



City of Florence
A City in Motion

City of Florence Council Regular Session

In Person & Videoconference
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 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>.

August 15, 2022

AGENDA

5:30 p.m.

Councilors:

	Joe Henry, Mayor
Woody Woodbury, Council President	Sally Wantz, Council Vice-President
Bill Meyer, Councilor	Rob Ward, Councilor

With 48-hour prior notice, an interpreter and/or TTY: 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.

The Florence City Council meeting will be held in person at Florence City Hall.

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/5595837311215758860>.

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

Citizens wishing to express their views may submit comments in writing or verbally. 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 – PLEDGE OF ALLEGIANCE

PRESENTATIONS & ANNOUNCEMENTS

- Annual update from RAIN
- Housing Implementation Plan Project Stakeholder Advisory Team (SAT) Ad-Hoc Committee Member Appointments by Mayor Joe Henry

Lindsey White
City Recorder

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

PUBLIC HEARING

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

2. RODS N RHODIES STREET CLOSURE

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the proposed closure of Bay Street from the Siuslaw River Bridge to the intersection of 1st Street and Nopal St., Laurel St. from Old Town Way to Bay St., and Maple St. from 1st Street to Bay St.

Lezlea Purcell
Finance Manager

B. STREET CLOSURE REQUEST

Consider approval of the street closure application for the closure of Bay Street on Saturday, September 10, 2022 from 6:00a.m. to 7:00p.m. for the Rods N Rhodies event as applied for by the Gary Cargill.

LAND USE DELIBERATIONS

Please see the end of this agenda for rules of procedure.

3. ORDINANCE NO. 9, SERIES 2022

Consider approving **Ordinance No. 9, Series 2022**, an ordinance adopting supplemental findings for ordinance No. 2, Series 2021.

Wendy Farley-Campbell
Planning Director

ACTION ITEMS

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

4. PLANNING COMMISSION RECRUITMENT

Provide notice to the public on the positions to be filled, qualifications, the time and manner in which application may be submitted.

Erin Reynolds
City Manager

CONSENT AGENDA

5. OREGON COMMUNITY PATHS (OCP) PROGRAM PROJECT REFINEMENT GRANT

Consider approving **Resolution No. 27, 2022**, authorizing staff to submit a Grant Pre-Application for the FY2022-2023 Oregon Community Paths (OCP) Program Project Refinement grant in support of Lane County in the amount of \$675,000 for the Multi-Use Path Project from 35th Street to Heceta Beach Road on Rhododendron Drive.

Mike Miller
Public Works Director

6. LOS COMPADRES TAQUERIA LIQUOR LICENSE CHANGE OF LOCATION

Consider recommendation of approval to the Oregon Liquor Control Commission (OLCC) for a liquor license for Los Compadres Taqueria due to a change of location.

Lezlea Purcell
Finance Manager

7. AUDIT CONTRACT AWARD

Consider acceptance of the proposal as submitted by SingerLewak for Audit Services in the amount of \$47,990 for the fiscal year ending 2023 and \$217,090 for the four years following.

Anne Baker
Administrative Serv. Director

REPORT & DISCUSSION ITEMS

8. QUARTERLY FINANCIAL STATEMENTS

Report on the City of Florence financials for the quarter ending June 30, 2022.

Anne Baker
Administrative Serv. Director

9. GENERAL REPORTS– Council Question & Answer Only – No Presentations

- July Committee, Commission & Volunteer Reports

10. DEPARTMENT DIRECTOR UPDATES

Management Team

11. CITY MANAGER REPORT & DISCUSSION ITEM

Erin Reynolds
City Manager

12. CITY COUNCIL REPORTS & DISCUSSION ITEMS

City Council

COUNCIL CALENDAR		
<i>All meetings are held in person with a virtual option unless otherwise indicated</i>		
Date	Time	Description
September 12, 2022	10:30 a.m.	City Council Work Session
	5:30 p.m.	City Council Meeting

UPDATED PUBLIC MEETINGS PROCEDURES

The August 15, 2022 City Council meeting will be held in person, with the option to view / listen to the meeting virtually through the GotoWebinar platform.

Expressing Views to the City Council: Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

- **Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:
 - a. Submit written comments via email to City Recorder at cityrecorder@ci.florence.or.us;
 - b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
 - c. Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.

**** Note:** Written comments received at least 2 hours prior to the meeting (August 15, 2022 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.

- **Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting at the Florence Events Center or via GoToWebinar. To do so, please complete a speaker's card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 1 hour prior to the meeting (August 15, 2022 at 4:30 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
 - a. **Public Comments on items not on the agenda:** General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
 - b. **Public Hearing Testimony:** Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
 - c. **Non-Public Hearing Land Use Items:** When deliberating on a land use item when the initial public hearing has already been closed, there **is no** new evidence or testimony accepted. Please see Page 19 in the [City Council Rules of Procedure](#) for additional information.
 - d. **Public Comments on Action Items:** Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

For more information on the City of Florence's Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/council/rules-procedure>.

2022 Housing Implementation Plan (HIP) Project Stakeholder Advisory Team (SAT) Ad-Hoc Committee Appointments

Office of the Mayor, City of Florence

I, Joe Henry, Mayor of the City of Florence, do hereby amend the appointment of City of Florence’s Housing Implementation Plan Stakeholder Advisory Team Ad-Hoc Committee per Florence City Code Title 2, Chapter 1 as of August 15, 2022, as follows:

Local health care	Patrick Kirby Jason Hawkins
Siuslaw Outreach Services	Bob Teter
City Council	Sally Wantz
City Planning Commission	Sandi Young Andrew Miller
Chamber of Commerce	Neil Ecker
Siuslaw School District	Andy Grzeskowiak
Lane Community College & Florence CEDC	Russ Pierson
Siuslaw Public Library	Meg Spencer
Florence Urban Renewal	Bill Meyer
Development	Ron Mann
Habitat for Humanity	Janell Morgan
Florence Ministerial Association	TBD
First Step	Greg Wood Ken Gaylord
Florence Cold Weather Shelter	Patricia Burke
ADA & Title VI representative	Maggie Bagon
Siuslaw Valley Fire and Rescue/Western Lane Ambulance	Michael Schick
Lane Council of Governments Senior Services	Brooke Golen
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw	Josh Stevens Garrett Gray
Florence Foodshare	Colin Morgan Beth Kilmurray
Safe Shelter for Siuslaw Students	Jennifer Ledbetter
Homes for Good	Steve Ochs
Housing Provider	Ron Moore
Oregon Department of Land Conservation and Development	Hui Rodomsky
City’s Community Development, Public Works, City Manager’s Office, and Public Safety Departments	Wendy Farley Campbell, Mike Miller, Erin Reynolds, Chief John Pitcher

Note: The HIP SAT Ad-Hoc Housing Committee was created by Resolution No. 2, Series 2022
Reference: Housing Efforts- <https://www.ci.florence.or.us/council/housing-efforts-city-florence>

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: August 15, 2022
Department: Mayor & Council

ITEM TITLE: PUBLIC COMMENTS – *Items Not on the Agenda*

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

AGENDA ITEM SUMMARY**ITEM NO: 2****FLORENCE CITY COUNCIL**

Meeting Date: August 15, 2022

Department: Finance

ITEM TITLE: Request for Temporary Street Closure –
Rods N Rhodies Charity Car Show

DISCUSSION/ISSUE:

The City of Florence received a request from Gary Cargill for a temporary street closure permit for the Rods N Rhodies Charity Car Show scheduled for Saturday, September 10th, 2022.

The event is a classic car show with approximately 135 hot rods and classic automobiles displayed. There will be raffles, live DJ music, vendors and service groups. The applicant is requesting permission to close Bay Street from the Siuslaw River Bridge to the intersection of 1st Street and Nopal St., Laurel St. from Old Town Way to Bay St., and Maple St. from 1st Street to Bay St.

Schedule of Events	
The street closure will be on Bay Street from the Siuslaw River Bridge to Nopal St./1 st Street intersection, Laurel St. from Old Town Way to Bay St., and Maple St. from 1 st Street to Bay St.	
Street Closure Times:	
Saturday, September 10	6:00 a.m. to 7:00 p.m.

The attached application, map, request recommendations, and other materials are included that stipulate the specifics of the temporary street closure. The mailing of the applicable notice as required by code was performed by the City's Finance Office for the public hearing / comment on this agenda item. Notices were mailed to business owners / managers, property owners and site addresses within 100 feet of the proposed street closure on August 1st and a public hearing

notice was published in the Siuslaw News on August 3rd.

Street Closure / Special Event Regulation

The City of Florence regulates special events that will affect the ordinary use of city property, public streets, rights-of-way or sidewalks, and those that may require an increased presence of City personnel. This regulation gives the City an opportunity to assess traffic impacts, safety

concerns, possible noise violations, fire / ambulance access, and to avoid undue hardship to adjacent businesses.

In order to apply for a street closure, the applicant must submit responses to the criteria listed within the Florence City Code. Enclosed with the materials for this agenda item is a representation of the code provisions for street closures and how those provisions are addressed via findings. These responses are contained in Attachment 2. In order to approve the application, Staff recommends the following conditions of approval:

Staff Recommendations for Permit Conditions for Approval:	
1.	Applicant is required to post 'no parking' signage in the affected street closure areas for the time periods when the road is to be closed.
2.	Florence Police will not begin enforcement of the prohibited parking posting for all non-participants until Friday, September 9th, 2022.
3.	Applicant shall permit delivery vehicles access as required.
4.	Applicant shall ensure that no permanent business shall be blocked by the activities and shall make efforts to ensure that foot traffic continues to permanent businesses.
5.	The applicant shall have 5 traffic control points: <ol style="list-style-type: none"> 1. Intersection of Bay Street and Siuslaw Bridge. 2. Intersection of Laurel Street and Old Town Way. 3. Intersection of Maple Street and 1st Street. 4. Alley way of Maple Street. 5. Alley way of Nopal Street across from Port Parking Lot Entrance. 6. Intersection of Nopal Street and 1st Street.
6.	All traffic control points shall be staffed at all times by at least one person with communication capability with the applicant or their designee.
7.	There shall be one person "rover", either the applicant or their designee, to supervise the event at all times. This person shall have communication capability with all traffic control points.

FISCAL IMPACT:

Street closure applications affect the City fiscally by the staff time inherent in processing the applications including:

- Meeting(s) with the applicant,
- Mailing notices to surrounding interested parties,

- Reviewing the application and preparing it for Council decision, and
- Increased police presence during the event.

The applicant has paid the \$259 street closure fee.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve the request to temporarily close a city street as identified in the application with the conditions specified.
 2. Do not approve the request to temporarily close a city street as identified in the application.
 3. Approve the request to temporarily close a city street as identified in the application, but modify, change, add, or delete any conditions of the permit or require fees.
-

RECOMMENDATION:

Approve the request to temporarily close a city street as identified in the application with the conditions specified.

AIS PREPARED BY: Lezlea Purcell, Finance Manager

CITY MANAGER'S RECOMMENDATION:

Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED:

Attachment 1 – Street application including map
Attachment 2 – Applicant response to code criteria and staff findings of code compliance



City of Florence

Street Closure Application

City Hall ~ 250 Hwy 101, Florence, OR 97439
(541) 997-3437 – www.ci.florence.or.us

*Application must be submitted at least 45 days prior to the event.
Please see reverse for information about the street closure approval process.*

Name of Event:	Rods N Rhodies Charity Car Show	
Detailed description of Event: (Including purpose and statement of how the event will benefit the citizens of Florence)	Classic Car Show with approximately 135 Hot Rods and Classic Automobiles displayed. Raffles, Live DJ Music, Vendors & Service Groups. Bringing classic car culture to Florence Old Town. Volunteered charity event to benefit Rods N Rhodies Inc. 201 (c) (3) Nonprofit Organization.	
General Location of Street Closure:	Bay Street from the bridge to Nopal St. Port parking lot. Laurel St. and Maple St. Refer to attached Street Closure Diagram	
Date(s) of Street Closure:	From: Sept. 10 2022	To: Sept. 10 2022
Hour(s) of Street Closure:	From: 5am	To: 7pm
Please describe admission fees (if any):	Free event that is open to the public.	

Additional Information Required

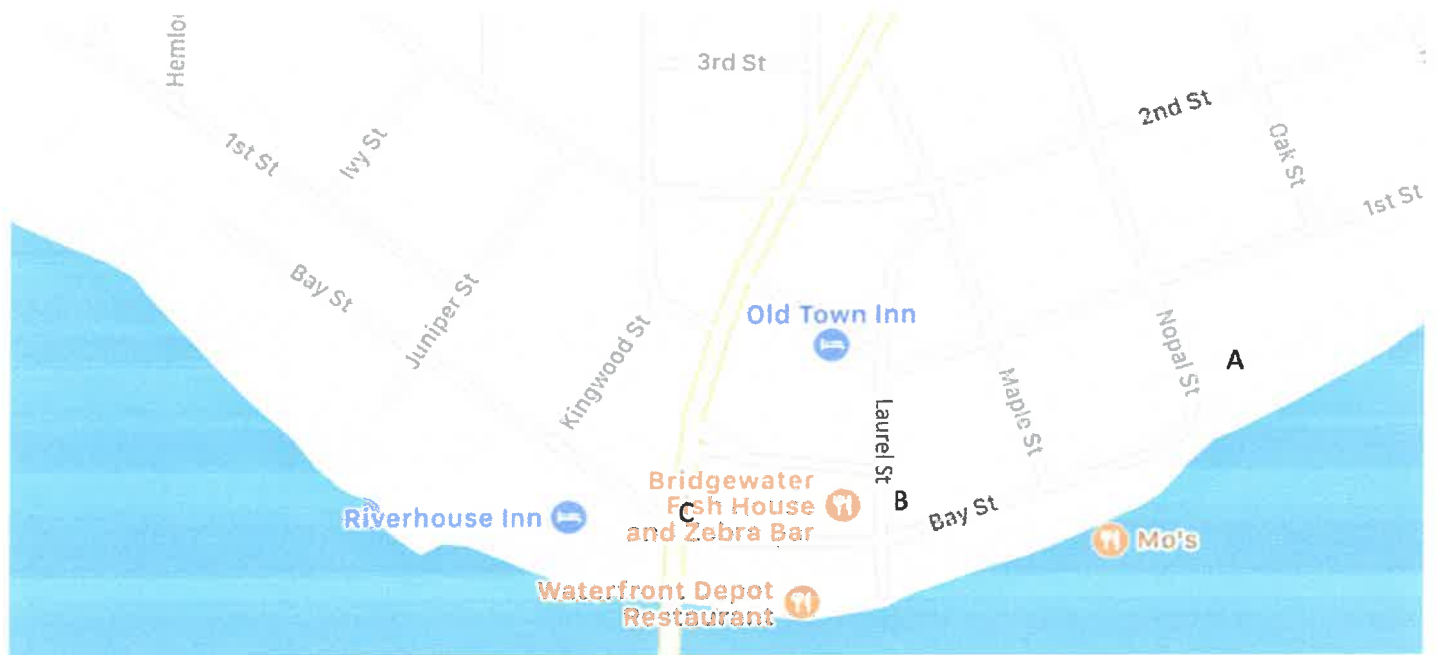
Below is a check list of the required information for the City of Florence to complete the review of your application:

<input type="checkbox"/> The full name and contact information for all event organizers including those that will be at the event during all hours of the event.	<input type="checkbox"/> Map and description of all streets and rights of way affected by the closure.
<input type="checkbox"/> A detailed plan for ingress and egress from the closed area including the number of access points, who will be allowed ingress and egress at those points, and how these points will be staffed and controlled. Plan must include consideration for: <ul style="list-style-type: none"> • Delivery trucks • Participants / Attendees • General Public • Residents • Emergency Vehicles 	<input type="checkbox"/> A detailed security plan including: <ul style="list-style-type: none"> • The number and deployment of security personnel (including qualifications of the personnel for events over 500 people) • Temporary fencing plan • Crowd control plan • Traffic Control Plan • Plan for how first aid will be provided at the event
<input type="checkbox"/> An estimate as to how many participants and attendees are expected at the event and an explanation of how the estimate was derived.	<input type="checkbox"/> A sanitation plan providing details on public restrooms and sanitation facilities provided.
<input type="checkbox"/> Statement as to whether alcohol will be consumed or sold during event, and a copy of OLCC permits if applicable.	<input type="checkbox"/> If sound producing devices or amplification will be used, Noise Variance Application must be included. – If goods / services will be sold, a Business License Application must be included.
<input type="checkbox"/> Proof of liability insurance in the form and amount approved by the City Manager naming the City as additionally insured. (If alcohol will be sold, proof of obtainment of commercial liquor liability insurance. - \$500,000 for events of less than 500 people, \$1,000,000 for events greater than 500 people)	<input type="checkbox"/> A written agreement to indemnify the city against any and all claims related to the applicant's actions or inactions related to the event. Such indemnity shall be approved by the City Manager.

Primary Event Contact Information

Contact Name:	Gary Cargill		
Mailing Address:	PO Box 2443	City, State, Zip:	Florence, OR 97439
Contact Phone:	541-999-6513	Contact Email:	gncargill@charter.net
Signature:		Date:	6/3/2022

Sanitation Diagram

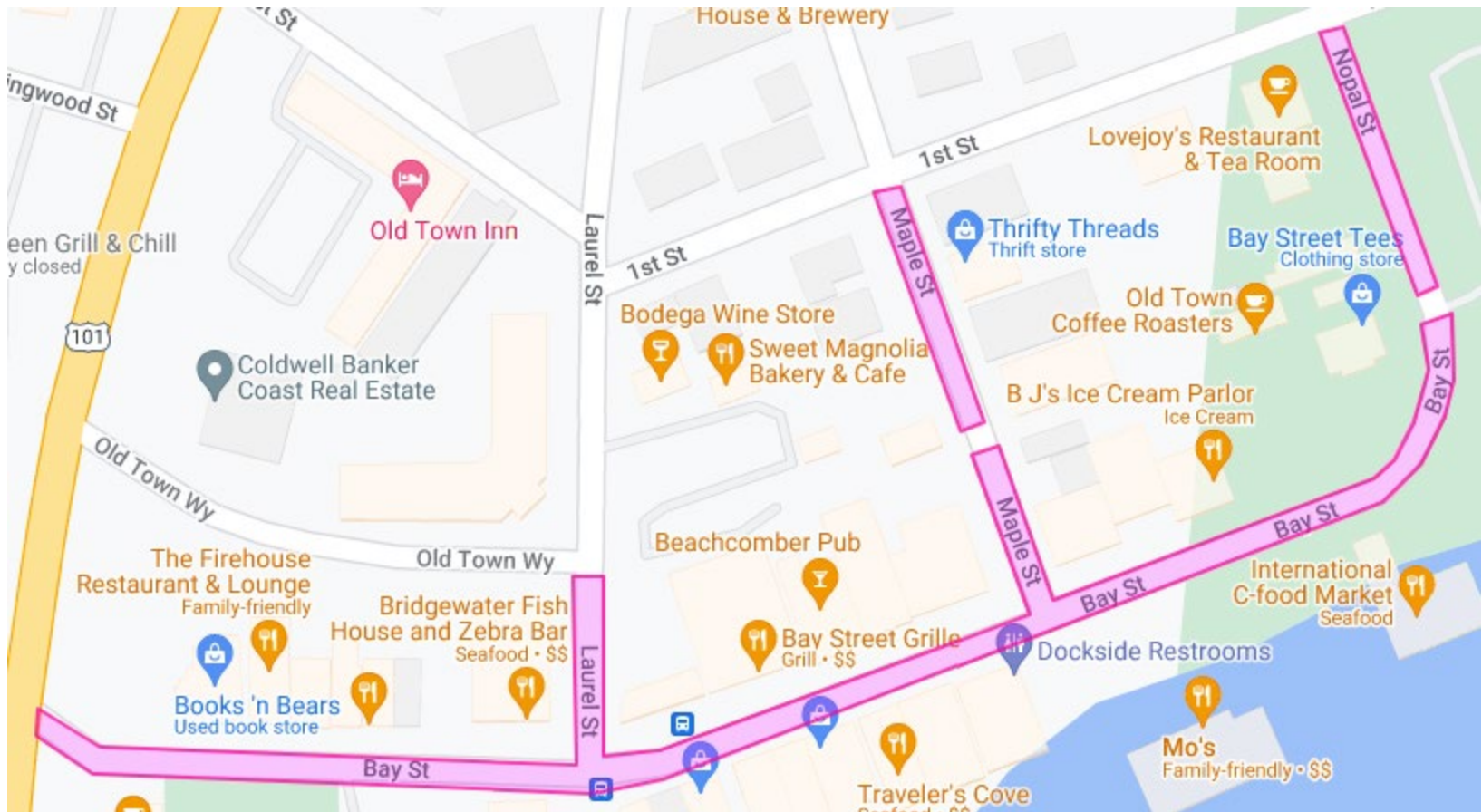


- A. One Standard and One Handicapped Porta Pottie located in the South West area of the Port Parking Lot.
 - B. One Standard and One Handicapped Porta Pottie located at the intersection of Laurel Street and Old Town Way.
 - C. One Handicapped Porta Pottie located on Bay Street under the bridge.
- Placement on September 8th before 12pm and removal on September 11th before 12pm.
This configuration and the permanent facilities at the intersection of Bay Street and Maple should be ample.

Street Closure Diagram



- A. Two Barricades with four sandbags and four orange cones at Bay Street just east of the bridge.
- B. Two Barricades with four sand bags and four orange cones at the intersection of Laurel Street and Old Town Way.
- C. Two Barricades with four sandbags and four orange cones at the intersection of Maple Street and Old Town Way.
- D. Two Barricades with four sandbags and four orange cones at the intersection of Nopal and Old Town Way.
- E. Eight orange cones blocking access to Bay Street from the parking lot between BJ's Ice Cream and Florence Bling Business.
- F. Two Barricades with four sandbags and four orange cones at the intersection of Maple Street and 1St.



Attachment 2 Rods N Rhodies Charity Car Show Street Closure Request Code Criteria Response and Findings

Applicant Response:	
1.	<p><i>The full name and contact information for all event organizers and a detailed description of the event, including dates, hours, admission fees, and purpose, and a statement as to how the event will benefit the citizens of Florence.</i></p> <hr/> <p>Gary Cargill Rods N Rhodies, Inc. 541-999-6513 gncargill@charter.net</p> <p>The event is a classic car show with approx. 135 hot rods and classic automobiles displayed. Event will have raffles, live DJ music, musical entertainment, vendors, and service groups. Bringing classic car culture to Florence Old Town. Volunteered charity event to benefit Rods N Rhodies, Inc. 501(c)(3) nonprofit organization.</p>
2.	<p><i>A map and description of all streets and rights-of-way affected by the closure with sufficient detail to allow the City to complete the review and assess the impact of the closure.</i></p> <hr/> <p>See map for ingress and egress points. (Attachment 1) Delivery vehicles, residents, emergency and security vehicles and participants will be allowed access. The general public is invited, but must walk in. No motorized vehicles, skateboards, bicycles will be allowed (except for handicapped).</p>
3.	<p><i>A list of all businesses within 100' of the portion of the streets to be closed.</i></p> <hr/> <p>A list of all businesses within 100' of the portion of the streets to be closed was generated.</p>
4.	<p><i>A detailed plan for ingress and egress from the closed area including delivery trucks, participants, attendees, the general public, residents, and emergency vehicles. This plan must include the number of access points, who will be allowed ingress and egress at those points, and how these points will be staffed and controlled.</i></p> <hr/> <p>The applicant shall have 5 traffic control points:</p> <ol style="list-style-type: none"> 1. Bay Street just East of the Siuslaw Bridge. 2. Intersection of Laurel Street and Old Town Way. 3. Intersection of Maple Street and 1st Street. 4. Alley way of Maple Street. 5. Intersection of Bay Street and Nopal Street (Port Parking Lot Entrance). 6. Intersection of Nopal Street and 1st Street. <p>See Attachment 1.</p>
5.	<p><i>An estimate as to how many participants and attendees are expected at the event including an explanation of how the estimate was derived.</i></p> <hr/> <p>It is estimated that there will be between 2,500 – 5,000 participants for this event.</p>

<p>6.</p>	<p><i>A sanitation plan providing details as to how the organizers plan to accommodate the expected attendees and participants with an appropriate number of public restrooms or sanitation facilities.</i></p> <hr/> <p>Sanitation will include centrally located port-a-potties and handwash stations. There are also public restrooms available at the intersection of Maple Street and Bay Street. See detail attached to application.</p>
<p>7.</p>	<p><i>A security plan which must include the number and deployment of security personnel, a temporary fencing plan, a crowd control plan, a traffic control plan, and a plan for how first aid will be provided during the event. For Special Events predicted to have a total attendance of greater than 500 people, the applicant shall supply information concerning the qualifications of the personnel that will provide crowd control and traffic control.</i></p> <hr/> <p>Applicant has requested from the City of Florence Public Works Department Barricades, Sandbags and Orange Cones that we will place in the below listed locations to restrict traffic throughout the event area. Each Barricade will be monitored by one or two individuals throughout the hours of the event in order to restrict traffic, skateboards, bicycles and be at the ready for emergency vehicle access to the event area. We rely on City, County and State Law Enforcement agencies for any incidents or crowd control. We rely on SVFRD via 911 for any medical emergencies and will provide a first aid kit at our command center for non-emergency situations. We will provide the kit but will not be administering treatment. As this is our 13th annual event, we have experienced volunteers who will train and be monitors on locations. Our show configuration is set up as to not restrict any emergency response vehicles and personnel in the event it is needed.</p> <p>A. Two barricades, four sandbags and four orange cones at Bay Street just east of the bridge. B. Two barricades, four sandbags and four orange cones at the intersection of Laurel Street and Old Town Way. C. Two barricades, four sandbags and four orange cones at intersection of Maple and Old Town Way. D. Two barricades, four sandbags and four orange cones at the intersection of Nopal and Old Town Way. E. Eight orange cones blocking access to Bay Street from the parking lot between BJ's Ice Cream and Florence Bling Business. F. Two barricades, four sandbags and four orange cones at the intersection of Maple Street and 1st. G. Two barricades, four sandbags and four orange cones at the intersection of Nopal Street and 1st.</p>
<p>8.</p>	<p><i>A statement as to whether alcohol will be consumed or sold during the special event, a copy of all required OLCC permits, or a statement that all required permits will be obtained and copies provided prior to the special event; and a plan which demonstrates compliance with all state and local laws, rules, and regulations. If alcohol will be sold at the Special Event, the applicant will obtain a commercial liquor liability insurance policy and submit a certificate of insurance to the City. For special events predicted to have total attendance of less than 500 people, the policy shall be for coverage of at least \$5,00,000 combined single limit per occurrence. For special events predicted to have total attendance greater than 500 people, the policy shall be for coverage of at least \$1,000,000 combined single limit per occurrence.</i></p> <hr/> <p>There will be no alcohol sold or consumed at this event, except for businesses in the Old Town area which have their own licenses and insurance policies.</p>

<p>9.</p>	<p><i>A disclosure as to when and whether any sound producing devices including musical instruments will be used during the Special Event and when and where any sound will be amplified for any purpose during the event.</i></p> <hr/> <p>Music and announcements to include sponsors recognition amplified over a series of wireless speakers located at the intersection of Bay Street and Maple Street. A noise variance application was submitted to the City of Florence.</p>															
<p>10.</p>	<p><i>Proof of liability insurance for the Special Event in the form and amount approved by the City Manager naming the City as additional insured.</i></p> <hr/> <p>Received the Proof of liability certificate from State Farm Sue Gilday.</p>															
<p>11.</p>	<p><i>An approved City business license if required by FCC 3-1-4.</i></p> <hr/> <p>Rods N Rhodies is a non-profit entity and does have a City business license #1188.</p>															
<p>12.</p>	<p><i>Approvals to place any signage within the rights of way as required by FCC 10-26-6.</i></p> <hr/> <p>Applicant referred to Community Development for requirements and/or restrictions.</p>															
<p>13.</p>	<p><i>A list of on-site contact persons that will be at the Special Event during all hours of the Special Event. The list shall contain the contact information for each contact person such that the City will be able to reach the contact person during the Special Event.</i></p> <hr/> <table border="0"> <tr> <td>Gary Cargill</td> <td>President</td> <td>541-999-6513</td> </tr> <tr> <td>Ross Kroenert</td> <td>Vice President</td> <td>949-933-1478</td> </tr> <tr> <td>Jenna Bartlett</td> <td>Secretary</td> <td>541-902-3524</td> </tr> <tr> <td>Cal Applebee</td> <td>Board Member</td> <td>541-999-4175</td> </tr> <tr> <td>George Henry</td> <td>Board Member</td> <td>541-991-9552</td> </tr> </table>	Gary Cargill	President	541-999-6513	Ross Kroenert	Vice President	949-933-1478	Jenna Bartlett	Secretary	541-902-3524	Cal Applebee	Board Member	541-999-4175	George Henry	Board Member	541-991-9552
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Cal Applebee	Board Member	541-999-4175														
George Henry	Board Member	541-991-9552														
<p>14.</p>	<p><i>Consent to attend a pre-special event conference with city staff to prepare for the special event should such conference be requested by the City Manager, or designee.</i></p> <hr/> <p>The applicant will be available to attend a pre-special event conference or follow up conference with City staff should such a request be made.</p>															
<p>15.</p>	<p><i>The fees required by FCC 7-5-1-4.</i></p> <hr/> <p>The \$259 fee has been paid.</p>															
<p>15.</p>	<p><i>A written agreement to indemnify the city against any and all claims related to the applicant's actions or inactions related to the Special Event. Such indemnity shall be in a form approved by the City Manager.</i></p> <hr/> <p>To be provided by the City for the applicant to execute upon approval of the application by the City Council.</p>															

Staff Findings:

1.	<p><i>The street closure and/or Special Event will not disrupt traffic within the city beyond practical solution.</i></p> <p>Staff finds that it does not.</p>
2.	<p><i>The street closure and/or Special Event will not create unreasonable or significant safety issues for the participants, the public, attendees, pedestrians, motorists or others.</i></p> <p>Staff finds that it does not.</p>
3.	<p><i>The special event will not result in a violation of the City’s noise ordinance, FCC 6-1-2-3. If the applicant is planning to use any sound producing devices which may violate the noise ordinance, a separate application for a variance under FCC 6-1-2-3 must accompany the application for a street closure. A final decision on the street closure application will not be made until after a final decision is made on the application for a variance to the noise ordinance.</i></p> <p>The applicant has formally applied for a noise variance. Approval of the noise variance will be conditional on the applicant notifying the surrounding properties of the date, times, and purposes for the noise variance.</p>
4.	<p><i>The Special Event and/or the street closure will not unreasonably interfere with access to fire hydrants.</i></p> <p>Siuslaw Valley Fire and Rescue will continue to maintain access for emergencies.</p>
5.	<p><i>The special event and/or the street closure will not unreasonably interfere with access to the affected area by police, fire, ambulance, or other emergency services providers.</i></p> <p>Staff finds that it does not. Notice was sent to Siuslaw Valley Fire and Rescue and Western Lane Ambulance. As of the writing of this staff report no comments have been heard from either entity.</p>

6.	<p><i>If alcohol will be served or sold at the Special Event, applicant will obtain or has obtained any and all necessary OLCC permits. Applicant shall include a plan in the application which demonstrates the ability to comply with all state and local laws, rules and regulations.</i></p> <p>There will be no alcohol served or sold at this event.</p>
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7.	<p><i>The special event and/or street closure will not cause undue hardship to adjacent businesses, public services including public transit, public buildings, and/or residence which cannot be reasonably mitigated by the applicant. If the special event will create undue hardships for adjacent businesses, public services, or residences, the applicant shall provide and fund a plan to mitigate or avoid these hardships.</i></p> <p>Hardship: Businesses -This event has a history of bringing tourists and visitors to Old Town Florence that would not ordinarily be here. If anything, we usually have a problem of restaurants not being able to keep up with the demand during the show. We have asked several restaurants if they would consider</p>
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	<p>opening early for breakfast, especially for the car show participants that arrive early. With most Old Town businesses sponsoring an award, they know from experience that they will be busy all day. We have also allowed for the continued use of several Bay St. parking spaces by restaurants in our car calculation so their businesses will not be restricted.</p> <p>Public Transit/Buildings: This has not been a problem in the past for transit. There are no known public buildings impacted by the event.</p> <p>Residents: The few residents that live on Bay St. are notified in advance and usually are very cooperative, parking in the public lots behind the Bay St. businesses. No driveways, alleys or streets within the immediate show area are blocked by show cars. The one single family residence on Maple on the SW corner of 2nd St. is familiar with the show and can enter/exit at will.</p>
8.	<p><i>The application is complete as required by this Chapter and contains no false information.</i></p> <p>Staff finds that it is complete and does not contain false information.</p>
9.	<p><i>The applicant has fully paid or guaranteed payment for the cost of any mitigation plan and the cost of any activity the City has agreed to perform in support of the Special Event, if any.</i></p> <p>This is not applicable and there is nothing to mitigate and the city is not involved in the special event.</p>
10.	<p><i>The applicant has provided proof of insurance in the form and amount as approved by the City Manager sufficient to protect the City and the public from the risk of any liability created by the street closure and/or the Special Event.</i></p> <p>The City Manager determined the amount to be \$1,000,000 for each occurrence, \$300,000 for damage to rented premises for each occurrence, \$5,000 for medical expenses to any one person, \$1,000,000 for personal injury, and \$3,000,000 general aggregate.</p>

AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: August 15, 2022
Department: Community
Development

ITEM TITLE: Ordinance No. 9, Series 2022

DISCUSSION/ISSUE:

Request: On June 2, 2022, pursuant to ORS 227.181, Michael Farthing, attorney for Benedick Holdings, LLC, requested that the City proceed on remand for its application to assign zoning to the subject property that was annexed into the City via Ordinance No. 1, Series 2021. The Land Use Board of Appeals (“LUBA”) remanded to the City Council in *Oregon Coast Alliance v. City of Florence*, LUBA Case No. 2021-051 (the “LUBA remand”) on January 28, 2021.

Background: On April 5, 2021 City Council adopted Ordinance No. 1 Series 2021 annexing Oceana Drive east of Rhododendron Drive and Assessor’s Map Reference (MR) 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801 into the City. At the same time Ordinance No. 2, Series 2021 was adopted assigning zoning of Low Density Residential for all property and confirmed Coastal Shoreland Management Unit Overlay of Prime Wildlife for areas so designated in the comprehensive plan. Both the annexation and zoning assignment decisions were appealed to LUBA. LUBA dismissed the appeal of Ordinance No. 1, Series 2021 on October 18, 2021 (LUBA No. 2021-050). The Oregon Court of Appeals affirmed the dismissal on January 21, 2022. However, LUBA determined the findings adopted for Ordinance No. 2, Series 2021 did not adequately explain why the zone change satisfied the “public interest” standard set forth in FCC 10-1-3-B-4. Based on the single shortcoming in the findings LUBA remanded the Council decision in order for the City to provide supplemental findings that explain why assigning the Low-Density Zoning District to the subject property is “not contrary to the public interest”.

Process: The remand process is governed by ORS 227.181 (see below excerpt). In summary the statute says the applicant has 180 days from the LUBA remand decision effective date (January 28, 2022) to provide a request to the City to proceed with the application on remand. The request was received by the City of Florence on June 2, 2022 as shown in attachment 1. So, the 180-day deadline was met by the applicant. The City then has 120 days from the date of the applicant’s request to consider the remand. This 120-day deadline (September 29, 2022) is also met.

“227.181 Final action required within 120 days following remand of land use decision. (1) Pursuant to a final order of the Land Use Board of Appeals under ORS 197.830 remanding a decision to a city, the governing body of the city or its designee shall take final action on an application for a permit, limited land use decision or zone change within 120 days of the effective date of the final order issued by the board. For purposes of this subsection, the

effective date of the final order is the last day for filing a petition for judicial review of a final order of the board under ORS 197.850 (3). If judicial review of a final order of the board is sought under ORS 197.830, the 120-day period established under this subsection shall not begin until final resolution of the judicial review.

(2)(a) In addition to the requirements of subsection (1) of this section, the 120-day period established under subsection (1) of this section shall not begin until the applicant requests in writing that the city proceed with the application on remand, but if the city does not receive the request within 180 days of the effective date of the final order or the final resolution of the judicial review, the city shall deem the application terminated.

(b) The 120-day period established under subsection (1) of this section may be extended for up to an additional 365 days if the parties enter into mediation as provided by ORS 197.860 prior to the expiration of the initial 120-day period. The city shall deem the application terminated if the matter is not resolved through mediation prior to the expiration of the 365-day extension.

(3) The 120-day period established under subsection (1) of this section applies only to decisions wholly within the authority and control of the governing body of the city.

(4) Subsection (1) of this section does not apply to a remand proceeding concerning a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610. [1999 c.545 §5; 2011 c.280 §13; 2015 c.522 §3]"

Ordinance No. 9, Series 2022 is not being adopted under a public hearing procedure. The evidence to support the adoption of the Ordinance and its exhibit (supplemental findings) is already within the existing record of Ordinance No. 2, Series 2021. There is therefore no reason to reopen the record to admit new evidence.

Review: The supplemental findings of fact and ordinance are attached to this AIS. The supplemental findings do not reconsider any issues affirmed by LUBA in its remand decision. In addition, there is no consideration of evidence irrelevant to the remanded criterion (FCC 10-1-3-B-4 see below). The supplemental findings on remand affirm the original findings in support of Ordinance No. 2 Series 2021.

FCC 10-1-3-B-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.”

Noticing:

In accordance with ORS 197.610 DLCD was provided notice: "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." Supplemental findings are proposed to be adopted that are tied to a change in the zoning map. While DLCD was provided original notice prior to the evidentiary hearing additional noticing was provided for the supplemental findings consideration. There is additional statute language referencing 20-day and 35-day notice periods that are interpreted to not apply as they both specifically reference first evidentiary hearing. The first hearing for the zone change was already noticed and this action includes no hearing. Rather it is a finalization of the adoption of a zone change.

Property owner and interested party noticing was not performed. Noticing was found to not be required under ORS 197.797, 227.175(8) or 227.186. All ORS specifically include the statement "prior to a hearing" final or evidentiary. Additionally, property owner and interested party noticing was not required under FCC 10-1-1-6-3-B-1-b & c as all sections refer to hearings. Courtesy noticing was provided to the appellants.

ISSUES/DECISION POINTS:

ALTERNATIVES: 1. Adopt Ordinance No. 9, Series 2022 (revised) as shown in attachment 1 or,
2. Adopt Ordinance No. 9, Series 2022 as originally published

RECOMMENDATION: Recommend adopting Ordinance No. 9, Series 2022 (revised) and as shown in attachment 1.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director, AICP

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEMS ATTACHED: **Attachment 1** – Ordinance No. 9, Series 2022 (revised):
o Exhibit A: Supplemental Findings of Fact
Attachment 2 – Farthing Remand Request, rcv'd June 2, 2022
Attachment 3 – Ordinance No. 2, Series 2021, Exhibits A & B
Attachment 4 – Ordinance No 9, Series 2022 as originally published on 8/5/22.

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- **Reference Materials: Supporting Documents for Ordinance No. 2, Series 2021 Record**

<https://www.ci.florence.or.us/planning/benedick-annexation-petition-zone-assignment>

**CITY OF FLORENCE
ORDINANCE NO. 9, SERIES 2022**

AN ORDINANCE ADOPTING SUPPLEMENTAL FINDINGS FOR ORDINANCE NO. 2, SERIES 2021.

RECITALS:

1. On April 5, 2021, the City Council adopted Ordinance No. 1, Series 2021, which annexed property into city limits and Ordinance No. 2, Series 2021, which assigned zoning and overlay zoning to the annexed parcels. The ordinances were appealed to the Land Use Board of Appeals (LUBA).
2. On January 28, 2022, in LUBA Case No. 2021-051, LUBA remanded Ordinance No. 2, Series 2021, to the City to adopt supplemental findings to address the public interest criterion in Florence City Code (FCC) 10-1-3-B-4.
3. On June 2, 2022, the City received applicant's request that the City initiate remand proceedings in accordance with ORS 227.181.

NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence adopts the supplemental findings in attached Exhibit A for Ordinance No. 2, Series 2021.
2. This decision considers no new evidence and is based on the existing record of Ordinance No. 2, Series 2021.
3. This decision considers only the public interest criterion found in FCC 10-1-3-B-4.
4. Notwithstanding adoption of the supplemental findings, Ordinance No. 2, Series 2021 remains unchanged and in full force and effect.
5. The zoning and overlay zoning designations established by Ordinance No. 2, Series 2021, will take effect in accordance with FCC 10-1-2-3.

ADOPTION:

First Reading on the 15th day of August, 2022
Second Reading on the 15th day of August, 2022

This Ordinance is passed and adopted on the 15th day of August, 2022.

Councilors:

AYES
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Lindsey White, City Recorder

CITY OF FLORENCE
SUPPLEMENTAL FINDINGS OF FACT
(Exhibit A)

Request

On June 2, 2022, pursuant to ORS 227.181, Michael Farthing, attorney for Applicant Benedick Holdings, LLC, requested that the City proceed on remand for its application to assign zoning to the subject property that was annexed into the City via Ordinance No. 1, Series 2021. These supplemental findings address the remand proceedings and applicable criterion, as remanded to the City Council by the Land Use Board of Appeals (“LUBA”) in *Oregon Coast Alliance v. City of Florence*, LUBA Case No. 2021-051 (the “LUBA remand”).

Background

On April 5, 2021, the City Council adopted Ordinance No. 1, Series, 2021, which annexed a 48.82-acre parcel (the “Subject Property”), and the Oceana Drive right-of-way into the City. At the same time, the City Council adopted Ordinance No. 2, Series, 2021 (“Ordinance No. 2”), which assigned the City’s Low Density Residential Zoning District and Prime Wildlife Overlay to the Subject Property.

The City Council’s approval of Ordinance No. 1 (annexation approval) was appealed to LUBA who dismissed the appeal on October 18, 2021 (LUBA, No. 2021-050). That dismissal was affirmed by the Oregon Court of Appeals on January 21, 2022. *Oregon Coast Alliance v. City of Florence*, 317 Or App 137 (2022). The Court of Appeals’ decision is now final. As a result, Ordinance No. 1, Series 2021 is final and the Subject Property is within the Florence city limits – the Subject Property is annexed.

Ordinance No. 2 was also appealed to LUBA. On January 28, 2022 LUBA determined that the findings adopted by the City Council did not adequately explain why the zone change satisfied the “public interest” standard set forth in FCC 10-1-3-B-4. That criterion states:

“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.” (Underline added.)

In the adopted findings supporting Ordinance No. 2, reference was made to the Applicant’s initial application (Exhibit “J”) for addressing this standard. LUBA concluded that Exhibit “J” did not adequately address the “public interest” portion of the requirement set forth in FCC 10-1-3-B-4.

Issue on Remand

Based on this single shortcoming in the adopted findings, LUBA remanded the Council’s approval of the zone assignment in order for the City to provide supplemental findings that explain why this particular zone assignment of the City’s Low Density Zoning District to the Subject Property is “not contrary to the public interest.” The following findings provide the factual and legal justification for concluding that approval of the requested zone assignment of Low Density Residential to the property described in Ordinance No. 2 supports the City’s public interest in providing residential homesites in accordance with its Comprehensive Plan.

There will be no reconsideration of issues affirmed by LUBA in its remand decision. In addition, there will be no consideration of evidence irrelevant to the remanded criterion; evidence not referenced here is deemed either irrelevant to the remand issue or unpersuasive as to the ultimate findings herein.

Incorporation of Supplemental Findings

These supplemental findings on remand affirm the original findings in support of Ordinance No. 2, except to the extent that findings in these supplemental findings actually conflict with the original findings. In the event of an actual conflict these supplemental findings shall govern.

Procedure

On July 30, 2020, property owner Benedick Holdings LLC applied to the City for annexation of the Subject Property together with a request to assign city zoning to the Subject Property. The annexation and zone assignment were addressed concurrently throughout the city proceedings. After proper notice, the Planning Commission met on November 10, 2020 to consider the zone assignment application. After considering submitted evidence, testimony and argument, the Planning Commission on December 8, 2020 adopted findings in support of assigning the requested zone district and overlay. Upon receiving the Planning Commission's recommendation, and proper noticing, the City Council met in a public hearing held on February 1, 2021 and February 22, 2021 to consider the application, evidence and testimony. On April 5, 2021 the City Council deliberated on the application and adopted Ordinance No. 2. As noted above, on January 28, 2022, LUBA remanded Ordinance No. 2 to the City Council for consideration of one specific issue related to the applicable public interest criterion.

ORS 227.181 governs the City's procedure on remand from LUBA. The city has no specific local procedures that govern the processing of a remand. The record in this matter is already voluminous after vigorous debate during the consideration of Ordinance No. 2. The remand issue is not a new issue, but one that was discussed already.

As to the singular public interest criterion, as provided by LUBA, the question for the City Council on remand is to identify the facts the relied on for this criterion and explain how those facts lead to the conclusion that the public interest standard is satisfied. Based upon the state of the existing record, the arguments already made throughout the course of this matter, and the specific scope of the remand issue, there is little reason to re-open the record or hear new argument as to the remand issue. On balance, it is best to proceed directly to deliberation of the remand issue so that the Council can correct the error found by LUBA.

The Council will consider no new evidence on remand. In addition, the Council will not hold a public hearing on this matter to consider any new testimony or argument.

This matter was set for City Council deliberation and action on August 15, 2022.

Plan and Zone Consistency

The starting point for finding the requested zoning assignment to be not contrary to the public interest is to focus on the location of the standard in FCC 10-1-3-B-4, and how it fits within the entire criterion which actually contains two requirements. The first requirement is that the proposed zone assignment be “consistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance.” The adopted findings that supported Ordinance No. 2 addressed relevant policies in the Florence Realization Comprehensive Plan (“Florence Comprehensive Plan”) and also applicable provisions of the Florence City Code. (Ord. No. 2 Findings at pages 5-26, 31-41.) These findings provide a detailed explanation of how and why the proposed Low Density Residential Zoning District is consistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance. (Ord. No. 2 Findings at pages 5-26, 31-41.) These findings cover a broad range of subjects relating to how this zone change positively satisfies and implements the relevant policies and requirements of both the Florence Comprehensive Plan and Zoning Ordinance. This first standard is not at issue on remand from LUBA, so the prior findings are conclusive.

This first standard in FCC 10-1-3-B-4 that requires review of the Comprehensive Plan and Zoning Ordinance requirements is then followed with the general and subjective standard of “. . . is or is not contrary to the public interest.” Given the overwhelming evidence that supports the conclusion that this zone assignment, as applied to the Subject Property, conclusively addresses and satisfies all of the requirements, standards and criteria of the Florence Comprehensive Plan and Zoning Ordinance, we therefore, conclude that the assignment of the Low Density Residential zoning to the Subject Property is not only reasonable but is compelling for all of the positive circumstances that will occur when this zoning assignment is final and, therefore, is consistent with the public interest as reflected in the Florence Comprehensive Plan and Zoning Ordinance.

Benefits of Requested Zone Assignment

Of particular benefit to the public interest is that assignment of this Low-Density Residential District will allow the owner to make an application to the City for low density residential development of those portions of the Subject Property that are not occupied by

Coastal Shorelands. There is a documented public need for the low-density residential development that will occur on the Subject Property. (Ord. No. 2 Findings at pages 10, 40.) An additional benefit to the public interest with this opportunity to make application for low density development is the city code requirement to provide access to Three Mile Prairie parkland, a Lane County public resource, upon land division. As shown on Exhibit G this would provide the opportunity for properties north and west of the subject property to have legal thru-access to the public park lands. (Ord. No. 2 Findings at page 17.) The Subject Property can be served by all urban facilities and services which will be provided by a future developer. (Ord. No. 2 Findings at 5-7.) This includes a developer-financed pressurized public sewer line extended from Rhododendron to the Subject Property that will also be available to serve the existing residences in the Idylewood Subdivision that presently use individual septic systems. (Ord. No. 2 Findings at pages 5-6.) An additional benefit with this opportunity to make application for low density development is the city code requirement to perform extensive analysis and provide methods for treatment, flood prevention, storage construction, limits to impervious areas, and vegetation retention and to consider known flooding ¼ mile up and down gradient from development. Upon annexation and subsequent development application the City's Stormwater Master Plan is applicable where the "the City may wish to complete further studies of stormwater behavior in this area, to assess the need for pump stations, pipe systems, and/or other infrastructure." (Ord. No. 2 Findings at pages 12 & 17.) Testimony from owners adjacent to the subject property cited instances of historic flooding on or near their properties. The City's zoning and related development policies provide the public benefit of both the private developer and city the ability to consider and implement solutions to resolve flooding in these county lands.

Beyond these positive and beneficial contributions to the public interest that are stimulated by this zone assignment, there is also the fact that the South Heceta Junction Lakes, that are located on a significant portion of the Subject Property, will be fully protected from any development. (Ord. No. 2 Findings at pages 11-12.) Those protections offered by the City's Prime Wildlife Overlay Zone exceed those provided by the existing County Prime Wildlife Zone as evidenced, in part, by the 100' setback rather than the 50' presently in place under Lane County regulations. (Ord. No. 2 Findings at pages 26, 33.) Moreover, the number of residences that could be developed in the future under the

proposed zone is significantly less than would be allowed by the County's Suburban Residential and Prime Wildlife Zone. (Ord. No. 2 Findings at pages 19, 33.) Thus, zoning to Low Density and assuming the City's Prime Wildlife designation will do more to advance the public interest by supporting public health and welfare and reducing the risk of excessive public expense.

Zone Assignment Compared to Alternatives

As the above findings reflect, approval of this zone assignment of Low Density Residential to the Subject Property has followed a script that is prescribed by Statewide Planning Goals, the annexation and zone assignment policies in the Comprehensive Plan and implemented pursuant to detailed Zoning Ordinance provisions. The Subject Property has been annexed to the City and continues to be designated Low Density Residential in the Florence Comprehensive Plan. (Ord. No. 2 Findings at page 10.) The City's implementing zone for the Subject Property is the Low-Density Residential District with a Prime Wildlife Overlay that provides increased protections for the property's Coastal Shorelands in comparison to the County's regulations. (Ord. No. 2 Findings at pages 11-12.) It is in the public interest to provide these increased protections as the property is developed inside the City and in satisfaction of all applicable City requirements. This can only occur if this zone assignment is completed.

It is also reasonable to conclude that not assigning the Low-Density Residential District to the Subject Property would be contrary to the public interest. Denial of this zone assignment would be in conflict with FCC 10-1-2-3 that authorizes zoning to be assigned to annexed properties when the zoning is consistent with the Florence Comprehensive Plan and Zoning Ordinance and regardless of whether it is requested by the annexation applicant. (Ord. No. 2 Findings at page 37.) The applicant has requested assignment of the Low-Density Residential Zoning District to the annexed Subject Property. There is no other zone that is appropriate to be assigned to the Subject Property. Failure to do so would be contrary to the public interest as zoning assignment is required by the Florence Zoning Ordinance. The same rationale applies if the City's Prime Wildlife Overlay zone was not applied to the Subject Property.

Opposition Testimony

Most of the opposition testimony is directed at the petition for annexation although there were claims that “the proposed change is contrary to the public interest.” (Exhibit M45, 11/10/2020 letter from Zack Mittge.) However, the reasons provided in support of this claim were based on the negative effects of a development that does not exist and is not presently proposed. (Exhibit M68, 2/1/21 letter from Zack Mittge.) This was reflected in the fact that most of the opposition testimony was directed at phantom proposals.

These misdirected allegations were focused primarily on the potential impacts of a development that has not been proposed by the zone assignment. These assertions were collectively cataloged in the adopted findings. (Ord. No. 2 Findings at pages 3-5.) As addressed previously the single remanded item by LUBA concerns the lack of findings explaining why this zone assignment is or is not in the public interest.

The opposition testimony alleging the lack of adequate findings addressing the public interest standard are not supported by actual examples of how approval of the zone assignment would be contrary to the public interest. No development is proposed by this zone assignment and none is approved if the zoning assignment becomes final. Indeed, the annexation has become final, and the action did not result in development of the Subject Property.

Importantly, no one provided arguments or evidence as to what would happen that is contrary to the public interest if this zoning assignment is approved and there was no development (which is the scenario the Council is faced with under this zone assignment application). There have been no assertions or allegations about negative or adverse effects that occur when the City’s Low Density Residential District is assigned to the newly-annexed Subject Property in accordance with the Florence Comprehensive Plan and Zoning Ordinance.

Given the Comprehensive Plan designation and the available zoning districts that could apply to the Subject Property, the Low Density Residential District is the appropriate zoning district. It is not contrary to the public interest to assign the appropriate zoning district to the Subject Property.

As to the remand issue of public interest, the opposition testimony is unpersuasive in the face of the counter-evidence that supports a finding of public interest in this zone assignment. Given the fact that the subject property is annexed and within the city limits, it

is in the public interest to zone the property as sought by the applicant, despite the evidence of flooding and other potential adverse impacts of future development.

Failing to assign a zoning district is not an available option under the City's zoning framework. Given that fact that a zoning district must be assigned, the Low-Density Residential District is the appropriate assignment. Making this assignment is not contrary to the public interest when given the available options.

FCC 10-1-2-3

The LUBA remand directs the City to explain "why the zone change satisfies the public interest provision" in FCC 10-1-3-B-4. The findings in the previous sections set forth how and why approval of the Low-Density Residential District assignment to the Subject Property is not only in the "public interest" but, in fact, to do anything other than make that assignment would be contrary to the public interest. This is supported and directed by FCC 10-1-2-3 which requires zoning to be applied either on the effective date of the annexation, which is what has occurred in the present case, or "automatically" applied with an interim classification that matches the County zoning classification. In either case, zoning will be applied to the Subject Property and that zoning will be the City's Low Density Residential District. There is no other zoning district that implements the Low-Density Residential plan designation for the Subject Property. Indeed, LUBA itself noted that the only zoning district that implements the Comprehensive Plan designation for the Subject property is the Low-Density Residential District. (Footnote 5 of LUBA opinion.) The City agrees with LUBA's assessment and there is no valid argument to the contrary.

Conclusion

Assignment of the Low-Density Residential District is required by a specific zoning ordinance provision that implements the City's Comprehensive Plan that designates the Subject Property as suitable for low density residential development within the city limits of Florence. Nothing could be more in the public interest than to assign a city zone that will allow the property to be developed in accordance with the Florence Comprehensive Plan and Florence Zoning Ordinance. This is how land development with strong City oversight and review should occur beginning with annexation followed by assignment of City zoning. (Exhibit N2, Applicant's final argument 3/1/21.) When the time comes in the future, the next

step will be submission of a land development application that will be subject to complete public review.

For now, assignment of the Low-Density Residential District to the Subject Property is mandated by the Florence Comprehensive Plan and Florence Zoning Ordinance which means that it is consistent with the public interest. Argument to the contrary is unpersuasive.

Michael E. Farthing

Attorney at Law

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Eugene, Oregon 97401

Office: 541-683-1950

PO Box 10126
Eugene, Oregon 97440email: mefarthing@yahoo.com

May 31, 2022

City of Florence
c/o Wendy Farley-Campbell, Planning Director
Florence City Hall
250 Highway 101
Florence, OR 97439



Re: LUBA Remand (LUBA No. 2021-051)
Remand of City of Florence Ordinance No. 2, Series 2021
(Assigned Low Density Residential Zoning to property
annexed by Ordinance No. 1, Series 2021)

Ms. Farley-Campbell and staff:

On behalf of Benedick Holdings LLC, the applicant for the zoning assignment referenced above and approved by the City Council and thereafter remanded by LUBA on a single finding deficiency, we request that the City respond to that remand, dated January 28, 2022, in accordance with ORS 227.181 and applicable City Code provisions. A complete copy of LUBA's decision is attached. LUBA's holding is narrowly drafted and focuses solely on the lack of specific findings that address the "public interest" standard. Otherwise, LUBA rejected all of the other assignments of error.

After reviewing the remainder of LUBA's decision, I believe that all that is required is preparation of specific findings addressing the "public interest" standard. From my perspective, I believe there is ample evidence already in the record beginning with FCC 10-1-2-3 which provides clear direction and support for the Low Density Residential zoning that was assigned to the subject property.

While you will provide specific direction to the Council as to how this remand should be addressed, we believe staff and legal counsel can prepare draft findings, based on the present record, for review and adoption by the City Council. There is no need to open the record because there is already ample evidence and Code support for a finding that approval of the requested zone assignment is very

Ms. Farley-Campbell and Staff

May 31, 2022

Page 2

much in the “public interest”. Finally, pursuant to ORS 227.181(1), this letter initiates a new 120-day time period in which the City shall take final action for the remand.

Please let me know if you have questions or require additional information to begin the City’s review of LUBA’s remand.

Sincerely,

A handwritten signature in black ink that reads "Michael Farthing". The signature is written in a cursive style with a large, looping 'M' and 'F'.

Michael E. Farthing

Enclosure

c: Ross Williamson (via email)
Client (via email)

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 OREGON COAST ALLIANCE and BRUCE W. HADLEY,
5 *Petitioners,*

6
7 vs.

8
9 CITY OF FLORENCE,
10 *Respondent,*

11
12 and

13
14 BENEDICK HOLDINGS, LLC,
15 *Intervenor-Respondent.*

16
17 LUBA No. 2021-051

18 ***
19 FINAL OPINION
20 AND ORDER

21
22 Appeal from City of Florence.

23
24 Sean T. Malone filed the petition for review and reply briefs and argued
25 on behalf of petitioners.

26
27 Ross A. Williamson filed a response brief and argued on behalf of
28 respondent. Also on the brief was Local Government Law Group, P.C.

29
30 Michael E. Farthing filed a response brief and argued on behalf of
31 intervenor-respondent.

32
33 RYAN, Board Member; ZAMUDIO, Board Chair; RUDD, Board
34 Member, participated in the decision.

35
36 REMANDED

01/28/2022

1 You are entitled to judicial review of this Order. Judicial review is
2 governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a city decision applying a low-density residential city zoning designation to property newly annexed into the city.

FACTS

The subject property is an approximately 49-acre property located west of Heceta Beach Road and east of Rhododendron Drive. Access between the property and Rhododendron Drive is via Oceana Drive, which terminates at the property.

Prior to 2021, the property was included in the city’s urban growth boundary, and the Florence Comprehensive Plan (FCP) map designated the property Low Density Residential with a majority designated as coastal shorelands.¹ In 2021, intervenor-respondent (intervenor) applied for annexation of the subject property and the portion of Oceana Drive from the property west to its intersection with the city road Rhododendron Drive, and to assign the Low Density Residential (LDR) and Prime Wildlife Management Shorelands Overlay District zones to the property. Record 248. The city council approved the annexation application in Ordinance 2021-001 and approved the application to

¹ Lane County zoned the property Suburban Residential (SR), interim urban combining district overlay, and prime wildlife. Supplemental Record 14.

1 zone the property LDR with a majority in the coastal shorelands overlay district
2 in Ordinance 2021-002 (Ordinance).² This appeal followed.

3 **FIRST ASSIGNMENT OF ERROR**

4 Petitioners’ first assignment of error implicates Florence City Code (FCC)
5 10-1-2-3, “Zoning of Annexed Areas,” and FCC 10-1-3, “Amendments and
6 Changes,” which we set out below.

7 “10-1-2-3

8 “The City Council may establish zoning and land use regulations
9 that become effective on the date of annexation. This zoning district
10 shall be consistent with the objectives of the Florence
11 Comprehensive Plan and Zoning Code. *When zoning is not*
12 *established at the time of annexation, an interim zoning*
13 *classification most nearly matching the existing County zoning*
14 *classification shall be automatically applied until the City Council*
15 *establishes zoning and land use regulations in accordance with the*
16 *conditions and procedures of Chapter 1 of this Title.*

17 “10-1-3

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

23 “B. Type III (Quasi-Judicial) Changes:

² We dismissed petitioners’ appeal of Ordinance 2021-001 as untimely filed.
____ Or LUBA ____ (LUBA No 2021-050, Oct 18, 2021), *aff’d*, 317 Or App 137
(2022).

1 “1. Initiation: A quasi-judicial zoning change and related
2 Comprehensive Plan changes may be initiated by
3 application of a property owner within the affected
4 area, by a person having substantial ownership interest
5 in the property, by resolution of the Planning
6 Commission or motion of the City Council, and also by
7 individual citizens or citizen groups during Plan update
8 as provided in The Comprehensive Plan.

9 “2. Application Fees: When proceedings are initiated by a
10 property owner, filing fees shall be collected. The
11 schedule of application fees shall be established by the
12 City Council by resolution. The fee charged shall be no
13 more than the average cost of providing service.

14 “3. Notice and Public Hearing: Notice and public hearing
15 for quasi-judicial changes to this Code and the
16 Comprehensive Plan shall be in accordance with Code
17 Section 10-1-1-6.

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

29 “C. Type IV (Legislative) Changes:

30 “1. Initiation: A legislative change in zoning district
31 boundaries, in the text of this Title, (Title 10), Title 11,
32 or in the Comprehensive Plan may be initiated by
33 resolution of the Planning Commission or by a request
34 of the Council to the Planning Commission that
35 proposes changes be considered by the Commission

1 and its recommendation returned to the Council, or by
2 an application for an amendment by a citizen.

3 “2. Notice and Public Hearing: Such notice and hearing as
4 prescribed by state law and the Comprehensive Plan
5 then in effect.” (Emphases added.)

6 Petitioners’ first assignment of error is that the city’s findings that FCC 10-
7 1-3(B)(4) is met are inadequate and not supported by substantial evidence in the
8 record. In their first subassignment of error, petitioners argue that the city’s
9 findings that the requested change “is not contrary to the public interest” are
10 inadequate. Petition for Review 20-21. In their second subassignment of error,
11 petitioners argue that the requested change is not consistent with FCP Land Use
12 Policy 1 because the city council improperly construed Land Use Policy 1 and
13 because the decision that Policy 1 is met is not supported by substantial evidence.
14 ORS 197.835(9)(a)(B) and (C).

15 Intervenor and the city (together, respondents) respond, initially, that FCC
16 10-1-3(B)(4) does not apply to intervenor’s application because the application
17 sought an initial assignment of zoning in connection with the concurrent
18 annexation of the property. Rather, respondents argue FCC 10-1-2-3 and FCC
19 10-1-3(C) apply and require the property to be zoned LDR because the LDR
20 zoning designation is the only zoning designation that implements the previously
21 designated LDR FCP designation for the property. Intervenor points to findings

1 the city adopted addressing FCC 10-1-2-3 and argues that those findings establish
2 that the city determined that FCC 10-1-3(B) does not apply.³

3 In their reply brief, petitioners respond that during the proceedings below,
4 which, as noted, were consolidated proceedings to consider both the annexation
5 and zone change applications, intervenor did not take the position that FCC 10-

³ The city found:

“The zoning district corresponding to the subject property’s Comprehensive Plan designation is Low Density Residential. The Low Density District will be assigned upon approval of the request from Council and finalization of the annexation process with the county and state. Property designated as Prime Wildlife with the County will transfer applicable regulations from Lane County’s Chapter 10.245 to the Florence City Code Title 10 Chapter 19. FCC 10-19-5: B. states: ‘As lands are annexed overtime, Coastal Shorelands shall include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. Upon annexation, Coastal Shorelands Overlay Zoning Districts are applied to the properties depicted on the Map 17-1 Estuary and Coastal Shoreland Management Units in the Florence UGB in the Comprehensive Plan...’. Therefore, there is technically no zone change rather a change in regulation assignment. Therefore, the shorelands are not included on the Florence Zoning Map because they are represented in 17-1 and regulated by FCC 10-19 where the map is called out specifically and these lands under annexation consideration are illustrated and represented with the Prime Wildlife designation already. Review of the applicable code and comp plan objectives and policies are contained within these findings. It is found that the petition and application are consistent with the Florence Realization 2020 Comprehensive Plan and the Title 10 Zoning Regulations of the Florence City.” Supplemental Record 40.

1 1-2-3 and FCC 10-1-3(C) rather than FCC 10-1-3(B) applied. Petitioners point
2 out that the city’s decision does not take that position either, and instead includes
3 findings addressing FCC 10-1-3(B)(4) and does not include any findings
4 addressing FCC 10-1-3(C).⁴

5 We agree with petitioners that the position respondents take in their briefs
6 is not reflected in the challenged decision. While respondents’ theory set out in
7 their briefs is arguably a correct interpretation of the various provisions of the
8 FCC they cite and rely on, neither that theory nor any interpretation to that effect,
9 either express or implied, are contained in the decision.⁵ Rather, the decision
10 includes findings addressing FCC 10-1-3(B)(4), and nothing in those findings or
11 the findings addressing FCC 10-1-2-3 suggests that either are alternative

⁴ The decision includes the following findings:

“On November 10, 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. The applicant provided a statement of compliance in Exhibit J that demonstrated that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest. 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.” Supplemental Record 41.

⁵ We note that the FCP provides that the only zoning district that implements the LDR plan designation is the LDR zoning designation (formerly called Restricted Residential). FCP 2 (Land Use), 7.

1 findings. Supplemental Record 41. Accordingly, we do not consider respondents'
2 alternative theory set out in their briefs but not in the decision.

3 **A. Public Interest**

4 Adequate findings are required to support quasi-judicial land use
5 decisions. *Sunnyside Neighborhood v. Clackamas Co. Comm.*, 280 Or 3, 20-21,
6 569 P2d 1063, 1076-77 (1977). Generally, findings must: (1) identify the relevant
7 approval standards; (2) set out the facts which are believed and relied upon; and
8 (3) explain how those facts lead to the decision on compliance with the approval
9 standards. *Heiller v. Josephine County*, 23 Or LUBA 551, 556 (1992).

10 Petitioners argue that the findings at Supplemental Record 41 that the zone
11 change is not contrary to the public interest are inadequate and are not supported
12 by substantial evidence in the record, because the city's findings cite intervenor's
13 Exhibit J to intervenor's application, and the proposed findings included in
14 Exhibit J do not include an adequate explanation of why FCC 10-1-3(B)(4) is
15 met. Petition for Review 20-21 (citing Record 270-301). Exhibit J comprises 31
16 pages and includes intervenor's application addressing the applicable approval
17 criteria for both the annexation and the zone change, and additional information.
18 In response, the city does not take the position that the findings are adequate, but
19 rather points to evidence in the record that zoning the property LDR is not
20 contrary to the public interest because (1) LDR zoning provides residential
21 housing supply identified as needed in the city's most recently adopted Buildable
22 Lands Inventory; (2) LDR zoning implements the pre-existing FCP plan

1 designation of LDR; and (3) the property can be served with existing city sewer
2 and by a water district. Record 13.

3 We agree with petitioners that the findings regarding the public interest
4 criterion are inadequate. Exhibit J to which the findings refer includes only the
5 following addressing FCC 10-1-3(B)(4):

6 “The Planning Commission will hold a public hearing on this
7 annexation request and quasi-judicial zone assignment. The findings
8 of fact will be available in advance of the hearing. Annexation of the
9 Property within the UGB is permitted if the request meets the
10 applicable ORS and the City’s urbanization policies.” Record 289.

11 That explanation does not explain in any way why the zone change satisfies the
12 public interest provision.

13 The first subassignment of error is sustained.⁶

14 **B. Land Use Policy 1**

15 Land Use Policy 1 provides:

16 “Designation and location of land uses shall be made based on an
17 analysis of documented need for land uses of various types, physical
18 suitability of the lands for the uses proposed, adequacy of existing
19 or planned public facilities and the existing or planned
20 transportation network to serve the proposed land use, and potential
21 impacts on environmental, economic, social and energy factors.”

⁶ Because the city’s findings fail to identify the facts the city relied on and explain how those facts lead to the conclusion that the public interest standard is satisfied, it would be premature to resolve petitioners’ substantial evidence challenge, and accordingly we do not resolve it here.

1 In its second subassignment of error, petitioners argue that the city’s findings that
2 Land Use Policy 1 is met improperly construe the policy and are not supported
3 by substantial evidence in the record.⁷ The city responds that the findings

⁷ The findings provide:

“The designation of this property as Low Density (previously named Restricted Residential) was adopted in 2002 as part of Periodic Review following a Buildable Lands Inventory which was updated in 2005 and again most recently in 2018. Plan designating this private land for single family detached home use in the least dense of all the available residential districts is the most physically suitable option to be placed adjacent to the sensitive natural resources to the east.

“The recent BLI and Housing Needs Analysis (p.3) Appendix 10 of the Comprehensive Plan found that ‘Florence should plan for 1,624 net new dwelling units over the next 20 years. This net new housing need is expected to consist of: 764 owner-occupied dwellings, 597 renter-occupied dwellings and 263 short-term rental units...The planned net new housing mix over the next 20 years would consist of: 858 single-family detached homes, 145 manufactured housing units, 265 townhomes/duplexes, 357 multifamily housing units, and 40+/- special needs housing units. The amount of required land area to accommodate this level of housing development is expected to be approximately 231 acres (gross buildable land area).’ There is a documented need for housing of this housing type...858 detached single family.

“Testimony included that there was already sufficient Low Density zoned land within the city limits citing 222 acres. This statement comes from page 42 of the HNA section VI.B.1. and Exhibit VI.6. This statement was misinterpreted. Appendix I on page 69 of the HNA classifies the Low Density District (formerly Restricted), Coast Village District and Medium Density District (formerly

1 addressing Land Use Policy 1 that are included in the portion of the findings
2 addressing the zone change were adopted “to be overly thorough,” and that Land
3 Use Policy 1 does not apply to the zone change where the comprehensive plan
4 designation is not also being amended. City’s Response Brief 9. According to the
5 city, the use of the word “designation” refers to a comprehensive plan
6 designation.

7 We agree with the city that the city’s findings regarding Land Use Policy
8 1 interpret the policy to apply when a comprehensive plan designation occurs.
9 We defer to that interpretation. ORS 197.829(1); *Siporen v. City of Medford*, 349
10 Or 247, 243 P3d 776 (2010). No change to the comprehensive plan was proposed
11 or approved here. Accordingly, petitioners’ arguments provide no basis for
12 reversal or remand.

13 The second subassignment of error is denied.

Single Family) as ‘low density’. So, of the 222 acres only around 78.4 of it is actually zoned Low Density and with around 30 of that being developable due to critically steep slopes and Goal 5 Significant Riparian Area setbacks. Also, half of that land is in multiple ownerships with no immediate street access and utility solutions for stream crossings. The subject property has immediate access to a street network and utilities and is more suitable for development presently than some of the other land. The natural resource impacts are discussed at length in multiple sections in the findings and the policies are in support of this zone being the most suitable because there is adequate city code criteria and comprehensive plan policy related to protecting the resources and addressing hazards (FCC 10-7 & 19).” Supplemental Record 13.

1 The first assignment of error is sustained, in part.

2 **SECOND ASSIGNMENT OF ERROR**

3 In their second assignment of error, petitioners argue that the city
4 improperly construed FCC 10-1-1-4(E) in determining that a traffic impact study
5 (TIS) was not required. FCC 10-1-1-4(E)(2) provides in relevant part:

6 “Criteria for Warranting a Traffic Impact Study: All traffic impact
7 studies shall be prepared by a professional engineer in accordance
8 with the requirements of the road authority. The City shall require a
9 Traffic Impact Study (TIS) as part of an application for
10 development; a proposed amendment to the Comprehensive Plan,
11 zoning map, or zoning regulations; a change in use, or a change in
12 access, if any of the following conditions are met:

13 “a. A change in zoning or plan amendment designation where
14 there is an increase in traffic or a change in peak-hour traffic
15 impact[.]”

16 The city concluded that a TIS was not required because zoning the property LDR
17 would decrease the density from the prior county Suburban Residential (SR)
18 zoning designation, and that consequently there would be no “increase in traffic:”

19 “Testimony was received whereby it was thought a TIS was
20 required. The zoning is changing from [SR] (a County designation
21 permitting 6,000 sq. ft. residential lots (LC 10.135)) to [LDR] (a
22 City designation permitting 7,500 sq. ft. residential lots (FCC 10-
23 10)). Additionally, the city is more restrictive permitting just houses,
24 parks, child care, and churches whereas Lane County zoning permits
25 also permits hospitals and schools. The similar yet reduced density
26 of this zone change does not increase traffic. And the proposed
27 eventual use is the same having the same peak hour traffic impact.
28 The developable land area is significantly reduced due to the
29 intermittent lake system and associated 100’ buffer area and reduced
30 lot size with the zone amendment. The addition of a predicted 40 or

1 so residences as interpolated from the illustration in Exhibit K58
2 spread out across four access points onto Rhododendron Drive will
3 not significantly affect the Idylewood subdivision roadways.
4 Additionally, this zone change approval limits the residential
5 density to that permitted with the zone assigned rather than granting
6 an exception for greater density as offered through the Planned Unit
7 Development procedure. This criterion is met in that it does not
8 apply.” Record 36.

9 Petitioners argue that the zone change to LDR would result in “an increase in
10 traffic” from traffic currently generated by the vacant parcel - none - and therefore
11 a TIS is required.

12 The city responds initially that the issue was not raised during the
13 proceedings below and petitioners are precluded from raising the issue for the
14 first time at LUBA. ORS 197.835(3); ORS 197.763(1). Petitioners cite Record
15 179-80. We agree with petitioners that the issue of whether a traffic study is
16 required was raised prior to the close of the initial evidentiary hearing.

17 Respondents next respond that FCC 10-1-1-4(E) does not apply because
18 the application does not propose any concurrent development. However, FCC
19 10-1-1(4)(E) requires a TIS in certain circumstances for “a change in zoning.”
20 Here, the zoning is changing from the county’s Suburban Residential zone to the
21 city’s LDR zone, and therefore FCC 10-1-1(4)(E) applies.

22 The city interpreted FCC 10-1-1-4 to require a comparison of the traffic
23 that could be generated under the prior zoning to traffic that would be generated
24 under the new zoning in order to determine whether the new zone results in an
25 “increase in traffic” that warrants a TIS. That interpretation is not inconsistent

1 with the express language of the provision and is plausible. ORS 197.829(1)(a);
2 *Siporen*, 349 Or 247. Based on the evidence in the record regarding the number
3 of potential dwellings under the county’s SR zone and the city’s LDR zone, and
4 the additional uses allowed under the county’s SR zone that are not allowed in
5 the city’s LDR zone, we agree with the city that the city correctly concluded that
6 no increase in traffic would result from the traffic that could be generated under
7 the prior county SR zoning, which would allow more dwellings than are allowed
8 under the city’s LDR zoning.

9 The second assignment of error is denied.

10 **THIRD ASSIGNMENT OF ERROR**

11 As noted, a majority of the subject property is located within the Coastal
12 Shorelands management overlay district. The third assignment of error implicates
13 FCP Coastal Shorelands Policy 17 (Policy 17).⁸ The city found that Policy 17

⁸ Policy 17 provides:

“In Prime Wildlife Management Units, the following additional policies shall apply:

“a. For Shorelands in the Prime Wildlife MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Prime Wildlife Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.

“b. Uses shall fall within Priority 1 of the General Priority Statement (Policy 12). No use shall be permitted within a Prime Wildlife Shorelands MU unless that use is determined

1 does not apply to the zone change because no development is proposed, and that
2 the criteria in FCC 10-19, to which a future application to subdivide and develop
3 the property will be subject, implement Policy 17.⁹

to be consistent with protection of natural values identified in the description of the MU.

- “c. For any approved development in this MU, a minimum 100’ horizontal buffer zone from the coastal lakes is required.
- “d. Outside of the buffer zone, development shall not result in the clearance of native vegetation in excess of that which is necessary for the actual structure’s required access and fire safety requirements. Areas of excessive vegetation removal shall be replanted as soon as possible.
- “e. State Fish and Wildlife Biologists shall have a 14-day ‘review and comment’ period to evaluate the impact of any development on critical habitats and to make suggestions concerning ways to avoid or mitigate identified adverse impacts.
- “f. Filling in of freshwater marshes or coastal lakes adjacent to this MU is prohibited.
- “g. Development on lots less than five acres in size shall be prohibited. Where lots less than five acres existed on July 24, 1980, development may occur if in conformance with the requirements of the base zoning district and this management unit.
- “h. No dredge spoils deposition shall be allowed in the Prime Wildlife management unit.”

⁹ The draft ordinance provided to the city council at the February 1, 2021 hearing included proposed findings that took the position that Policy 17 does not apply to the zone change proposal because the zone change proposal is not

1 Petitioners argue that Policy 17 applies to the zone change application
2 because it proposes “development” of the property within the meaning of
3 “develop” as defined in FCC 10-2-13. The city responds that the issue raised in
4 the third assignment of error was not raised prior to the close of the initial
5 evidentiary hearing and may not be raised for the first time at LUBA. ORS
6 197.763(1); ORS 197.835(3). In response, petitioners cite Record 262, 288, 358,
7 1402, 1692, 1800, 1801. We have carefully reviewed the cited record pages and
8 we agree with the city that nothing in the cited record pages raises the issue that
9 petitioners raise in their third assignment of error—that Policy 17 applies to the
10 zone change proposal because it proposes “development” within the meaning of
11 “development” as used in FCC 10-2-13. Accordingly, petitioners may not raise
12 the issue raised in the third assignment of error for the first time at LUBA.

13 The third assignment of error is denied.

14 **FOURTH ASSIGNMENT OF ERROR**

15 The findings the city council adopted in support of Ordinance 2021-002
16 include a list of exhibits to the ordinance and exhibits “to the record.”
17 Supplemental Record 44. The list of exhibits “to the record” includes other
18 exhibits referenced in the materials presented to the city council during the
19 consolidated public hearings on the annexation and zone change. In their fourth

accompanied by any land division, clearing, grading, or construction.
Supplemental Record 190. The final findings that the city adopted include
additional explanation for why the city council concluded that Policy 17 does not
apply to the zone change. Supplemental Record 28-29.

1 assignment of error, petitioners argue that the reference to exhibits “to the record”
2 at the conclusion of the findings is intended to incorporate as findings all of the
3 materials placed before the city council and that such an incorporation produces
4 inconsistent findings.¹⁰

5 Respondents respond, and we agree, that the exhibit list does not purport
6 to be incorporated findings and as such, petitioners’ argument provides no basis
7 for reversal or remand. The Ordinance identifies Exhibit B as the city’s findings
8 in support of the decision. The list of exhibits included after the conclusion of the
9 findings is most clearly a reference to the location where evidence in support of
10 the findings is located.

11 The fourth assignment of error is denied.

12 The city’s decision is remanded.

¹⁰ Petitioners do not otherwise develop their argument or explain why the presence of inconsistent findings requires reversal or remand.

CITY OF FLORENCE ORDINANCE NO. 2, SERIES 2021

AN ORDINANCE ESTABLISHING LOW DENSITY RESIDENTIAL ZONING DISTRICT TO OCEANA DRIVE AND ASSESSOR'S MAP REFERENCE (MR) 18-12-10-40, TAX LOTS 400 AND 401, AND MR 18-12-10-34, TAX LOT 801 AND PRIME WILDLIFE COASTAL SHORELANDS OVERLAY DISTRICT TO MR 18-12-10-40, TAX LOTS 400 AND 401, AS PART OF A PROPOSED ANNEXATION OF APPROXIMATELY 48.82 ACRES.

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, Benedick Holdings LLC, on July 30, 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 November 10, 2020, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on December 8, 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 February 1st and 22nd, 2021, 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 5, 2021, and found that the subject property is plan designated Low Density Residential in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Low Density Residential consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 1, Series 2021, 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 Low Density Residential as shown on the attached map **Exhibit A** and Prime Wildlife Coastal

Shorelands Overlay District to MR 18-12-10-40, tax lots 400 and 401 as illustrated in Comprehensive Plan Map 17-1 and described in Chapter 17.

2. To maintain the requirements under the City Traffic Impact Analysis and State Transportation Planning Rule are met the allowed density shall be that permitted under the base code rather than an increase as allowed under the Planned Unit Development code FCC 10-23 or where streets are platted as tracts.
3. This zoning is based on the Findings of Fact in **Exhibit B** and evidence in the record.
4. 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.
5. 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.
6. 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. 1, Series 2021.

ADOPTION:

First Reading on the 5th day of April, 2021

Second Reading on the 5th day of April, 2021

This Ordinance is passed and adopted on the 5th day of April, 2021.

AYES	4	Councilors Woodbury, Wantz, Meyer and Mayor Henry
NAYS	1	Councilor Wisniewski
ABSTAIN	0	
ABSENT	0	



Joe Henry, Mayor

Attest:



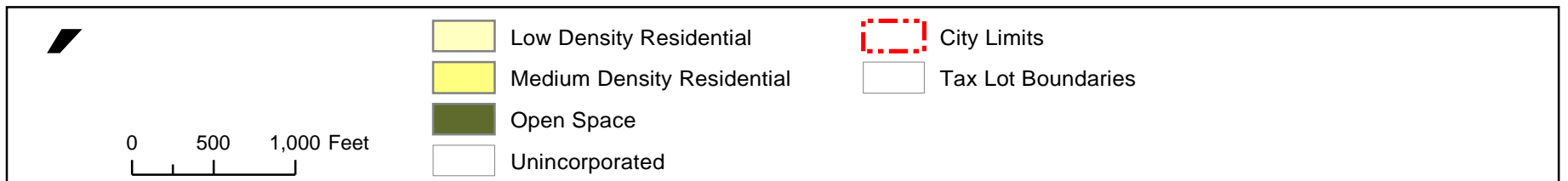
Kelli Weese, City Recorder

City of Florence Current and Proposed Zoning
CC 20 07 ZC 02 – Benedick Holdings, LLC Zone Assignment
Ordinance No. 2, Series 2021
Exhibit A - Zoning Map

Before Proposed Rezoning



After Proposed Rezoning



CITY OF FLORENCE
Ordinance Nos. 1 & 2 Series 2021
FINDINGS OF FACT
Exhibit B
April 5, 2021

Public Hearing Date: February 1st and 22nd, 2021
File Nos: CC 20 06 ANN 01 and CC 20 07 ZC 02

I. PROPOSAL DESCRIPTION

Proposal: Annexation

A request from a property owner for the City of Florence to annex their property and Oceana Drive from Lane County into the City.

Zone Assignment

Upon annexation, the property requires zoning assignment. The corresponding zoning district matching the property's plan designation is Low Density Residential. Portions of the property in the area of the South Heceta Junction Seasonal Lakes will also assume the coastal shoreland management unit overlay of Prime Wildlife.

Applicant Representatives: Michael Farthing, attorney for the owner

Petitioners/Applicants: Benedick Holdings, LLC.

General Property and Right-of-Way Description (Annexation--described associated Exhibit A; Zoning--illustrated in associated Exhibit A):

Oceana Drive and Assessor's Map Reference (MR) 18-12-10-40, Tax Lots (TL) 400 and 401 and MR 18-12-10-34 Tax Lot 801

Comprehensive Plan Map Designation: Low Density Residential and Prime Wildlife Coastal Shoreland Management Unit Overlay

Surrounding Land Use | Current Zoning:

Site: Vacant | All TL: Suburban Residential with Interim Urban Combining District Overlay & TL 401: Prime Wildlife Shoreland Overlay

North: Single-family residences / Suburban Residential with Interim Urban Combining District Overlay

South: Vacant | Natural Resources

East: Single-family residences/Vacant/South Heceta Junction Seasonal Lakes | Suburban Residential with Interim Urban Combining District Overlay and Prime Wildlife Overlay

West: Single-family residences | Suburban Residential with Interim Urban Combining District Overlay

Streets | Classification: West – Cloudcroft Lane, Gullsettle Ct., Sandrift St. | Local (Lane County TSP); West of Oceana Dr. – Rhododendron Dr. | Minor Arterial (CoF TSP); South of Oceana Dr. – Saltaire St. | Local (Lane County TSP); East – None; North – Kelsie Ct. & Kelsie Way | Local (Lane County TSP)

II. NARRATIVE

The applicant petitioned for the annexation of combined property (“the Property”) from Lane County jurisdiction to City of Florence jurisdiction for the eventual purpose of subdividing it into single-family lots with connection to City sewer service. There are no electors residing on the Property. The petition also requests annexation of Oceana Drive, a County road designated “local”. Oceana Dr. extends east to the Property from Rhododendron Dr. a minor arterial in the City of Florence jurisdiction and municipal boundary. The petition was received on July 30, 2020. The application was deemed complete on August 28, 2020. On October 9, 2020 the City received a letter from Mr. Farthing requesting postponement of the hearing to accommodate a 35-day noticing period with DLCDC addressing a procedural objection based on ORS 197.610(1). In the same letter they granted a 90-day extension to the 120-day statutory deadline.

State law requires signatures from at least 50% of the property owners and electors of the Property to petition for annexation without an election. This type of annexation is known as a “Double Majority” annexation (ORS 222.125). The City received a signed petition from the property owner and will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV application. The zoning assignment procedure applies to the Property and Oceana Dr. In accordance with 10-1-1-5 B the two actions will be processed through consolidated proceedings.

The Property is not currently served by Heceta Water PUD, but as it resides in that district and services are available will continue to be served by Heceta Water PUD. After annexation, the Property will be provided City services such as sewer and police protection. The Property is within the Siuslaw Rural Fire Protection and Western Lane Ambulance Districts. The Property will continue to be served by all districts presently providing public services.

The Florence City Council opened the second and final evidentiary public hearing on February 1, 2021. At that meeting they received reports from Planning and Public Works staff, verbal and written testimony from the public and verbal and written comments from the applicant’s representative. To ensure all affected parties received the opportunity to testify the opportunity to provide verbal and written testimony into the record was made available until February 22, 2021.

On February 22nd after providing the opportunity for anyone who had not already provided verbal testimony to do so the Council closed the hearing and closed the record. The Council then provided the applicant seven days to issue their final written argument, ending March 1, 2021. On April 5, 2021 the City Council reconvened and deliberated to a decision.

III. PUBLIC NOTICE

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on October 6, 2020, not less than 35 days prior to the proposed first evidentiary hearing of November 10, 2020, as required by State law and the Florence City Code. An update was loaded on the DLCD website on October 28th to change the first hearing date to November 10th.

Notice of the Planning Commission's public hearing was mailed on October 14, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas. Notice was published in the Siuslaw News on October 28th and November 4th, 2020. On October 14th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside door glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library. On October 14, 2020 land use notice signs with holders containing notices mailed to property owners were posted at Oceana Drive (west and east ends), Cloudcroft Lane and Kelsie Way. The signs were periodically restocked with notices.

Notice of the City Council public hearing was mailed on December 28, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas. On January 28, 2021 notice was mailed to three property owners and hand delivered to seven property owners whose mailing addresses or ownership had changed since the mailing list was last updated. These are included in Exhibit P. Notice was published in the Siuslaw News on January 16, 23, & 30, 2021. On December 28th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside door glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library. On December 28, 2020 land use notice signs with holders containing notices mailed to property owners were posted at Oceana Drive (west and east ends), Cloudcroft Lane and Kelsie Way. The signs were restocked with updated notices announcing the new extended testimony periods.

Public Comments:

The City received 227 written letters/emails of comments/concerns on this petition for annexation and zone assignment by the close of the hearing on February 22, 2021. These are provided under separate cover as Exhibits K and M.

There are topics raised by testifiers that do not have associated criteria related to Florence City Code, Florence Realization 2020 Comprehensive Plan or state law or rule for the application and petition for an annexation and zone change. These are listed below. The concerns are found to not apply to this application and do not have a direct response in the findings. Some of the concerns raised will be addressed during a development/land division proposal for the property when there is a nexus for review and resolution.

- Application of Lane County Codes (LC315-05 & LC 16.229(6))
- Requirement for an Environmental Impact Study
- Negative impacts on owners/residents (no specificity)

- Requirement for petitioner to assess the worst-case development scenario to ensure it would conform
- Decreasing property values
- Increasing taxes
- Requirement for adjacent properties to hook up if their septic systems fail/or do not and are just required to
- Forced annexation
- Impacts to Old Town parking
- City enforcement of Covenants, Conditions and Restrictions on existing subdivisions outside the city limits
- City calling up an Improvement Agreement on adjacent subdivisions that stipulates property owner sewer construction and connection and right-of-way construction when required by the City
- Applicant/Petitioner failing to follow-through on promises
- Past vegetation removal
- Failed County subdivision tentative plat and variance requests
- Flooding within adjacent subdivision
- Incomplete private stormwater system within the adjacent subdivision
- How annexation will meet ORS 191.030 related to determination of damages
- How annexation will meet ORS 199.410 & 462(1) related to Boundary Commissions
- Nobody wants it
- Anti-growth
- Use of virtual meeting format rather than in-person meetings

The topics of public testimony listed below that could be responded to within applicable criteria are included in the below findings. These findings of fact represent the City Council's determinations and evaluation of the evidence taking into account all related testimony on each criterion. Except where underlined the policy **was not** provided by the complainant. FCP means Florence Realization 2020 Comprehensive Plan, FCC means Florence City Code:

- Wildlife displacement (FCP Chapter 5, RTESS Policies 3 & 5)
- Endangered Species sited (FCP Chapter 5)
- Significant Wetland designation-Goal 17 versus Goal 5 (FCP Ch. 5 Wetlands and Riparian Areas)
- Presence of Wetlands on Property (FCP Chapters 2, 5 & 7)
- Prime Wildlife preliminary investigation—performance & source (FCC 10-19)
- Transportation Planning Rule (OAR 660-012)
- FCC 10-1: Traffic Impact Study for zoning amendment (FCC 10-1)
- Lack of adequate vehicular ingress and egress (FCP Chapter 14, Oregon Fire Code)
- Lack of pedestrian access (FCP Chapter 14 & FCC Ch. 36)
- Noticing: Property Owners missed, property owners along roads not being considered, and DLCD (FCC 10-1)
- Stormwater Provision not offered by applicant (FCC 10-1-1-4-C-2)
- Sewer Provision not offered by applicant (FCC 10-1-1-4-C-2)

- Street Improvements not offered by applicant (FCC 10-1-1-4-C-2)
- Traffic Congestion in Idylewood (FCP Chapter 14)
- Tsunami Evacuation Zone adjacent to property (FCP Chapter 7)
- Annexation is Development (FCC 10-1)
- Using a blanket resolution for annexation application and approval procedures (not taking the annexation to a vote of the jurisdiction) (ORS 222.120)
- Contiguity: Using a street to establish city boundary connectivity (ORS 222.111)
- Planning Commissioner Conflict of Interest and Bias (FCP Chapter 1)
- Adjacent Development Hazards—Soils (FCP Chapter 7)
- Suitability of land for residential zoning designation (FCP Chapter 2)
- Rushed Process during a pandemic (FCC 10-1)
- Excess residential land (FCP Chapter 2)

The applicant's representative Michael Farthing (Attorney) provided letters after the initial July application in response to the above-mentioned testimony and also as final written argument. These are included as Exhibits I2, N & N2.

IV. REFERRALS

Referrals were sent to Florence Public Works (Utilities and Airport), Building, and Police Departments; Lane County Transportation and Land Management Divisions, Charter Communications; Century Link; Central Lincoln PUD; Heceta Water PUD; Western Lane Ambulance and Siuslaw Valley Fire and Rescue.

Referral Comments:

Referral comments in their entirety are included in Exhibit L. Summaries of these comments are included below.

- Tom Turner, Chief of Florence Police Dept. dated October 6, 2020

"We do have capacity. We have been policing all around the area. This incorporation should not create any problems for us."

- Mike Miller, Florence Public Works Department, submitted comments on Sewer, Streets, Stormwater, and Water on October 6, 2020 and comments on Traffic on January 17, 2021. Below is a summary of his written referral comments.

Sewer: Total sewer system capacity is currently 1.3 million gallons per day (mgd) dry weather flow. Our current average dry weather flow is 0.745 mgd, which equates to 0.555 mgd of excess flow capacity.

The City has parallel 6-inch diameter pressure sewer mains in Rhododendron Dr. with only one in use. There is excess capacity in this system and the system was sized to accommodate this area. The developer will need to extend a pressure sewer line from Rhododendron Drive along Oceana Drive to the development

where a neighborhood sewer pumping station will be constructed as part of the development. Regarding providing sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners that desire sanitary sewer service from the City. It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the property owners are to pay for sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project.

Streets: *Oceana Drive is currently classified as an urban local road which is maintained by Lane County and not automatically transferred to the City upon annexation. The City will need to evaluate whether or not the street is in an acceptable condition to transfer maintenance (Jurisdictional Transfer) of the roadway to the City. Annexation of local access roads, such as Gullsettle Court and Cloudcroft Lane, would automatically include jurisdictional transfer to the City.*

Stormwater: *Stormwater for the proposed Idylewood 4th Addition will need to consider not only management of the surface water runoff, but also groundwater. stormwater runoff from private property cannot be directed to Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. According to Lane County, ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated by the roadways themselves (Lane Manual Chapter 15.515).*

Water: *The proposed subdivision is within Heceta Water People's Utility District (HWPUD) service territory and HWPUD will remain the water service provider for this area. Please contact HWPUD for specific fire flow capacities for this area.*

Traffic: *Provided the 2019 Speed Order for Rhododendron Dr. from the State of Oregon, a document explaining how speed zones are established and changed, and a press release dated 2/20/19 when the speed limit on Rhody was lowered from 45 to 40 via the speed order #J9333. In summary, the state has responsibility to set the speed zones within a community. In December 2020, the city downloaded the data from the radar speed signs on Rhododendron Drive. According to the data, the 85th percentile speed along Rhody south bound near Shelter Cove was 43 mph (posted speed is 40 mph) with 1,639 average daily trips (ADT). The radar speed sign at 12th and Rhody recorded the 85th percentile speed at 35 mph (posted at 30) with 1,445 ADT. This data snap shot was from September 1, 2020 to December 7, 2020. The results of the study and data from a 12/20 download of the radar speed signs indicate Rhododendron Dr. is safe and has the capacity for additional trips for development proposed for the site.*

- Luke Pilon, Century Link, dated October 5, 2020. "I have no issues with this expansion."

- Lane County Public Works Dept., Transportation Planning, dated October 5, 2020. Below is a summary of their written comments.

Streets: They recommend the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way, the three Local Access Roads that are adjacent to the subject properties, as well as Oceana Drive. Lane County does not maintain, but may regulate the use of Local Access Roads [Lane Code (15.010(35)(e)(v) & (vii)].

In order for Lane County to provide jurisdictional transfer of Oceana Drive, Gullsettle Court, Cloudcroft Lane, and Kelsie Way, annexation must occur; however, annexation of the right-of-way means that jurisdictional transfer has been completed for Local Access Roads. Jurisdictional transfer of County Roads (Oceana Drive) requires an additional public process that may take many years to complete.

Stormwater: Stormwater runoff from private property must not be directed to the Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated by the roadways themselves (Lane Manual Chapter 15.515).

- Tony Miller, Siuslaw Valley Fire and Rescue and Western Lane Ambulance, dated Nov. 5, 2020. Stated the annexation and zone change would not affect the service provided and would be considered as part of their response protocols. Development will need to meet all the required fire codes for access, egress and water supply.
- Carl Neville, Heceta Water PUD, dated December 10, 2020, stated “Heceta Water is planning on serving this development and has the resources to do so.”

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170

Oregon Administrative Rules (OAR)

OAR: 660-012-0060

Florence Realization 2020 Comprehensive Plan, Chapters

- 1: Citizen Involvement, Policies 1 & 4
- 2: Land Use, Policy 6
- 5: Open Spaces and Scenic, Historic, and Natural Resources Rare, Threatened, Endangered and Sensitive Species: Policy 3; Native Vegetation: Policy 3
- 7: Development Hazards and Constraints: Policies 1-4
- 8: Parks, Recreation and Open Space; Parks and Recreation section, Policy 3
- 12: Transportation: Policies 1 & 8
- 14: Urbanization; Annexation section, Policies 1 through 7

17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands, Policies 11 & 17
Prime Wildlife

Florence City Code (FCC), Chapters

1: Zoning Regulations; Sections 10-1-1-4; 10-1-1-5; 10-1-1-6-3 & 4, 10-1-2-3 & 10-1-3

Proposed Zone Assignment—Low Density with Prime Wildlife Overlay

Florence Realization 2020 Comprehensive Plan

- 1: Citizen Involvement, Policies 1 & 4
- 2: Land Use, Policy 1; Residential Policies 2, 7, 8 & 10; and Section on Residential Plan Designations
- 5: Open Spaces and Scenic, Historic, and Natural Resources: Wetlands Policies 1 & 6; Rare, Threatened, Endangered and Sensitive Species: Policy 3; Native Vegetation: Policy 3
- 7: Development Hazards and Constraints: Policies 1-4
- 12: Transportation: Policies 1 & 8
- 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands, Policies 11 & 17
Prime Wildlife

Florence City Code (FCC), Chapters

- 1: Zoning Regulations; Sections 10-1-1-4; 10-1-1-5; 10-1-1-6-3 & 4, 10-1-2-3 & 10-1-3
- 10: Residential Districts; Section 1
- 19: Estuary, Shorelands, and Beaches and Dunes; Sections 5—Administration & 9-Prime Wildlife Overlay District

Oregon Administrative Rules (OAR)

OAR: 660-012-0060

Oregon Land Use Planning Goals

- Goal 10 Housing

VI. FINDINGS OF FACT

The following findings support the resolutions and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, State Statutes and State Administrative Rules.

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

Policies

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. (Ordinance Nos. 1 & 2 Series 2021)

Testimony was brought up that this policy applies to the property owners not noticed along the roads that Lane County wanted the city to include in the annexation. This policy is not about noticing procedures. However, this concern is addressed in the FCC 10-1 section of the findings. The Planning Commission is made up of a diverse set of members who individually and collectively meet the code criteria of Title 2 Chapter 3 with regard to employment. All of the Commissioners reported having no conflict of interest with regard to their employment past or present. Concern was raised that because a commissioner sold insurance or homes that it was a conflict. This is an annexation proceeding and not an application to create lots. And while there could eventually be homes constructed to be sold and insured that does not mean their firms have secured the business of doing so. It is premature with the amount of process still involved. It is found that this policy and the supporting code of FCC 2-3 are met.

4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment. (Ordinance Nos. 1 & 2 Series 2021)

This proposal is consistent with this policy because the processes used by the City to approve the resolutions recommending approval of and ordinances approving this annexation and zone assignment request is consistent with the City's applicable citizen involvement program which ensures that citizens will be provided an opportunity to be involved in this land use action. Specifically, official City meetings in this action were well publicized by the city and held at regular times and provide the opportunity for citizen comment. The public process used meets all of the requirements of Florence City Code pertaining to zone assignment and annexation with their respective land use processes.

While the public hearings were conducted virtually with no opportunity for in-person attendance the public could attend the meetings virtually and provide verbal testimony during the public hearings via the internet or via a landline phone. Those wishing to just attend the hearing could do so through the go-to-webinar platform application, or they could watch the hearing live and playback offered by the videographer through an internet stream and Channel 191 on Charter Cable. Opportunities for written participation were also available with extensions provided at both the Planning Commission and City Council hearings. All persons requesting to participate in person virtually were accommodated and either they participated, their pre-recorded message played during the hearing and made available to the decision body prior to the decision being made (Talbot-PC), or their comments relayed to the decision body to the satisfaction of the testifier (Farthing-PC). The February 1, 2021 hearing procedure explanation included a written slide and verbal announcement that the verbal record would be open on February 22nd for those who had not yet had the opportunity to participate verbally.

Chapter 2: Land Use

Policies

- 1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.**
(Ordinance No. 2 Series 2021)

The designation of this property as Low Density (previously named Restricted Residential) was adopted in 2002 as part of Periodic Review following a Buildable Lands Inventory which was updated in 2005 and again most recently in 2018. Plan designating this private land for single family detached home use in the least dense of all the available residential districts is the most physically suitable option to be placed adjacent to the sensitive natural resources to the east.

The recent BLI and Housing Needs Analysis (p.3) Appendix 10 of the Comprehensive Plan found that *“Florence should plan for 1,624 net new dwelling units over the next 20 years. This net new housing need is expected to consist of: 764 owner-occupied dwellings, 597 renter-occupied dwellings and 263 short-term rental units...The planned net new housing mix over the next 20 years would consist of: 858 single-family detached homes, 145 manufactured housing units, 265 townhomes/duplexes, 357 multifamily housing units, and 40+/- special needs housing units. The amount of required land area to accommodate this level of housing development is expected to be approximately 231 acres (gross buildable land area).”* There is a documented need for housing of this housing type...858 detached single family.

Testimony included that there was already sufficient Low Density zoned land within the city limits citing 222 acres. This statement comes from page 42 of the HNA section VI.B.1. and Exhibit VI.6. This statement was misinterpreted. Appendix I on page 69 of the HNA classifies the Low Density District (formerly Restricted), Coast Village District and Medium Density District (formerly Single Family) as “low density”. So, of the 222 acres only around 78.4 of it actually zoned Low Density and with around 30 of that being developable due to critically steep slopes and Goal 5 Significant Riparian Area setbacks. Also, half of that land is in multiple ownerships with no immediate street access and utility solutions for stream crossings. The subject property has immediate access to a street network and utilities and is more suitable for development presently than some of the other land. The natural resource impacts are discussed at length in multiple sections in the findings and the policies are in support of this zone being the most suitable because there is adequate city code criteria and comprehensive plan policy related to protecting the resources and addressing hazards (FCC 10-7 & 19).

“

- 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.”**
(Ordinance No. 1 Series 2021)

The annexation proposal is consistent with this policy because 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 3 percent 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 properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Most recently the City updated its Stormwater Management Plan and Public Facilities Master Plan. Public Works testimony using analysis from the documentation within these recent study results 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.

Policy 2. The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria. (Ordinance No. 2 Series 2021)

In December 2019 the City adopted new housing codes that increased the density of residential districts through the use of small lots. The revised Low Density Residential District (formerly Restricted Residential) implements this policy and provides the framework for the future development of this property.

Policy 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. (Ordinance No. 2 Series 2021)

The City has Code provisions that address and implement this policy. To the extent this policy is directly applicable as a criterion for this application, the following findings show this application's compliance. In addition, the City's Code largely provides more protections for the property's development in comparison to the County's regulations. This policy is satisfied.

Prime Wildlife Overlay: Currently, this land is zoned Suburban Residential/Interim Urban Combining District Overlay /Prime Wildlife within Lane County and is undeveloped. The City's implementing zone for this area is Low Density with most of the land receiving a Prime Wildlife Overlay due to the location of the South Heceta Junction Seasonal Lakes. The City has established policy in Chapter 17 of the Florence Comprehensive Plan and development restrictions in FCC 10-19 that protect the natural resource area from

encroachment of development activities and inappropriate land uses. The effect does not merely discourage as set in Policy 7 but rather eliminates development and its impact opportunity within and surrounding the wetlands/lake area. The City Code's Chapter 19 of Title 10 includes development criteria more restrictive than presently established by the county's LC 10.245 such as allowed uses and minimum parcel size within the buffer area. FCC 10-19-9-C permits single family homes in the Prime Wildlife Overlay as long as the development criteria are followed for setbacks, buffers, vegetation retention, building materials, and screening.

Stormwater Management: There are no public stormwater systems in this part of the Urban Growth Boundary that are available to private properties. They are for the exclusive use of the public rights of way. There was considerable testimony on existing flooding and a highwater table in the area adjacent to the subject properties. This situation is documented in the City's Stormwater Master Plan, 2000 on Figure 5-1 and again in the 2018 Stormwater Master Plan Update in Figure 4-43. Section 4.13. of the 2018 plan states "...stormwater improvements in this region are the responsibility of HOAs and private developers. The City cannot implement any improvements as long as this region is outside of city limits. If this region is ever annexed in, the City may wish to complete further studies of stormwater behavior in this area, to assess the need for pump stations, pipe systems, and/or other infrastructure." The City acknowledges the existing problem and possibility of being part of the solution. The testimony includes correspondence between the county and various entities about a failed or incomplete effort to place a stormwater management system by the developer. Lane County after searching their subdivision records state they have no record of a stormwater system required as a condition of approval of development and that it appears to be a voluntary effort on the part of the developer rather than an unmet requirement of existing development. Correspondence in the record appears that the County was tying future development to resolving the existing private stormwater piped system located on private properties.

The City of Florence has comprehensive stormwater policies and development standards in FCC Title 9 Chapter 5 and the Stormwater Design Manual. The code criteria and design manual implement the policies in Chapter 11 of the Florence Realization 2020 Comprehensive Plan. They require extensive analysis and methods for treatment, flood prevention, storage construction, limits to impervious areas, and vegetation retention. The highwater table in the area, soil type, development policies, and adjacent lake and wetland area will greatly restrict development density within the subject property. Stormwater Plans for a development are peer reviewed by the City's engineer and in certain circumstances a hydrogeologist. Lane County does not have any similar policy, code, or design standards. Thus, development in the city versus the county will do more to reduce the threat to public health and welfare and the threat of excessive public and private expense related to flooding. Upon a development request such as platting land, the extent of the wetlands and location of the average highwater line will be inventoried by a professional for the purpose of evaluating the applicable development criteria such as setback buffer and lot size. These will be reviewed concurrently with and include, a stormwater management plan designed by an engineer at the applicant's expense.

Tsunami Evacuation: Additionally, the area is located near but outside of the Tsunami Hazard Overlay Zone, Tsunami Inundation Zones (TIZ), and Tsunami Evacuation Zones (TEZ) and thus not subject to the risk of a tsunami. Residents with egress along

Rhododendron Drive and outside the TEZ and TIZ are to shelter in place so as to not create congestion on the roads to those within the TEZ and TIZ and attempting to evacuate. The TIZ are Maps E of the Appendix 7 of the Florence Comprehensive Plan. There are no policies related to the applicant's properties since they are outside of the TIZ.

Soils: The Natural Resources Conservation Service Soils Map, Map C, of Appendix 7 to the Florence Realization 2020 Comprehensive Plan illustrates the property includes soils Netarts fine sand, 3 to 12 % slopes, Waldport fine sand 12-30% slopes and Yaquina loamy fine sand. The map's legend states the latter two soils are unsuitable or conditionally suitable for development. Most of Florence consists of soils with this designation. So, consistent with the soils map designation a Phase 1 Site Investigation Report (SIR) is required in conjunction with a development proposal and land division to identify areas of hazard. Findings of a hazard will require Phase 2 SIR performed by an engineer. Accepted engineering practices shall determine the extent of development allowed. This site is not dissimilar from other properties within the City with similar zoning and soils which require analysis prior to development and land division. The result of the analysis will determine suitability for construction and mitigating measures such as large lot sizes. The Low Density Zone is the most suitable district for its soil type and proximity to the natural resources of this area as identified during assignment of the Low Density comp plan designation of this property in 2002. Policy 2 of Chapter 7 of the Florence Realization Comprehensive Plan states this process is performed and with it measures presented to be taken to reduce the hazard. Presence of a hazard does not eliminate any possibility for residential development. For this property to be developed through a land division process (housing) annexation is required. There are no policies related to the applicant's properties since this application is a request for annexation and changing zoning from the County's low density Suburban Residential zone to the City's Low Density Zoning District.

Vehicular noise, odors, and glare: The adjacent street infrastructure is designated Urban Local (Oceana Drive) and Local Access Roads (remainder). This network serves just the Idylewood Subdivisions and does not have vehicular traffic passing through it to get to other destinations. The western side of Florence is served by Rhododendron Drive a Minor Arterial which is over 1000 ft. away from the property boundaries. The surrounding area is residential and away from uses that produce noise, odor and glare. Any proposed development on this Property will be subject to city code related to traffic impact studies and resulting improvements and also be subject to nuisance and land use codes.

Policy 8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts. (Ordinance No. 2 Series 2021)

Policy 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. (Ordinance No. 2 Series 2021)

There is no existing use on the proposed annexation site. Any future development will be in accordance with the implementing zoning district, Low Density Residential and the Prime Wildlife Overlay district. The properties to the north and west of this Property have County zoning consistent with the City's Low Density Residential district. This Property's location adjacent to the similar density zone and planned for single family residences meets the policy.

Low Density Residential

The Low Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 9,000 square feet or larger and newly platted lots are 7,500 sq. ft., and for areas where environmental constraints preclude smaller lots. The corresponding zoning district is Low Density Residential. This designation provides primarily for single family homes and for manufactured homes meeting certain minimum standards. (Ordinance No. 2 Series 2021)

The area was plan-designated Low Density in the Florence Realization 2020 Comprehensive Plan Map in 2002 and retains the designation presently. The applicants have proposed the Low Density Residential zone assignment which is the implementing zone for the plan designation. The properties all meet the requirements of this zone presently such as minimum lot size and width outlined in Title 10 Chapter 10, which is 50 x 80 and 10-19-9-H which is 5 acres for the land having a Prime Wildlife designation. This criterion is met.

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources

Wetlands and Riparian Areas (Ordinance No. 2 Series 2021)

Objective

To protect significant wetlands for their critical value in maintaining surface and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.

Policies

- 1. For the purpose of land planning and initial wetland and riparian identification within the Florence Urban Growth Boundary (UGB), the City and Lane County shall rely on the 2013 Florence Local Wetland and Riparian Area Inventory (2013 Inventory), approved by the Oregon Division of State Lands, and as amended hereafter. The 2013 Inventory within the Florence UGB, as amended, is adopted as part of this Comprehensive Plan and is physically located in Appendix 5.**
- 6. The City shall protect the functions and values of significant² Goal 5 riparian corridors and wetlands for flood control, water quality, and fish and wildlife habitat through Code provisions that protect these resources from development in accordance with Statewide Planning Goal 5 administrative rules (OAR 660 Division**

23) and the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program.

There was testimony stating the wetlands in the area are classified as “Significant” and thus subject to an ESEE analysis for the rezone/PAPA action under Goal 5 OAR 660 Division 23. The South Heceta Junction Lakes are intermittent and classified as “significant resources” under Goal 17 coastal shorelands as identified in the Lane County Coastal Resources Inventory and as Wetland #29 in Table 6 and Sheet 3 of the 2013 “Florence Area Local Wetlands and Riparian Inventory” (Inventory). Table 6 indicates the Oregon Rapid Wetland Assessment Protocol (ORWAP) method did not classify the lakes/wetlands that are part of this petition as Goal 5 “Significant Wetlands” as illustrated on Sheet 2 of the 2013 Local Wetlands Inventory. This means the Goal 5 ESEE analysis requirement does not apply to this zone amendment for a Goal 17 significant resource. It is worth mentioning an ESEE analysis has been performed and is located in the Inventory in Appendix 5 of the Florence 2020 Comprehensive Plan. These policies are met.

Rare, Threatened, Endangered and Sensitive Species (RTESS)

Policies

3. The City shall provide potential developments with information about retention of such sites early in discussions about development plans, in order to ensure that site designs provide for retention of the RTESS resource, or mitigation if that should be appropriate as determined in consultation with the appropriate state agencies.

OAR 660-23-110(4) defines wildlife habitat to include: • threatened or endangered species habitat (more than incidental use), • sensitive bird nesting, roosting or watering sites for osprey or great blue heron, • habitat essential to achieving policies of population objectives in wildlife species management plans adopted by Oregon Fish and Wildlife Commission, • areas mapped by ODFW as habitat for wildlife species of concern or habitat of concern. (Ordinance Nos. 1 & 2 Series 2021)

Testimony was received about wildlife displacement and observance of an endangered species on the site. The applicant does not propose development of the property at this time. They need to annex in order to begin the process to develop such as platting or construction. When an application is received the city and applicant will coordinate with the Oregon Department of Fish and Wildlife as required in this policy, Goal 5 of the OAR and as implemented in Title 10 Chap 19 of the Florence City Code.

Native Vegetation

Policies

3. The City shall continue to require vegetative stabilization of steep slopes and cutbanks. The emphasis will be on the use of native plant materials where possible. However, since slope/bank stability is the paramount concern in these situations, the City will approve the plant materials that best stabilize the slope/bank, even if they are not native plant materials. (Ordinance Nos. 1 & 2 Series 2021)

Testimony included concerns for both vegetation removal and development on steep slopes. Presently no specific development is proposed. However, the applicant has had several variations of a residential plat over the last 12 years or so, one is included in Exhibit K58. When platting of the property is proposed the applicable code criteria and comp plan policies related to performing Phase 1 & Phase 2 Site Investigation Reports (FCC 10-7) will be implemented.

Map C, of Appendix 7, of the Florence Realization 2020 Comprehensive Plan, Natural Resources Conservation Service Soils Map illustrates the property consists of three different soils types and water: Yaquina loamy fine sand, Waldport fine sand, 12 to 30 percent slopes and Netarts fine sand, 3 to 12 percent slopes. The first two require Site Investigation reports as they are conditionally suitable upon findings by an engineer that the risk is mitigated by implementing stabilization and other property protection measures. This almost always includes vegetation preservation. This policy is met through the application of code criteria.

Chapter 7: Development Hazards and Constraints

Policies (*Ordinance Nos. 1 & 2 Series 2021*)

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

Map C, of Appendix 7, of the Florence Realization 2020 Comprehensive Plan, Natural Resources Conservation Service Soils Map illustrates the property consists of three different soils types and water: Yaquina loamy fine sand, Waldport fine sand, 12 to 30 percent slopes and Netarts fine sand, 3 to 12 percent slopes. The first two require Site Investigation reports as directed by Florence City Code Title 10 Chapter 7. Those two soil types are listed as “conditionally suitable” and require an engineer to evaluate the site and recommend mitigation such as stabilization and other property protection measures. This

almost always includes vegetation preservation and setbacks from slopes in accordance with Oregon Residential Specialty Code Figure R403.1.9.1. The Yaquina soils are identified as wet areas in FCC Title 10 Chapter 7. The city code includes a requirement for risk mitigation, again performed by an engineer. The flooding concerns on the adjacent properties will be evaluated at the same time and stormwater issues for a ¼ mile up and down gradient from the development (FCC Title 9 Chapter 5 Stormwater Management) addressed. The SIRs will be performed in coordination with the Stormwater Management Plan to ensure comprehensive consideration of all of the factors affecting this property. These policies will be reviewed and applied when These policies are met through the application of code criteria and building codes related to slope stability and flood prone soils.

Chapter 8: Parks, Recreation and Open Space

- 3. Within the Florence urban growth boundary, the City and Lane County shall designate lands for possible park development purposes. Lands so designated shall be reserved for future park system expansion upon annexation. (Ordinance No. 1 Series 2021)**

The lands to the south and east of the Property is designated Three Mile Prairie in Lane County Parks Master Plan. Map 8-1 illustrates the City's contribution to this park with its 40-acre parcel south of the county's lands. The Property while including habitat and resources consistent with the adjoining public park lands is not specifically slated for contribution to the park's land base.

Of note city code does require access to these public resources upon land division. The development of this Property will require provision of this access at a point of reasonable pedestrian and vehicular thru-access. At that time the developer may wish to engage with the County and City to determine if dedication of undevelopable lands to Three Mile Prairie is of mutual interest.

Chapter 12: Transportation

- 1. Provide safe transportation all seasons of the year through street standards that require and widths, curvature and grades appropriate to all weather conditions. (Ordinance Nos. 1 & 2 Series 2021)**

Testimony was provided saying this Policy was not met. The City does in fact have street standards that require widths, curvature and grades appropriate to all weather conditions. These standards are found under Florence City Code Title 10 Chapter 36 Public Facilities and are applied when streets are proposed for platting, the city is constructing a capital improvement project, or there is a nexus to a developer to redesign or improve an existing street. This criterion does not apply to this application as there is no nexus to upgrade any streets that may not meet standards. This analysis and engineered solutions are proposed with an application for tentative plat or other land use construction activity.

8. The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques. *(Ordinance Nos. 1 & 2 Series 2021)*

- Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility.

OAR: 660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

...

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

Testimony stated the addition of the annexed lands would convert Oceana Drive to a “collector” road classification. The Florence Transportation Systems Plan (2012), p. 28 states “*Local Streets provide land access and carry locally generated traffic at relatively low speeds to the collector street system. Local streets should provide connectivity through neighborhoods, but should be designed to discourage cut-through vehicular traffic.*”

Oceana Drive and the other Idylewood subdivision streets will continue to carry locally generated traffic through neighborhoods as there would be no direct connectivity to Heceta Beach Road that would make this area opportunistic for cut-through traffic. Map 4-3 FUNCTIONAL CLASSIFICATION in the TSP illustrates the local street classification of Oceana Drive and the other streets in Idylewood, even with a proposed connection to Kelsie Way to the north through the annexed area. The proposed functional classification will not change with the annexation of these properties and eventual development of the property.

The zoning is changing from Suburban Residential (a County designation permitting 6,000 sq. ft. lots) to Low Density Residential (a City designation permitting 7,500 sq. ft. lots). The similar yet reduced density of this zone change does not significantly affect Oceana Drive or any other Idylewood streets as explained in the OAR criteria above. The developable land area is significantly reduced due to the intermittent lake system and associated 100' buffer area and reduced lot size with the zone amendment. The addition of a predicted 40 or so residences as interpolated from the illustration in Exhibit K58 spread out across four access points onto Rhododendron Drive will not significantly affect the Idylewood subdivision roadways. Nevertheless, 3a of OAR 660-012-0060 offers relief of the requirement if the roadways were not adequate to achieve consistency by the end of the planning period in the adopted TSP, which is 2037. The street design of Oceana Dr. is constructed to County standards that are no longer compliant nor with City standards. They do however, meet fire code as addressed elsewhere in the findings. The area is built out and without a developer to upgrade it if the nexus existed the streets would stay non-conforming through the planning period of 2037. Additionally, this zone change approval limits the residential density to that permitted with the zone assigned rather than granting an exception for greater density as offered through the Planned Unit Development procedure. This criterion is met.

Chapter 14: Urbanization

Goal

To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses. (Ordinance No. 1 Series 2021)

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 public right-of-way, Oceana Drive to the west and the proposal meets the city code and comp plan policies; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure in Rhododendron Drive and the adjacent streets is an orderly and efficient mechanism for providing urban services to this abutting geographic area. The annexation will allow the provision of City sewer to the properties 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 adjacent property owners to eliminate the need for their septic systems and their maintenance and repair in this high ground water area.
- Additionally, bringing sewer into the initial Idylewood development, the oldest of the plats, will provide the opportunity for additional sewer connections from adjoining developed properties.

Annexation Policies (*Ordinance No. 1 Series 2021*)

- 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 sole property owners in order to receive City services and public services has not been initiated in order to abate a health hazard. 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.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits in Rhododendron Drive. The City has received a signed petition from the property owner. This criterion is met.

- 2. For properties within the North Florence Dunal Aquifer that are also within the Urban Growth Boundary, no land divisions shall be allowed prior to annexation to the City. The North Florence Dunal Aquifer boundary is delineated by the EPA Resource Document “For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer,” EPA 910/9-87-167, September 29, 1987, Comprehensive Plan Appendix 5.**

The property is located within the UGB and the North Florence Dunal Aquifer and thus not eligible for land division until annexed. For the applicant to develop the properties totaling 43 acres with more than one residence annexation is required.

- 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 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer, water, streets, fire and police protection, power, and communications. The city utility services have the capacity to serve the properties 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 Low Density residential uses without negatively affecting existing customers. Additionally, there is capacity to serve other homes within the area that would be subject to OAR 340-071-0160. Recent annexations found the Waste Water Treatment Plant has an excess capacity of .555 million gallons daily. The City has parallel 6-inch diameter pressure sewer mains in Rhododendron Dr. with only one in use. There is excess capacity in this system and the system was sized to accommodate this area. The developer will need to extend a pressure sewer line from Rhododendron Drive along Oceana Drive to the development where a neighborhood sewer pumping station will be constructed as part of the development. Regarding providing sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners that desire sanitary sewer service from the City. It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the property owners are to pay for sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project. Title 10 Chapter 36 and Title 11 Chapters 2 and 3 both require the applicant to install sewer service in conjunction with development and platting, respectively.

Extending sewer along Oceana Drive to serve the applicant's property creates a sewer connection opportunity for the property owners in the oldest platted portion of the Idylewood subdivision (1981). This action addresses future water quality issues. By providing a means for individual land owners to economically hook up to City sewer, the annexation creates the means to economically respond to any groundwater issues created by failed or failing individual septic systems. Without the sewer extension created by the Benedick sewer extension, resolving individual property groundwater issues would be prohibitively expensive. The conversion of the Benedick properties to city jurisdiction creates an opportunity for economic and orderly provision of sewer services for 70 existing residences and whatever the number the carrying capacity of the annexed lands produces.

Water: The properties are currently undeveloped and located within the Heceta Water People's Utility District. The properties will eventually be served by a connection to their services. Heceta Water PUD provided testimony into the record Exhibit "L6" that they are "planning on serving this development and has the resources to do so."

Stormwater: There will be no change in the handling of existing stormwater on the site upon annexation. There is no public stormwater system in this area of the Urban Growth Boundary for the use of private development. All systems are for the conveyance of stormwater from public right of ways. The site is undeveloped. The city requirements of handling of stormwater are more restrictive than as applies presently. Upon development, the property will be expected to meet City Code, whereby the

quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development. The other associated policies reduce the risk of public and private impacts and support the natural resource area of the coastal lake area. The Stormwater Master Plan, 2018 includes in Section 4.13 acknowledgement of the flooding issues west of the properties proposed for annexation. There are presently two projects in the plan that will directly benefit the Idylewood subdivision and nearby neighborhoods. They include a ditch restoration project in Rhododendron Drive from Woodlands to North Jetty Road and pump replacement in North Jetty Road. The City in Section 4.13 includes itself as a potential partner to resolving the flooding issues once annexation occurs. The City has already researched and planned initial stormwater improvements for the area via the 2018 plan. Annexation of the proposed properties brings an opportunity for applying an orderly resolution of the adjacent flooding issues that have prevailed for over 25 years without neighborhood or developer resolution or jurisdictional enforcement or long range planning by Lane County.

Streets: The Property abuts the public rights-of-way of Oceana Dr., Cloudcroft Lane, Gullsettle Ct. and Kelsie Way which are under Lane County jurisdiction. These are all urban local or local access streets, and are expected to serve traffic to residences and parks in the area. The existing and any future usage (vehicular trips) made available by annexation and zone assignment can be accommodated by the surrounding platted right-of-way availability. The streets' paved widths meet the 2019 Oregon State Fire Code, Appendix D and the number of access points (four) exceed the minimum requirement of two for the area. Any additional required improvements to the adjacent streets will be accomplished in conjunction with a development proposal when access would be proposed and reviewed. Adequacy of these rights-of-way would be considered and improvements required when there is a nexus to require their improvement. No vehicular trips are proposed with this application thus no improvements to existing streets are required with this application.

While Oceana Drive is proposed for annexation the City is not requesting maintenance transfer of Oceana Drive from Lane County at this time. The County has submitted testimony requesting the other above-mentioned streets be annexed concurrently with this proposal. Neither the applicant nor the City seeks annexation of these streets at this time. Their annexation may be required for future development. Local Access Roads transfer maintenance responsibility to a city immediately upon annexation. Prior to assuming city maintenance responsibility for these county roads, a greater understanding is needed about any issues within these rights of way. Assuming maintenance without regard to potential issues could have unexpected economic impacts. The City expects that any future development proposals for the property will need to remain consistent with the development requirements of Lane Code Chapter 15 until jurisdictional transfer of the subject property and right-of-way occur. Lane County will be informed of all proposed developments occurring on the property in the future.

Florence City Code Title 10 Chapter 1 Section 1-4-E-2 requires performance of a Traffic Impact Study upon "A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact." The County's Suburban Residential zoning district currently permits lot sizes similar (6000 sq. ft.) to the minimum required by the Low Density District (7500 sq. ft.). Both the city and county apply the

Prime Wildlife Shorelands overlay. A TIS is not required for this application, but will be required in accordance with subsection “2c”, when the proposed trip count is met. It is for these same reasons that the Transportation Planning Rule does not apply—residential density is not increasing, zone is not impacted, development will connect to the existing street network and will be evaluated via a TIA/TIS when an impact is proposed. An existing public street network is available to serve this property. Planning Commission recommended a restriction be placed allowing the density permitted under the base code rather than an increase in allowed density offered under the Planned Unit Development code FCC 10-23. This is to ensure the decision to not need a TIA/TIS is maintained under the City and TPR criteria.

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. They provided comment that they could continue to serve the property.

The Idylewood subdivisions have access to Rhododendron Drive via four access points. The streets’ paved widths meet the 2019 Oregon State Fire Code, Appendix D and the number of access points exceed the minimum requirement of two for the 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 properties.

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. They provided comment that they have no concerns with the proposal. 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 because 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. The property is located within the Urban Growth Boundary on the Florence Realization 2020 Comprehensive Plan Map. The proposed use—residential is consistent with the long range plan for the area and fulfills the growth and housing policies in the Comprehensive Plan and Oregon Law. 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.

Also, the proposal is consistent with this policy because the Florence Realization 2020 Comprehensive Plan implements Oregon's Land Use Goals.

- 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.**

Referral requests were sent to Lane County. Lane County Transportation Planning provided testimony, dated Oct. 6, 2020. They requested that in addition to Oceana Drive the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way, the three Local Access Roads that are adjacent to the subject properties.

This petition and decision do not include annexation of these streets at this time. Local Access Roads transfer maintenance responsibility to a city immediately upon annexation. Prior to assuming city maintenance responsibility for these county roads, a greater understanding is needed about any issues within these rights of way. Assuming maintenance without regard to potential issues would be contrary to Chapter 14 Annexation policy 3a. The City expects that any future development proposals for the property will need to remain consistent with the development requirements of Lane Code Chapter 15 until jurisdictional transfer of the subject property and right-of-way occur. Lane County will be informed of all proposed developments occurring on the property in the future.

- 5. The City will send a referral requesting comments on annexations to the Heceta Water District, for annexations within the District's service boundary. 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.**

The Water District was provided notice and time to comment on the proposed annexation. On December 10, 2020, Carl Neville sent written comment (L6) stating "Heceta Water is planning on serving this development and has the resources to do so."

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

The applicants will be required to pay the project costs to extend sewer services where they do not currently exist. Future development of the properties will necessitate payment of applicable systems development charges. Any undeveloped properties 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, with the exception of maintenance and access off of streets adjacent to the property, which are maintained by Lane County.

Chapter 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands

Policies (Ordinance Nos. 1 & 2 Series 2021)

11. Coastal Shorelands in the Florence UGB shall be all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal lakes, and North Jetty Lake. The following Management Unit designations, as described in this Chapter of the Comprehensive Plan, shall apply to Shorelands within the Florence UGB: Shoreland Dredged Material Disposal Sites, Natural Resources Conservation, Mixed Development, Residential Development, and Prime Wildlife Area. Application of these MUs to specific areas is shown on “Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB,” in this chapter of this Comprehensive Plan.

Implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply to these MUs within the Florence UGB, outside city limits, and Florence City Code Title 10, Chapter 19, shall apply within Florence city limits.

The Property is contiguous with the Heceta Junction Lake area and thus the policies of the Coastal Shorelands are applicable. These lands are presently subject to Chapter 10 of Lane County Code. Upon annexation these lands will be subject to Chapter 19 of City Code and the policies of Chapter 17 of the Florence Realization Comprehensive Plan. Chapter 19 is discussed later in the report.

17. In Prime Wildlife Management Units, the following additional policies shall apply:

a. For Shorelands in the Prime Wildlife MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Prime Wildlife Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.

b. Uses shall fall within Priority 1 of the General Priority Statement (Policy 12). No use shall be permitted within a Prime Wildlife Shorelands MU unless that use is determined to be consistent with protection of natural values identified in the description of the MU.

c. For any approved development in this MU, a minimum 100’ horizontal buffer zone from the coastal lakes is required.

d. Outside of the buffer zone, development shall not result in the clearance of native vegetation in excess of that which is necessary for the actual structure's required access and fire safety requirements. Areas of excessive vegetation removal shall be replanted as soon as possible.

e. State Fish and Wildlife Biologists shall have a 14-day "review and comment" period to evaluate the impact of any development on critical habitats and to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

f. Filling in of freshwater marshes or coastal lakes adjacent to this MU is prohibited.

g. Development on lots less than five acres in size shall be prohibited. Where lots less than five acres existed on July 24, 1980, development may occur if in conformance with the requirements of the base zoning district and this management unit.

h. No dredge spoils deposition shall be allowed in the Prime Wildlife management unit.

These policies do not directly apply to this proposal since development: land division, clearing, grading, or construction are not proposed. Regardless, nothing in the applicant's submittals propose an action against the above policies for the area impacted by the management unit overlay. The original proposal for platting with Lane County that is in the record as Exhibit K58 does not meet the requirements above and the applicant knows this. Concern for wildlife was one of the concerns in the testimony. Subsection "e" above includes a process for working with the state to identify critical habitats in support of Goal 5 and Goal 17. Subsection "b" refers to policy 12.1 concerning maintenance of the integrity of the coastal waters. The code includes provision of a minimum 110' setback with more likely for flood control and it established uses permitted and the permit types required for each type of use. The code criteria implement this policy. Once an application is received that includes activity subject to the above policies a thorough review will be performed by the city and state agencies that includes review of the implementing code in FCC 10-19: Estuary, Shorelands, and Beaches and Dunes and conditions of approval made. These criteria are met in that they do not presently apply.

OREGON REVISED STATUTES (*Ordinance No. 1 Series 2021*)

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 Property proposed for annexation area is located within the urban growth boundary of the City of Florence. The Property is contiguous to the City boundaries through the

concurrent annexation of Oceana Dr. as proposed by the petitioner. In *Thomas P. Link v. City of Florence*, p. 29 the Court commented that where the city annexes the road as well as the “target area” it makes the entire annexed area contiguous to the city. This criterion is met.

(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.

The annexation petition of the Property was initiated by the sole owner of the real property in the territory to be annexed. Pursuant to established practices, the County will consent to the annexation of Oceana Dr. 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. The 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, 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. 28, Series 2010, adopted by the City Council, the legislative body of the City, on July 6, 2010, expressed in Section 2: "The Council hereby elects to dispense with any and all elections both in the City and in the annexed territory whenever permitted to do so by ORS Chapter 222 and instead will hold a public hearing on all annexations allowing City electors to be heard." The Court in Thomas P. Link vs. City of Florence found that ORS 222.120 did nothing to limit a city from using a previously adopted resolution or policy to dispense with an annexation election. In proceeding without an election, the Council is re-confirming its policy determination as set out in Resolution No. 28, Series 2010.

There are no electors within the Property to be annexed. The City received written petition from the sole owner of the Property within the annexation area, as allowed in ORS 222.170; therefore, an election is not required. This criterion is met.

ORS 222.120 Procedure for annexation without election; 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. 28, Series 2010 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 Court in Thomas P. Link vs. City of Florence found that ORS 222.120 did nothing to limit a city from using a previously adopted resolution or policy to dispense with an annexation election. This criterion is met.

(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. 28, Series 2010, Section 2 specifically 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 and instead hold a public hearing. Public hearings on this annexation and zoning assignment proposal were held before both the Planning Commission and City Council (the legislative body) allowing City electors to be heard on the proposed annexation. This criterion is met and exceeded.

(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 Planning Commission public hearing was noticed as listed in this criterion. Notice of the public hearing was published in the Siuslaw News on October 28th and November 4th, 2020. On October 13, 2020 notices were posted in four public places in the City Florence Post Office, and due to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

The City Council public hearing was mailed on December 28, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas. On January 28, 2021 notice was mailed to three property owners and hand delivered to seven property owners whose mailing addresses or ownership had changed since the mailing list was last updated. These are included in Exhibit P. Notice was published in the Siuslaw News on January 16, 23, & 30, 2021. On December 28th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

(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 on the western property line through the extension of City boundaries over Oceana Drive. Subsection “b” above is met.

(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.

No properties will 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 passed by City Council is 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.”

The written consent from the sole property owner was received by the City on a petition requesting annexation to the City.

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 or ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute.

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

(1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and 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.

The area under consideration consists of the applicant's property and Oceana Drive. The written consent from the sole property owner of the applicant's property was signed and provided with the petition for annexation received by the City on July 30, 2020. The applicant owns property representing 100% of the assessed value of real property under consideration. This criterion is met.

(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 are no electors within the proposed annexation area. The written consent from the sole property owner was signed and provided with the petition for annexation received by the City on July 30, 2020. The public hearing was held under ORS 222.120 as discussed under ORS 222.170(1).

(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.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION: *(Ordinance Nos. 1 & 2 Series 2021)*

A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.

C. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:

- 1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**
- 2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**
- 3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**
- 4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**
- 5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.**
- 6. Shall be accompanied by any other information deemed necessary by the City Planning Department.**
- 7. Shall be accompanied by the required, non-refundable fee.**

The applicant provided a petition and application on July 30, 2020 on the requisite forms, via the required method with the required fee. The application was deemed complete on August 28, within 30 days of the receipt of the application. The applicant's materials include a narrative statement supported by exhibits of maps that review what they believed to be the relevant criteria. For public facilities and access needed to support development the materials explain they intend to extend city sewer service at the applicant's expense with system development charges paying for any upsizing required to serve the greater area. Annexation is the only way to plat the properties with housing. The petition includes annexation of Oceana Dr. to accomplish this connection and provide a transportation connection. It is also explained in the applicant's materials that water and fire water are already available via Heceta Water PUD and Siuslaw Valley Fire and Rescue, respectively. Public stormwater facilities for private use are not available to this part of the city or UGB. The City of Florence has policy in FCC 10-9 that stormwater is retained on site. The subdivisions of Mariners Village, Shelter Cove, Fawn Ridge and Sea Watch all south of this development retain stormwater on-site. The referral agencies and departments have all provided testimony summarized above and provided in full in Exhibit "L" that public utilities and services are available to serve the property and, in some cases, (sewer) discuss more specifically what will be required (a pump station and sewer line extension). These criteria are met.

E. Traffic Impact Studies: *(Ordinance No. 2 Series 2021)*

2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:

a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

Testimony was received whereby it was thought a TIS was required. The zoning is changing from Suburban Residential (a County designation permitting 6,000 sq. ft. residential lots (LC 10.135)) to Low Density Residential (a City designation permitting 7,500 sq. ft. residential lots (FCC 10-10)). Additionally, the city is more restrictive permitting just houses, parks, child care, and churches whereas Lane County zoning permits also permits hospitals and schools. The similar yet reduced density of this zone change does not increase traffic. And the proposed eventual use is the same having the same peak hour traffic impact. The developable land area is significantly reduced due to the intermittent lake system and associated 100' buffer area and reduced lot size with the zone amendment. The addition of a predicted 40 or so residences as interpolated from the illustration in Exhibit K58 spread out across four access points onto Rhododendron Drive will not significantly affect the Idylewood subdivision roadways. Additionally, this zone change approval limits the residential density to that permitted with the zone assigned rather than granting an exception for greater density as offered through the Planned Unit Development procedure. This criterion is met in that it does not apply.

10-1-1-5: GENERAL PROVISIONS *(Ordinance Nos. 1 & 2 Series 2021)*

A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)

B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated: a. The notice shall identify each application to be decided

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

The application has applied for annexation with an associated zone change. These proceedings have been consolidated and the petition for annexation labeled as Ordinance 1, Series 2021 and the zone change/assignment as Ordinance 2, Series 2021. The Type IV annexation must be processed first and the zone change second. As in the criteria above in 2.b. There is no application for a proposed development that follows these applications and their proceedings. The land must be annexed and assigned a zone to be available to make application for development. Thomas P. Link versus The City of Florence made a determination for Driftwood Shores annexation that annexation of developed lots is not defined as “development”. Likewise, the comprehensive plan policy requiring properties to annex prior to land division (Florence Comprehensive Plan Chapter 14 Policy 2) makes development not possible until annexed. The applicant has provided two extensions to the 120-day rule, one 90 day and another 60 day. These criteria are met.

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

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS: (*Ordinance Nos. 2 Series 2021*)

B. Notification of Hearing:

1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.

b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.

c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).

d. Notice shall be mailed to any person who submits a written request to receive notice.

e. For appeals, the appellant and all persons who provided testimony in the original decision.

2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

Subsections 1c and 1e are not applicable. Notice was provided as required in subsections 1a, 1b, 1d and 2. Lane County Transportation during the referral notice period submitted in their testimony a request that several Lane County roads be also considered for annexation. This petition for annexation and application for zone change was made by a petitioner owning property rather than the City of Florence and it did not include these additional roads. The City would become the maintenance entity of those roads and the City has no interest to annex those roads at this time. Therefore, the noticing list was built and notices provided to those within 300 feet of the boundary description on the petition received.

Notice of the Planning Commission's public hearing was mailed on October 14, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas. Notice was published in the Siuslaw News on October 28th and November 4th, 2020. On October 14th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside door glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library. On October 14, 2020 land use notice signs with holders containing notices mailed to property owners were posted at Oceana Drive (west and east ends), Cloudcroft Lane and Kelsie Way. The signs were periodically restocked with notices.

Notice of the City Council public hearing was mailed on December 28, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas, those who testified at the PC hearing and to others who requested to be included on the notice distribution list. On January 28, 2021 notice was mailed to three property owners and hand delivered to seven property owners whose mailing addresses or ownership had changed since the mailing list was last updated. Those receiving notice are listed in Exhibit P. All who should have been provided notice were. The public hearing opened on February 1st was consequently extended to February 22nd to accommodate the late notices mailed January 28th. On December 28th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside door glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library. On December 28, 2020 land use notice signs with holders containing notices mailed to property owners were posted at Oceana Drive (west and east ends), Cloudcroft Lane and Kelsie Way. The signs were restocked with updated notices announcing the new extended testimony periods. Notice was published in the Siuslaw News on January 16, 23, & 30, 2021.

These criteria are met and exceeded.

10-1-1-6-4: TYPE IV PROCEDURE (LEGISLATIVE) (*Ordinance No. 1 Series 2021*)

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 applicants proposed an annexation and zoning assignment for their properties. Two public hearings were held as part of this process, Planning Commission on November 10, 2020 and City Council on February 1, 2021. This criterion is met.

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner: (*Ordinance Nos. 1 & 2 Series 2021*)

a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:

1. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.

2. Any affected government agency.

3. Any person who requests notice in writing.

4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

5. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

The City Council public hearing was mailed on December 28, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas and to interested parties who had requested to receive public notice. On January 28, 2021 notice was mailed to three property owners and hand delivered to seven property owners whose mailing addresses or ownership had changed since the mailing list was last updated. These are included in Exhibit P. Referral notices were sent to government agencies and the owner of the Florence Airport on October 1, 2020. These criteria are met,

b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City. (*Ordinance No. 1 Series 2021*)

Notice was published in the Siuslaw News on January 16, 23, & 30, 2021. This criterion is met and exceeded.

c. The City Planning Official or designee shall: 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection. 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b. (Ordinance Nos. 1 & 2 Series 2021)

An affidavit for the Council hearing mailing is in the hearing record as Exhibit P and the Planning Commission one is in the record. The Siuslaw News has provided an affidavit of the newspaper publications which are also in the record. This criterion is met.

d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing. (Ordinance No. 2 Series 2021)

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on October 6, 2020, not less than 35 days prior to the proposed first evidentiary hearing of November 10, 2020, as required by State law and the Florence City Code. An update was loaded on the DLCD website on October 28th to change the first hearing date to November 10th. This criterion is met.

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). (Ordinance Nos. 1 & 2 Series 2021)

The zoning district corresponding to the subject property's Comprehensive Plan designation is Low Density Residential. The Low Density District will be assigned upon approval of the request from Council and finalization of the annexation process with the county and state. Property designated as Prime Wildlife with the County will transfer applicable regulations from Lane County's Chapter 10.245 to the Florence City Code Title 10 Chapter 19. FCC 10-19-5: B. states: "As lands are annexed over time, Coastal Shorelands shall include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. Upon annexation, Coastal Shorelands Overlay Zoning Districts are applied to the properties depicted on the Map 17-1 Estuary and Coastal Shoreland Management Units in the Florence UGB in the Comprehensive Plan....". Therefore, there is technically no zone change rather a change in regulation assignment. Therefore, the shorelands are not included on the Florence Zoning Map because they are represented in 17-1 and regulated by FCC 10-19 where the map is called out specifically and these lands under annexation consideration are illustrated and represented with the Prime Wildlife designation already. Review of the applicable code and comp plan objectives and policies are contained within these findings. It is found that the petition and application are consistent with the Florence Realization 2020 Comprehensive Plan and the Title 10 – Zoning Regulations of the Florence City.

10-1-3: AMENDMENTS AND CHANGES (*Ordinance No. 2 Series 2021*)

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 November 10, 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. The applicant provided a statement of compliance in Exhibit J that demonstrated that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest. 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.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE: (*Ordinance Nos. 2 Series 2021*)

A. Low Density Residential (LDR): The Low Density Residential District is intended to provide a quality environment for low density, urban residential uses and other Planned Unit Development as determined to be necessary and/or desirable.

The vacant Property and Oceana Dr. are proposed to be zoned Low Density Residential District with portions of the Property receiving a Prime Wildlife shorelands management unit overlay. This zone and overlay are appropriate as they correspond to plan designation (Low Density) and overlay assigned to property and served by Oceana Drive a local road. The approximate 43-acre Property meets the minimum lot size of the district (7500 sq. ft.). The presence of the coastal shoreland designation on the majority of this property makes the Low Density residential designation (rather than Medium or High Density) with the opportunity for a Planned Unit Development scenario an appropriate zoning choice to reduce the risk of impact on the natural resource area found within most of the eastern portion of the site. The proposed zone change meets the applicable criteria of FCC 10-10.

TITLE 10: CHAPTER 19 SECTIONS 5 & 9: Prime Wildlife Overlay District (PW)

(*Ordinance Nos. 1 & 2 Series 2021*)

In accordance with FCC 10-19-5-A & B this overlay and the associated administrative polices will apply to the areas so designated in the comprehensive plan that are also included in the petition for annexation. These areas are generally illustrated on Exhibit H which is Map 17-1: Estuary & Coastal Shorelands Management Units in the Florence UGB from the Florence Realization 2020 Comprehensive Plan. According to the Comprehensive

Plan, Chapter 17 page 18 this management unit includes the area covered by seasonal standing water identified on Natural Resources Conservation Service maps or, if available, photogrammetric maps and a fifty foot strip of surrounding vegetation.

The City's PW criterion include policies that will apply with a proposal for development application. Portions of the property are presently zoned Prime Wildlife under the County code. The associated property is automatically assigned this overlay with annexation but is included in this review for clarity of the assignment. In accordance with 10-19-9-A staff performed a Preliminary Investigation of the property to ascertain the location of the resources identified in the Lane Coastal Resources Management Plan and illustrated on "Florence Local Wetland Area Inventory Sheet 3 Coastal Shorelands & Wetland Areas". Lots 400 and 401 were found to be impacted as represented on the 2013 Inventory Report and using the Wetland delineation photo mapping assembly previously performed and in the record as Exhibit K58 as a guide. The applicant has performed analysis of the resources on this property previously for applications to the County and in the record. Specifically, the applicant with a land division or development application will be required to delineate wetlands, identify the average highwater line upon which to establish the buffer and determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control.

FCC 10-19-9-C permits single family homes in the Prime Wildlife Overlay as long as the development criteria are followed for setbacks, buffers, vegetation retention, building materials, and screening. The 100' required buffer plus 10' setback may need to be increased to provide adequate flood control and preserve habitat. The permitted uses with the development standards illustrate this property is planned to be zoned in accordance with the City Code and Comprehensive Plan policy. Codes and policies are in place to protect the uses from flooding and to protect the natural resources and wildlife from excessive encroachment and destruction of habitat.

Oregon Administrative Rules – 660-015-0000

(Ordinance No. 2 Series 2021)

OAR 660-015-0000 (Goal 10):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[...]

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing,

multiple-family housing, and manufactured homes, whether occupied by owners or renters.
[...]

Finding: The population of the City of Florence exceeds 2,500 people, so the requirement for various housing types applies.

The City's Residential Buildable Lands Inventory was updated in late 2018. In compliance with Goal 10 and applicable administrative rules implementing Goal 10, the inventory looks at acreage available for development within the City's residential areas. While residential uses are permitted or conditionally permitted in areas with non-residential designations, the BLI only inventories acreage within residential zoning districts. (See Housing Needs Analysis Appendix I.)

The zoning assignment for this annexation request does relate to the opportunity to provide additional residential uses. The addition of land to the city limits impacts the City's residential inventory in the City's BLI in a positive way by adding more buildable land to the inventory to support additional housing.

The Housing Needs Analysis, 2017 Exhibit IV.6. identifies a forecasted need under Scenario A of 858 single family dwelling units with an estimated land need of 164 acres. The proposed zoning assignment to Low Density Residential for the 43+ acres creates a positive impact on the supply of residential land base, albeit with more than half of that land undevelopable. Presently, there is around 40 acres of land within City limits that is zoned Low Density, is undeveloped and developable. The remainder is incumbered with wetlands, steep slopes or commercial recreation development.

B. IMPLEMENTATION

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

Finding: The proposal is consistent with this rule because it includes proposed zoning that support implementation of the adopted HNA, including needed housing types such as single family residential and accessory dwelling units providing the opportunity for housing units as identified above.

VII. CONCLUSION

The evidence in the record demonstrates, based on findings herein, that the proposed annexation and zone assignment is consistent with the policies set forth in state statutes, Florence City Code, and the Florence Realization 2020 Comprehensive Plan. To maintain the requirements under the City Traffic Impact Analysis and State Transportation Planning Rule are met the allowed density shall be that permitted under the base code rather than an

increase as allowed under the Planned Unit Development code FCC 10-23 or where streets are platted as tracts.

VIII. EXHIBITS

To the approval:

Ordinance 1, Series 2021: Exhibit A Annexation – Legal Description

Ordinance 2, Series 2021: Exhibit A Zoning – Zoning Map

Exhibit B: Findings of Fact, March 31, 2021

To the record:

Exhibit C: 2007-2020 Annexations & DWS (note: these are Exhibits B & C in applicant's statement of support)

Exhibit D: Vicinity Map

Exhibit E: Comp Plan Map

Exhibit F: Zoning Map

Exhibit G: Aerial Map

Exhibit H: Shoreland Map

Exhibit I: Application, Petition, and Supplemental

Exhibit I2: Applicant Response dated 11/24/20

Exhibit J: Statement of Support

Exhibit K: Testimony (Planning Commission)

Exhibit L: Referral Comments (Updated from PC recommendation)

Exhibit M: Testimony (City Council)

Exhibit N: Applicant Statement of Compliance

Exhibit N2: Applicant Letter of Final Argument

Exhibit O: Siuslaw News Articles

Exhibit P: Mailing/Delivery Affidavits

**Note: As originally noticed 8/5/22
subsequently revised 8/10/22 as shown in
attachment 1**

**CITY OF FLORENCE
ORDINANCE NO. 9, SERIES 2022**

AN ORDINANCE ADOPTING SUPPLEMENTAL FINDINGS AFFIRMING ORDINANCE NO. 2, SERIES 2021 THAT ASSIGNED LOW DENSITY ZONING DESIGNATION TO OCEANA DR., EAST OF RHODODENDRON DR. AND ASSESSOR'S MAP 18-12-10-40, TAX LOTS 400 AND 401 AND ASSESSOR'S MAP 18-12-10-34, TAX LOT 801 AND NOTING PRIME WILDLIFE OVERLAY ASSIGNMENT TO PORTIONS OF TAX LOTS 400 AND 401.

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, Benedick Holdings LLC, on July 30, 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 November 10, 2020, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on December 8, 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 February 1, 2021, 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 February 1, 2021, and found that the subject property is plan designated Low Density Residential in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Low Density Residential consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 1, Series 2021, annexing the property as described in the Ordinance title above.
7. Oregon Coast Alliance and Bruce Hadley filed an appeal on May 3, 2021 with the Land Use Board of Appeals of the State of Oregon (LUBA).
8. January 28, 2022, LUBA, under case No. 2021-051, remanded Ordinance 2, Series 2022 in order for the City to provide supplemental findings that explain why assigning the City's Low Density Zoning District to the Subject Property is "not contrary to the public interest."

9. June 2, 2022, Michael Farthing representing Benedick Holdings LLC requested the city respond to LUBA's remand in accordance with ORS 227.181.

Based on these findings,

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

1. The City of Florence adopts supplemental findings, Exhibit A, affirming Ordinance No. 2, Series 2021 that assigned Low Density zoning designation to Oceana Dr., east of Rhododendron Dr. and assessor's map 18-12-10-40, tax lots 400 and 401 and assessor's map 18-12-10-34, tax lot 801 and noting Prime Wildlife Overlay assignment to portions of tax lots 400 and 401.
2. This decision considers no new evidence and is based on the existing record of Ordinance 2, Series 2021.
3. This decision considers only one specific issue related to the applicable public interest criterion.
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 30 days from approval.

ADOPTION:

First Reading on the XX day of August, 2022

Second Reading on the XX day of August, 2022

This Ordinance is passed and adopted on the XX day of August, 2022.

AYES

Councilors:

NAYS

ABSTAIN

ABSENT

Joe Henry, Mayor

Attest:

Lindsey White, City Recorder

SUPPLEMENTAL FINDINGS OF FACT
(Exhibit A)

Request

On June 2, 2022, pursuant to ORS 227.181, Michael Farthing, attorney for Applicant Benedick Holdings, LLC, requested that the City proceed on remand for its application to assign zoning to the subject property that was annexed into the City via Ordinance No. 1, Series 2021. These supplemental findings address the remand proceedings and applicable criterion, as remanded to the City Council by the Land Use Board of Appeals (“LUBA”) in *Oregon Coast Alliance v. City of Florence*, LUBA Case No. 2021-051 (the “LUBA remand”).

Background

On April 5, 2021, the City Council adopted Ordinance No. 1, Series, 2021, which annexed a 48.82-acre parcel (the “Subject Property”), and the Oceana Drive right-of-way into the City. At the same time, the City Council adopted Ordinance No. 2, Series, 2021 (“Ordinance No. 2”), which assigned the City’s Low Density Residential Zoning District and Prime Wildlife Overlay to the Subject Property.

The City Council’s approval of Ordinance No. 1 (annexation approval) was appealed to LUBA who dismissed the appeal on October 18, 2021 (LUBA, No. 2021-050). That dismissal was affirmed by the Oregon Court of Appeals on January 21, 2022. *Oregon Coast Alliance v. City of Florence*, 317 Or App 137 (2022). The Court of Appeals’ decision is now final. As a result, Ordinance No. 1, Series 2021 is final and the Subject Property is within the Florence city limits – the Subject Property is annexed.

Ordinance No. 2 was also appealed to LUBA. On January 28, 2022 LUBA determined that the findings adopted by the City Council did not adequately explain

why the zone change satisfied the “public interest” standard set forth in FCC 10-1-3-B-4. That criterion states:

“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.” (Underline added.)

In the adopted findings supporting Ordinance No. 2, reference was made to the Applicant’s initial application (Exhibit “J”) for addressing this standard. LUBA concluded that Exhibit “J” did not adequately address the “public interest” portion of the requirement set forth in FCC 10-1-3-B-4.

Issue on Remand

Based on this single shortcoming in the adopted findings, LUBA remanded the Council’s approval of the zone assignment in order for the City to provide supplemental findings that explain why this particular zone assignment of the City’s Low Density Zoning District to the Subject Property is “not contrary to the public interest.” The following findings provide the factual and legal justification for concluding that approval of the requested zone assignment of Low Density Residential to the property described in Ordinance No. 2 supports the City’s public interest in providing residential homesites in accordance with its Comprehensive Plan.

There will be no reconsideration of issues affirmed by LUBA in its remand decision. In addition, there will be no consideration of evidence irrelevant to the remanded criterion; evidence not referenced here is deemed either irrelevant to the

remand issue or unpersuasive as to the ultimate findings herein.

Incorporation of Supplemental Findings

These supplemental findings on remand affirm the original findings in support of Ordinance No. 2, except to the extent that findings in these supplemental findings actually conflict with the original findings. In the event of an actual conflict these supplemental findings shall govern.

Procedure

On July 30, 2020, property owner Benedick Holdings LLC applied to the City for annexation of the Subject Property together with a request to assign city zoning to the Subject Property. The annexation and zone assignment were addressed concurrently throughout the city proceedings. After proper notice, the Planning Commission met on November 10, 2020 to consider the zone assignment application. After considering submitted evidence, testimony and argument, the Planning Commission on December 8, 2020 adopted findings in support of assigning the requested zone district and overlay. Upon receiving the Planning Commission's recommendation, and proper noticing, the City Council met in a public hearing held on February 1, 2021 and February 22, 2021 to consider the application, evidence and testimony. On April 5, 2021 the City Council deliberated on the application and adopted Ordinance No. 2. As noted above, on January 28, 2022, LUBA remanded Ordinance No. 2 to the City Council for consideration of one specific issue related to the applicable public interest criterion.

ORS 227.181 governs the City's procedure on remand from LUBA. The city has no specific local procedures that govern the processing of a remand. The record in this matter is already voluminous after vigorous debate during the consideration of Ordinance No. 2. The remand issue is not a new issue, but one that was discussed already.

As to the singular public interest criterion, as provided by LUBA, the question for the City Council on remand is to identify the facts the relied on for this criterion and explain how those facts lead to the conclusion that the public interest standard is satisfied. Based upon the state of the existing record, the arguments already made throughout the course of this matter, and the specific scope of the remand issue, there is little reason to re-open the record or hear new argument as to the remand issue. On balance, it is best to proceed directly to deliberation of the remand issue so that the Council can correct the error found by LUBA.

The Council will consider no new evidence on remand. In addition, the Council will not hold a public hearing on this matter to consider any new testimony or argument.

This matter was set for City Council deliberation and action on August 15, 2022.

Plan and Zone Consistency

The starting point for finding the requested zoning assignment to be not contrary to the public interest is to focus on the location of the standard in FCC 10-1-3-B-4, and how it fits within the entire criterion which actually contains two requirements. The first requirement is that the proposed zone assignment be “consistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance.” The adopted findings that supported Ordinance No. 2 addressed relevant policies in the Florence Realization Comprehensive Plan (“Florence Comprehensive Plan”) and also applicable provisions of the Florence City Code. (Ord. No. 2 Findings at pages 5-26, 31-41.) These findings provide a detailed explanation of how and why the proposed Low Density Residential Zoning District is consistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance. (Ord. No. 2 Findings at pages 5-26, 31-41.) These findings cover a broad range of subjects relating to how this zone change positively satisfies and

implements the relevant policies and requirements of both the Florence Comprehensive Plan and Zoning Ordinance. This first standard is not at issue on remand from LUBA, so the prior findings are conclusive.

This first standard in FCC 10-1-3-B-4 that requires review of the Comprehensive Plan and Zoning Ordinance requirements is then followed with the general and subjective standard of “. . . is or is not contrary to the public interest.” Given the overwhelming evidence that supports the conclusion that this zone assignment, as applied to the Subject Property, conclusively addresses and satisfies all of the requirements, standards and criteria of the Florence Comprehensive Plan and Zoning Ordinance, we therefore, conclude that the assignment of the Low Density Residential zoning to the Subject Property is not only reasonable but is compelling for all of the positive circumstances that will occur when this zoning assignment is final and, therefore, is consistent with the public interest as reflected in the Florence Comprehensive Plan and Zoning Ordinance.

Benefits of Requested Zone Assignment

Of particular benefit to the public interest is that assignment of this Low Density Residential District will allow the owner to make an application to the City for low density residential development of those portions of the Subject Property that are not occupied by Coastal Shorelands. There is a documented public need for the low density residential development that will occur on the Subject Property. (Ord. No. 2 Findings at pages 10, 40.) An additional benefit to the public interest with this opportunity to make application for low density development is the city code requirement to provide access to Three Mile Prairie parkland, a Lane County public resource, upon land division. As shown on Exhibit G this would provide the opportunity for properties north and west of the subject property to have legal thru-access to the public park lands. (Ord. No. 2 Findings at page 17.) The Subject Property can be served by all urban facilities and services which will be provided by a

future developer. (Ord. No. 2 Findings at 5-7.) This includes a developer-financed pressurized public sewer line extended from Rhododendron to the Subject Property that will also be available to serve the existing residences in the Idylewood Subdivision that presently use individual septic systems. (Ord. No. 2 Findings at pages 5-6.) An additional benefit with this opportunity to make application for low density development is the city code requirement to perform extensive analysis and provide methods for treatment, flood prevention, storage construction, limits to impervious areas, and vegetation retention and to consider known flooding ¼ mile up and down gradient from development. Upon annexation and subsequent development application the City's Stormwater Master Plan is applicable where the "the City may wish to complete further studies of stormwater behavior in this area, to assess the need for pump stations, pipe systems, and/or other infrastructure." (Ord. No. 2 Findings at pages 12 & 17.) Testimony from owners adjacent to the subject property cited instances of historic flooding on or near their properties. The City's zoning and related development policies provide the public benefit of both the private developer and city the ability to consider and implement solutions to resolve flooding in these county lands.

Beyond these positive and beneficial contributions to the public interest that are stimulated by this zone assignment, there is also the fact that the South Heceta Junction Lakes, that are located on a significant portion of the Subject Property, will be fully protected from any development. (Ord. No. 2 Findings at pages 11-12.) Those protections offered by the City's Prime Wildlife Overlay Zone exceed those provided by the existing County Prime Wildlife Zone as evidenced, in part, by the 100' setback rather than the 50' presently in place under Lane County regulations. (Ord. No. 2 Findings at pages 26, 33.) Moreover, the number of residences that could be developed in the future under the proposed zone is significantly less than would be allowed by the County's Suburban Residential and Prime Wildlife Zone. (Ord. No. 2

Findings at pages 19, 33.) Thus, zoning to Low Density and assuming the City's Prime Wildlife designation will do more to advance the public interest by supporting public health and welfare and reducing the risk of excessive public expense.

Zone Assignment Compared to Alternatives

As the above findings reflect, approval of this zone assignment of Low Density Residential to the Subject Property has followed a script that is prescribed by Statewide Planning Goals, the annexation and zone assignment policies in the Comprehensive Plan and implemented pursuant to detailed Zoning Ordinance provisions. The Subject Property has been annexed to the City and continues to be designated Low Density Residential in the Florence Comprehensive Plan. (Ord. No. 2 Findings at page 10.) The City's implementing zone for the Subject Property is the Low Density Residential District with a Prime Wildlife Overlay that provides increased protections for the property's Coastal Shorelands in comparison to the County's regulations. (Ord. No. 2 Findings at pages 11-12.) It is in the public interest to provide these increased protections as the property is developed inside the City and in satisfaction of all applicable City requirements. This can only occur if this zone assignment is completed.

It is also reasonable to conclude that not assigning the Low Density Residential District to the Subject Property would be contrary to the public interest. Denial of this zone assignment would be in conflict with FCC 10-1-2-3 that authorizes zoning to be assigned to annexed properties when the zoning is consistent with the Florence Comprehensive Plan and Zoning Ordinance and regardless of whether it is requested by the annexation applicant. (Ord. No. 2 Findings at page 37.) The applicant has requested assignment of the Low Density Residential Zoning District to the annexed Subject Property. There is no other zone that is appropriate to be assigned to the Subject Property. Failure to do so would be contrary to the public interest as zoning assignment is required by the Florence Zoning Ordinance. The same rationale applies

if the City's Prime Wildlife Overlay zone was not applied to the Subject Property.

Opposition Testimony

Most of the opposition testimony is directed at the petition for annexation although there were claims that “the proposed change is contrary to the public interest.” (Exhibit M45, 11/10/2020 letter from Zack Mittge.) However, the reasons provided in support of this claim were based on the negative effects of a development that does not exist and is not presently proposed. (Exhibit M68, 2/1/21 letter from Zack Mittge.) This was reflected in the fact that most of the opposition testimony was directed at phantom proposals.

These misdirected allegations were focused primarily on the potential impacts of a development that has not been proposed by the zone assignment. These assertions were collectively cataloged in the adopted findings. (Ord. No. 2 Findings at pages 3-5.) As addressed previously the single remanded item by LUBA concerns the lack of findings explaining why this zone assignment is or is not in the public interest.

The opposition testimony alleging the lack of adequate findings addressing the public interest standard are not supported by actual examples of how approval of the zone assignment would be contrary to the public interest. No development is proposed by this zone assignment and none is approved if the zoning assignment becomes final. Indeed, the annexation has become final, and the action did not result in development of the Subject Property.

Importantly, no one provided arguments or evidence as to what would happen that is contrary to the public interest if this zoning assignment is approved and there was no development (which is the scenario the Council is faced with under this zone assignment application). There have been no assertions or allegations about negative or adverse effects that occur when the City's Low Density Residential District is assigned to the newly-annexed Subject Property in accordance with the Florence Comprehensive Plan and Zoning Ordinance.

Given the Comprehensive Plan designation and the available zoning districts that could apply to the Subject Property, the Low Density Residential District is the appropriate zoning district. It is not contrary to the public interest to assign the appropriate zoning district to the Subject Property.

As to the remand issue of public interest, the opposition testimony is unpersuasive in the face of the counter-evidence that supports a finding of public interest in this zone assignment. Given the fact that the subject property is annexed and within the city limits, it is in the public interest to zone the property as sought by the applicant, despite the evidence of flooding and other potential adverse impacts of future development.

Failing to assign a zoning district is not an available option under the City's zoning framework. Given that fact that a zoning district must be assigned, the Low Density Residential District is the appropriate assignment. Making this assignment is not contrary to the public interest when given the available options.

FCC 10-1-2-3

The LUBA remand directs the City to explain “why the zone change satisfies the public interest provision” in FCC 10-1-3-B-4. The findings in the previous sections set forth how and why approval of the Low Density Residential District assignment to the Subject Property is not only in the “public interest” but, in fact, to do anything other than make that assignment would be contrary to the public interest. This is supported and directed by FCC 10-1-2-3 which requires zoning to be applied either on the effective date of the annexation, which is what has occurred in the present case, or “automatically” applied with an interim classification that matches the County zoning classification. In either case, zoning will be applied to the Subject Property and that zoning will be the City's Low Density Residential District. There is no other zoning district that implements the Low Density Residential plan designation for the Subject Property. Indeed, LUBA itself noted that the only zoning district that

implements the Comprehensive Plan designation for the Subject property is the Low Density Residential District. (Footnote 5 of LUBA opinion.) The City agrees with LUBA's assessment and there is no valid argument to the contrary.

Conclusion

Assignment of the Low Density Residential District is required by a specific zoning ordinance provision that implements the City's Comprehensive Plan that designates the Subject Property as suitable for low density residential development within the city limits of Florence. Nothing could be more in the public interest than to assign a city zone that will allow the property to be developed in accordance with the Florence Comprehensive Plan and Florence Zoning Ordinance. This is how land development with strong City oversight and review should occur beginning with annexation followed by assignment of City zoning. (Exhibit N2, Applicant's final argument 3/1/21.) When the time comes in the future, the next step will be submission of a land development application that will be subject to complete public review.

For now, assignment of the Low Density Residential District to the Subject Property is mandated by the Florence Comprehensive Plan and Florence Zoning Ordinance which means that it is consistent with the public interest. Argument to the contrary is unpersuasive.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: August 15, 2022
Department: City Manager

ITEM TITLE: Planning Commission Recruitment

DISCUSSION/ISSUE:

The Florence Planning Commission is required by state law and has seven members. Currently the Planning Commission has one “In-City limits” vacancy with a term expiration of May 2024. An overview of the body’s current membership, the purpose, and residency requirements is provided for in Attachments 1 of this Agenda Item Summary.

The appointment powers, requirements and processes for City Committee and Commission vacancies are provided for in the City of Florence Charter, Florence City Code Title 2, and the City of Florence Committee & Commission Manual.

The August 15, 2022 City Council meeting serves to fulfill the requirements of the Florence City Code by providing a:

- Notice to the public and Council on the position to be filled, qualifications if applicable, and the time and manner in which applications may be submitted (FCC 2-1-4-C-1)
- Opportunity for the City Council to direct a different appointment process be followed in filling a position on a particular board, commission or committee (FCC 2-1-4-D)

OVERVIEW OF PROCESS

1. **Charter:** The Florence City Charter gives the authority to the Mayor to make all appointments to the City’s Committees and Commissions. Section 21 of the Florence City Charter states:

Section 21. Mayor. The Mayor shall appoint the committees of the Council provided by the Council rules;

2. **Florence City Code:** The process for making those appointments, including process for inclusion of the City Council and the public in the decision making, are specified in Florence City Code Title 2, Chapter 1. Section 4-C & D of this code chapter designates the appointment process for the City’s Commissions and Committees noting the following:

C. Appointment Process: Prior to making any appointment authorized herein, the Mayor shall:

1. *Provide notice to the public and the Council of the position to be filled, qualifications if applicable, and the time and manner in which application may be submitted.*
 2. *Solicit recommendations from the Councilors concerning potential appointees;*
and
 3. *Confer with the Council, at a meeting, or with each Councilor individually, concerning potential appointees.*
-

D. Appointment Process Amendments: Notwithstanding paragraphs A and B of this section, upon receipt of the Mayor’s notice required under paragraph C.1, but before an appointment is made, the Council may direct a different appointment process be followed in filling a position on a particular board, commission or committee.

3. **Committee & Commission Manual:** The specific process and timeline for making appointments is provided for in Chapter 6 of the Florence Committee & Commission policy manual. The provisions of the manual provide guidance to the City Council and staff in timelines and processes for appointments.

Proposed Recruitment Process & Timeline

August 15, 2022	Announcement of Planning Commission Vacancies
Soon after August 15, 2022	<u>Recruitment Begins</u>
	<i>Applications available to the public on the City of Florence website and by contacting City of Florence staff. Applications may be submitted by:</i> 1. <i>Online application;</i> 2. <i>Requesting / submitting paper application;</i>
	Public Service Announcements are sent to the media
	Articles posted online and in the November City of Florence newsletter
August 29, 2022	Application Deadline
August 30, 2022	Applications are compiled and sent to Mayor & City Councilors for Review
August 30-September 5, 2022	Council provides Mayor with feedback on applicants. Mayor prepares recommendations
September 12, 2022 City Council Meeting	Announcement of Appointments by Mayor at City Council Meeting

FISCAL IMPACT:

The fiscal impact of committees varies by their scope of work. City commission/board recruitment costs consist of the staff time to advertise, compile applications, and answer citizen questions.

RELEVANCE TO ADOPTED COUNCIL GOALS:

- Goal 1: Deliver efficient and cost-effective city services
- Goal 4: Communication & Trust

ALTERNATIVES:

1. Begin recruitment process for the vacant position
2. Discuss and propose amendments to the recruitment process
3. Do not recruit for the Planning Commission vacancy and leave position vacant

RECOMMENDATION:

- Option 1 – Begin recruitment process for the vacant positions

AIS PREPARED BY:

Erin Reynolds, City Manager (on behalf of Mayor Joe Henry)

**CITY MANAGER'S
RECOMMENDATION:**

Approve Disapprove Other
Comments:

ITEMS ATTACHED:

Attachment 1 – Planning Commission Overview

Items Available for Reference:

- City of Florence Charter – <https://www.ci.florence.or.us/citymanager/city-charter>
 - Florence City Code Title 2 – Boards & Commissions - <https://www.ci.florence.or.us/council/title-2-boards-commissions>
 - Florence Committee & Commission Policy Manual - <https://www.ci.florence.or.us/boardsandcommissions/committee-and-commission-policy-manual>
-

Planning Commission

Open Positions	1 <i>In-City Limits</i> position – Remainder of term length
Total Membership	7 Members
Residency Requirements	5 members shall reside in Florence City limits – 2 members may reside in Florence Urban Growth Boundary
Membership Qualifications	No more than 2 members may engage principally in the buying or developing of real estate for profit No more than 2 members may be engaged in the same kind of occupation, business, trade or profession
Committee Information	The Florence Planning Commission serves to advise the Mayor, Council, and Planning Director in all matters concerning planning and land use. The Commission reviews and makes recommendations on the Comprehensive Plan, subdivision and zoning ordinances, and other planning rules and regulations. The Planning Commission also serves as the Design Review Board acting to determine whether proposed developments uphold the zoning and subdivision ordinances of the City of Florence, and in doing so holds public hearings on these and other actions.

Planning Commission Membership – 2022

<https://www.ci.florence.or.us/bc-pc>

Name	Term Expiration
John Murphey	May 2023- <i>In-City Limits</i>
Sandra Young	May 2025 <i>Out-City Limits</i>
Ron Miller	May 2024 <i>Out-City Limits</i>
Phil Tarvin	May 2025 <i>Out-City Limits</i>
Andrew Miller	May 2026 <i>In-City Limits</i>
Eric Hauptman	May 2025 <i>In-City Limits</i>
Vacant	May 2024 <i>In-City Limits</i>

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5
Meeting Date: August 15, 2022
Department: Public Works

ITEM TITLE: Oregon Community Paths (OCP) Program Project Refinement grant.

DISCUSSION/ISSUE:

Florence Public Works has been working with Lane County Public Works on developing a refinement plan to construct a separated multi-use path along Rhododendron Drive and Heceta Beach Road. The project limits are Rhododendron Drive from 35th Street to Heceta Beach Road and Heceta Beach Road from Rhododendron Drive to Hwy 101.

The Oregon Department of Transportation (ODOT) is conducting a solicitation for the Oregon Community Paths (OCP) Program Project Refinement grant. Project Refinement grants are the “first 30% design” and does not include federal National Environment Protection Act analysis nor right-of-way acquisition. Preapplication materials are accepted through September 15, 2022. If our project is selected to move forward then formal application would be accepted between November 2022 and January 2023.

The Oregon Community Paths Program is a new grant program which is an evolution of the bike/pedestrian portion of the Connect Oregon Program. The OCP is dedicated to helping communities create and maintain connections through multi-use paths. In order to achieve this ODOT is using monies from the state Multimodal Active Transportation fund and federal Transportation Alternatives Program fund for the OCP program.

For the 2022/23 application cycle, ODOT has set aside \$29.9 million in federal funding for the OCP Program Project Refinement projects. State funds are not available for this solicitation cycle. Projects can vary, however funding availability per project is \$150,000 - \$750,000 (Grant award, not including match).

Since the grant funds would be from a federal source, Lane County Public Works would be the lead agency since they are a certified agency that can deliver federally funded projects and City of Florence would be the co-applicant. The City of Florence has received federal funds in the past, however ODOT delivered those federally funded projects on our behalf.

There is a 10.27% local cash match for the grant funds. Local or state funds may be used as cash match, but federal funds may not be used to match other federal funds.

We believe that our project provides a critical linkage for the Florence community, in a high-equity need area that currently lacks any bicycle or pedestrian facilities. The refinement of this

project design will provide a bicycle bypass to the Oregon Coast Bike Route; address barriers that prevent bicyclists and pedestrians from safely accessing necessary services; and expands the transportation options for all users of the roadway.

In 2012, the City of Florence Transportation System Plan (TSP) identified safety treatments along Rhododendron Drive and Heceta Beach Road as a priority due to the absence of bicycle and pedestrian infrastructure and the high travel speeds of the corridor. The TSP's recommendation was additionally informed by stakeholder engagement, which identified a need for multi-use paths with improved connectivity to address elevated levels of non-motorized modes of transportation. In 2022, Lane County released its first Bicycle Master Plan (BMP) concurring with these findings, and recommended a shared-use path on Heceta Beach Road and Rhododendron Drive as a bypass to Hwy 101. The recommended shared-use path ranked as a high priority based on the BMP needs analysis, which included a review of crash data, bicycle demand, and equity. The equity analysis revealed that disabled populations in the project area exceed countywide average, and there is a high percentage of bike commuters and households without a vehicle. Additionally, given the high density of the housing surrounding the project area, a shared-use path would provide greater walking and biking opportunities locally.

If funding is ultimately awarded, Lane County will partner with the City of Florence to refine the design of a multi-use path on Heceta Beach Road and Rhododendron Drive to provide vulnerable community members safe access to high need locations, including medical services, grocery stores, connections to transit, and the Old Town area.

FISCAL IMPACT:

This is the first step in a multi-step process. If the grant application is approved by the Oregon Department of Transportation (ODOT), staff will bring forward a request for Council to accept the grant.

If the project is ultimately selected for the grant, we would have a minimum match of 10.27% that would be shared with Lane County. The grant application will be for a total project of \$675,000, with a corresponding 10.27% match requirement, the local match is \$69,322.50. The grant funding that is being requested is \$605,677.50.

RELEVANCE TO ADOPTED CITY WORK PLAN:

- City Service Delivery – improving the delivery of cost effective and efficient services by leveraging grant proceeds.
 - Livability & Quality of Life – being responsive to our community's needs with safe, efficient, effective and sustainable service delivery.
-

- Economic Development – by maintaining and enhancing safety of our transportation system will attract additional uses from the region which may increase tourism and dollars spent within the community.
- Communication & Trust – strengthening citizen trust by cooperatively working with established community associations for the common good of the community.
- Financial & Organizational Sustainability – leveraging grant proceeds to complete transportation safety enhancements for the City.

ALTERNATIVES:

1. As a co-applicant, submit OCP 2022-23 Project Refinement Pre-Application submittal package.
2. Do not authorize staff to submit a grant pre-application package.

RECOMMENDATION:

Staff recommends that the City Council consider approving Resolution No. 27, Series 2022 in support of an application by Lane County and the City for the OCP Project Refinement Grant and provide a letter of support for the project.

AIS PREPARED BY: Mike Miller, Public Works Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED: **Attachment 1** – Resolution No. 27, Series 2022
Attachment 2 – Draft Letter of Support

**CITY OF FLORENCE
RESOLUTION NO. 27, SERIES 2022**

**A RESOLUTION ESTABLISHING APPROVAL IN SUPPORT OF AN APPLICATION BY
LANE COUNTY AND CITY OF FLORENCE FOR A GRANT FROM THE OREGON
DEPARTMENT OF TRANSPORTATION FOR OREGON COMMUNITY PATHS (OCP)
PROGRAM AND DELEGATING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO
SIGN THE APPLICATION**

RECITALS:

1. The Oregon Department of Transportation is accepting grant pre-applications for the OCP Program Project Refinement grant.
2. The City of Florence desires to participate in this grant program to the greatest extent possible as a means of improving pedestrian and bicycle safety along Rhododendron Drive between 35th Street and Heceta Beach Road as well as Heceta Beach Road from Rhododendron Drive to US 101.
3. ODOT has developed a list of criteria that places emphasis on projects that provides critical linkage for communities in high equity need areas.
4. The City of Florence 2012 Transportation System Plan (TSP) identified safety treatments along Rhododendron Drive and Heceta Beach Road as a priority due to the absence of bicycle and pedestrian infrastructure.
5. The City of Florence has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded.
6. The City of Florence will provide adequate funding for on-going operations and maintenance of the facilities, within the City limits, should the grant funds be awarded.

Based on these findings,

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

1. The City Council demonstrates its support for the submittal of a grant application from Lane County and City of Florence to the Oregon Department of Transportation Oregon Community Paths Program Project Refinement grant to complete pedestrian and bicycle safety along Rhododendron Drive between 35th Street and Heceta Beach Road as well as Heceta Beach Road from Rhododendron Drive to US 101.
2. This Resolution takes effect immediately upon adoption.

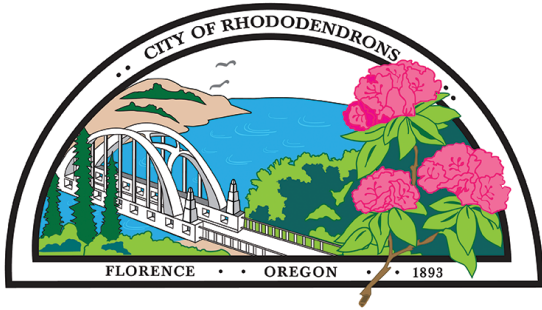
ADOPTION:

This Resolution is passed and adopted on the 15th day of August, 2022.

Joe Henry, Mayor

Attest:

Lindsey White, City Recorder



City of Florence

250 Hwy 101, Florence, OR 97439
www.ci.florence.or.us

August 15, 2022

Dear Grant Selection Committee Members:

The City of Florence supports and requests your approval of this application for the Oregon Community Paths Program for project refinement funds to construct a separated multi-use path along Rhododendron Drive from 35th to Heceta Beach Road and along Heceta Beach Road from Rhododendron to US101. The project provides a critical linkage for the community of Florence, in a high-equity need area that currently lacks any bicycle or pedestrian facilities. The refinement of this project design will provide a bicycle bypass to the Oregon Coast Bike Route; and address barriers that prevent bicyclists and pedestrians from safely accessing necessary services, thus expanding transportation options for all users of the road.

In 2012, the City of Florence Transportation System Plan (TSP) identified safety treatments along Rhododendron Drive and Heceta Beach Road as a priority due to the absence of bicycle and pedestrian infrastructure and the high speed of the corridor. The TSP's recommendation was additionally informed by stakeholder engagement, which identified a need for multi-use paths with improved connectivity to address elevated levels of non-motorized modes of transportation.

Since 2012, the City has constructed bike lanes and sidewalks along Rhododendron Drive from US101 to 9th Street and installed bike lanes on Rhododendron Drive from 9th Street to Wildwinds. Currently the City is in the final design phase of a roadway realignment and improvement project along Rhododendron Drive between Wildwinds and 35th Street that will include a separated multi-use path. Construction of this project is anticipated to begin winter of 2022/23.

The continuation of a separated multi-use path from 35th Street to Heceta Beach Road will complete the City's TSP vision for this important and scenic corridor.

If funding is awarded, the City of Florence will partner with Lane County to refine the design of a shared-use path on Heceta Beach Road and Rhododendron Drive to provide vulnerable community members safe access to high need locations, including medical services, grocery stores, connections to transit, and the Old Town area.

Thank you for your consideration,

Joe Henry
Mayor, City of Florence

Public Works
2675 Kingwood St.
(541) 997-4106

**City Manager /
City Recorder**
250 Highway 101
(541) 997-3437

**Community Development:
Planning & Building**
250 Highway 101
(541) 997-8237

**Finance /
Utility Billing**
250 Highway 101
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6
Meeting Date: August 15, 2022
Department: Finance

ITEM TITLE: Los Compadres Taqueria Liquor License Change of Location

DISCUSSION/ISSUE:

This is a request for a recommendation of a liquor license approval to the Oregon Liquor Control Commission (OLCC) for the liquor license for Los Compadres Taqueria due to a change of location. OLCC allows the City Council the opportunity to review the liquor license before making a recommendation of approval.

The owners/management of the business have been checked and approved by the Florence Police Department for noise and/or altercations. The Planning Department has checked the place of business for zoning or code violations. Both departments have signed recommending approval.

FISCAL IMPACT:

The fee for a liquor license (location change) is \$84. This fee includes the cost of staff time to review the application and place a recommendation before the City Council.

RELEVANCE TO ADOPTED COUNCIL GOALS:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Recommend ratification for the liquor license approval
 2. Recommend denial to OLCC for the liquor license
 3. Request staff research further and bring back additional information to a future Council meeting
-

RECOMMENDATION:

Recommend ratification for the liquor license approval

AIS PREPARED BY: Lezlea Purcell, Finance Manager

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED: Attachment 1 – Liquor License Application



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) LOS COMPADRES TAQUERIA			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OAR 845-004-0065(1)</u>) LOS COMPADRES TAQUERIA LLC PO BOX 1784 FLORENCE, OR 97439			
City FLORENCE	State OREGON	Zip Code 97439	
9. Phone Number of the Business Location 541-997-1647	10. Email Contact for this Application and for the Business JOSE GARCIA 27 @ YAHOO.COM		
11. Contact Person for this Application JOSE GARCIA		Phone Number 541-999-9374	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311(6)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

App. #1: (PRINT NAME) JOSE GARCIA	App #1: (SIGNATURE) <i>Jose Garcia</i>	App #1: Signature Date 4-28-22	Atty. Bar Information (if applicable)
App. #2: (PRINT NAME) Lorena Garcia	App #2: (SIGNATURE) <i>Lorena Garcia</i>	App #2: Signature Date 4-28-22	Atty. Bar Information (if applicable)
App. #3: (PRINT NAME)	App #3: (SIGNATURE)	App #3: Signature Date	Atty. Bar Information (if applicable)
App. #4: (PRINT NAME)	App #4: (SIGNATURE)	App #4: Signature Date	Atty. Bar Information (if applicable)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: JOSE J GARCIA & Lorena Garcia Pena Phone: 541-999-9374

Trade Name (dba): LOS COMPADRES TAQUERA

Business Location Address: 1161 HWY 101

City: FLORENCE ZIP Code: 97439

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>10:AM</u>	to	<u>10:PM</u>
Monday	<u>10:AM</u>	to	<u>10:PM</u>
Tuesday	<u>10:AM</u>	to	<u>10:PM</u>
Wednesday	<u>10:AM</u>	to	<u>10:PM</u>
Thursday	<u>10:AM</u>	to	<u>10:PM</u>
Friday	<u>10:AM</u>	to	<u>10:PM</u>
Saturday	<u>10:AM</u>	to	<u>10:PM</u>

Outdoor Area Hours:

Sunday	<u>10:AM</u>	to	<u>10:PM</u>
Monday	<u>10:AM</u>	to	<u>10:PM</u>
Tuesday	<u>10:AM</u>	to	<u>10:PM</u>
Wednesday	<u>10:AM</u>	to	<u>10:PM</u>
Thursday	<u>10:AM</u>	to	<u>10:PM</u>
Friday	<u>10:AM</u>	to	<u>10:PM</u>
Saturday	<u>10:AM</u>	to	<u>10:PM</u>

The outdoor area is used for:

Food service Hours: 10:AM to 10:PM

Alcohol service Hours: 10:AM to 10:PM

Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

LT (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: SUMMER IS LATER DINING

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 60 Outdoor: 25

Lounge: 26 Other (explain): _____

Banquet: _____ Total Seating: 111

OLCC USE ONLY

Investigator Verified Seating: _____ (Y) (N)

Investigator Initials: LT

Date: 07/08/2022

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Juan Garcia Date: 7-28-22

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



**OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM**

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

CURRENTLY HOLD ~~ALCOHOL~~
OLCC LICENSE # 335205 EXPIRES 06/30/2022

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, *may not* sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	<i>Galicia</i> Last	<i>Jose</i> First	<i>Juventino</i> Middle
Signature:	<i>Jose Galicia</i>		Date: <i>4-28-22</i>

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	GARCIA Last	JOSE First	JUVENTINO Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below. Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]	7. State OR	
8. Contact Phone: [REDACTED]			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	[REDACTED] (Number and Street)	Florence (City)	OR 97439 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	PENA Last	LORENA First	GARCIA Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]	7. State	OR
8. Contact Phone:	[REDACTED]		
9. E-mail Address:	[REDACTED]		
10. Mailing Address:	[REDACTED] (Number and Street)	Florence (City)	OR 97439 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	<i>PEOVA</i> Last	<i>LORENA</i> First	<i>GARCIA</i> Middle
---------------	----------------------	------------------------	-------------------------

Signature: <i>Lorena Garcia</i>	Date: <i>08/02/2022</i>
---------------------------------	-------------------------

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



OREGON LIQUOR CONTROL COMMISSION **INDIVIDUAL HISTORY FORM**

WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.
- A corporation is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
 - President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
 - A Director.
 - An individual who owns 10% or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
 - A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
 - A Member who owns 10% or more of the membership.
 - An Officer (such as a President or Secretary) with responsibilities over the operation of the business.

You must work with the OLCC to determine who must complete this form if you are:

- Part of an entity *other than* a corporation or LLC that is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form, or
- Part of an entity that owns 10% or more of an entity listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.

IN ADDITION, THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVE IT MAY HELP THE OLCC IN ITS INVESTIGATION.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7
Meeting Date: August 15, 2022
Department: Admin Svs Dept.

ITEM TITLE: Consider acceptance of the proposal as submitted by SingerLewak for Audit Services in the amount of \$47,990 for the fiscal year ending 2023 and \$217,090 for the four years following.

DISCUSSION/ISSUE:

Shortly after the completion of the City's 2020-21 fiscal year audit, we were informed by our auditors, Merina+Co, they would no longer be performing municipal audits. We were still under contract with them for the 2021-22 fiscal year audit, which they are honoring.

A Request for Proposals (RFP) for Audit Services was issued on June 29, 2022. On August 3, 2022, proposals were received and reviewed by a four-member committee for the Professional Services Firm for Audit Services proposal request. The bid results are as follows:

<u>Bidder</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
SingerLewak, LLP	\$47,990	\$50,400	\$52,990	\$55,500	\$58,200

The three members of the review committee judged each proposal on the following areas:

- Project approach and understanding
- Qualifications and experience
- Project schedule and proposer availability
- Cost proposal
- References

This service agreement will provide annual audit services for the City of Florence and the Florence Urban Renewal agency, which are required by the State of Oregon. These services include preparing the audited financial statements, the Schedule of Expenditures of Federal Awards (SEFA), and the application of the City's Annual Comprehensive Financial Report to the Government Finance Officers Association (GFOA) for the Certificate of Achievement for Excellence in Financial Reporting.

SingerLewak, LLP is registered in the State of California, but has two offices in Oregon. Work for the City will be performed by its Salem office, Boldt, Carlyle + Smith. Boldt, Carlyle + Smith has over 50 years' experience auditing municipalities, including cities similar to Florence. They currently perform over 45 municipal audits each year.

SingerLewak, LLP recently completed its independent peer review of its assurance practice. The reviewers concluded that the firm complies with the quality control standards of the American Institute of Certified Public Accountants (AICPA), the national professional organization of CPA's. The engagement partner and engagement manager who will be assigned to the City's audit are both licensed municipal auditors.

FISCAL IMPACT:

The cost of the contract for the 2022-23 fiscal year audit will be \$47,990 (\$42,650 for the City and \$5,340 for FURA).

	2022-23	2023-24	2024-25	2025-26	2026-27
<i>City FS Audit</i>	\$ 36,650	\$ 38,500	\$ 40,400	\$ 42,400	\$ 44,500
<i>FURA FS Audit</i>	5,340	5,600	5,900	6,200	6,500
<i>Single Audit</i>	6,000	6,300	6,600	6,900	7,200
Total	\$ 47,990	\$ 50,400	\$ 52,990	\$ 55,500	\$ 58,200

The City's audit cost for the 2020-21 fiscal year was \$44,375 and FURA was \$5,500 for a total of \$49,875.

RELEVANCE TO ADOPTED CITY WORK PLAN:

- City Services Delivery – Sustain and improve the delivery of cost effective and efficient services, and;
- Financial & Organizational Sustainability – Sustain and improve infrastructure to support current and future needs by maintaining and upgrading the City's IT infrastructure, monitoring for unfriendly threats, and providing timely end-user support.

ALTERNATIVES: The Council may choose to:

1. Award contract to SingerLewak, LLP,
2. Do not award contract, or;
3. Reject proposals and re-scope the project.

RECOMMENDATION:

Staff recommends the City Council accept the five-year proposal from SingerLewak, LLP and authorize the City Manager to proceed with a professional services contract.

AIS PREPARED BY: Anne Baker, Administrative Services Department Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments: 

ITEM'S ATTACHED: None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8
Meeting Date: August 15, 2022
Department: Administrative Svcs

ITEM TITLE: Financial Report for the Quarter Ending June 30, 2022

DISCUSSION/ISSUE:

In an effort to improve financial and management reporting to the City Council, citizens and other interested individuals we have prepared the attached quarterly report.

FISCAL IMPACT:

Staff time to prepare.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Improves financial and management reporting to inform decisions.

ALTERNATIVES: N/A

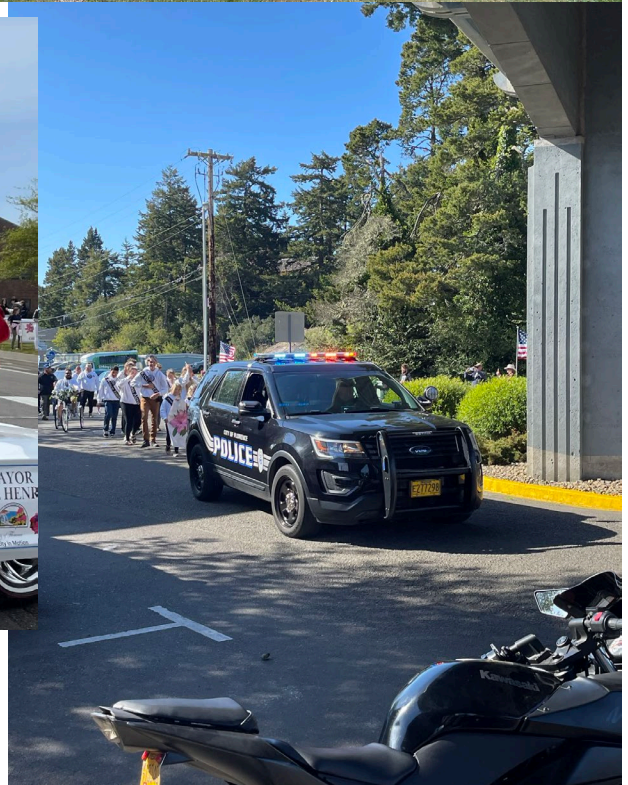
RECOMMENDATION:

N/A

AIS PREPARED BY: ANNE BAKER, Administrative Services Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments: ER Reynolds

ITEM'S ATTACHED: Quarterly Report for the period ending June 30, 2022



City of Florence, Oregon

Financial Report

Quarter Ended June 30, 2022

August 15, 2022

Dear Mayor Henry, City Councilors, Citizens of Florence and other interested individuals;

We are pleased to report on activities and progress we have made on Council goals on behalf of the City of Florence for the fourth quarter of the Biennium ending June 30, 2022. The report includes comparisons of actual to budgeted amounts, a City-wide summary of beginning fund balances, current period resources and expenditures, and the ending fund balance for all funds and narrative explaining results and highlights for the quarter. The financial information presented is unaudited and any significant adjustments are noted.

Rhododendron Days was celebrated in person for the first time since the beginning of the pandemic in 2020. Lodging tax for May 2022 was up 25% from the same time in 2019.

Transfers from the ARPA Fund were made to other City Funds as directed by Council. The last payment of funds from the State are expected in late August or early September. Reporting of fund uses to the Federal Government was done on time and the next report is due April 2023.

All funds have a positive fund balance at June 30th and are expected to remain that way through the audit. The audit is expected to be completed in time to submit the City's Annual Comprehensive Financial Report (ACFR) to the Government Finance Officers Association (GFOA) for its Certificate of Excellence in Financial Reporting in December. We are still waiting to hear the status of the City's application for its 2020-21 ACFR.

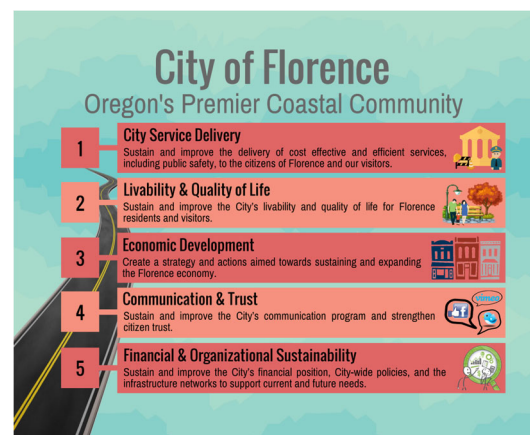
Please note that the budgeted amounts presented reflect the City's budget for the July 1, 2021 – June 30, 2023 biennium. Additionally, we have included reporting on the City's debt such as outstanding amounts, debt coverage ratios, maturities, and interest rates.

Budgeted amounts presented generally have been allocated proportionately, i.e., twelve and a half percent (12.5%) of the biennial amount for the quarter.

City Council continues to embrace five goals which assist in the building of the City Workplan. The current Workplan for the 2021-23 biennium can be found at <https://www.ci.florence.or.us/council/city-council-goals-work-plan>

These goals are:

- City Service Delivery
- Livability and Quality of Life
- Economic Development
- Communication and Trust, and
- Financial and Organizational Sustainability



The City continues to be very active and 'In Motion':

- General Fund ended the quarter with a fund balance of \$2.5 million.
- City Hall is open to the public from 8:00 a.m. to Noon, and 1:00 p.m. until 4:00 p.m.
- The City resumed in-person Public Meetings at City Hall and is still providing a virtual option to those who prefer it.

- City Recorder
 - Issued proclamations for Child Abuse Prevention Month, Military Child Month, Arbor Day, Rhododendron Festival Month, National Drinking Water Week, Economic Development Week, National Police Week, Safe Boating Week, Building Safety Month, and National Public Works Week
 - Coordinate 2022 City committee, commission, and board recruitment process for the Planning Commission, Florence Urban Renewal Agency, Public Art Committee, Environmental Management Advisory Committee, Transportation Systems Plan Update Ad-Hoc Committee, and the Housing Implementation Plan Ad-Hoc Committee
 - As the City's Election's Officer provided elections training and opened the Election's Office
 - Provided Ethics and Committee training
 - Response to 20 Council correspondence items, including general correspondence and written and verbal correspondence for Council meetings.
 - Responded to 12 public records requests

- Administrative Services
 - Began working on the 2021-22 financial audit
 - Welcomed Marissa Davis as Finance's new Office Assistant
 - Administrative Service Director, Anne Baker, was selected to participate on GFOA's Education Advisory Council
 - Issued a Request for Proposals for Audit Services
 - Onboarded StepUp, LLC as our new Managed Services Provider for IT
 - Implemented two-year storage for the Justice Center surveillance cameras
 - Implemented a network monitoring and management solution
 - Implemented a new backup system with redundant backup storage in the cloud
 - Initiated eight new recruitments
 - Hired and onboarded four new employees
 - Completed the City's property, general liability, and workers' compensation insurance renewals

- Florence Events Center
 - Large flat floor, theatrical, and performing events returned for the first time since the beginning of the pandemic:
 - ✓ CROW's Frozen
 - ✓ Rhododendron Flower Show
 - ✓ Siuslaw School District Choir and Band Concerts
 - ✓ Coastal Fitness Gymnastics Recital
 - Catered the Rotary Auction - the first several hundred people banquet held since the beginning of the pandemic
 - Many off-site equipment rentals and catering occurred during the quarter

- Community Development
 - Officially kicked-off the public engagement element of the Housing Implementation Plan (HIP) project with two public HIP Stakeholder Advisory Team (SAT) meetings with nearly two dozen members in attendance in-person at the FEC or virtually
 - The Environmental Management Advisory Committee (EMAC) hosted Florence's first exclusively Arbor Day Celebration with speakers, compost and tree giveaways, and educational booths. Florence has received the honor of 'Tree City USA' for three years.
 - EMAC, along with members of the Florence City Council, hosted and attended the dedication planting of the Hiroshima Peace Tree at the Florence Chamber of Commerce building. WWII veteran Steve Olienyk provided the dedication speech. Florence is one of three Oregon Coast communities with a seedling originating from a specimen that survived the bombing of Hiroshima. This is a Department of Forestry program.

- Public Works
 - Awarded the chip seal and liquid road project to Sierra Santa Fe
 - Purchased a CAT 420 Backhoe Loader
 - Completed land survey of the Wastewater Treatment Plant for the UV system upgrade
 - Submitted a \$75,000 LGGP grant application to the Oregon Parks and Recreation Department for the Miller Park playground equipment
 - Accepted the Recreational Trails Program (RTP) grant from the Oregon Parks and Recreation Department for the Estuary Trail
 - Accepted the Oregon Department of Aviation PMP grant for Airport pavement maintenance with work to be completed in August 2022
 - Installation of 124 flower baskets
 - Started selling FloGro to the public on Tuesdays from 10:00 am to Noon
 - Received the new 2022 Ford Transit E-Van (fully electric)
 - Worked with OSU on a three week microsewershed sampling program for Covid-19 in Florence to be completed in July 2022
 - Western Drilling Company completed boring and instruments were placed in hole for the Coast Guard Road Geotech investigation

- Public Safety
 - Florence Police Department worked its first Rhody Days in three years. The weekend, ending with the parade, was a success with the assistance of our partnering agencies.
 - Onboarded Communications Officer Ashley Dickson and Officer Chris Snyder
 - Officer Thad Fanning graduated from the Basic Police Academy after 16 weeks of training
 - Conducted the first Youth Academy to train and give youth exposure to different areas of law enforcement and our partnering agencies
 - ✓ 13 youths attended
 - During this quarter
 - ✓ 2,705 case numbers issued
 - ✓ 1,603 911 calls were made to Dispatch
 - ✓ 118 prisoners were processed through the jail

- City Manager's Office

- Led the organization and the community through the tragic loss of Chief Turner during the month of May, concluding with a meaningful tribute to his law enforcement career in June with so many of us in attendance
- Appointment of Interim Chief John Pitcher with the subsequent official permanent Chief of Police position effective July 1, 2022
- Continued Quince Street negotiations on behalf of FURA resulting in authorization to sell the property through a Development & Disposition Agreement (DDA)
- City Manager assumed economic development tasks and public art program duties with the resignation of Economic Development Management Analyst position
- Produced a successful call to artists for the third round of Art Exposed

If you have any questions, please let Erin or me know.

Sincerely,



Erin Reynolds
City Manager



Anne Baker, CPFO, MAcc
Administrative Services Director

City-Wide All Funds

The City began the quarter with a combined \$7.9 million fund balance. During the quarter the City received \$7.2 million in revenue, had operating expenditures of \$5.4 million and invested \$655 thousand in capital.

Overall, revenue received covered operating expenses. All funds ended the quarter with a positive ending fund balance.

The City's ending combined fund balance totals \$7.9 million, an increase of \$96,876. Grants financing projects that have been completed or that are currently in progress have been recorded, increasing fund balances in the Airport and Streets Funds.

Quarter Ended June 30, 2022

Information for the quarter ending June 30, 2022 only

Fund	Beginning Fund Balance	Revenue	Debt Proceeds	Total Resources	Expenses	Capital Outlay	Debt Service	Total Expenditures	Ending Fund Balance
General	2,783,540	1,567,519	-	4,351,059	1,845,585	28,063	-	1,873,648	2,477,411
Street	(852,774)	1,317,608	-	464,834	207,346	236,200	-	443,546	21,288
9-1-1	670,835	187,436	-	858,271	190,043	126,414	-	316,457	541,814
Transient Room Tax	21,396	156,792	-	178,188	129,895	-	-	129,895	48,293
ARPA Funds	1,464,909	985	-	1,465,894	1,099,600	-	-	1,099,600	366,294
Events Center	564,215	163,770	-	727,985	186,963	11,042	-	198,005	529,980
Water	(51,900)	747,125	-	695,225	458,301	81,583	87,717	627,601	67,624
Wastewater	1,143,698	880,012	-	2,023,710	566,341	90,001	143,355	799,697	1,224,013
Stormwater	601,159	172,558	-	773,717	122,476	15,588	3,538	141,602	632,115
Airport	(327,309)	643,586	-	316,277	44,152	12,496	-	56,648	259,629
Public Works Admin	187,204	264,635	-	451,839	374,167	53,287	-	427,454	24,385
Street SDC	145,865	54,956	-	200,821	22,567	-	-	22,567	178,254
Water SDC	278,744	166,188	-	444,932	75,067	-	-	75,067	369,865
Wastewater SDC	376,363	170,318	-	546,681	243	-	-	243	546,438
Stormwater SDC	192,975	39,850	-	232,825	25,148	-	-	25,148	207,677
GO Debt	180,413	3,233	-	183,646	-	-	165,825	165,825	17,821
Debt Service	465,743	476,574	-	942,317	450	-	484,869	485,319	456,998
Totals	7,845,075	7,013,145	-	14,858,220	5,348,344	654,674	885,304	6,888,322	7,969,898

The Florence Urban Renewal Agency (FURA) funds are not included in the above schedule as FURA is a separate entity from the City.

General Fund

The City's general fund accounts for all the City's governmental operations, excluding transportation and emergency dispatch. During the quarter revenue was above budget for the quarter. Revenue such as property tax and franchise fees are cyclical, meaning we receive them at certain times during the year. The City receives its major portion of property taxes in November.

Transfers were made as budgeted for the quarter. Revenues were down for the quarter, as expected, due to the expected decrease in tax receipts for the quarter. Other revenues received were above budgeted amounts. Debt proceeds have not been utilized.

During the quarter, expenditures for all departments were below budget due mainly to unfilled positions as recruitments are being done. The first year of the biennium is expected to end with all departments under budget.

Overall, the General Fund realized a decrease in fund balance of \$326,091 during the quarter, but is still on track to meet its fund balance requirement at the end of the biennium. The decrease is expected as property taxes received early in the year are used to fund the City's day-to-day operations of the fund.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Taxes	735,200	82,251	(652,949)	5,881,500	2,922,538	(2,958,962)
Franchise Fees	268,300	317,516	49,216	2,146,300	1,001,901	(1,144,399)
Intergovernmental	292,400	467,217	174,817	2,339,300	752,225	(1,587,075)
Charges for Services	558,700	639,317	80,617	4,469,400	2,313,301	(2,156,099)
Earnings & Contributions	62,500	61,218	(1,282)	499,800	232,053	(267,747)
Debt proceeds	88,100	-	(88,100)	705,000	-	(705,000)
Total current resources	2,005,200	1,567,519	(437,681)	16,041,300	7,222,018	(8,819,282)
Expenditures						
Public Safety	672,600	588,662	(83,938)	5,380,600	2,600,080	(2,780,520)
Community Development	250,200	392,301	142,101	2,003,400	976,933	(1,026,467)
Parks	153,100	90,010	(63,090)	1,224,500	328,043	(896,457)
Municipal Court	84,200	80,073	(4,127)	673,800	299,420	(374,380)
Administration	320,200	241,846	(78,354)	2,560,900	939,064	(1,621,836)
Administrative Services	341,600	296,173	(45,427)	2,731,600	1,405,909	(1,325,691)
Non-Departmental	140,600	26,275	(114,325)	1,124,500	136,897	(987,603)
Total expenditures	1,962,500	1,715,340	(247,160)	15,699,300	6,686,346	(9,012,954)
Transfers	151,900	158,308	6,408	1,215,100	606,377	(608,723)
Other requirements						
Contingency	250,300	-	(250,300)	2,002,700	-	(2,002,700)
Total other requirements	250,300	-	(250,300)	2,002,700	-	(2,002,700)
Total expenditures and other requirements	2,364,700	1,873,648	(491,052)	18,917,100	7,292,723	(11,624,377)
Beginning balance	359,500	2,783,540	2,424,040	2,875,800	2,548,116	(327,684)
Ending Balance	\$ -	\$ 2,477,411	\$ 2,477,411	\$ -	\$ 2,477,411	\$ 2,477,411

Street Fund

This fund accounts for the City's street-related activities. During the quarter, revenues received were at budgeted levels. Revenues from the ODOT STP Fund Exchange and the Safe Routes to Schools Grant were received, increasing Intergovernmental Revenue \$782,369.

With respect to expenditures, all categories are under budget. Financing will be initiated to fund projects expected to start within the next 18 months. It is anticipated that the entire \$2.5 million in debt proceeds will be utilized.

Revenues for the quarter exceeded expenditures \$873,013. Transfers in were received as budgeted. Fund balance increased during the quarter as grants used to finance projects were received.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Franchise Fees	\$ 23,475	\$ 52,448	\$ 28,973	\$ 188,000	\$ 123,440	\$ (64,560)
Intergovernmental	660,000	1,107,485	447,485	5,280,100	1,602,164	(3,677,936)
Charges for Services	122,000	122,353	353	976,100	518,557	(457,543)
Earnings & Contributions	575	12,822	12,247	4,800	59,675	54,875
Transfers in	22,500	22,500	-	180,000	90,000	(90,000)
Debt proceeds	312,500	-	(312,500)	2,500,000	-	(2,500,000)
Total current resources	\$ 1,141,050	\$ 1,317,608	\$ 176,558	\$ 9,129,000	\$ 2,393,836	\$ (6,735,164)
Expenditures						
Personnel Services	17,400	13,848	(3,552)	139,400	25,656	(113,744)
Materials and Services	192,000	(18,603)	(210,603)	1,535,900	555,601	(980,299)
Capital Purchases	757,800	236,200	(521,600)	6,062,700	1,301,183	(4,761,517)
Transfers	96,700	212,101	115,401	773,900	409,508	(364,392)
Debt service	-	-	-	-	-	-
Total expenditures	1,063,900	443,546	(620,354)	8,511,900	2,291,948	(6,219,952)
Other requirements						
Contingency	93,300	-	(93,300)	746,300	-	(746,300)
Total other requirements	93,300	-	(93,300)	746,300	-	(746,300)
Total expenditures and other requirements	1,157,200	443,546	(713,654)	9,258,200	2,291,948	(6,966,252)
Total resources over (under) requirements						
Beginning balance	16,150	(852,774)	(868,924)	129,200	(80,600)	(209,800)
Ending Balance	\$ -	\$ 21,288	\$ 21,288	\$ -	\$ 21,288	\$ 21,288

9-1-1 Fund

This fund accounts for the area's 9-1-1 emergency dispatch operations, managed by the City. The City charges users, including the City police department, of emergency dispatch services and receives dedicated tax revenue for 9-1-1 operations. The police department charge for services is included in transfers from the general fund.

Revenue from 9-1-1 user taxes and charges for services anticipated for the quarter are on target with estimates. Receipt of payments lag from the quarter earned; services provided for the quarter being reported are expected to be received shortly after the fiscal year end. Interest received on the fund balance is slightly higher than the conservative estimate used during the budget process.

Total expenditures for the fiscal year are below budget in all areas except for capital purchases, which are still in line with biennium budget estimates.

Overall, 9-1-1 Fund expenditures exceeded revenue by \$129,021 for the quarter leaving an ending fund balance of \$541,814.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Taxes	\$ 37,700	\$ 47,307	\$ 9,607	\$ 301,600	\$ 232,607	\$ (68,993)
Intergovernmental	6,000	-	(6,000)	47,600	270	(47,330)
Charges for Services	55,400	2,627	(52,773)	443,400	293,712	(149,688)
Earnings & Contributions	200	752	552	2,000	2,540	540
Transfers in	136,700	136,750	50	1,094,000	547,000	(547,000)
Total current resources	\$ 236,000	\$ 187,436	\$ (48,564)	\$ 1,888,600	\$ 1,076,129	\$ (812,471)
Expenditures						
Personnel Services	166,000	151,856	(14,144)	1,328,200	661,581	(666,619)
Materials and Services	55,200	38,187	(17,013)	441,800	231,687	(210,113)
Capital Purchases	32,500	126,414	93,914	260,000	126,414	(133,586)
Total expenditures	253,700	316,457	62,757	2,030,000	1,019,682	(1,010,318)
Other requirements						
Contingency	39,900	-	(39,900)	319,500	-	(319,500)
Total other requirements	39,900	-	(39,900)	319,500	-	(319,500)
Total expenditures and other requirements	293,600	316,457	22,857	2,349,500	1,019,682	(1,329,818)
Total resources over (under) requirements						
Beginning balance	57,600	670,835	613,235	460,900	485,367	24,467
Ending Balance	\$ -	\$ 541,814	\$ 541,814	\$ -	\$ 541,814	\$ 541,814

Transient Lodging Tax Fund

This fund accounts for the City's share of the tourism promotion tax (4%). Tourism activity had recovered to pre-recession levels while growth slowed as occupancy rates during peak seasons reached capacity, then COVID-19 arrived. Revenue for the quarter was below budget as payments from Lane County lag. Tax receipts continue to outpace receipts for the same time period just one year ago, and continue to increase.

Transient room taxes are allocated forty percent (40%) to tourism promotion via contract with the Chamber of Commerce and sixty percent (60%) to the Florence Events Center. Monthly payments to the Chamber and transfers to the FEC were made as revenue was received from the City of Eugene. Council adopted Ordinance No. 6, Series 2022 at its March 21st meeting, which amended Title 3, Chapter 7 regarding the City's room tax and directed the City Manager to enter into an agreement with the State to begin collecting the tax on behalf of the City. Due to issues encountered by Lane County and the City of Eugene, the State won't begin collecting for the City until October 2022. Administrative costs of collecting the tax are expected to decrease.

Revenue received for the fiscal year are 65% of the budgeted amount for the 2021-23 biennium. Expenditures are within budget.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Taxes	\$ 114,400	\$ 156,792	\$ 42,392	\$ 915,000	\$ 562,801	\$ (352,199)
Total current resources	123,000	156,792	33,792	983,800	562,801	(420,999)
Expenditures						
Materials and Services	45,400	63,097	17,697	363,000	226,535	(136,465)
Transfers	68,100	66,798	(1,302)	544,600	307,635	(236,965)
Total expenditures	113,500	129,895	16,395	907,600	534,170	(373,430)
Other requirements						
Reserves	9,500	-	(9,500)	76,300	-	(76,300)
Total other requirements	9,500	-	(9,500)	76,300	-	(76,300)
Total expenditures and other requirements	123,000	129,895	6,895	983,900	534,170	(449,730)
Total resources over (under) requirements						
Beginning balance	-	21,396	21,396	100	19,662	19,562
Ending Balance	\$ -	\$ 48,293	\$ 48,293	\$ -	\$ 48,293	\$ 48,293

American Rescue Act Plan (ARPA) Fund

The American Rescue Plan Act (ARPA), also called the Covid-19 Stimulus Package or American Rescue Plan, is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by the President on March 11, 2021. The City of Florence will receive \$2,032,574 in funds through the State of Oregon as a Non-Entitlement Unit (NEU). The funding will arrive in two tranches, one received in August 2021 and one in August 2022.

In May, the City Council approved the use of funds with the adoption of Resolution No. 17, Series 2022. This resolution adopted a supplemental budget appropriating the ARPA funding, which was budgeted in contingency during the 2021-23 biennial budget process.

The first half of the approved transfers to other City funds was made in May 2022 and the second half is expected to be done in August or September of the current fiscal year after receipt of the remaining funds from the State. The balance of funds (approximately \$550k) is being set aside for capital projects in Old Town.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 254,000	\$ -	\$ (254,000)	\$ 2,031,500	\$ 1,016,287	\$ (1,015,213)
Earnings & Contributions	300	985	685	2,500	3,486	986
Total current resources	254,300	985	(253,315)	2,034,000	1,019,773	(1,014,227)
Expenditures						
Materials and Services	184,800	1,099,600	914,800	1,478,400	1,099,600	(378,800)
Capital Purchases	69,500	-	(69,500)	555,600	-	(555,600)
Total expenditures	254,300	1,099,600	845,300	2,034,000	1,099,600	(934,400)
Total expenditures and other requirements	254,300	1,099,600	845,300	2,034,000	1,099,600	(934,400)
Total resources over (under) requirements						
Beginning balance	-	1,464,909	1,464,909	-	446,121	446,121
Ending Balance	\$ -	\$ 366,294	\$ 366,294	\$ -	\$ 366,294	\$ 366,294

Florence Events Center Fund

This fund accounts for the activities of the City's events center.

Revenue is under budget for the quarter as the COVID-19 pandemic continues to affect events. Charges for services for the quarter is lagging budgeted estimates, but is increasing.

Materials and services are under budget and are increasing as the number of events held at the Center increase.

Overall, the FEC Fund's revenues were \$35,291 under the expenses for the quarter, but surpass expenses by \$51,042 for the fiscal year, leaving a fund balance of \$497,183. Despite the issues the Center is facing dealing with the effects of the pandemic, the fund's ending balance hasn't been materially affected when compared to the estimated budget amount.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 58,500	\$ -	\$ (58,500)	\$ 467,700	\$ 137,734	\$ (329,966)
Charges for Services	71,500	57,919	(13,581)	572,200	192,741	(379,459)
Earnings & Contributions	9,150	39,053	29,903	73,000	109,375	36,375
Transfers in	68,100	66,798	(1,302)	544,600	307,635	(236,965)
Debt proceeds	150,000	-	(150,000)	1,200,000	-	(1,200,000)
Total current resources	357,250	163,770	(193,480)	2,857,500	747,485	(2,110,015)
Expenditures						
Personnel Services	66,500	36,750	(29,750)	532,000	154,170	(377,830)
Materials and Services	156,200	150,213	(5,987)	1,249,500	486,077	(763,423)
Capital Purchases	145,250	11,042	(134,208)	1,162,000	23,379	(1,138,621)
Debt service	11,900	-	(11,900)	95,000	-	(95,000)
Total expenditures	379,850	198,005	(181,845)	3,038,500	663,626	(2,374,874)
Other requirements						
Contingency	27,200	-	(27,200)	217,600	-	(217,600)
Total other requirements	27,200	-	(27,200)	217,600	-	(217,600)
Total expenditures and other requirements	407,050	198,005	(209,045)	3,256,100	663,626	(2,592,474)
Total resources over (under) requirements						
Beginning balance	49,800	564,215	514,415	398,600	446,121	47,521
Ending Balance	\$ -	\$ 529,980	\$ 529,980	\$ -	\$ 529,980	\$ 529,980

Water Fund

This fund accounts for the City's water utility activities. Revenue during the quarter was under the quarterly budgeted amounts. Transfers from the SDC fund were made as budgeted and debt proceeds are not currently being utilized.

Expenditures as a whole were slightly over budget for the quarter, but are under budget for the biennium. Personnel Services was over budget for the quarter due to staff promotions. Transfer payments were made as scheduled during the quarter.

Fees are under budget for the quarter, but are on target for the fiscal year. Interest earnings are above the estimates made during the budget process.

During the quarter revenues exceeded expenses by \$118,695 leaving a fund balance of \$67,624. It is expected that the \$1.7 million in debt proceeds will be utilized.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 269,000	\$ 115,100	\$ (153,900)	\$ 2,152,000	\$ 115,578	\$ (2,036,422)
Charges for Services	588,200	555,486	(32,714)	4,705,400	2,487,287	(2,218,113)
Earnings & Contributions	2,700	1,539	(1,161)	22,000	18,736	(3,264)
Transfers in	62,500	75,000	12,500	500,000	300,000	(200,000)
Debt proceeds	210,000	-	(210,000)	1,680,000	-	(1,680,000)
Total current resources	1,132,400	747,125	(385,275)	9,059,400	2,921,601	(6,137,799)
Expenditures						
Personnel Services	103,100	103,761	661	824,800	423,434	(401,366)
Materials and Services	413,000	354,540	(58,460)	3,304,200	1,486,337	(1,817,863)
Capital Purchases	441,900	81,583	(360,317)	3,535,000	849,996	(2,685,004)
Debt service	59,700	87,717	28,017	477,300	145,556	(331,744)
Total expenditures	1,017,700	627,601	(390,099)	8,141,300	2,905,323	(5,235,977)
Other requirements						
Contingency	149,000	-	(149,000)	1,192,100	-	(1,192,100)
Total other requirements	149,000	-	(149,000)	1,192,100	-	(1,192,100)
Total expenditures and other requirements	1,166,700	627,601	(539,099)	9,333,400	2,905,323	(6,428,077)
Total resources over (under) requirements						
Beginning balance	34,300	(51,900)	(86,200)	274,000	51,346	(222,654)
Ending Balance	\$ -	\$ 67,624	\$ 67,624	\$ -	\$ 67,624	\$ 67,624

Wastewater Fund

This fund accounts for the City's wastewater operations. Charges for services during the quarter increased as restrictions mandated by the Governor laxed. Capital expenditures are less than budgeted pending final agreement for the various projects.

Charges for sewer services are above estimates for the quarter and are exceeding estimates for the year. Overall, revenues are under budget estimates due to financings that have not been utilized.

On the expenditure side, operating costs for the quarter are below budget except for personnel services. Promotions for staff are contributing to this. Capital project expenditures are under budget as projects included in the 2021-23 biennial budget have yet to be started.

Revenue exceeded expenses \$76,217 for the quarter leaving a fund balance of \$1,224,013.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 383,900	\$ -	\$ (383,900)	\$ 3,070,900	\$ 281	\$ (3,070,619)
Charges for Services	843,800	878,833	35,033	6,750,400	3,761,541	(2,988,859)
Earnings & Contributions	1,400	1,179	(221)	11,100	71,896	60,796
Transfers in	24,900	-	(24,900)	200,000	-	(200,000)
Debt proceeds	326,300	-	(326,300)	2,610,000	-	(2,610,000)
Total current resources	1,580,300	880,012	(700,288)	12,642,400	3,833,718	(8,808,682)
Expenditures						
Personnel Services	121,100	125,225	4,125	969,100	522,306	(446,794)
Materials and Services	476,500	441,116	(35,384)	3,811,400	1,911,317	(1,900,083)
Capital Purchases	707,500	90,001	(617,499)	5,660,000	175,560	(5,484,440)
Debt service	109,300	143,355	34,055	874,100	320,252	(553,848)
Total expenditures	1,414,400	799,697	(614,703)	11,314,600	2,929,435	(8,385,165)
Other requirements						
Contingency	190,900	-	(190,900)	1,527,400	-	(1,527,400)
Total other requirements	190,900	-	(190,900)	1,527,400	-	(1,527,400)
Total expenditures and other requirements	1,605,300	799,697	(805,603)	12,842,000	2,929,435	(9,912,565)
Total resources over (under) requirements						
Beginning balance	25,000	1,143,698	1,118,698	199,600	319,730	120,130
Ending Balance	\$ -	\$ 1,224,013	\$ 1,224,013	\$ -	\$ 1,224,013	\$ 1,224,013

Stormwater Fund

This fund accounts for the City's stormwater activities.

Revenue is below the budgeted amounts for the quarter following the trends in the Water and Wastewater funds. Revenue for the year is below estimates due to not utilizing the budgeted financing.

Expenses for the quarter are below budget for the quarter except for personnel services. Promotions within the department are contributing to this. Capital projects are still below budget as projects included in the budget have yet to begin.

Revenues for the quarter were sufficient to cover the expenses. The ending fund balance for the quarter of \$632,115 increased \$30,956 from the prior quarter.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Charges for Services	\$ 147,300	\$ 146,678	\$ (622)	\$ 1,177,900	\$ 630,824	\$ (547,076)
Earnings & Contributions	100	880	780	1,000	2,822	1,822
Transfers in	25,000	25,000	-	200,000	100,000	(100,000)
Debt proceeds	105,000	-	(105,000)	840,000	-	(840,000)
Total current resources	397,400	172,558	(224,842)	3,178,900	733,664	(2,445,236)
Expenditures						
Personnel Services	59,100	57,435	(1,665)	472,400	234,223	(238,177)
Materials and Services	73,000	65,041	(7,959)	583,700	312,813	(270,887)
Capital Purchases	238,700	15,588	(223,112)	1,910,000	128,248	(1,781,752)
Debt service	17,500	3,538	(13,962)	140,300	23,651	(116,649)
Total expenditures	388,300	141,602	(246,698)	3,106,400	698,935	(2,407,465)
Other requirements						
Contingency	74,400	-	(74,400)	594,900	-	(594,900)
Total other requirements	74,400	-	(74,400)	594,900	-	(594,900)
Total expenditures and other requirements	462,700	141,602	(321,098)	3,701,300	698,935	(3,002,365)
Total resources over (under) requirements						
Beginning balance	65,300	601,159	535,859	522,400	597,386	74,986
Ending Balance	\$ -	\$ 632,115	\$ 632,115	\$ -	\$ 632,115	\$ 632,115

Airport Fund

This fund accounts for the activities of the City's municipal airport.

Revenues received for the quarter were more than budgeted with the receipt of the AWOS FAA grant in the amount of \$490,000. Revenues exceeded expenses by \$586,938.

Capital expenses are under budget for the biennium.

Ending fund balance for the quarter is \$259,256.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 88,700	\$ 613,731	\$ 525,031	\$ 709,500	\$ 613,731	\$ (95,769)
Charges for Services	15,000	15,362	362	120,000	85,835	(34,165)
Earnings & Contributions	49,500	14,493	(35,007)	395,600	293,255	(102,345)
Total current resources	153,200	643,586	490,386	1,225,100	992,821	(232,279)
Expenditures						
Materials and Services	58,200	44,152	(14,048)	465,600	248,055	(217,545)
Capital Purchases	75,000	12,496	(62,504)	600,000	398,441	(201,559)
Total expenditures	133,200	56,648	(76,552)	1,065,600	646,496	(419,104)
Other requirements						
Contingency	21,900	-	(21,900)	175,000	-	(175,000)
Total other requirements	21,900	-	(21,900)	175,000	-	(175,000)
Total expenditures and other requirements	155,100	56,648	(98,452)	1,240,600	646,496	(594,104)
Total resources over (under) requirements						
Beginning balance	1,900	(327,309)	(329,209)	15,500	(86,696)	(102,196)
Ending Balance	\$ -	\$ 259,629	\$ 259,629	\$ -	\$ 259,629	\$ 259,629

Public Works Administration and Support Services Fund

This fund accounts for the activities of Public Works administration and staffing that serves several public works functions. Revenue is received through internal charges for services from benefitting funds.

Revenue for the quarter is less than budget as debt proceeds for projects have not been utilized. Charges for services provided were received as budgeted.

Expenses were under appropriations for the quarter. Transfers were made as expected.

Ending fund balance for the quarter is \$24,385 and is expected to end the biennium on target.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 33,200	\$ -	\$ (33,200)	\$ 265,400	\$ 7,378	\$ (258,022)
Charges for Services	371,100	264,325	(106,775)	2,968,500	1,375,675	(1,592,825)
Debt proceeds	65,000	-	(65,000)	520,000	-	(520,000)
Total current resources	469,300	264,635	(204,665)	3,753,900	1,383,994	(2,369,906)
Expenditures						
Personnel Services	223,000	179,229	(43,771)	1,784,500	799,597	(984,903)
Materials and Services	95,900	85,133	(10,767)	766,800	339,893	(426,907)
Capital Purchases	96,300	53,287	(43,013)	770,000	105,616	(664,384)
Transfers	59,600	109,805	50,205	477,000	219,610	(257,390)
Total expenditures	474,800	427,454	(47,346)	3,798,300	1,464,716	(2,333,584)
Other requirements						
Contingency	8,200	-	(8,200)	65,500	-	(65,500)
Total other requirements	8,200	-	(8,200)	65,500	-	(65,500)
Total expenditures and other requirements	483,000	427,454	(55,546)	3,863,800	1,464,716	(2,399,084)
Total resources over (under) requirements						
Beginning balance	13,700	187,204	173,504	109,900	105,107	(4,793)
Ending Balance	\$ -	\$ 24,385	\$ 24,385	\$ -	\$ 24,385	\$ 24,385

System Development Funds

The City maintains four separate funds to account for system development charge revenue; street, water, wastewater and stormwater. Revenue is accumulated and transferred to the various operational funds to pay for qualified improvements costs.

Revenue from all SDC's were below allocated budget in the quarter and the year. Transfers from SDC funds to the operating funds were made consistent with qualified project expenditures and the budget.

STREET SDC FUND	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Earnings & Contributions	\$ 10,200	\$ 54,956	\$ 44,756	\$ 81,500	\$ 79,038	\$ (2,462)
Total current resources	10,200	54,956	44,756	81,500	79,038	(2,462)
Expenditures						
Materials and Services	100	67	(33)	1,000	199	(801)
Transfers	22,500	22,500	-	180,000	90,000	(90,000)
Total expenditures	22,600	22,567	(33)	181,000	90,199	(90,801)
Other requirements						
Reserves	1,700	-	(1,700)	13,700	-	(13,700)
Total other requirements	1,700	-	(1,700)	13,700	-	(13,700)
Total expenditures and other requirements	24,300	22,567	(1,733)	194,700	90,199	(104,501)
Total resources over (under) requirements						
Beginning balance	14,100	145,865	131,765	113,200	189,415	76,215
Ending Balance	\$ -	\$ 178,254	\$ 178,254	\$ -	\$ 178,254	\$ 178,254

WATER SDC FUND

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Earnings & Contributions	\$ 31,200	\$ 166,188	134,988	\$ 250,000	\$ 249,312	(688)
Total current resources	31,200	166,188	134,988	250,000	249,312	(688)
Expenditures						
Materials and Services	-	67	67	-	67	67
Transfers	62,500	75,000	12,500	500,000	300,000	(200,000)
Total expenditures	62,500	75,067	12,567	500,000	300,067	(199,933)
Other requirements						
Reserves	17,500	-	(17,500)	140,200	-	(140,200)
Total other requirements	17,500	-	(17,500)	140,200	-	(140,200)
Total expenditures and other requirements	80,000	75,067	(4,933)	640,200	300,067	(340,133)
Total resources over (under) requirements						
Beginning balance	48,800	278,744	229,944	390,200	420,620	30,420
Ending Balance	\$ -	\$ 369,865	\$ 369,865	\$ -	\$ 369,865	\$ 369,865

WASTEWATER SDC FUND

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Earnings & Contributions	\$ 45,500	\$ 170,318	124,818	\$ 364,000	\$ 318,723	(45,277)
Total current resources	45,500	170,318	124,818	364,000	318,723	(45,277)
Expenditures						
Materials and Services	300	243	(57)	2,200	715	(1,485)
Transfers	25,000	-	(25,000)	200,000	-	(200,000)
Total expenditures	25,300	243	(25,057)	202,200	715	(201,485)
Other requirements						
Contingency	44,900	-	(44,900)	359,300	-	(359,300)
Total other requirements	44,900	-	(44,900)	359,300	-	(359,300)
Total expenditures and other requirements	70,200	243	(69,957)	561,500	715	(560,785)
Total resources over (under) requirements						
Beginning balance	24,700	376,363	351,663	197,500	228,430	30,930
Ending Balance	\$ -	\$ 546,438	\$ 546,438	\$ -	\$ 546,438	\$ 546,438



STORMWATER SDC FUND

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Earnings & Contributions	\$ 19,100	\$ 39,850	20,750	\$ 153,000	\$ 96,451	(56,549)
Total current resources	19,100	39,850	20,750	153,000	96,451	(56,549)
Expenditures						
Materials and Services	100	148	48	1,000	655	(345)
Transfers	25,000	25,000	-	200,000	100,000	(100,000)
Total expenditures	25,100	25,148	48	201,000	100,655	(100,345)
Other requirements						
Contingency	42,600	-	(42,600)	341,000	-	(341,000)
Total other requirements	42,600	-	(42,600)	341,000	-	(341,000)
Total expenditures and other requirements	67,700	25,148	(42,552)	542,000	100,655	(441,345)
Total resources over (under) requirements						
Beginning balance	48,600	192,975	144,375	389,000	211,881	(177,119)
Ending Balance	\$ -	\$ 207,677	\$ 207,677	\$ -	\$ 207,677	\$ 207,677



Debt Service Funds

GO Debt Service Fund

This fund accounted for the repayment of voter approved debt obligations to complete water improvements.

The last payment on this debt issue was made in June 2022. The Fund is expected to be closed in the 2022-23 fiscal year and any delinquent taxes received on this issue will be paid to the Water Fund.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Taxes	\$ 13,900	\$ 3,233	\$ (10,667)	\$ 110,900	\$ 115,682	\$ 4,782
Total current resources	13,900	3,233	(10,667)	110,900	115,682	4,782
Expenditures						
Debt service	20,900	165,825	144,925	167,600	167,556	(44)
Total expenditures	20,900	165,825	144,925	167,600	167,556	(44)
Other requirements						
Reserves	1,700	-	(1,700)	13,200	-	(13,200)
Total other requirements	1,700	-	(1,700)	13,200	-	(13,200)
Total expenditures and other requirements	22,600	165,825	143,225	180,800	167,556	(13,244)
Total resources over (under) requirements						
Beginning balance	8,700	180,413	171,713	69,900	69,695	(205)
Ending Balance	\$ -	\$ 17,821	\$ 17,821	\$ -	\$ 17,821	\$ 17,821

Debt Service Fund

This fund accounts for several debt service obligations incurred by the City, one of which is debt incurred to complete local improvements which are paid for by property owners via assessments against their properties (LID). The accumulated reserve balance for this debt is sufficient to pay approximately the next three years LID debt service payments without receiving any additional assessment payments from property owners.

Other revenue for the fund is received as payment from the Florence Urban Renewal Agency (FURA) for debt the City holds on its behalf and also as transfers from other funds for their portion of debt issues. The fund earns modest interest on the reserve balance, which is applied to the LID payments.

The fund balance of \$456,998 is reserved for future LID loan payments.

	Quarter Ended June 30, 2022			Biennium-To-Date		
	Budget	Actual	Over(Under)	Budget	Actual	Over(Under)
Current resources						
Intergovernmental	\$ 154,900	\$ 123,115	\$ (31,785)	\$ 1,239,000	\$ 468,454	\$ (770,546)
Earnings & Contributions	21,300	9,995	(11,305)	170,000	182,602	12,602
Transfers in	171,500	343,464	171,964	1,372,000	688,853	(683,147)
Total current resources	347,700	476,574	128,874	2,781,000	1,339,909	(1,441,091)
Expenditures						
Materials and Services	200	450	250	1,700	850	(850)
Debt service	353,700	484,869	131,169	2,829,000	1,264,609	(1,564,391)
Total expenditures	353,900	485,319	131,419	2,830,700	1,265,459	(1,565,241)
Other requirements						
Reserves	60,200	-	(60,200)	481,300	-	(481,300)
Total other requirements	60,200	-	(60,200)	481,300	-	(481,300)
Total expenditures and other requirements	414,100	485,319	71,219	3,312,000	1,265,459	(2,046,541)
Total resources over (under) requirements						
Beginning balance	66,400	465,743	399,343	531,000	382,548	(148,452)
Ending Balance	\$ -	\$ 456,998	\$ 456,998	\$ -	\$ 456,998	\$ 456,998

Debt Summary

The following schedule provides information related to the City's outstanding debt during the 2021-2023 biennium through fiscal year 2027. The schedule includes:

- Debt issue
- Fund(s) that the debt is repaid/budgeted
- Original amount of the loan
- The annual payment in fiscal year 2022
- Interest rate
- Maturity of the obligation
- Outstanding principal balance as of June 30, by fiscal year through 2027
- Estimated debt per capita for each fiscal year (Total City Debt)

The City's total debt per capita as of June 30, 2022 is projected to total \$1,844. During the subsequent five fiscal years, the debt per capita is projected to decline to \$1,146 by June 30, 2027. Total debt outstanding at June 30, 2022 is \$17.7 million.

Description	Fund(s)	Original Amount	Annual Payment FY 2022	Interest Rate	Maturity	Outstanding balance fiscal year ending June 30,					
						2022	2023	2024	2025	2026	2027
Existing Obligations											
LOCAP 2011	GF/Street/W/WW	1,245,000	91,841	3.0-4.6%	2030	675,000	610,000	545,000	475,000	405,000	330,000
LID 2010 (Spruce)	LID	1,478,000	107,753	1.9-4.5%	2030	900,000	825,000	745,000	660,000	570,000	470,000
FFCO 2010B	GF/WW/SW	8,750,000	124,200	2.5-4.0%	2030	735,000	665,000	590,000	515,000	440,000	360,000
OBDD SPW	WW	657,057	34,782	2.0-4.0%	2034	391,916	367,425	337,794	307,978	277,969	223,988
CWSRF	WW	4,923,260	255,657	0.50%	2032	2,659,308	2,417,552	2,175,796	1,934,040	1,692,284	1,450,528
FFCO 2017 - Banner	Street	3,395,000	338,775	2.92%	2026	2,794,886	2,656,825	2,514,073	2,365,959	2,212,542	2,053,633
FFCO 2016 - FURA	Street/W/FURA	8,500,000	769,954	2.92%	2036	6,628,367	6,256,219	5,873,463	5,478,799	5,072,365	4,653,809
Banner Bank - 20 yr Tax Exempt	FURA	3,150,000	308,689	3.50%	2040	2,770,912	2,647,065	2,519,096	2,386,870	2,250,245	2,019,073
Banner Bank - 5 yr Taxable	FURA	150,000	7,950	5.30%	2024	150,000	150,000	-	-	-	-
Total City Debt		32,248,317	2,039,601			17,705,389	16,595,086	15,300,222	14,123,646	12,920,405	11,561,031
Population	assumes 1% annual increase					9,600	9,696	9,793	9,891	9,990	10,090
Debt per capita						1,844	1,712	1,562	1,428	1,293	1,146
Proposed Debt											
General Fund							705,000	655,650	609,755	567,072	527,377
Street							2,500,000	2,325,000	2,162,250	2,010,893	1,870,130
Water							1,680,000	1,562,400	1,453,032	1,351,320	1,256,727
Wastewater							2,610,000	2,427,300	2,257,389	2,099,372	1,952,416
Stormwater							840,000	781,200	726,516	675,660	628,364
FEC							1,200,000	1,116,000	1,037,880	965,228	897,662
PW Administration							520,000	483,600	449,748	418,266	388,987
Total Proposed Debt						-	10,055,000	9,351,150	8,696,570	8,087,810	7,521,663
Total Proposed and City Debt						17,705,389	26,650,086	24,651,372	22,820,216	21,008,215	19,082,694

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 9
Meeting Date: August 15, 2022
Department: All

ITEM TITLE: Commission, Committee & Volunteers Report – July 2022

DISCUSSION/ISSUE:

Airport Volunteers

Department: Public Works

Staff: Mike Miller – Public Works Director

- Volunteers from the Airport Volunteer Group: 8 volunteers provided a total of 156.00 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; cleaned and disinfected the loaner car and collected fees from loaner car users; clean and disinfect the restrooms and office space at the airport office.

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: Jeff Ashmead

On temporary hiatus. No report.

Environmental Management Advisory Committee (EMAC)

Department: Planning

Chairperson: Lisa Walter Sedlacek

No report.

Florence Housing Implementation Plan Advisory Committee (HIP SAT)

Department: Planning

Chairperson: Russ Pierson

The Florence Housing Implementation Plan (HIP) Stakeholder Advisory Team (SAT) held their third regularly scheduled meeting on Thursday, July 28th at the Florence Events Center. Stakeholders selected a new Vice-Chair, participated in a housing code update discussion, and formed a new sub-committee to discuss possible code updates pertaining to transitional housing. The next meeting of the Florence HIP SAT will take place at the Florence Events Center on Tuesday, November 1, 2022 at 3:00pm.

Florence Urban Renewal Agency	
<u>Department:</u> Administrative	<u>Staff:</u> NA
<p>The Florence Urban Renewal Agency did not meet in July due to no items necessitating a meeting. At their meeting on June 22, 2022, the FURA Board met with staff in an Executive Session for final review of the Disposition and Development Agreement (DDA) proposal. During the regular session, staff outlined the proposal for the DDA, including any public participation in the development. The FURA Board authorized the FURA Executive Director to execute the DDA for the Quince Street Development as presented during the meeting, including the sale of the 3.12-acre property (parcel 2 of the partition). As part of that consideration, FURA will held a public hearing for the sale of the property. The next FURA meeting is scheduled for Wednesday, August 24th.</p>	

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>Adopt-a-Park (17.50 hours total)</p> <ul style="list-style-type: none"> • Exploding Whale Memorial Park: No volunteer hours reported. • Hurd Memorial Park: 1 volunteer provided a total of 4 hours picking up trash, trimming brush and removing small limbs to re-establish the width of the trail (also to remove low hanging limbs from the trail). • Old Town Park (Gazebo Park): 1 volunteer provided a total of 4.5 hours weeding and general clean up. Additionally, the Uncommon Collective provide 7.5 hours of labor to make a new 'Ferry Landing' plaque. • Veteran's Memorial Park: 2 volunteers provided 9 hours picking up trash, mowing, and pulling weeds. <p>Adopt-a-Street (31.75 hours total)</p> <ul style="list-style-type: none"> • 35th (Rhododendron-Hwy 101): 2 volunteers provided a total of 8.75 hours picking up litter along 35th. • 43rd (Oak-Hwy 101): No volunteer hours reported. • Rhododendron (35th-Sebastion) 2.2 miles: 2 volunteers provided a total of 22 hours picking up 19 pounds of litter such as, cans, bottles, fast food wrappers, plastic cups, and a large amount of cigarette butts along Rhododendron Dr. • Rhododendron (9th-35th): 1 volunteer provided 1 hour picking up trash. <p>Adopt-a-ROW (13 hours total)</p> <ul style="list-style-type: none"> • Scotch Broom removal: 1 volunteer provided 13 hours removing scotch broom from Rolling Dunes Park and sounding drainage area. 	

Planning Commission	
<u>Department:</u> Planning	<u>Staff:</u> Wendy FarleyCampbell – Planning Director
No report.	

Police Auxiliary	
<u>Department:</u> Police	<u>Director:</u> Mike Nielson
The Florence Police Auxiliary worked a total of 146.00 hours in the month of July. Duties consisted of Jail checks, Jail feeding, Vacation checks, Purchase of supplies for Police Department, Patrol, Neighborhood watch liaison, Citizen contact, Patrol and Block party participation.	

Police Reserve Officers	
<u>Department:</u> Police	<u>Staff:</u> John Pitcher – Police Chief
Program not active	

Public Arts Committee	
<u>Department:</u> Administrative	<u>Chairperson:</u> Maggie Bagon and <u>Vice-Chairperson</u> Jo Beaudreau
<p><i>Florence Public Art Program Mission:</i> Integrate art into the daily life of our community and inspire extraordinary creative expression that will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts</p> <p style="text-align: right;">Experience Florence Where Everyday is a Celebration of the Arts</p> <p style="text-align: center;"><i>Summary/Notes of Meeting</i> <i>Florence Public Art Program Mission:</i> Integrate art into the daily life of our community and inspire extraordinary creative expression that will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts</p> <p style="text-align: center;"><i>Summary/Notes of Meeting</i></p> <p>The PAC June 2022 Meeting was postponed to July 25th, 2022. PAC Leadership chose to convene again in July rather than in June due to non-pressing matters and have a “summer break” for our volunteers.</p> <p>Continuing Education in July was presented by Serena Appel. She covered various City’s community public arts programs and projects, opening the ideas of possibilities of economic and social development for communities. Her presentation is on pages 3 to 5: https://www.ci.florence.or.us/sites/default/files/fileattachments/public_art_committee/meeting/packets/24851/7.25.2022-pac_meeting_packet_-_reduced.pdf</p>	

ArtExposed Update

The July meeting was heavily centered on the review of the received applications for the 3rd round of the ArtExposed program. ArtExposed Rotating Outdoor Program is a dynamic bi-annual rotation of Public Art that enhances the livability of our community, creates a unique sense of place and enhances community identity while also providing an increased economic impact for the Community & Artists.

The Call for Art for the 3rd rotation of ArtExposed was posted the 1st week of June. Deadline for submission was July 15th, 2022.

Slide Deck of Presentation with Art is here, starting at page 18:

https://www.ci.florence.or.us/sites/default/files/fileattachments/public_art_committee/meeting/packets/24851/7.25.2022- pac meeting packet - reduced.pdf

Members were encouraged to watch the following videos, before/after the presentation.

How to Look at Public Art:

<https://www.youtube.com/watch?v=MNO14EzuPM4>

How to Critique Public Art:

<https://www.youtube.com/watch?v=9neybpOvjaQ>

ART EXPOSED
Florence's Rotating Outdoor Art Gallery

Art Selection
August 22nd, 2022
5:30pm
City Hall

8 Locations of Art in Florence
We want to hear from you!
August 22nd, 2022
5:30pm
City Hall

For More Information Visit: ci.florence.or.us
ArtExposed Rotating Outdoor Program is a dynamic bi-annual rotation of Public Art that enhances the livability of our community, creates a unique sense of place and enhances community identity while also providing an increased economic impact for the Community & Artists.

Short Link to ArtExposed Rotating Outdoor Gallery Information:
bit.ly/ArtExposedFlorence

QR Code
Scanning Information

Ask Questions, Be Curious! We also talked about the importance of asking questions to understand art and included the following document, at the right >

PAC members are tasked with reviewing the applications at home in addition to the presentation at the July meeting. PAC members were provided materials in hard and digital copy

formats along with a Judging Rubric and Score sheets. PAC members were asked to come prepared to have a meaningful discussion about the art submitted and make a selection for the 2022 ArtExposed Program at the August 22nd Meeting at 5:30pm at City Hall. Members were encouraged to connect with the public about the art and the Art Selection meeting in August.

Questions To Ask About Public Art

Public Art can be noticeable or not (might blend in) & it's Free to Enjoy!! Asking yourself questions is a great way to look at art!

The more you learn about the Artist and the Art, the more you understand the work!

- What is the Art doing in its location? How does the location relate to the Art? Is it related to the things around it?
- What does it say about the Artist? About the Artist's Past, Experiences, Knowledge?
- What inspired the Artist?
- What does the Art make you wonder?
- What perspective do you like better?
- Does it look different in day or night? Season by Season?
- What is the Art made of?
- How was it created?
- How did the art get there?
- What does it mean?
- Is there a plaque with information near the work?
- Is it permanent or temporary?
- Are you supposed to interact with it? And how?
- Does it refer to the community? Did the neighbors and community help make it?

Get out there, notice art - it was made just for you!

Inspired by the HQ&D - How to Look at Public Art Video: [youtube.com/watch?v=MNO14EzuPM4](https://www.youtube.com/watch?v=MNO14EzuPM4)

PAC has submitted a draft press release & posters to the City to review & distribute to the public. Here is a link to the DRAFT: docs.google.com/document/d/1IzRLgjaXSDjYXHdhkSx2RO0iK1t_Vekvl9jr6Tvk1h0/edit?usp=sharing

Meeting Materials & Information HERE:

ci.florence.or.us/bc-pac/public-art-committee-meeting-72

Transportation Committee (TC)

Department: Planning

Chairperson:

On temporary hiatus. No report.

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.

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

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 10
Meeting Date: August 15, 2022
Department: City Manager

ITEM TITLE: DEPARTMENT DIRECTOR UPDATES

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 11
Meeting Date: August 15, 2022
Department: City Manager

ITEM TITLE: CITY MANAGER REPORT & DISCUSSION ITEMS

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 12
Meeting Date: August 15, 2022
Department: City Council

ITEM TITLE: CITY COUNCIL REPORTS & DISCUSSION ITEMS
