data, provided by improved technology, has allowed more elevations to be determined for properties within and adjacent to floodways in Florence which had previously only been estimated. This, however, created a large number of changes in the FIRM.

FISCAL IMPACT:

- Staff time: preparing public notices, staff reports, and meeting minutes; as well as attending public hearings and answering inquiries from the public.
 - Direct costs: mailing property owner notices and newspaper publications.
-

RELEVANCE TO ADOPTED CITY WORK PLAN:

Section on: Miscellaneous Code & Process Amendments, Flood Insurance Map Amendments, Objective 1, Update Titles 4 and 10 ... in support of 2018-19 Flood Insurance rate map amendments

ALTERNATIVES:

1. Approve code and plan amendments as presented in Ordinance No. 2, Series 2020; or
 2. Modify the findings and/or amendment language, and adopt the proposed amendments as modified; or
 3. Deny the amendment through resolution with reasons for the denial; or
 4. Continue the public hearing to a date certain or leave the written record open.
-

RECOMMENDATION:

Planning Commission: On October 23rd, the Planning Commission recommended approval of the Comprehensive Plan amendments with amendments as presented in Ordinance 16, Series 2018.

Staff: Concurs with Planning Commissions’ recommendation.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

**CITY MANAGER'S
RECOMMENDATION:**

Approve

Disapprove

Other

Comments:

ERReynolds

ITEM'S ATTACHED:

Ordinance No. 2, Series 2020

- Exhibit A – Findings of Fact
- Exhibit B – Comprehensive Plan Amendments
- Exhibit C – Florence City Code Amendments
- Exhibit D – FIS Update
- Exhibit E – Firm Update

Attachments: 1: Resolution PC 20 02 CPA 01/PC 20 03 TA 01
2: Letter of Final Map Determination, Dec. 5, 2019

Items Available for Reference:

- Lane County Comparison Mapping Tool
 - <http://fema.maps.arcgis.com/apps/StorytellingSwipe/index.html?appid=3a8a5bbfe9b149b8a3db86dd86484872#>
 - City of Florence Coastal Floodplain Map Update webpage
 - <https://www.ci.florence.or.us/planning/fema-coastal-floodplain-map-update>
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**CITY OF FLORENCE
ORDINANCE NO. 2, SERIES 2020**

**AN ORDINANCE ADOPTING AMENDMENTS TO FLORENCE CITY CODE AND THE
FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN AND ADOPTING THE
REVISED FEMA FLOOD INSURANCE RATE MAP AND FLOOD INSURANCE STUDY.**

RECITALS:

1. City Council via their 2019/2021 City of Florence Work Plan, Section “Miscellaneous Code & Process Amendments, Flood Insurance Map Amendments, Objective 1”, tasked amendments to the governing documents related to Flood Insurance Rate Map amendments.
2. Planning Commission on February 11, 2020 initiated legislative amendments to Florence City Code Title 10 and the Florence Realization Comprehensive Plan. Notice of the proposed amendments was sent on February 18, 2020 to the Department of Land Conservation and Development, 35 days prior to the first evidentiary hearing.
3. Planning Commission opened their public hearing March 24, 2020 and deliberated to a decision for a recommendation to the City Council, titled Resolution PC 20 02 CPA 01/PC 20 03 TA 01.
4. On April 4, 2020, notice of the City Council hearing was published in the Siuslaw News prior to their hearing of April 20, 2020.
5. City Council conducted a public hearing on April 20, 2020 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Florence Realization 2020 Comprehensive Plan and Title 10 Chapter 2 are amended as explained in Exhibit A Findings of Fact, and shown in Exhibits B through E, and initiated through Planning Commission.
2. This ordinance shall become effective on June 5, 2020, in accordance with the FEMA’s Letter of Determination dated December 5, 2019.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence Comprehensive Plan or City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 20th day of April 2020.

Second Reading on the 20th day of April 2020.

This Ordinance is passed and adopted on the 20th day of April 2020.

AYES	5	Councilors Woodbury, Preisler, Greene, Lucio and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

Ordinance 2, Series 2020 CITY OF FLORENCE---FINDINGS OF FACT

Public Hearing Date: April 20, 2020

File Numbers: PC 20 02 CPA 01/PC 20 03 TA 01
CC 20 01 CPA 01/CC 20 03 ZC 01

I. PROPOSAL DESCRIPTION

The proposal amends the Florence City Code (FCC) and elements of the Florence Realization 2020 Comprehensive Plan by revising standards related to a FEMA issued Letter of Final Determination dated December 5, 2020 signifying completion of the process of updating the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Florence and the surrounding area. The code amendments update definitions to flood-plain management regulations that meet the standards of National Flood Insurance Program (NFIP) regulations. The Comp Plan amendments update definitions for the same purpose and update the narrative in Chapter 7 and adopt the revised FIS and FIRM. There are also minor edits to the Table of Contents to include recently adopted or acknowledged studies.

II. NOTICE AND REFERRALS

1. Notice:

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on February 18, 2020, not less than 35 days prior to the proposed first evidentiary hearing of March 24, 2020, as required by State law and the Florence City Code.

The notice of the Planning Commission public hearing was posted to the Siuslaw News on March 17th and published March 21st prior to the public hearing held on March 24th. The notice for the City Council public hearing was published in the Siuslaw News on April 4th prior to the April 20th City Council public hearing as required by State law and the Florence City Code

Notice was also sent to property owners potentially affected by the implementation of the changes on March 3, 2020, as required by State law and the Florence City Code.

III. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes
 - Chapter 1: Zoning Administration, Section 10-1-6-4 Type IV Procedure (Legislative)
2. **Florence Realization 2020 Comprehensive Plan**
 - Plan Adoption, Amendments, Review and Implementation
 - Chapter 1 Citizen Involvement
 - Chapter 7 Development Hazards
 - Chapter 14 Urbanization
4. **Oregon Revised Statutes (ORS)**
 - ORS: 197.610(1)-(6), 227.186
5. **Oregon Administrative Rules (OAR)**
 - OAR 660-015 (1, 2, 7, 14) & 660-018-0020

IV. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

FCC 10-1-3 Amendments and Changes,

- A. **Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.**

Section C Legislative Changes

1. **Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.**

Finding: This legislative change was initiated and adopted by a resolution of the Florence Planning Commission (Resolution PC 20 01 IN 01) on February 11, 2020. The resolution noted the need to update the city zoning code and Florence Realization 2020 Comprehensive Plan to address the City Work Plan and FEMA NFIP updates to address flood risk.

2. **Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.**

Finding: Notification of the public hearings for this application was discussed earlier in the report. Noticing for this public hearing meets the criterion.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments to the City comprehensive plan and development code refine the Plan and support flood damage prevention. The proposed Plan and code amendments are internally consistent. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies

2. **A Citizen Advisory Committee, appointed by the City Council, shall serve in an advisory capacity to the Florence Planning Commission to assure the broadest input during periodic review and post acknowledgment Plan and zoning amendments.** ¹¹_{SEP}(pg. 1-1)

Finding: This policy is met. The Florence Planning Commission appointed by the Council advises on changes needed and proposed to the Florence City Code and Realization 2020 Comprehensive Plan. The Planning Commission held a meeting on the proposed amendments on January 28, 2020 and the Florence City Council also met on this topic March 3, 2020 prior to the public hearings held on March 24th and April 20th.

3. **The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees.** (pg. I-1)

Finding: This policy is met. The City Council appointed a cross-section of Florence citizens to serve on the Planning Commission, including those in the insurance, hazard protection, social services, utility provider, land use, and retirement communities.

4. **Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.** (pg. I-1)

Finding: This policy is met. The proposed code amendments are consistent with this policy because the notices of the public hearings were noticed in the newspaper prior to public hearings before regularly scheduled meetings. The City website has had a webpage with information on the proposed changes available since 2018. There have been two public open houses on the proposed changes that were publicized on the city website and in the Siuslaw News. Staff also updated the City's website to state when City meetings are scheduled. Materials for City meetings were posted on the website prior to the meetings. The agendas are also posted in City Hall.

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.** (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because minutes and related materials of all meetings are kept at City Hall, posted on the City's website, and made available on request to the public.

6. **Planning documents and background data shall be available to interested citizens.** (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because the Resolution, Ordinance, Findings of Fact, staff report and proposed amendments were available prior to the public hearings. The documents for Planning Commission's hearing were available to view at the Planning Department or online on the City's website. The documents for the City Council hearing were available to view online on the City's website or in-person by appointment due the Covid-19 Virus social distancing requirements and stay home order set by Governor Kate Brown's Executive Order.

Chapter 7: Development Hazards and Constraints

Development Hazards and Constraints Goal: To protect life and property from natural disasters and hazards.

Policies

- 1. The City shall restrict or prohibit development in known areas of natural hazard or disaster in order to minimize risk to citizens, reduce the hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief.**
[L]
[SEP] (pg. VII-1)

Finding: The proposal for these actions is consistent with this policy because the proposed code standards supported by the adoption of new Flood Insurance Rate Map and Flood Insurance Study and in combination with existing flood damage prevention code in Title 4 Chapter 4 and Title 10 Chapter 7 restrict or prohibit development in the Special Flood Hazard Areas (SFHA) reducing the hazard of loss as set in policy.

- 2. Prior to development taking place in known areas of potential natural hazard, applicants shall provide a Site Investigation Report which clearly determines the degree of hazard present and receive City approval for the measures to be taken to reduce the hazard.** (pg. VII-1)

Finding: The proposal is consistent with this policy because applications for development proposed in areas of known or suspected hazards require, in accordance with Title 10 Chapter 7, completion of a Phase 1 Site Investigation Report and in some cases a Phase 2 Site Investigation Report. Both reports through the code standards require analysis of the presence of hazards and remedy through engineering, building codes or construction to National Flood Insurance Program (NFIP) standards to reduce or eliminate the hazard.

- 3. All new development shall conform to City Code, the adopted Building Code and Flood Insurance Program requirements in flood-prone areas.**

Finding: The proposal for these actions is consistent with this policy because the code presently exists requiring conformance with the measures as stated and the proposed updates and FIS/FIRM adoptions provide the basis for identifying properties subject to the standards.

4. **For those areas that have excessive slopes or conditions which constitute a geological hazard, proposed developments shall be keyed to the degree of hazard and to the limitation on the use imposed by such hazard. Accepted engineering practices shall determine the extent of development allowed. The City may require a professional engineer's report to fulfill this requirement.**

Finding: The proposal for these actions is consistent with this policy because the current code standards in Title 10 Chapter 7 require engineering of the development in the case of a property in an area of geologic hazard.

5. **The City shall participate in a Western Lane emergency preparedness plan and its implementation.**

Finding: The proposal for these actions is consistent with this policy because the City has adopted the Western Lane emergency preparedness plan and has been involved in its update in 2016 and again presently in 2020. The FIS and FIRM updates shall be incorporated in the 2020 proposed plan changes at a later date.

Chapter 14: Urbanization

Urbanization Goal

To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses.

Annexation Policies

3. **Conversion of lands within the UGB outside City limits shall be based on consideration of:**
 - a. **orderly, economic provision for public facilities and services;**
 - b. **conformance with the acknowledged City of Florence Comprehensive Plan;**
 - c. **consistency with state law. (pg. XIX-1)**

Finding: The proposal for these actions is consistent with this policy because the future annexations of property in the UGB will include adoption of applicable FIRM panels not included in this proposal. Those annexations will consider conformance of the Comprehensive Plan and apply consistency with state law as it applies to the NFIP and flood prevention in general.

Oregon Revised Statutes (ORS)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

ORS 197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.

(6) If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.

Finding: The proposal is consistent with this statute because notice to DLCD was sent on February 18, 2020 at least 35 days prior to the March 24, 2020 (first) public hearing and the notice contained the information required in this statute. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Goal 1.

ORS 227.186: Notice to property owners of hearing on certain zone change

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall: [...*details of required notice format*...]

(9) For purposes of this section, property is rezoned when the city:
(a) Changes the base zoning classification of the property; or
(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

Finding: The proposal is consistent with this statute because notice was mailed to property owners advising of a proposed zone change meeting the definition of (9)(b); the proposed adoption of updated FIRM and FIS potentially limits land uses compared to previous standards that did not include their property on the FIRM panel for

their property. The notice contained all elements required by subsection (5) and was mailed on March 3, 2020, in advance of the March 24, 2020 first hearing.

Oregon Administrative Rules (OAR)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State rules that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

OAR 660-015-0000: Statewide Planning Goals and Guidelines #1 through #14.

OAR 660-015-0000(1):

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This goal is implemented by the Florence Realization Comprehensive Plan 2020. The proposal is consistent with this rule as detailed in the findings for those sections.

OAR 660-015-0000(02):

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal is implemented by OAR 660-018 reviewed below, ORS 197.610 and City Code. The proposal is consistent with this rule as detailed in the findings for those sections.

OAR 660-015-0000(07):

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,¹ earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

Finding: This goal is implemented by the adoption of revised FIS and FIRM and updated definitions into the Florence Realization Comprehensive Plan for which there are already policies in place and also into the Florence City Code Title 10 Chapter 2 to comply with the NFIP model code.

B. RESPONSE TO NEW HAZARD INFORMATION

- 1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.**
- 2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.**
- 3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.**

Finding: This goal is implemented by the adoption of a revised FIS and FIRM issued by FEMA on December 5, 2019 after extensive coordination with the Department of Land Conservation and Development, Oregon Department of Geology and Mineral Industries, Lane County, and the City of Florence. FEMA letter of determination dated December 5, 2019 states the City has until June 5, 2020 to adopt the revised maps, study and implementing NFIP standards. Standards meeting the NFIP requirements were completed in December 2019. This proposal completes this requirement.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

- 1. Evaluate the risk to people and property based on the new inventory information and an assessment of: a. the frequency, severity and location of the hazard; b. the effects of the hazard on existing and future development; c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and d. the types and intensities of land uses to be allowed in the hazard area.**
- 2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.**
- 3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles: a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.²**

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

Finding: This goal is implemented by the adoption of revised FIS and FIRM and updated definitions into the Florence Realization Comprehensive Plan for which there are already policies in place and also into the Florence City Code Title 10 Chapter 2 to comply with the NFIP model code. The NFIP map update process included ample opportunity for citizen review through a public open house on the proposed amendments in 2018, an appeal process in 2019 and this hearings process. Floodplain regulations were updated in 2019 to meet the newly published NFIP model code requirements. The adoption of the updated FIRM and FIS will conclude the Goal 7 implementing requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

Finding: This goal is implemented by the adoption of a revised FIS and FIRM issued by FEMA on December 5, 2019 after extensive coordination starting in 2012 with the Department of Land Conservation and Development, Oregon Department of Geology and Mineral Industries, Lane County, and the City of Florence concluding with the FEMA letter of determination issued to the City dated December 5, 2019. In June of 2019 DLCD provided the City with a review of its existing Code (Title 4 Chapter 4) and its deficiencies in complying with then proposed FEMA model code and recommended language to update it.

GUIDELINES

B. IMPLEMENTATION

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as: a. limiting placement of fill in floodplains; b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and c. elevating structures to a

level higher than that required by the NFIP and the state building code. Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

Finding: This goal is implemented by the Florence Realization Comprehensive Plan 2020, Florence City Code (FCC) Title 9 Chapter 5 Stormwater Management, FCC Title 10 Chapter 7 and FCC Title 4 Chapter 4. The code sections require stormwater management plans, Site Investigation Reports with associated engineering, and floodplain permits with elevation certificates. Title 4 Chapter 4 includes a provision for 1' of freeboard above the Base Flood Elevation.

OAR 660-015-0000(14): GOAL 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

GUIDELINES

A. PLANNING

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Finding: The proposal for these actions is consistent with this policy because future annexations of property in the UGB will include adoption of applicable FIRM panels not included in this proposal. Those annexations will consider conformance of the Comprehensive Plan and apply consistency with state law as it applies to the NFIP and flood prevention to reducing impacts to water resources and the land resources (SFHA) needed and protected to manage flooding events.

OAR 660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

Finding: The proposal is consistent with this rule as detailed in the findings for ORS 197.610.

V. CONCLUSION

The proposed amendments to the Florence Realization 2020 Comprehensive Plan and Florence City Code Title 10 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Oregon Administrative Rules.

Exhibit B Ordinance 2, Series 2020

Amendments to Florence Realization 2020 Comprehensive Plan

Amend Table of Contents as follows. Only the amended portions are shown below.

Table of Contents

Part II: Comprehensive Plan Appendices

(Located in binder in Community Development Department, Florence City Hall)

Introduction

Chapters:

7. **Areas Subject to Natural Disasters and Hazards**
 - a. National Flood Insurance Program - Flood Insurance Rate Maps, June ~~5, 2020~~^{5, 1999} (under separate cover) and Flood Insurance Study, June 5, 2020
 - b. City of Florence Hazards Map
 - c. Natural Resources Conservation Service Soils Map, 2009
 - d. Relative Earthquake Hazard Maps for selected coastal communities, DOGAMI, 1999 (Large maps available at City Hall, Community Development Department.)
 - e. Tsunami Inundation Zone Maps – Florence, 2013
 - f. ~~Siuslaw Valley Fire/Rescue Disaster Plan~~ Western Lane Emergency Operations Group, Emergency Operations Plan, 2016 (under separate cover)

Amend Introduction: Definitions section as follows. Only the amended portions are

Definitions

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR, V, VO, V1-30, or VE. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

~~**FLOODWAY.** The normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot in-~~

crease in upstream flood elevations. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Amend Chapter 7 as follows. Only the amended portions are shown below.

Chapter 7 Development Hazards and Constraints

Policies

3. All new development shall conform to City Code, the adopted Building Code and National Flood Insurance Program requirements in ~~flood-prone areas~~ Areas of Special Flood Hazard.

Flooding

On ~~in~~ June 5, 1999~~2020~~, the revised Federal Emergency Management Agency (FEMA) ~~flood Insurance Rate Map area maps~~ became effective. The 1999 revision included together with a requirement for elevation certificates for structures in the flood-plain. The FEMA 1999 maps revision included an expanded North Fork floodplain impacting residences and businesses on Lower Munsel Lake Creek Road. According to local knowledge of historic flooding trends over the past 50 or more years, the 1999 FEMA maps included areas which have never flooded. Beginning in 2000 and continuing through 2005 the ~~The~~ City is ~~working~~ with FEMA and property owners to apply for an area-wide map correction. Several landowners had ~~ve~~ already applied for and received individual map amendments for their properties. The revised June 2020 FIRM found the lots or structures for which the corrections were issued to be outside the Special Flood Hazard Area.

~~Several landowners have already applied for and received individual map amendments for their properties. The Maps and Study, June 5, 2020~~1999~~, are recognized as the official floodplain maps and study and are included by reference in Appendix 7 of this Plan, ~~subject to any revision agreed to in resolution of the North Fork area of dispute~~. The City's Floodplain Ordinance was updated to meet federal requirements in ~~1999~~2019. The amendments were approved by the ~~State Flood Management Office Oregon Department of Land Conservation and Development~~.~~

A Floodplain Development Permit, eElevation certificates and substantial improvement/damage assessments are required as part of applications for a building permit. Groundwater flooding is addressed under stormwater which is covered in Chapter 11, Utilities and Facilities Management.

EXHIBIT C Ordinance 2, Series 2020

Title 10 Chapter 2 -- Only those sections proposed for amendment listed.

TITLE 10 CHAPTER 2

GENERAL ZONING PROVISIONS

10-2-13: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

FLOODWAY

~~The normal stream channel and that adjoining areas of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."~~

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 2, Series 2000
Amended by Ordinance No. 12, Series 2002
Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009
Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11
Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12
Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13
Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Sections 10-2-13 and 10-2-14 amended by Ord. No. 11, Series 2016 (effective 11-16-16)
Section 10-2-13 amended by Ord. No. 4, Series 2018 (effective 6-21-18)
Section 10-2-13 amended by Ord. No. 13, Series 2018 (effective 11-21-18)
Section 10-2-4, 10-2-9, 10-2-13 amended by Ord. 7, Series 2019 (effective 12-18-19)
Section 10-2-13 amended by Ord. 2, Series 2020 (effective 6-5-20)

Ordinance No. 2, Series 2020

Exhibit D

FIS Update

Is available on the City of
Florence website at

<https://www.ci.florence.or.us/council/city-council-meeting-183>

Ordinance No. 2, Series 2020

Exhibit E

FIRM Update

Is available on the City of
Florence website at

<https://www.ci.florence.or.us/council/city-council-meeting-183>

**CITY OF FLORENCE
PLANNING COMMISSION**

PC 20 02 CPA 01/PC 20 03 TA 01

A RECOMMENDATION TO THE CITY COUNCIL TO AMMEND FLORENCE CITY CODE TITLE 10 CHAPTER 2 AND FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN TABLE OF CONTENTS, INTRODUCTION, CHAPTER 7, AND APPENDIX 7A TO ADOPT REVISED FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY AND A HOUSEKEEPING AMENDMENT TO THE COMPREHENSIVE PLAN TABLE OF CONTENTS TO REFLECT UPDATED PLANS AND MAPS PREVIOUSLY ADOPTED OR ACKNOWLEDGED BY THE FLORENCE CITY COUNCIL.

WHEREAS, Application was made through initiation by the City Council to amend Florence City Code, as required by FCC 10-1-3-C; and

WHEREAS, the notice was sent to the Department of Land Conservation and Development on February 18, 2020, not less than 35 days prior to the first evidentiary hearing; and

WHEREAS, notice was sent to all property owners who may be affected by the proposed regulations, as required by ORS 227.186(4); and

WHEREAS, the Planning Commission met in a duly noticed public hearing on March 24, 2020 as outlined in Florence City Code 10-1-3-C, to consider and review the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission determined per FCC 10-1-3, that the proposal meets the criteria; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Florence finds based on the Findings of Fact and evidence in record:

The proposed amendments shown in Exhibits "B", "C", "D", and "E", meet the applicable criteria in Florence City Code, the Florence Realization 2020 Comprehensive Plan and Oregon Revised Statutes and Oregon Administrative Rules. The Planning Commission recommends approval of the code amendments to the Florence City Council.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 24th day of March 2020.



JOHN MURPHEY, Chairperson
Florence Planning Commission



DATE



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

December 5, 2019

The Honorable Joe Henry
Mayor, City of Florence
250 Highway 101
Florence, Oregon 97439

Community: City of Florence,
Lane County, Oregon
Community No.: 410123
Map Panels Affected: See FIRM Index

Dear Mayor Henry:

On December 4, 2018, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Florence. The statutory 90-day appeal period that was initiated on December 18, 2018, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in the *Register Guard*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, will be effective as of June 5, 2020, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to June 5, 2020, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply, and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(e);
 2. Adopting all the standards of Paragraph 60.3(e) into one new, comprehensive set of regulations;
- or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

David Ratté
Regional Engineer, FEMA Region 10
130 – 228th Street, S.W.
Bothell, Washington 98021 – 9796
(425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal*

Regulations, Answers to Questions About the NFIP, Use of Flood Insurance Study (FIS) Data as Available Data, Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures, and National Flood Insurance Program Elevation Certificate and Instructions, can be found on our website at <https://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', written in a cursive style.

Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Wendy Farley-Campbell, Planning Director, City of Florence

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: April 20, 2020
Department: Planning

ITEM TITLE: Ordinances 3 & 4, Series 2020: Public Hearing
4781 Treewood Ct. Annexation and Zone Assignment

DISCUSSION/ISSUE:

Note: The Findings of Fact are the same for the Annexation (Ord. 3 – Exhibit B) and the Zoning Assignment (Ord. 4 – Exhibit B).

Proposal Summary:

Annexation: One property is under consideration:

- **Property:** 18-12-15-22 Tax Lot 05500 (4781 Treewood Court)

Zoning: The property would be assigned Medium Density Residential zoning, corresponding to its Florence Realization 2020 Comprehensive Plan designation of Medium Density Residential.

Process: Petition to annex was received from the applicant on December 19, 2020, when the property was under different ownership. After closing the property sale, a new petition was received from the new owner on March 17, 2020. The sole owner of the territory submitted a petition to annex into the City; there was one resident elector, who submitted a petition as well; and the proposed territory was contiguous with the city limits; therefore, no initiation of the annexation was required and the application went directly to the Planning Commission.

Planning Commission held a public hearing on March 24, 2020, and unanimously approved Resolutions PC 19 27 ANN 01 and PC 19 28 ZC 01, recommending approval of the annexation and zone assignment, respectively, to the City Council.

As per ORS 222.170, after a public hearing is held in accordance with ORS 222.120, properties may be annexed without an election if consent is submitted in writing before the date of the hearing from parties who represent more than half of the owners of land in the territory, who own more than half of the land in the contiguous territory and of real property therein, and who represent more than half of the assessed value of all real property in the contiguous territory. This is also called the triple majority method. In this case, 100% of the property owners owning all of the land and all of the assessed value consented to annexation prior to the Council hearing date.

Access & Utilities:

Sewer is available from Rhododendron Drive. The City's sewer systems contain excess peak capacity of .55 million gallons per day.

Water will continue to be provided by Heceta Water People's Utility District. Fire services will continue to be provided by Siuslaw Valley Fire and Rescue.

Public Safety will be transferred from the Lane County Sheriff's office to the Florence Police Department.

Vehicular access is from Treewood Court. Referral Comments were provided by Danielle Stanka of the Lane County Public Works Department stating that the County had no concerns and saw no impacts on roads in Lane County jurisdiction.

FISCAL IMPACT:

The property is developed. The property will begin assessment of city taxes in the next tax year. Future development of this property, including connection to City systems for existing structures and uses will include payment of systems development charges as well as utility connection fees upon connection to sewer services.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery. Sustain and improve delivery of cost effective and efficient services.
Objective 18: Organized growth opportunities

ALTERNATIVES:

1. Approve Ordinance Nos. 3 & 4, Series 2020, as presented or with modifications; or
2. Deny the petition for annexation and zone assignment through resolution with reasons for the denial; or
3. Continue the public hearing or leave the written record open.

RECOMMENDATION:

Planning Commission: On March 24th, the Planning Commission recommended approval of the annexation and zone assignments as presented in Ordinances 3 & 4, Series 2020.

Staff: Concurs with the Planning Commission's recommendation.

AI5 PREPARED BY: Dylan Huber-Heidorn, Assistant Planner

**CITY MANAGER'S
RECOMMENDATION:**

Approve

Disapprove

Other

Comments:

ERReynolds

ITEMS ATTACHED:

Ordinance No. 3, Series 2020

Exhibit A Map of Annexation Area

Exhibit B Findings of Fact

Ordinance No. 4, Series 2020

Exhibit A Map of Rezoning Area

Exhibit B Findings of Fact

Other Attachments

Attachment 1 Petitions for Annexation

Attachment 2 Property Legal Description

Attachment 3 Lane County Transportation Referral Comment

Attachment 4 CenturyLink Referral Comment

Attachment 5 Lane County LMD Referral Comment

**CITY OF FLORENCE
ORDINANCE NO. 3, SERIES 2020**

**AN ORDINANCE APPROVING THE ANNEXATION OF 4781 TREEWOOD COURT,
ASSESSOR'S MAP 18-12-15-22 TAX LOT 05500**

RECITALS:

1. The City of Florence was petitioned by the property owner, Cathy Lacy, on March 17, 2020, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The City Council of the City of Florence is authorized by Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act on annexations to the City.
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. ORS 222.170 (2) requires that annexations be initiated by owners of more than half the land and the consent of the majority of electors residing on the affected properties.
5. A signed petition to annex was received constituting 100% of the property owners and electors of the lots included in the petition for annexation.
6. The City of Florence is not including additional lands to be annexed inside the city limits as provided under triple majority annexation, though the three conditions for a triple majority annexation have been met: more than half of the owners of land in the territory consent in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex represent more than half of the assessed value of property in the territory.
7. The Planning Commission met in a public hearing on March 24, 2020, after giving the required notice per FCC 10-1-1-6 to consider the proposal, evidence in the record, and testimony received.
8. The Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Realization 2020—the city's acknowledged Comprehensive Plan—and they adopted findings of fact in support of the annexation.
9. The City Council met on April 20, 2020, after giving the required notice per FCC 10-1-1-6, to consider the proposal, evidence in the record, and testimony received.
10. The City Council on April 20, 2020, found that the request met the applicable criteria and that the property could adequately be served.

11. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation, and the City Council adopted Ordinance No. 4, Series 2020 zoning the annexed property as Medium Density Residential, consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence approves the annexation of territory owned by the petitioner into the City of Florence as described in Exhibit A.
2. This annexation is based on the Findings of Fact in Exhibit B and evidence in the record.
3. The City Recorder is hereby directed to file certified copies of this Ordinance with the Oregon Secretary of State's Office consistent with the requirements of that office 90 days prior to the general election in order for the annexation to be effective upon filing pursuant to ORS 222.040(1) and 222.180(1).
4. The City Recorder is also hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office, Lane County Chief Deputy Clerk and Oregon Department of Revenue pursuant to state law.

ADOPTION:

First Reading on the 20th day of April, 2020.

Second Reading on the 20th day of April, 2020.

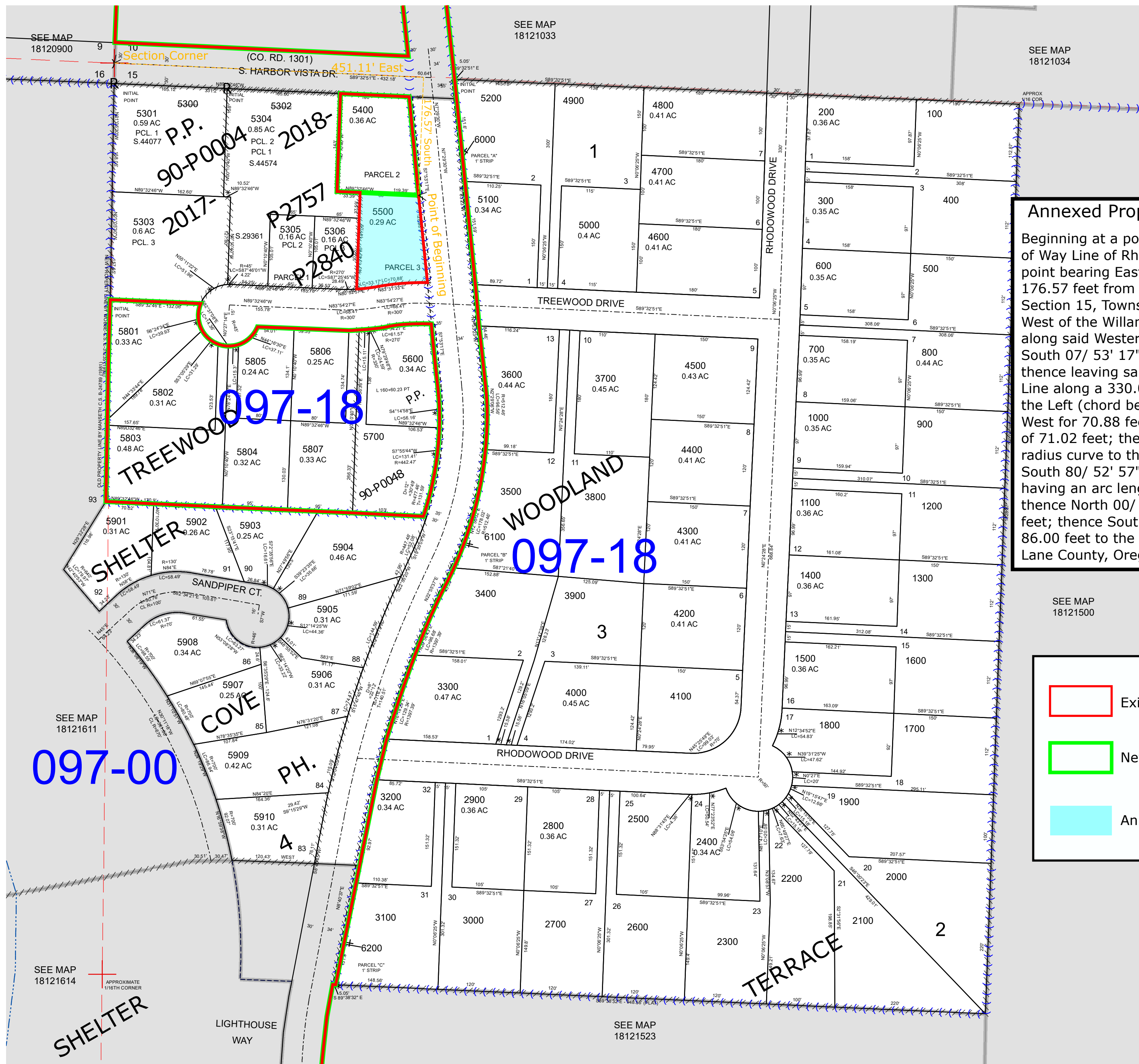
This Ordinance is passed and adopted on the 20th day of April, 2020.

AYES Councilors:
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder



Annexed Property Description:
 Beginning at a point on the Western Right of Way Line of Rhododendron Drive, said point bearing East 451.11 feet and South 176.57 feet from the Northwest corner of Section 15, Township 18 South, Range 12 West of the Willamette Meridian ; thence along said Western Right of Way Line South 07/ 53' 17" East for 128.38 feet ; thence leaving said Western Right of Way Line along a 330.00 foot radius curve to the Left (chord bears South 83/ 31' 33" West for 70.88 feet) having an arc length of 71.02 feet; thence along a 270.00 foot radius curve to the Right (chord bears South 80/ 52' 57" West for 33.17 feet) having an arc length of 33.19 feet ; thence North 00/ 10' 40" West for 141.09 feet; thence South 89/ 32' 46" East for 86.00 feet to the Point of Beginning, in Lane County, Oregon.

SEE MAP
18121500

- Existing City Boundary
- New City Boundary
- Annexed Property

SEE MAP
18121611

097-00

SEE MAP
18121614

SEE MAP
18121523

REVISIONS
 11/20/2006 - LCAT 142 - CONVERT MAP TO GIS
 08/12/2011 - LCAT 174 - CANCEL TL 5300 INTO 2017-P2757
 01/17/2019 - LCAT 148 - CANCEL TL 5302 INTO 2018-P2840

Exhibit B

FINDINGS OF FACT

Ordinance 3, 2020: Exhibit “B”

Ordinance 4, 2020: Exhibit “B”

Public Hearing Date: April 20, 2020

Date of Report: April 14, 2020

Application: CC 19 04 ANN 01 Annexation – 4781 Treewood Ct.
CC 19 05 ZC 01 Zoning – 4781 Treewood Ct.

I. PROPOSAL DESCRIPTION

Proposal: Annexation

A request for the City of Florence to annex property from Lane County into the City.

Rezoning

A request, upon annexation, for the property to be zoned with a city zoning district. The corresponding zoning district matching the property’s comprehensive plan designation is Medium Density Residential.

Petitioners/Applicant: Lucy Cathy Larsen (owner at time of this report)
Kristy L. Nye (owner of record at time of application)
Andy Johnson (applicant)

Applicant Representatives & Associated Property:

Andy Johnson (owner’s representative)
Assessor’s Map 18-12-15-22 Tax lot 05500
Parcel 3 of Land Partition Plat 90-P0004, filed May 14, 1990, in Lane County, Oregon

Comprehensive Plan Map Designation: Medium Density Residential

Surrounding Land Use / Zoning:

Site: Single-family residence | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
North: Single-family residence | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
South: Single-family residences | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
East: Single-family residence | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)
West: Vacant | Medium Density Residential District

Streets / Classification: West – none; South – Treewood Ct. / Local; East – Rhododendron Dr. / Minor Arterial; North – None

II. NARRATIVE

The applicant has petitioned for the annexation of a .29-acre residential property from Lane County jurisdiction to City of Florence jurisdiction. The property is in a predominantly residential area of the city which has seen several annexations in recent years.

The property was sold to a new owner during the time between the initial application and the date of this report. A petition for annexation was received from the prior owners at the time of application, December 19, 2019. A revised petition from the new owner—who is also the only elector residing on the property—was received on March 17, 2020. The application was deemed complete as of December 19, 2020.

State law requires written authorization from all owners of a property and from at least 50% of electors residing on the property to petition for annexation without an election. This type of annexation is known as a “Double Majority” annexation (ORS 222.125). Once the City has received a signed petition from the property owner, staff will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). The annexation and zoning assignment will be processed as a quasi-judicial hearing to determine the Planning Commission’s recommendations to the Florence City Council.

The property is currently served by Heceta Water PUD. After annexation, the property will be provided City services such as sewer and police protection from adjacent Rhododendron Drive. The property is within the Siuslaw Rural Fire Protection District. The property will continue to be served by all districts by which it is currently served.

The property’s wastewater septic system is failing. The home on the property would be connected to the City of Florence’s sewer system via a new sewer line in Treewood Court connecting to the existing sewer system in Rhododendron Drive.

On March 24, 2020, the Florence Planning Commission unanimously approved Resolutions PC 19 27 ANN 01 and PC 19 28 ZC 01, thereby recommending approval of the annexation request and zone assignment to the Florence City Council. The only condition of approval included in the Resolutions pertained to the provision of a legal property description. The applicant has since provided such a description, and the condition of approval is no longer needed.

III. PUBLIC NOTICE

Notice of the City Council’s public hearing was mailed on March 31, 2020, to property owners within 300 feet of the proposed annexation area. Notice was published in the Siuslaw News on April 4 and April 8, 2020. On April 8, 2020, notices were posted at Florence City Hall, the Florence Post Office, Florence Public Works, and the Florence Event Center.

Public Comments:

At the time of this report, the City had received one public comments on this application. Ronald McCrary appeared at the Planning Commission public hearing on March 24, 2020, to

testify on the proposal. Mr. McCrary's stated that he owns property on Treewood Drive, and that he hopes city sewer infrastructure can be extended to properties like his at a reasonable cost.

IV. REFERRALS

On March 31, 2020, referrals were sent to the Florence Public Works, Building, and Police Departments; Lane County Transportation, Surveyor, Tax Assessor, Land Management, and Environmental Health Departments; the U.S. Post Office; OregonFast.net; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Heceta Water PUD; Central Coast Disposal; County Transfer and Recycling; and Siuslaw Valley Fire and Rescue.

Referral Comments:

At the time of this report, the City had received referral comments from Lane County Transportation, Lane County Land Management Division, and CenturyLink indicating that none of the organizations had substantive comments or perceived conflicts with the proposal.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 14: Urbanization, Policies 1 and 3 through 7

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: Zoning Regulations

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

Chapter 10: Residential Districts, Section 1

VI. FINDINGS OF FACT

The following findings support Ordinances 3 and 4, Series 2020, and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, and State Statutes.

Applicable criteria and policies are shown in **bold text**, followed by findings of consistency in plain text.

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 2: Land Use

Policies

6. **“The City shall conduct an internal review at least once every three years to assess the capacity of sewer, water and stormwater systems including three-year projections of additional consumption using a three percent growth rate.”**

As stewards of public funds, the City of Florence assesses its infrastructure using population growth projections consistent with annual estimates provided by The Population Research Center of the College of Urban and Public Affairs at Portland State University. Recent projects, such as the most recent utility plan update, have been undertaken with a projected growth rate of less than 1%.

The annexation proposal is consistent with the intent of this policy. The provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a >1% growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed property. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents, consistent with the direction in this policy.

Residential

Goal

To create residential living environments that satisfy a wide variety of local and regional population needs and desires and add long-term community value.

Policies

7. **Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.**
10. **Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.**

Currently, this land is zoned Suburban Residential by Lane County and has been developed with a single-family home. The implementing zone for this area is Medium Density Residential. Any future development will be in accordance with the implementing zoning district.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and 10,000-3,000 square feet, depending on the development type (Quadplex and single family attached, respectively), for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Medium Density. Single family homes, manufactured homes meeting certain minimum standards, and duplexes are allowed. Tri and quad-plexes, and cluster housing are allowed with a conditional use.

The applicant has proposed the annexation and zone assignment of Medium Density Residential. This proposal meets all the requirements of this zone such as minimum lot size and width outlined in Title 10 Chapter 10.

Chapter 14: Urbanization

Goal

To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses.

This proposal is consistent with this Urbanization goal, because the proposed annexation provides for an orderly and efficient transition from County/rural land uses to City/urban land uses, as follows:

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via right-of-way to the south and east and previously annexed private property to the west; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area. The annexation will allow the provision of City sewer to the property being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid future septic drain field repairs and inefficient use of open space for drain fields on the lot.

Annexation Policies

- 1. The procedures of ORS 222.840 et. Seq. (Health Hazard Abatement) shall be initiated if needed to remove dangers to public health. In the absence of a**

need for health hazard abatement annexation procedures, any annexation of county territory to the City of Florence shall utilize an annexation method allowable by state law that requires a majority of consents, and shall not utilize the “island annexation” procedures set forth by ORS 222.750.

The proposed annexation has been initiated by the property owner in order to receive City services and voluntarily abate issues stemming from a failing septic drain field. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” This policy criterion is met.

The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits.

3. Conversion of lands within the UGB outside City limits shall be based on consideration of:

a) Orderly, economic provision for public facilities and services:

The proposed annexation is consistent with Policy 3(a). because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer, water, storm drainage, streets, fire and police protection, power, and communications. The utility services have the capacity to serve the property within the proposed annexation, and the services and facilities can be provided in an orderly and economic manner, as described in detail below. The annexation request is not intended to address details about placement of individual utility lines or other development level utility details.

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed uses without negatively affecting existing customers. Currently the Waste Water Treatment Plant has an excess capacity of .55 million gallons daily.

Water: The property is served by a connection to Heceta Water People's Utility District services within the Rhododendron Dr. right-of-way. A hydrant is available on Rhododendron Dr., directly adjacent to the subject property, but its capabilities are not known.

Stormwater: There will be no change in the handling of stormwater upon annexation. Upon any redevelopment, the property will be expected to meet City Code, retaining all stormwater on-site.

Streets: The property will be accessed via Treewood Court, which is under City of Florence jurisdiction and maintenance responsibility. City maintenance responsibility ends at Rhododendron's intersection with Sebastian Street. The existing and any future usage (vehicular trips) made available by annexation and zone change can be accommodated by

the surrounding platted street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

Fire and Life Safety: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. Hydrant availability is discussed under the “Water” section above. Western Lane Ambulance District provides emergency medical support and transportation services to the annexation area.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will expand their current emergency response service to patrol and respond to calls for the subject property.

Power: Central Lincoln People’s Utility District currently provides electricity to the annexation area and will continue to do so following the annexation.

Communications: CenturyLink currently provides phone service to the area and will continue to do so following the annexation. Other utility companies such as Charter and OregonFAST.net provide other communications services and will continue to do so following the annexation. In addition, there are a number of cellular phone companies that provide service in the area.

b) conformance with the acknowledged City of Florence Comprehensive Plan;

This proposal is consistent with this policy. The Florence Realization 2020 Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) and is the acknowledged Plan for the City of Florence. As demonstrated in these findings of fact, the annexation proposal is in conformance with this acknowledged Plan.

c) consistency with state law.

The annexation proposal is consistent with this policy because the proposal is consistent with state law, as presented below in the review of Oregon Revised Statutes.

- 4. The City will send a referral requesting comments on annexations to Lane County. The Comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.**

Staff sent referral requests to Lane County on March 16 and March 31, 2020.

- 6. Annexed properties shall pay systems development charges as required by City Code.**

The applicant will be required to pay the project costs to extend sewer services where they do not currently exist. The addition of the existing single-family home to the city’s sewer services will necessitate payment of applicable systems development charges. Any undeveloped property and expansions to developed properties will be charged systems development charges commensurate with their impacts on the systems.

7. **As a matter of public policy, Lane County and the City of Florence share a substantial interest in development within the Urban Growth Boundary. In order to receive a full range of urban services provided by the City of Florence, development within the Urban Growth Boundary shall require annexation. However, it is also recognized that until annexation Lane County will retain primary permitting responsibility for those lands.**

Lane County provides services and administers jurisdiction to all properties outside of the City of Florence and within the Urban Growth Boundary. After the completion of annexation, the City of Florence will be the responsible jurisdiction for development of the property.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

The proposed annexation area is located within the urban growth boundary of the City of Florence. The proposed annexation is contiguous to the City from the west, south, and east, and the area is wholly within Lane County.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

This proposal for annexation of the subject property was initiated by petition to the legislative body of the City by the owners of real property in the territory to be annexed. This criterion is met.

(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

The annexed property will pay property taxes at the same rate as other properties within the City consistent with Oregon laws governing taxation. This proposal for annexation did not include a tax differential schedule as allowed in this statutory section.

(4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

The annexation area is within the Siuslaw Valley Fire and Rescue District, Heceta Water PUD, which is a rural fire protection district named in ORS 222.510, but not named in ORS 222.465. The annexation area will not be withdrawn from the Fire District and thus will remain within the Siuslaw Valley Fire and Rescue District.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

Resolution No. 8, Series 2008, adopted by the City Council, the legislative body of the City, on April 21, 2008, expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consents from 100% of the owners and electors within the proposed annexation area, as allowed in ORS 222.170; therefore, an election is not required.

ORS 222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 8, Series 2008 expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city

shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 8, Series 2008 expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council will hold a duly advertised public hearing on April 20, 2020, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The City Council public hearing was noticed as required by Florence City Code. Notice of the public hearing was published in the Siuslaw News on April 4 and April 8, 2020. Notices were posted in four public places: Florence City Hall, Public Works, Florence Event Center, and Post Office on April 8, 2020.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

The proposed annexation is contiguous to the City limits as described. At the time of this report, procedures for public hearings and other meetings have been revised in light of the ongoing COVID-19 pandemic, but adequate provisions are in place to allow the function of the legislative body and a decision on this proposal. If approved, an Ordinance containing a legal description will be passed, as required under **(b)**, showing that the landowners consented in writing to the annexation consistent with ORS 222.170.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if

the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

The property will not be withdrawn from the Siuslaw Valley Fire and Rescue as discussed above.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

The Ordinance that would be passed by City Council will be subject to referendum per ORS 222.170 (1) and 222.170 (2).

(7) For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel’s land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.”

As of the date of initial application for annexation, written consent from the property owner was received by the City on a petition requesting annexation to the City. The current owner acquired the property with knowledge of the application. The property is not under multiple ownership, nor is it owned by a corporation.

ORS 222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires a state process that calls for obtaining majority consent.

ORS 222.170 Effect of consent to annexation by territory; proclamation with and without city election.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.”

There is one elector within the proposed annexation area, who is also the sole property owner. The written consent from the property owner was signed prior to April 20, 2020, and received before the City Council held the public hearing required by ORS 222.120.

(3) “Annexed properties shall pay system development charges as required by City Code.”

The proposed annexation is consistent with Policy 3 because Florence City Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges. Systems development charges will be paid upon connection to City utilities and upon further development on the property.

ORS 222.840 (Short title) to 222.915 Health Hazard Abatement Law

ORS 222.840 (Short title) to 222. 915 (Application of ORS 222.840 to 222.915) shall be known and may be city as the Health Hazard Abatement Law

The proposed annexation is being voluntarily pursued by the applicant and property owner as described. The processes of this ORS do not apply.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6: TYPES OF REVIEW PROCEDURES:

10-1-1-6-4: TYPE IV PROCEDURE (LEGISLATIVE)

D. Notice of Hearing:

- 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).**

The applicant has proposed an annexation and zoning assignment for their property. There will be at least two public hearings as part of this process.

10-1-2-3: ZONING OF ANNEXED AREAS: The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning district shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).

The zoning district corresponding to the subject property's Comprehensive Plan designation is Medium Density Residential. The Medium Density Residential zone will be assigned upon approval of the request from Council and finalization of the annexation process with the county and state.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

- 4. Planning Commission Review:** The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

On March 24, 2020, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings. The Planning Commission voted unanimously in favor of Resolutions PC 19 27 ANN 01 and PC 19 28 ZC 01, thereby recommending to the City Council that the proposed annexation and zone assignment be approved.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

- B. Medium Density Residential (MDR):** The Medium Density Residential District is intended to provide a quality environment for medium density, urban residential uses and other compatible land uses determined to be necessary and/or desirable.

The subject property's defining use is as a single-family residence. The proposed Medium Density Residential zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation (Medium Density) assigned to the single-family residences in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

VII. CONCLUSIONS

The evidence in the record demonstrates that the annexation and zone assignment are consistent with the policies set forth in state statutes, Florence City Code, and the Florence Realization 2020 Comprehensive Plan, based on the findings.

**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2020**

**AN ORDINANCE ESTABLISHING MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT
TO 4781 TREETWOOD COURT, ASSESSOR'S MAP 18-12-15-22 TAX LOT 05500**

RECITALS:

1. Florence City Code (FCC) Title 10, Chapter 1, Section 2-3 provides that Council may establish zoning and land use regulations that become effective on the date of annexation.
1. The City of Florence was petitioned by the property owner, Cathy Lacy, on March 17, 2020, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The Planning Commission met on March 24, 2020, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on March 24, 2020, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with the City's acknowledged Realization 2020 Comprehensive Plan and adopted findings of fact in support of the annexation and zoning assignment.
4. The City Council met in a public hearing on April 20, 2020, after giving the required notice per FCC 10-1-1-6, to consider the proposal, evidence in the record, and testimony received.
5. The City Council deliberated on April 20, 2020, and found that the subject property is plan designated Medium Density Residential in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Medium Density Residential consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 3, Series 2020, annexing the property as described in the Ordinance title above.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence approves the zoning of the property as Medium Density Residential as shown on the attached map Exhibit A.
2. This annexation is based on the Findings of Fact in Exhibit B and evidence in the record.

3. The City shall produce an updated Zoning Map that is filed with the City Recorder and bear the signature of the Planning Commission chairperson as required by FCC 10-1-2-2.
4. The City Recorder is hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office and the Lane Council of Governments.
5. Pursuant to FCC 10-1-2-3, the zoning established by this Ordinance will take effect on the effective date of the annexation approved in Ordinance No. 3, Series 2020.

ADOPTION:

First Reading on the 20th day of April, 2020

Second Reading on the 20th day of April, 2020

This Ordinance is passed and adopted on the 20th day of April, 2020.

AYES

Councilors:

NAYS

ABSTAIN

ABSENT

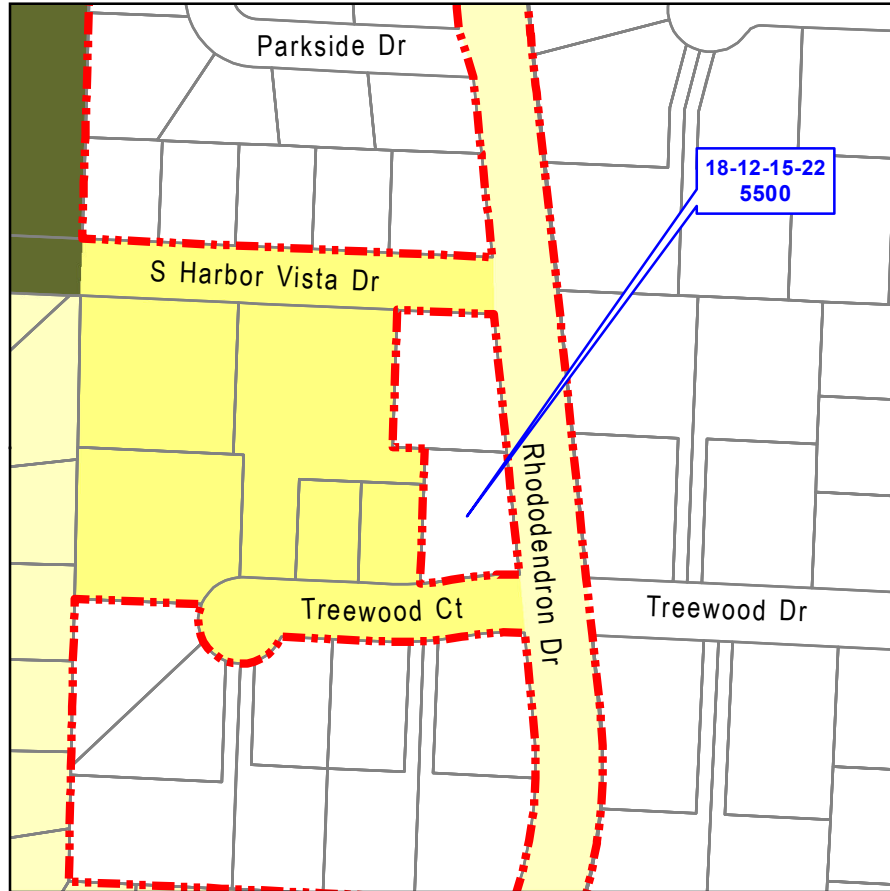
Joe Henry, Mayor

Attest:

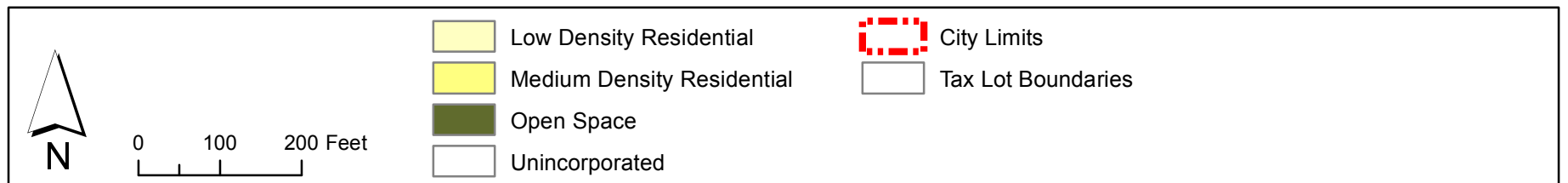
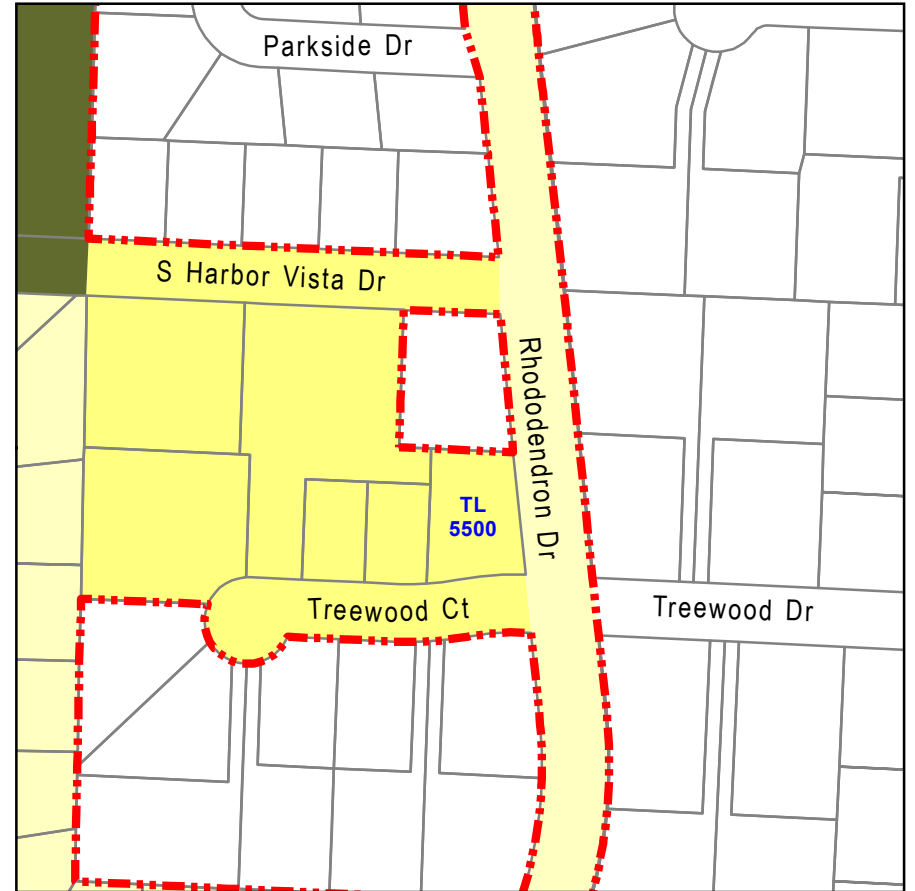
Kelli Weese, City Recorder

City of Florence Current and Proposed Zoning CC 19 05 ZC 01 – 4781 Treewood Ct. Zone Assignment Ordinance No. 4, Series 2020

Before Proposed Rezoning



After Proposed Rezoning



FINDINGS OF FACT

Ordinance 3, 2020: Exhibit “B”

Ordinance 4, 2020: Exhibit “B”

Public Hearing Date: April 20, 2020

Date of Report: April 14, 2020

Application: CC 19 04 ANN 01 Annexation – 4781 Treewood Ct.
CC 19 05 ZC 01 Zoning – 4781 Treewood Ct.

I. PROPOSAL DESCRIPTION

Proposal: Annexation

A request for the City of Florence to annex property from Lane County into the City.

Rezoning

A request, upon annexation, for the property to be zoned with a city zoning district. The corresponding zoning district matching the property’s comprehensive plan designation is Medium Density Residential.

Petitioners/Applicant: Lucy Cathy Larsen (owner at time of this report)
Kristy L. Nye (owner of record at time of application)
Andy Johnson (applicant)

Applicant Representatives & Associated Property:

Andy Johnson (owner’s representative)
Assessor’s Map 18-12-15-22 Tax lot 05500
Parcel 3 of Land Partition Plat 90-P0004, filed May 14, 1990, in Lane County, Oregon

Comprehensive Plan Map Designation: Medium Density Residential

Surrounding Land Use / Zoning:

Site: Single-family residence | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
North: Single-family residence | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
South: Single-family residences | Suburban Residential District (Interim Urban Combining District Overlay, Residential Development Shorelands Overlay)
East: Single-family residence | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)
West: Vacant | Medium Density Residential District

Streets / Classification: West – none; South – Treewood Ct. / Local; East – Rhododendron Dr. / Minor Arterial; North – None

II. NARRATIVE

The applicant has petitioned for the annexation of a .29-acre residential property from Lane County jurisdiction to City of Florence jurisdiction. The property is in a predominantly residential area of the city which has seen several annexations in recent years.

The property was sold to a new owner during the time between the initial application and the date of this report. A petition for annexation was received from the prior owners at the time of application, December 19, 2019. A revised petition from the new owner—who is also the only elector residing on the property—was received on March 17, 2020. The application was deemed complete as of December 19, 2020.

State law requires written authorization from all owners of a property and from at least 50% of electors residing on the property to petition for annexation without an election. This type of annexation is known as a “Double Majority” annexation (ORS 222.125). Once the City has received a signed petition from the property owner, staff will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). The annexation and zoning assignment will be processed as a quasi-judicial hearing to determine the Planning Commission’s recommendations to the Florence City Council.

The property is currently served by Heceta Water PUD. After annexation, the property will be provided City services such as sewer and police protection from adjacent Rhododendron Drive. The property is within the Siuslaw Rural Fire Protection District. The property will continue to be served by all districts by which it is currently served.

The property’s wastewater septic system is failing. The home on the property would be connected to the City of Florence’s sewer system via a new sewer line in Treewood Court connecting to the existing sewer system in Rhododendron Drive.

On March 24, 2020, the Florence Planning Commission unanimously approved Resolutions PC 19 27 ANN 01 and PC 19 28 ZC 01, thereby recommending approval of the annexation request and zone assignment to the Florence City Council. The only condition of approval included in the Resolutions pertained to the provision of a legal property description. The applicant has since provided such a description, and the condition of approval is no longer needed.

III. PUBLIC NOTICE

Notice of the City Council’s public hearing was mailed on March 31, 2020, to property owners within 300 feet of the proposed annexation area. Notice was published in the Siuslaw News on April 4 and April 8, 2020. On April 8, 2020, notices were posted at Florence City Hall, the Florence Post Office, Florence Public Works, and the Florence Event Center.

Public Comments:

At the time of this report, the City had received one public comments on this application. Ronald McCrary appeared at the Planning Commission public hearing on March 24, 2020, to

testify on the proposal. Mr. McCrary's stated that he owns property on Treewood Drive, and that he hopes city sewer infrastructure can be extended to properties like his at a reasonable cost.

IV. REFERRALS

On March 31, 2020, referrals were sent to the Florence Public Works, Building, and Police Departments; Lane County Transportation, Surveyor, Tax Assessor, Land Management, and Environmental Health Departments; the U.S. Post Office; OregonFast.net; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Heceta Water PUD; Central Coast Disposal; County Transfer and Recycling; and Siuslaw Valley Fire and Rescue.

Referral Comments:

At the time of this report, the City had received referral comments from Lane County Transportation, Lane County Land Management Division, and CenturyLink indicating that none of the organizations had substantive comments or perceived conflicts with the proposal.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 14: Urbanization, Policies 1 and 3 through 7

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: Zoning Regulations

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

Chapter 10: Residential Districts, Section 1

VI. FINDINGS OF FACT

The following findings support Ordinances 3 and 4, Series 2020, and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, and State Statutes.

Applicable criteria and policies are shown in **bold text**, followed by findings of consistency in plain text.

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 2: Land Use

Policies

- 6. “The City shall conduct an internal review at least once every three years to assess the capacity of sewer, water and stormwater systems including three-year projections of additional consumption using a three percent growth rate.”**

As stewards of public funds, the City of Florence assesses its infrastructure using population growth projections consistent with annual estimates provided by The Population Research Center of the College of Urban and Public Affairs at Portland State University. Recent projects, such as the most recent utility plan update, have been undertaken with a projected growth rate of less than 1%.

The annexation proposal is consistent with the intent of this policy. The provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a >1% growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed property. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents, consistent with the direction in this policy.

Residential

Goal

To create residential living environments that satisfy a wide variety of local and regional population needs and desires and add long-term community value.

Policies

- 7. Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.**
- 10. Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.**

Currently, this land is zoned Suburban Residential by Lane County and has been developed with a single-family home. The implementing zone for this area is Medium Density Residential. Any future development will be in accordance with the implementing zoning district.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and 10,000-3,000 square feet, depending on the development type (Quadplex and single family attached, respectively), for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Medium Density. Single family homes, manufactured homes meeting certain minimum standards, and duplexes are allowed. Tri and quad-plexes, and cluster housing are allowed with a conditional use.

The applicant has proposed the annexation and zone assignment of Medium Density Residential. This proposal meets all the requirements of this zone such as minimum lot size and width outlined in Title 10 Chapter 10.

Chapter 14: Urbanization

Goal

To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses.

This proposal is consistent with this Urbanization goal, because the proposed annexation provides for an orderly and efficient transition from County/rural land uses to City/urban land uses, as follows:

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via right-of-way to the south and east and previously annexed private property to the west; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area. The annexation will allow the provision of City sewer to the property being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid future septic drain field repairs and inefficient use of open space for drain fields on the lot.

Annexation Policies

- 1. The procedures of ORS 222.840 et. Seq. (Health Hazard Abatement) shall be initiated if needed to remove dangers to public health. In the absence of a**

need for health hazard abatement annexation procedures, any annexation of county territory to the City of Florence shall utilize an annexation method allowable by state law that requires a majority of consents, and shall not utilize the “island annexation” procedures set forth by ORS 222.750.

The proposed annexation has been initiated by the property owner in order to receive City services and voluntarily abate issues stemming from a failing septic drain field. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” This policy criterion is met.

The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits.

3. Conversion of lands within the UGB outside City limits shall be based on consideration of:

a) Orderly, economic provision for public facilities and services:

The proposed annexation is consistent with Policy 3(a). because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer, water, storm drainage, streets, fire and police protection, power, and communications. The utility services have the capacity to serve the property within the proposed annexation, and the services and facilities can be provided in an orderly and economic manner, as described in detail below. The annexation request is not intended to address details about placement of individual utility lines or other development level utility details.

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed uses without negatively affecting existing customers. Currently the Waste Water Treatment Plant has an excess capacity of .55 million gallons daily.

Water: The property is served by a connection to Heceta Water People's Utility District services within the Rhododendron Dr. right-of-way. A hydrant is available on Rhododendron Dr., directly adjacent to the subject property, but its capabilities are not known.

Stormwater: There will be no change in the handling of stormwater upon annexation. Upon any redevelopment, the property will be expected to meet City Code, retaining all stormwater on-site.

Streets: The property will be accessed via Treewood Court, which is under City of Florence jurisdiction and maintenance responsibility. City maintenance responsibility ends at Rhododendron's intersection with Sebastian Street. The existing and any future usage (vehicular trips) made available by annexation and zone change can be accommodated by

the surrounding platted street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

Fire and Life Safety: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. Hydrant availability is discussed under the “Water” section above. Western Lane Ambulance District provides emergency medical support and transportation services to the annexation area.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will expand their current emergency response service to patrol and respond to calls for the subject property.

Power: Central Lincoln People’s Utility District currently provides electricity to the annexation area and will continue to do so following the annexation.

Communications: CenturyLink currently provides phone service to the area and will continue to do so following the annexation. Other utility companies such as Charter and OregonFAST.net provide other communications services and will continue to do so following the annexation. In addition, there are a number of cellular phone companies that provide service in the area.

b) conformance with the acknowledged City of Florence Comprehensive Plan;

This proposal is consistent with this policy. The Florence Realization 2020 Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) and is the acknowledged Plan for the City of Florence. As demonstrated in these findings of fact, the annexation proposal is in conformance with this acknowledged Plan.

c) consistency with state law.

The annexation proposal is consistent with this policy because the proposal is consistent with state law, as presented below in the review of Oregon Revised Statutes.

- 4. The City will send a referral requesting comments on annexations to Lane County. The Comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.**

Staff sent referral requests to Lane County on March 16 and March 31, 2020.

- 6. Annexed properties shall pay systems development charges as required by City Code.**

The applicant will be required to pay the project costs to extend sewer services where they do not currently exist. The addition of the existing single-family home to the city’s sewer services will necessitate payment of applicable systems development charges. Any undeveloped property and expansions to developed properties will be charged systems development charges commensurate with their impacts on the systems.

7. **As a matter of public policy, Lane County and the City of Florence share a substantial interest in development within the Urban Growth Boundary. In order to receive a full range of urban services provided by the City of Florence, development within the Urban Growth Boundary shall require annexation. However, it is also recognized that until annexation Lane County will retain primary permitting responsibility for those lands.**

Lane County provides services and administers jurisdiction to all properties outside of the City of Florence and within the Urban Growth Boundary. After the completion of annexation, the City of Florence will be the responsible jurisdiction for development of the property.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

The proposed annexation area is located within the urban growth boundary of the City of Florence. The proposed annexation is contiguous to the City from the west, south, and east, and the area is wholly within Lane County.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

This proposal for annexation of the subject property was initiated by petition to the legislative body of the City by the owners of real property in the territory to be annexed. This criterion is met.

(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

The annexed property will pay property taxes at the same rate as other properties within the City consistent with Oregon laws governing taxation. This proposal for annexation did not include a tax differential schedule as allowed in this statutory section.

(4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

The annexation area is within the Siuslaw Valley Fire and Rescue District, Heceta Water PUD, which is a rural fire protection district named in ORS 222.510, but not named in ORS 222.465. The annexation area will not be withdrawn from the Fire District and thus will remain within the Siuslaw Valley Fire and Rescue District.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

Resolution No. 8, Series 2008, adopted by the City Council, the legislative body of the City, on April 21, 2008, expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consents from 100% of the owners and electors within the proposed annexation area, as allowed in ORS 222.170; therefore, an election is not required.

ORS 222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 8, Series 2008 expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city

shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 8, Series 2008 expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council will hold a duly advertised public hearing on April 20, 2020, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The City Council public hearing was noticed as required by Florence City Code. Notice of the public hearing was published in the Siuslaw News on April 4 and April 8, 2020. Notices were posted in four public places: Florence City Hall, Public Works, Florence Event Center, and Post Office on April 8, 2020.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section;
or

(c) Declare that the territory is annexed to the city where the Department of Human Services, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

The proposed annexation is contiguous to the City limits as described. At the time of this report, procedures for public hearings and other meetings have been revised in light of the ongoing COVID-19 pandemic, but adequate provisions are in place to allow the function of the legislative body and a decision on this proposal. If approved, an Ordinance containing a legal description will be passed, as required under **(b)**, showing that the landowners consented in writing to the annexation consistent with ORS 222.170.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if

the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

The property will not be withdrawn from the Siuslaw Valley Fire and Rescue as discussed above.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

The Ordinance that would be passed by City Council will be subject to referendum per ORS 222.170 (1) and 222.170 (2).

(7) For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel’s land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.”

As of the date of initial application for annexation, written consent from the property owner was received by the City on a petition requesting annexation to the City. The current owner acquired the property with knowledge of the application. The property is not under multiple ownership, nor is it owned by a corporation.

ORS 222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires a state process that calls for obtaining majority consent.

ORS 222.170 Effect of consent to annexation by territory; proclamation with and without city election.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.”

There is one elector within the proposed annexation area, who is also the sole property owner. The written consent from the property owner was signed prior to April 20, 2020, and received before the City Council held the public hearing required by ORS 222.120.

(3) “Annexed properties shall pay system development charges as required by City Code.”

The proposed annexation is consistent with Policy 3 because Florence City Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges. Systems development charges will be paid upon connection to City utilities and upon further development on the property.

ORS 222.840 (Short title) to 222.915 Health Hazard Abatement Law

ORS 222.840 (Short title) to 222. 915 (Application of ORS 222.840 to 222.915) shall be known and may be city as the Health Hazard Abatement Law

The proposed annexation is being voluntarily pursued by the applicant and property owner as described. The processes of this ORS do not apply.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6: TYPES OF REVIEW PROCEDURES:

10-1-1-6-4: TYPE IV PROCEDURE (LEGISLATIVE)

D. Notice of Hearing:

- 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).**

The applicant has proposed an annexation and zoning assignment for their property. There will be at least two public hearings as part of this process.

10-1-2-3: ZONING OF ANNEXED AREAS: The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning district shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).

The zoning district corresponding to the subject property's Comprehensive Plan designation is Medium Density Residential. The Medium Density Residential zone will be assigned upon approval of the request from Council and finalization of the annexation process with the county and state.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

- 4. Planning Commission Review:** The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

On March 24, 2020, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings. The Planning Commission voted unanimously in favor of Resolutions PC 19 27 ANN 01 and PC 19 28 ZC 01, thereby recommending to the City Council that the proposed annexation and zone assignment be approved.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

- B. Medium Density Residential (MDR):** The Medium Density Residential District is intended to provide a quality environment for medium density, urban residential uses and other compatible land uses determined to be necessary and/or desirable.

The subject property's defining use is as a single-family residence. The proposed Medium Density Residential zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation (Medium Density) assigned to the single-family residences in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

VII. CONCLUSIONS

The evidence in the record demonstrates that the annexation and zone assignment are consistent with the policies set forth in state statutes, Florence City Code, and the Florence Realization 2020 Comprehensive Plan, based on the findings.

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the request for annexation to the City of Florence. With these signatures, we are verifying that we have the authority to consent to annexation as the property owner(s) and/or elector(s) or on behalf of our corporation, business, or agency.

The property to be annexed is as follows: 4781 Treewood Ct.

[Parcel 3, of Partition Plat No. 90-00004 Filed May 14, 1990, Lane Co. Oregon Official Records, in Lane Co. Oregon]

Assessors Map Reference and Tax Lot: 18-12-15-22-TL 5500

Property Address (if appropriate): 4781 Treewood Ct.

Property Owner./Electors Name(s):

Cathy Lacy

Signature(s):

(X)

Cathy Lacy

dotloop verified
03/16/20 4:28 PM PDT
QKYU-QR9Q-FWMT-7BBA

(X)

03/17/2020

Date:

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the request for annexation to the City of Florence. With these signatures, we are verifying that we have the authority to consent to annexation as the property owner(s) and/or elector(s) or on behalf of our corporation, business, or agency.

The property to be annexed is as follows: *4781 Treewood Ct.*

Assessors Map Reference and Tax Lot: *18-12-15-22-TL 5500*

Property Address (if appropriate): *4781 Treewood Ct.*

Property Owner /Electors Name(s):

Kristy L. (Anderson) Nye

represented by Andy Johnson

Coldwell Banker Const Real Estate

Signature(s):

X 

Date:

12/18/19



Attachment 2

After Recording Return To
First American Title
2892 Crescent Ave.
Eugene, Oregon 97408



After recording return to:
Kristy L. Anderson
04781 Treewood Drive
Florence, OR 97439

Until a change is requested all tax
statements shall be sent to the
following address:
Kristy L. Anderson
04781 Treewood Drive
Florence, OR 97439

File No.: 7193-2337704 (CSK)
Date: October 21, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

Lane County Clerk
Lane County Deeds & Records

2015-003349

01/28/2015 03:01:35 PM

RPR-DEED Cnt=1 Stn=7 CASHIER 02 2pages
\$10.00 \$11.00 \$10.00 \$21.00

\$52.00

STATUTORY WARRANTY DEED.

Gary E. Lee, Grantor, conveys and warrants to **Kristy L. Anderson and George K Anderson, not as tenants in common, but with rights of survivorship**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

Parcel 3 of Land Partition Plat 90-P0004, filed May 14, 1990, in Lane County, Oregon.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$155,000.00**. (Here comply with requirements of ORS 93.030)

Dylan Huber-Heidorn

From: STANKA Danielle E <danielle.stanka@lanecountyor.gov>
Sent: Tuesday, March 17, 2020 2:07 PM
To: Dylan Huber-Heidorn
Cc: GALLUP Steve S (LCPW); VARTANIAN Sasha L
Subject: [Suspected SPAM] Referral: 4741 Treewood Ct. Annexation and Zone Change - PC 19 27 ANN 01 & PC 19 28 ZC 01

Importance: Low

Hello,

Lane County Transportation Planning does not have any comments for this referral since the subject property does not front a Lane County road nor does the proposal impact a Lane County road.

Thank you

Danielle Stanka, EIT
Engineering Analyst
Lane County Public Works
Transportation Engineering Services
3040 N Delta Hwy, Eugene, OR 97408
Office: 541.682.6996



Attachment 4

Dylan Huber-Heidorn

From: Pilon, Luke <Luke.Pilon@centurylink.com>
Sent: Tuesday, March 17, 2020 1:51 PM
To: Dylan Huber-Heidorn
Subject: RE: Referral: 4741 Treewood Ct. Annexation and Zone Change - PC 19 27 ANN 01 & PC 19 28 ZC 01

Categories: Storage

CenturyLink has no problem with this request. There aren't any conflicts.

Luke Pilon

ENGINEER II

CenturyLINK

Voice: 541-484-7827 |

Email: Luke.Pilon@CenturyLink.com

1762 W. 2nd Ave. Eugene, OR 97402



From: Dylan Huber-Heidorn <Dylan.HH@ci.florence.or.us>
Sent: Monday, March 16, 2020 4:36 PM
To: planningdepartment <planningdepartment@ci.florence.or.us>
Subject: Referral: 4741 Treewood Ct. Annexation and Zone Change - PC 19 27 ANN 01 & PC 19 28 ZC 01

Good afternoon,

Your agency has been selected to review this application prior to the Community Development Department's decision so that you may have an opportunity to respond.

Land Use Applications PC 19 27 ANN 01 & PC 19 28 ZC 01 – 4741 Treewood Ct. Annexation

A request from Andy Johnson, on behalf of Kristy L. Nye, to annex a .29-acre property and apply City of Florence zoning. The property is located on the northwest corner of the intersection of Rhododendron Drive and Treewood Court, at Assessors Map 18-12-15-22 Tax Lot 05500. The property is proposed to be zoned Medium Density Residential, governed by Florence City Code Title 10, Chapter 10.

Best regards,
Dylan Huber-Heidorn

Dylan Huber-Heidorn

Exhibit D

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: April 20, 2020
Department: Public Works

ITEM TITLE: Accept the low bid as submitted by Pleasant Hill Development Co. LLC for Rhododendron Drive Sewer Improvements – Treewood Court to S. Harbor Vista Drive.

DISCUSSION/ISSUE:

On April 9, 2020, bids were opened and publicly read aloud for the HWY 126 Water and Wastewater Utility Extension Project, Project No. WA17-01 and WW17-01. The bid results are as follows:

<u>Bidder</u>	<u>Amount</u>
Pleasant Hill Development Co. LLC	\$86,325
Ray Wells, Inc.	\$108,325
K&E South Coast Inc. DBA Benny Hempstead Excavating	\$128,780
Jesse Rodriguez Construction LLC	\$142,977
Laskey Clifton Corp	\$146,931.75
Johnson Rock Products	\$210,072

This project includes all labor, equipment and materials necessary to extend the gravity sewer system from S. Harbor Vista Drive to Treewood Court along Rhododendron Drive.

The project includes installation of 410 lineal feet of 8-inch PVC sewer pipe; one 48-inch sanitary sewer manhole; three sewer laterals; two sewer cleanouts; 275 square yards of HMA trench patch; temporary traffic control; tree removal and disposal; landscape restoration; and traffic markings restoration.

During our due diligence process, we found a minor informality with the bid from Pleasant Hill Development Co. LLC. The minor informality was that bidder acquired the plans and addendum from the Salem Plan Exchange and not directly from the engineer or QuestCDN (QuestCDN is a clearing house that disseminates information between the project owner and the potential bidders). Since Pleasant Hill Development Co. LLC received the plans and specifications from the Salem Plan Exchange (a plan center located in Salem, Oregon) which is on the official plan holders list, the City has determined that not being on the official plan holders list is a minor informality and the error caused no prejudice to the other bidders. Additionally, the error was a matter of form rather than a matter of substance.

The Contractor that submitted the lowest qualified quote is Pleasant Hill Development Co. LLC. They are a new contractor to Florence based out of Sheridan, Oregon. As part of our due diligence, we completed a review of Pleasant Hill Development Co. LLS business license record, as well as contacted a number of other public agencies that they have completed work for. There were no negative findings regarding the quality of workmanship and professionalism of the contractor. Public Works has verified, in accordance with ORS 279C.375, that the contractor has had no disciplinary action by the Construction Contractor’s Board (CCB); nor is the contractor listed on the Oregon Bureau of Labor and Industries (BOLI) ineligible list or the Federal Excluded Parties List System (EPLS).

FISCAL IMPACT:

The low bid of \$86,325 is \$40,555 under the engineer’s estimate of \$126,880. In the 2019-21 biennium budget, we budgeted \$750,000 from the Sewer Line Expansions capital budget for a variety of projects in our north service area. The gravity sewer line extension project along Rhododendron Drive is part of this area.

Pleasant Hill Development Co. LLC is the responsive low bidder that can perform the work. Funding for this project is included in the FY2019-21 biennium Wastewater capital improvement budget and is fully funded.

Fund	Available Funds	Engineers Estimate (EE)	Bid	Bid Over/(Under) Available Funds	Bid Over/(Under) EE
Sewer	\$750,000	\$126,880	\$86,325	(\$663,675)	(\$40,555)

RELEVANCE TO ADOPTED CITY WORK PLAN:

- City Service Delivery – improving, maintaining and enhancing our infrastructure as feasible.
- Livability & Quality of Life – implement City’s 2019/21 Capital Improvement Program.
- Communication & Trust – strengthening citizen trust by cooperatively working with residents for the common good.
- Financial & Organizational Sustainability – constructing infrastructure that supports current and future needs.

ALTERNATIVES:

1. Award contract to Pleasant Hill Development Co. LLC
2. Do not award bid.
3. Reject bids and re-scope the project.

RECOMMENDATION:

Staff recommends that the City Council accept the proposal from Pleasant Hill Development Co. LLC and authorize the City Manager to proceed with a construction contract.

AIS PREPARED BY: Mike Miller, Public Works Director




CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

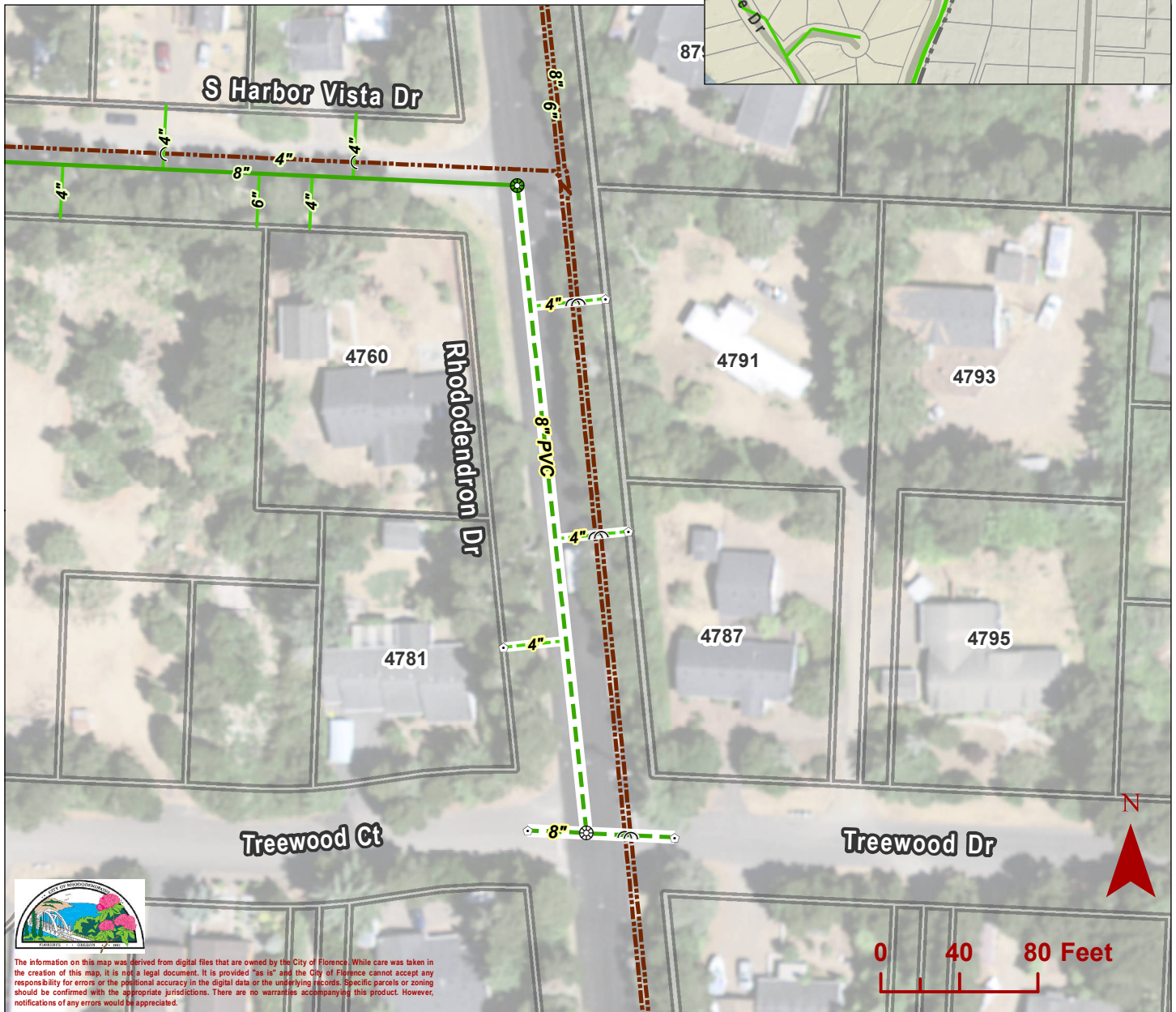
Comments: *ER Reynolds*

ITEM'S ATTACHED: Rhododendron Drive – Treewood Ct to S. Harbor Vista Drive Sewer Improvement Project Map

Rhododendron Dr Sewer Improvement Project

S Harbor Vista Dr to Treewood Ct

-  Proposed 8" Sewer Main and Laterals to Serve #4791, #4787, and #4781 Treewood Dr
-  Existing Sewer Main
-  Existing Sewer Pressure Main



The information on this map was derived from digital files that are owned by the City of Florence. While care was taken in the creation of this map, it is not a legal document. It is provided "as is" and the City of Florence cannot accept any responsibility for errors or the positional accuracy in the digital data or the underlying records. Specific parcels or zoning should be confirmed with the appropriate jurisdictions. There are no warranties accompanying this product. However, notifications of any errors would be appreciated.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: **5**
Meeting Date: April 20, 2020
Department: Various

ITEM TITLE: GENERAL REPORTS – *Council Question & Answer Only – No Presentations*

- March Committee, Commission & Volunteer Reports
- Government Finance Officers Association (GFOA) Budget Award
- Child Abuse Prevention Month Proclamation
- Earth Day Proclamation
- Arbor Day Proclamation

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO:
Meeting Date: April 20, 2020
Department: All

ITEM TITLE: Commission, Committee & Volunteers Report – March 2020

DISCUSSION/ISSUE:

Airport Volunteers

Department: Public Works

Staff: Mike Miller – Public Works Director

Volunteers from the Airport Volunteer Group provided 176 hours of labor greeting visiting pilots and their passengers at the airport; answering phone calls; and providing general information and directions to local attractions; checking all entrance/exit gates; visually check taxiways to ensure they are free and clear of debris; check loaner cars and collect fees from loaner car users; clean the restrooms and office space at the airport office. Public Works closed the airport office to the public March 18th and then closed the airport office in its entirety March 23rd to comply with Governor Brown’s Executive Order and guidance from the CDC and FAA. Our volunteers are in standby mode until restrictions are lifted.

Audit Ad-Hoc Committee

Department: Finance

Staff: TBD

No report.

Budget Committee

Department: Finance

Chairperson: TBD

No report.

Community & Economic Development Committee

Department: Administration

Chairperson: Robbie Wright

CEDC was cancelled for March and most likely will be for April as well due to the current pandemic. We’re hoping to come out of the shelter-in-place order(s) in May or June with lots of action items in place to get prepped for summer activities, both on the economic development front and community recreation.

Environmental Management Advisory Committee (EMAC)

Department: Planning

Chairperson: Katie Prosser

On March 3, 2020 EMAC (Environmental Management Advisory Committee) held a meeting and accomplished the following:

1. A comprehensive review of the City of Florence’s 2019-2020 Work Plan items was conducted and a plan for implementation of the work plan objectives was developed. A timeline for completion by the EMAC committee was also reviewed and discussed.
2. The EMAC committee reviewed EMAC’s current budget including monies spent and the remaining balance for 2019-2020 work plan. Subcommittees were encouraged to be mindful of possible requests for the 2020-2021 work plan.
3. Discussed members areas of interest and formed the following subcommittees:
 - a. Litter Waste and Reduction
 - b. Bio Solids
 - c. Tree Board & Noxious Vegetation
 - d. Food Waste

All committee members chose a subcommittee(s).

4. The committee received a *very informative and comprehensive* power point presentation / in-service by Wendy Farley-Campbell regarding municipal solid waste licensing and rate setting. She reviewed how rates are determined as well as defined acronyms and procedure to empower new committee members with this process.

This was especially important, due to the increase in new membership on the committee, as one of EMACs primary roles is making recommendations regarding MSW (Municipal Solid Waste) rates to the City Council.

5. All subcommittees had meetings early in March (prior to the social distancing ban) and reviewed their duties for the current work plan and discussed possible objectives/items for next years work plan as well.

**Unfortunately, with the current public health crisis we have somewhat hit a wall. I have contacted Wendy regarding how we as a committee can complete any essential items requiring our attention during this period.

Florence Events Center Volunteers / Friends of the FEC

Department: Florence Events Center

President: Kirk Mlinek

No Report.

Florence Urban Renewal Agency	
<u>Department:</u> Administrative	<u>Staff:</u> Kelli Weese – City Recorder / Eco. Devo.
The Florence Urban Renewal Agency did not meet in March.	

Florence Urban Renewal Agency Budget Committee	
<u>Department:</u> Finance	<u>Staff:</u> TBD
No report.	

Parks Volunteers	
<u>Department:</u> Public Works	<u>Staff:</u> Mike Miller – Public Works Director
<p>Old Town Park (Gazebo Park). One (1) volunteers provided a total of 11 hours of labor picking up liter, pruning vegetation, weeding and sweeping leaves from the plaza.</p> <p>Adopt-A-Street Program: Rhododendron Drive 35th to Sebastian Street (2.2 miles). Two volunteers spent 24 hours picking up litter along Rhododendron Drive. Thank you Mike and Pat Allen for adopting this section of Rhody!</p> <p>Gallagher Park. Two volunteers from the Florence Rhododendron Society provided 6 hours of labor spreading fertilizer on the rhododendrons at the park. The Rhododendron Society notified PW that they will not be holding their April clean-up of the park due to the current restrictions in relation to COVID-19.</p> <p>River Beach Access Park. Sixteen (14) volunteers from Resurrection Lutheran Church provided a total of 77.9 hours of labor trimming/delimiting trees; stacking trimmings into piles to be chipped by PW staff; and spreading the mulched debris. Next project for these volunteers is to assemble some picnic tables and place them in the new extension of the park.</p>	

Planning Commission	
<u>Department:</u> Planning	<u>Staff:</u> Wendy FarleyCampbell – Planning Director
<p>Planning Commission met March 10th to hold a public hearing: Heceta Self Storage Vegetation Clearing Permit application for property west of Kingwood St. north of 17th Place and south of Public Works (27th). The PC voted 7-0 to approve with conditions of approval.</p> <p>Planning Commission also met on March 24th to hold two public hearings:</p> <ol style="list-style-type: none"> 1. 4781 Treewood Annexation and Zone Assignment—voted 7-0 recommending approval to the City Council 2. FEMA Comp Plan and Zone Change to adopt updated FIS and FIRM—voted 7-0 recommending approval to City Council. 	

Police Auxiliary	
<u>Department:</u> Police	<u>Director:</u> Len Larson
No report.	

Police Reserve Officers	
<u>Department:</u> Police	<u>Staff:</u> Tom Turner – Police Chief
Program not active	

Public Arts Committee	
<u>Department:</u> Administrative	<u>Chairperson:</u> Harlen Springer and <u>Vice-Chairperson</u> Jo Beaudreau

Wow! It has been a crazy month and we hope everyone stays happy and healthy during this difficult time. Now more than ever people are turning to the Arts while quarantined at home.

The PAC meeting scheduled for Monday, March 23rd has been cancelled due to the COVID-19 situation. To comply with the spirit of this, and to keep everyone safe, PAC will not be scheduling any small group meetings either. The next scheduled PAC meeting is Monday, April 27th, but that is also subject to further developments on the virus. In the meantime, there are several things that are happening and things that PAC members and beyond can do:

Read the front-page article in the Siuslaw News on Wednesday, the 18th on the finalists for the "Art Exposed" program (LINK below). In the article, PAC encourages the public to comment on the finalists on the City's website: www.ci.florence.or.us/bc-pac/art-exposed-program-finalists or by contacting Sarah at sarah.moehrke@ci.florence.or.us. Encourage everyone to contribute their thoughts. In addition, PAC members have placed flyers all over town (Post Office, FEC, etc) as well as Florentine Estates and GreenTrees.

The finalists have all been contacted and have been advised of the situation and told them that we would give them an update as soon as we had additional information.

Each member of PAC has also been encouraged to take additional time to review each of the finalists so that we can have a productive session when we make the final decisions.

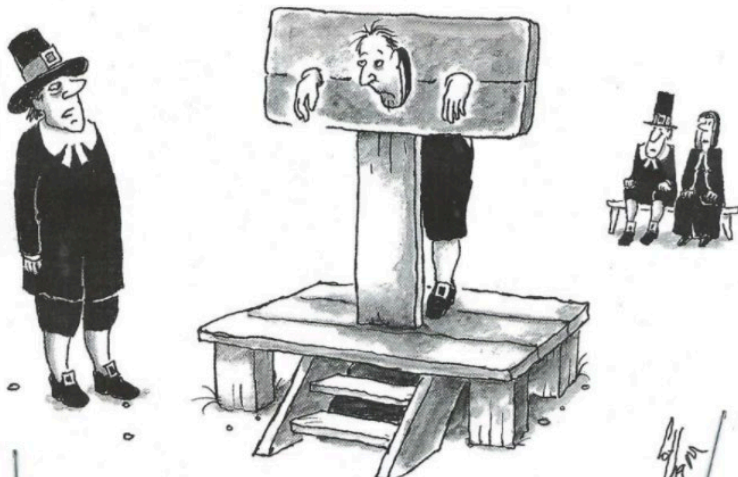
An amazingly informative Welcome Binder was handed out at the last PAC meeting, which gives the history of the PAC and our current guidelines. PAC members have been asked to contact the Chairs or City if they have any questions.

A reminder that one of the keys to the success of the PAC has been the use of Subcommittees. This is where the real work takes place and makes the formal PAC meetings much more productive. As soon as possible when we get back together, we will need to assign members to these subcommittees. While the final list is not complete, some of the Sub-committees will be:

- Art Exposed
- Siuslaw Bridge Steps
- Marketing and Public Outreach
- Grant writing and Fundraising
- Art Inventory and maintenance Planning
- PAC Master Plan (Strategic Plan)
- Mural Code

PAC members were guided to give some thought to which of these Committees they would like to participate in. There also may be other projects that are of interest in and they should give PAC their thoughts.

People are always sending the Chairs comments/cartoons, etc on Public Art. Below are two of the recent ones - one from the Portland paper and one from "The New Yorker" magazine. These show that Public Art is becoming part of the conversation in today's society (see images below).



And some fun:



3/17/2020 - Public Art Committee announces 'Art Exposed' finalists

Siuslaw News Coverage - <https://thesiuslawnews.com/article/public-art-committee-announces-art-exposed-finalists>

Community invited to comment, ask questions at ci.florence.or.us

March 18, 2020 — The Florence Public Art Committee (PAC) has settled on the finalists for the next stage in the ongoing “Art Exposed” rotating outdoor gallery series.

The Art Exposed Gallery is an effort by the City of Florence to place art pieces in different locations around town in order to draw interest and attention to both the public art and to Florence.

The first series of pieces was installed two years ago. Now, PAC is switching out those pieces, some of which were bought.

For the second series, PAC wants to make sure the public is fully informed about and has the opportunity to respond to the pieces that will be on exhibit for the next two-year cycle of the program.

According to Florence Project Manager Megan Messmer, there are 11 finalists for the five locations of Art Exposed.

“The finalists represent artists from the Florence area, as well as from across the State of Oregon, Pacific Northwest region and internationally,” Messmer said.

Art Exposed also features a commercial element as 30 percent of the proceeds from art sales goes back to the city.

“The pieces, while on display, are for sale to locals as well as the estimated 750,000 people that visit Florence annually,” Messmer added.

In addition, chosen artists receive a stipend of \$1,000.

“Art Exposed has been one of the most successful programs of the of the City of Florence’s Public Art Committee, providing members of the local arts community an opportunity to display their work, as well as international artists,” Messmer said.

PAC Chairperson Harlen Springer said he is looking forward to the public’s input on the PAC selections as the process moves forward.

“We are very excited by the finalists for the 2020-22 program. After local outreach and a call to artists, the art committee received 16 submissions,” Springer said. “This speaks to the positive reputation that the program has already achieved.”

Public Art Committee announces 'Art Exposed' finalists



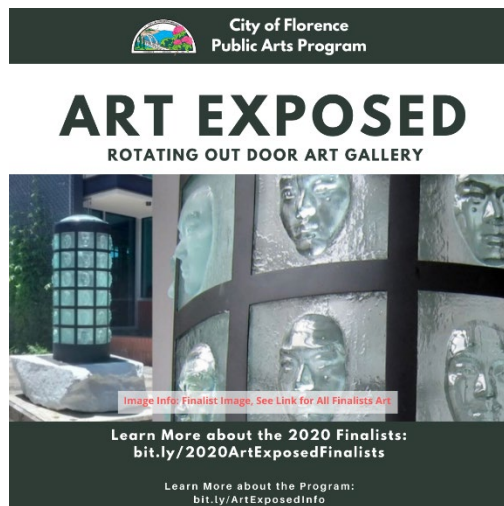
With artists from as far away as Canada, the committee was especially pleased with the results of its call to artists.

“We were impressed by the variety, quality and originality of the artwork submitted,” Springer said. “The artwork is in a variety of sizes, shapes and mediums and expresses outstanding creativity and originality.”

Both Messmer and Springer encouraged the public to look at the city website, www.ci.florence.or.us/bc-pac/art-exposed-program-finalists, to view the finalists and to consider sharing their observations with the PAC using the electronic comment option available online.

A previously scheduled public meeting for March 23 has been cancelled due to COVID-19 regulations. More information on an updated timeline for the Art Exposed project will be released in the coming weeks.

To submit public comment about the finalists or ask questions, contact Sarah Moehrke, Community and Economic Development Assistant at sarah.moehrke@ci.florence.or.us.



Additional information about Art Exposed

Call Call Ended at the end of January 2020.
26 Amazing applications from locals and around the country, including Canada.

Finalist Information HERE:
<https://www.ci.florence.or.us/bc-pac/art-exposed-program-finalists>

Program Information HERE:
<https://www.ci.florence.or.us/bc-pac/art-exposed-florences-rotating-outdoor-art-gallery>

Additional References & More Information



iSpy

iSpy showcases some art around town on Social Media asking people to call out the location or if they know about the work to share it! In the comments through dialog, information is shared.

Art Quest Project on Hold



Holidays are a great time for Questing!

Box monitors - Please check your Quests before Thanksgiving to make sure they are in good shape for all the folks who will be heading outside to "walk off" their pumpkin pie. Bring extra plastic bags to waterproof box contents for the winter.

Anatomy of a Quest Box



You Love Comment Share

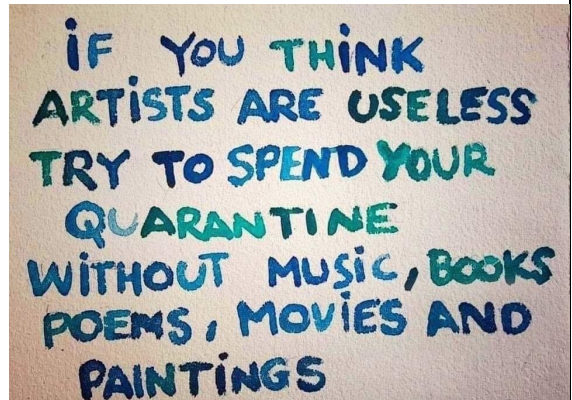


2019 Best of Florence

Siuslaw News annual Best of Florence once again features Vote for your favorite Public Art Work. They also have Arts related businesses nominated.

Other Community Public Arts WOW!

People from around the world are doing and encouraging each other to be creative. Multiple local and beyond groups have popped up encouraging people to be creative.



Our Community Public Arts WOW!



A Novel Call for Art was created locally for people to share their experiences. Other businesses and nonprofits contacted to join the effort.

Siuslaw News Link:
https://thesiuslawnews.com/article/artists-prepare-for-a-novel-call-for-art?fbclid=IwAR3VLroaWom3AC_ITyl-6oLTkrnkb5KWCyl7G00ZNnxJQDrYI6SV4F9uBQ

3/27/2020 - A donor is working with the Middle School & BeauxArts Fine Art Materials to get Art Materials into the Hands of our Students. More TBD.

Middle School Mural Project Put on Hold due to COVID-19. Artist is the same artist commissioned to work on the Bridge Steps, Jessilyn Brinkerhoff.

2020 FloTown Virus Safe Kids Talent Show Via Facebook Private Group Established

3/30/2020 - Lane Arts Council - Artist Relief Fund

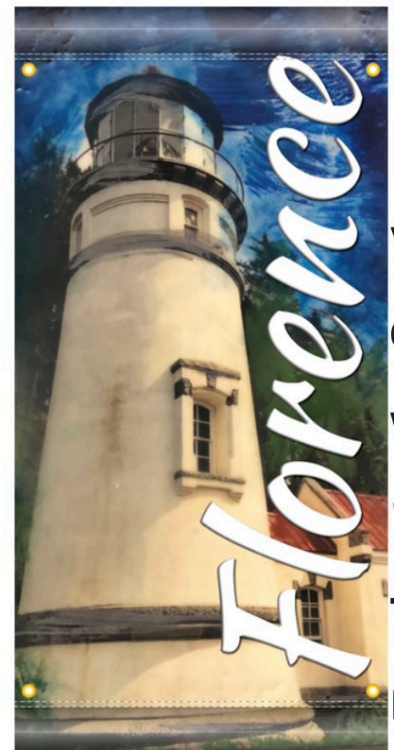
It will take the entire community to ensure that our creative sector survives this challenging time and can thrive again.

Donate at <http://bit.ly/LaneArtistRelief>

Artists in need: the application goes live at 12pm on 3/30 at <http://lanearts.org/lane-county-artist-relief-fund/>

Various Local Artists have posted free tutorials/worksheets online and have been encouraging all to participate with what they have.

- **Beautification For Florence Committee** via Chamber is doing what they can from home, working on Spacemaking Parklets & Banners connecting areas of Florence Uptown to Old Town on 101. Two PAC Members are directly involved in helping these projects move forward. (See Photo)
- **Florence Regional Arts Alliance** - Closed doors until TBA due to COVID-19
- **Florence Events Center**
 - Closed doors until TBA due to COVID-19
 - No FEC Gallery Committee Meeting until TBA
 - Fresh Impressions Show for Local Area Youth including Siuslaw, Mapleton High Schools as well as Home Schoolers will now be a Virtual Gallery, check for links on line via FB <https://www.facebook.com/events/3017849738238619/>
- **SeaCoast Entertainment** at Florence Events Center
 - The Neave Trio on March 4th
- **CROW** - Mary Poppins activities have stopped but will resume due to COVID-19 (See Photo)
- **City Light Cinema** - Closed doors until TBA due to COVID-19
 - BUT doing a “Virtual Cinema”
 - Learn more HERE: https://mailchi.mp/citylightscinemas/now-playing-at-city-lights-cinemas-apr-21-1374737?e=152b61289c&fbclid=IwAR3AT7GRCrk_WJIDbPi8-NnxrGb6tqSULMvuSHVY5qpfB0UdcpLeKd86D0



- **Siuslaw Library District** - Closed doors until TBA due to COVID-19
- **Siuslaw Viewfinders Club** - unknown
- **KXCR** - [Featured Artist Radio Show](http://kxcr.net/show/featured-artist/) - kxcr.net/show/featured-artist/
 - Reruns of Featured Artist due to COVID-19
 - Mark Anderson
 - Patrica Morrison
- **Three Rivers Activities** - Closed doors until TBA due to COVID-19
- **Chamber of Commerce/Visitors Center** - Closed doors until TBA due to COVID-19
 - March & April Artist - Jo Beaudreaux

Transportation Committee (TC)

Department: Planning

Chairperson: Bob Steele

The Transportation Committee (TC) meeting to be held on April 9, 2020 has been cancelled in order to be in compliance with Governor Brown’s COVID-19 executive “stay at home” order of March 23rd.

Thought was given to holding on-line meetings, i.e. Zoom, but the time and resources needed to set this up are not available. Instead, we ask the TC members to prepare to resume Committee work as soon as life returns to normal by doing the following:

- Review last year’s TC Work Plan with thought to preparing this year’s TC Work Plan. Last year the TC had four Committee priorities. The Transportation System Plan, Public Transportation, Florence Municipal Airport, and Old Town Parking Requirements. Will these priorities remain the same?
- Review the Re-Vision Florence project. Are their transportation elements we can assist with?
- Review new developments within Florence. Again, are their transportation concerns that need to be addressed? With the major development soon to begin in north Florence, is their the potential for a Route 101 transportation related “Signature Gateway” for the north entrance into our city? We have one at the south Route 101 entrance into Florence, our iconic Siuslaw River Bridge.

FISCAL IMPACT:

The fiscal impact of the committees and volunteer groups varies depending on their scope of work. Staff time is allocated to support the committees, and ensure committees comply with Oregon public meetings laws by preparing and posting agendas and minutes and/or digital recordings for meetings.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services. Goal 5: Strengthen and Improve City's Organization and Capital Plant.

AIS PREPARED BY: Report written by Committee members and/or City of Florence staff and compiled by Kelli Weese, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments:

ITEM'S ATTACHED: None



April 2, 2020

Mayor Joe Henry
Members of the City Council
City of Florence
250 Highway 101
Florence, OR 97439

Mayor Henry and members of the City Council:

As a past president of the Oregon Government Finance Officers Association (OGFOA) and liaison to the national Government Finance Officers Association (GFOA) it is my pleasure to acknowledge the City of Florence's receipt of the GFOA *Distinguished Budget Presentation Award* for its 2019-2021 Biennium Budget. This is the fourth consecutive biennial budget for which the City has received this prestigious award.

GFOA established the Distinguished Budget Presentation Award to encourage local governments to prepare budget documents of the highest quality, which reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and GFOA's Best Practices on Budgeting.

The City's budget document was reviewed by peers with experience in public sector budgeting. Receiving the *Distinguished Budget Presentation Award* is not an easy task:

- Three separate reviewers must agree that your budget document met the specific criteria to demonstrate that the City's budget is transparent, comprehensive, well-organized, and informative.
- There are 90 different criteria that are evaluated, of which 51 are mandatory. Of those non-mandatory requirement reviewers expect that many will be included in the budget document.

Some examples of the mandatory requirements are:

- Including a Budget Message that articulates the City's priorities and direction for the upcoming biennium.
- Including a comprehensive list of the City's financial policies.
- Describing major revenue sources and discussing significant revenue trends.
- Including financial data on current debt obligations and explaining the effects of existing debt levels on operations.

In Oregon, 56 government entities, including 25 cities (of the 241 cities in Oregon) achieved this recognition for their budgets.

By receiving this award the City of Florence has demonstrated that its budget is more than just numbers. The citizens of the city can be assured that its financial reporting is:

1. Transparent;
2. Fully Disclosed;
3. And of the highest quality comparable to peers nationally.

Recognition for this award goes to the leadership of Mayor Henry, the City Council and the citizen members of your Budget Committee. We also acknowledge City Manager Erin Reynolds, your Administrative Services Department led by Anne Baker, staff members Lezlea Purcell and Megan Messmer, and all other city staff who work together to provide an environment of excellence at the City of Florence.

I am sorry that I am unable to present the GFOA award in person at your April City Council meeting due to the COVID-19 restrictions. It is an honor and a privilege to be able to at least present this award to the city in writing.

Best Regards,



Tod A. Burton
Oregon GFOA

PROCLAMATION

Office of the Mayor, City of Florence



CHILD ABUSE PREVENTION MONTH **April 2020**

WHEREAS, The public cares deeply about child abuse, and a majority report that child abuse is a very important moral issue to them; and

WHEREAS, Preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and


WHEREAS, Child abuse and neglect not only directly harm children, but also increases the likelihood of long-term physical and mental health problems, alcohol and substance abuse, continued family violence and criminal behavior; and

WHEREAS, Child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, Child abuse and neglect can be reduced by making sure each family has the support they need in raising their children in a safe, nurturing environment; and

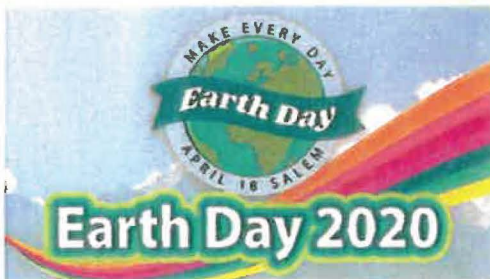
WHEREAS, Effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, faith communities, civic organizations, law enforcement agencies and the business community;

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim April 2020, as Child Abuse Prevention Month, and call upon all citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live. To learn more about what you can do in your community to reduce child abuse and neglect, please go to www.90by30.com.


Joe Henry, Mayor

PROCLAMATION

Office of the Mayor, City of Florence



EARTH DAY – April 22, 2020

WHEREAS, All species play a unique role in the complex web of life and contribute to the ecosystem services on which all life on Earth depends, and hence, protecting our species is crucial to the survival of this planet and its inhabitants; and

WHEREAS, The loss of species is for the most part a result of human activity, including degradation of ecosystems, deforestation, pollution and climate change; and

WHEREAS, It is understood that sustainability will only be achieved by meeting the needs of the present without compromising the needs of future generations; and

WHEREAS, By 2050, between 60-70% of all people will live in cities and species provide important services to city dwellers such as generating oxygen and purifying the air, controlling other animals considered pests or that spread disease; pollinating plants and crops; providing recreation opportunities and well-being, etc.; and

WHEREAS, It is more important than ever to cooperate locally and internationally to defend the environmental progress that has been heretofore gained; and

WHEREAS, It is essential to expand and diversify the global environmental movement to achieve maximum progress; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments and sustainability efforts;

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim **April 22, 2020**, as **Earth Day** throughout Florence and encourage all to use Earth Day and every day to celebrate and protect the earth and its inhabitants.

A handwritten signature in blue ink, appearing to read "Joe Henry".

Joe Henry, Mayor

PROCLAMATION

Office of the Mayor, City of Florence



ARBOR DAY - APRIL 24, 2020

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Joe Henry, Mayor of the City of Florence, do hereby proclaim April 24, 2020 as Arbor Day, in the City of Florence, and I urge all citizens to celebrate Arbor Day to support efforts to protect our trees and woodlands.

A handwritten signature in blue ink, appearing to read "Joe Henry".

Joe Henry, Mayor

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6
Meeting Date: April 20, 2020
Department: Various

ITEM TITLE: REPORT & DISCUSSION ITEMS

- City Manager Reports & Discussion Items
- City Council Reports & Discussion Items