



City of Florence  
A City in Motion

## City of Florence Council Regular Session

Videoconference  
250 Hwy 101  
Florence, OR 97439  
541-997-3437  
[www.ci.florence.or.us](http://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](http://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](http://www.ci.florence.or.us/council) as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

February 7, 2022

## AGENDA

5:30 p.m.

Councilors:

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

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](http://www.ci.florence.or.us/citymanager/public-meetings-live) and will be available after the meeting on the City's Vimeo Site.

### COVID-19 UPDATE

**The Florence City Council meeting will be held virtually via GoToWebinar.**

Members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/2305117752314586382>.

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](http://www.ci.florence.or.us/council/request-address-city-council-speakers-card).

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

#### 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 & ACTION ITEM**

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

#### 2. LOFY PROPERTY ANNEXATION & ZONE ASSIGNMENT

##### A. PUBLIC HEARING ON ANNEXATION AND ZONE ASSIGNMENT

Hear and consider written and oral testimony regarding the annexation and zone assignment for 1.98 acres of property described on Assessor's Map No. 18-12-11-33, Tax Lot 01300, located approximately 1870 feet NE of the intersection at Highway 101 and Munsel Lake Rd.

Roxanne  
Johnston  
Senior Planner

##### B. LOFY ANNEXATION REQUEST

Consider approval of **Ordinance No. 2, Series 2022**, an ordinance approving the annexation of property discussed above as shown on Assessor's Map 18-12-11-13, Tax Lot 01300.

##### C. LOFY ZONING ASSIGNMENT

Consider approval of **Ordinance No.3, Series 2022**, an ordinance establishing Service Industrial to the property discussed above.

#### 3. SUPPLEMENTAL BUDGET FOR ARPA FUNDS

##### A. PUBLIC HEARING ON 2021-2023 SUPPLEMENTAL BUDGET

Anne Baker  
Administrative

Hear and consider written or oral testimony on the 2021-2023 supplemental budget.

*Services Director*

**B. ADOPTION OF THE SUPPLEMENTAL BUDGET**

Consider approval of Resolution No. 3, Series 2022, a resolution increasing appropriation \$231,500 in the American Rescue Plan Act (ARPA) Fund.

**ACTION ITEMS**

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

**4. Stonefield Court Street Names Request**

Consider approval of Resolution No. 4, Series 2022, a resolution denoting the street name for the Stonefield Court subdivision, per FCC 8-2-1-1.

Wendy FarleyCampbell  
*Planning Director*

**5. Council Filling Vacancy Process**

Review and consider procedures for filling City Council vacancy.

Erin Reynolds  
*City Manager*

**6. Public Works Purchase of Two New 2023 Ford Maverick Vehicles**

Consider approval of the purchase of two new 2023 Ford Maverick Crew Cab Gas Electric Hybrid vehicles for Public Works in the amount of 46,530.

Mike Miller  
*Public Works Director*

**CONSENT AGENDA**

**7. DAY 2 DAY MARKET & DELI LIQUOR LICENSE**

Consider recommendation of approval to the Oregon Liquor Control Commission (OLCC) for an owner change liquor license for Moe Joe, Inc. DBA Day 2 Day Market & Deli located at 1544 Hwy 101.

Lezlea Purcell  
*Finance Manager*

**REPORT & DISCUSSION ITEMS**

**8. CITY MANAGER REPORT & DISCUSSION ITEM**

Erin Reynolds  
*City Manager*

**9. CITY COUNCIL REPORTS & DISCUSSION ITEMS**

City Council

**COUNCIL CALENDAR**

*All meetings are held virtually via GoToWebinar unless otherwise indicated*

<b>Date</b>	<b>Time</b>	<b>Description</b>
February 28, 2022	10:30 a.m.	
February 28, 2022	5:30 p.m.	City Council Work Session - Tentative
March 7, 2022	10:30 a.m.	City Council Meeting
March 7, 2022	5:30 p.m.	City Council Work Session
March 21, 2022	10:30 a.m.	City Council Meeting
March 21, 2022	5:30 p.m.	City Council Work Session
		City Council Meeting

**UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19**

**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.

1. **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](mailto: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 (February 7, 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.
2. **Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting at Florence City Hall 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](http://www.ci.florence.or.us/council/request-address-city-council-speakers-card) at least 1 hour prior to the meeting (February 7, 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. **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 Temporary Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/em/public-meeting-during-covid-19>.**

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 1  
Meeting Date: February 7, 2022  
Department: Mayor & Council

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

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**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.*

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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO: 2**  
Meeting Date: February 7, 2022

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**ITEM TITLE:** Ordinance Nos. 2 & 3, Series 2022  
Lofy Properties, LLC –Hwy 101 Annexation and Zone Assignment

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**OVERVIEW:**

Application: The petitioners request annexation of 1.98 acres of property situated on property described as Assessor’s Map 18-12-11-33 Tax Lot 01300, located approximately 735 feet SE of the intersection at Highway 101 and Heceta Beach Rd. Under Florence City Code, the City Council may assign zoning of Service Industrial, in conformity with the Comprehensive Plan designation of the property.

Process and Review: Annexation petitions and associated zone assignments are Type IV and Type III land use processes, respectively, that include two public hearings, one with the Planning Commission (PC) who makes a recommendation to the City Council; and another public hearing with City Council who makes the final decision. There are requirements for providing noticing to property owners, utility providers, a newspaper and to the Department of Land and Conservation and Development for the annexation and zoning assignment processes.

The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes, and administrative rules believed to apply may be considered in the decision-making process. Petition/application materials, public testimony, agency referrals, and research that speak to the criteria may also be considered. The findings attached include a review of the petition/application against the applicable criteria and incorporate public testimony and agency referral comments or concerns where applicable.

The findings of fact and application materials are attached to this AIS. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes and administrative rules believed to apply may be considered in the decision-making process. Petition/application materials, public testimony, if any, agency referrals and research that speak to the criteria may also be considered.

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**ISSUES/DECISION POINTS:** None

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- ALTERNATIVES:**
1. Recommend approval of the annexation and zoning assignment by approving Resolutions PC 21 35 ANN 09 and PC 21 36 ZC 09 as presented or with modifications, or.
  2. Recommend denial of the annexation based on the Commissions’ findings to support denial of the annexation, or
  3. Recommend approval of the annexation but recommend a different zoning district for the rezoning, or
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4. Continue deliberations and defer recommendation.

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**RECOMMENDATION:**

Planning Commission: On January 11, 2022, the Florence Planning Commission approved Resolutions PC 21 35 ANN 09 and PC 21 36 ZC 09. Recommending approval of the annexation and zoning assignment.

Staff concurs with the Planning Commission's recommendation.

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**AIS PREPARED BY:**

Roxanne Johnston, Senior Planner

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**ATTACHMENTS:**

Ordinance No. 2, Series 2022: Annexation Request

Exhibit A Preliminary Annexation Map & Description

Exhibit B Proposed Findings of Fact

Ordinance No. 3, Series 2022: Zone Assignment Application

Exhibit A Preliminary Zoning Map Change

Exhibit B Proposed Findings of Fact

Other Attachments: (Exhibits C through E are part of the Planning Commission Resolutions):

Exhibit C: Petitions, Annexation and Zoning Request Application

Exhibit D: Vicinity Map

Exhibit E: Planning Commission Resolutions

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**CITY OF FLORENCE  
ORDINANCE NO. 2 SERIES 2022**

**AN ORDINANCE APPROVING ANNEXATION OF 1.98 ACRES OF PROPERTY WITHIN  
THE URBAN GROWTH BOUNDARY (UGB) IDENTIFIED AS ASSESSOR'S MAP  
REFERENCE 18-12-11-33, TAX LOT 01300**

RECITALS:

1. The City of Florence was petitioned by the property owner, Lofy Properties, LLC, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The signed petitions to annex were received constituting more than half of the owners of land in the territory consenting in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex representing more than half of the assessed value of property in the territory in accordance with ORS 222.170(1);
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. The Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Realization 2020—the City's acknowledged Comprehensive Plan—and they adopted findings of fact in support of the annexation.
5. The City Council met in a public hearing on February 7, 2022, after giving the required notice per FCC 10-1-1-6 and ORS 222.120 to consider the proposal, evidence in the record, and testimony received.
6. The City Council, on February 7, 2022, found that the request met the applicable criteria and that the property could adequately be served.
7. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation, and the City Council adopted Ordinance No. 3, Series 2022 zoning the annexed property as Service Industrial, consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

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

1. The City of Florence approves the annexation of 1.98 acres of property within the UGB identified as Assessor's Map Reference 18-12-11-33 Tax Lot 01300 being territory owned by the petitioner into the City of Florence as described in Exhibit A.
2. This annexation is based on the Findings of Fact in Exhibit B and evidence in the record.
3. The City Recorder is hereby directed to file certified copies of this Ordinance with the Oregon Secretary of State's Office consistent with the requirements of that office 90 days prior to the general election in order for the annexation to be effective upon filing pursuant to ORS 222.040(1) and 222.180(1).
4. The City Recorder is also hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office, Lane County Chief Deputy Clerk and Oregon Department of Revenue pursuant to state law.

ADOPTION:

First Reading on the XX day of February, 2022.

Second Reading on the XX day of February, 2022.

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

City Council Votes:

AYES

NAYS

ABSTAIN

ABSENT

\_\_\_\_\_  
Joe Henry, Mayor

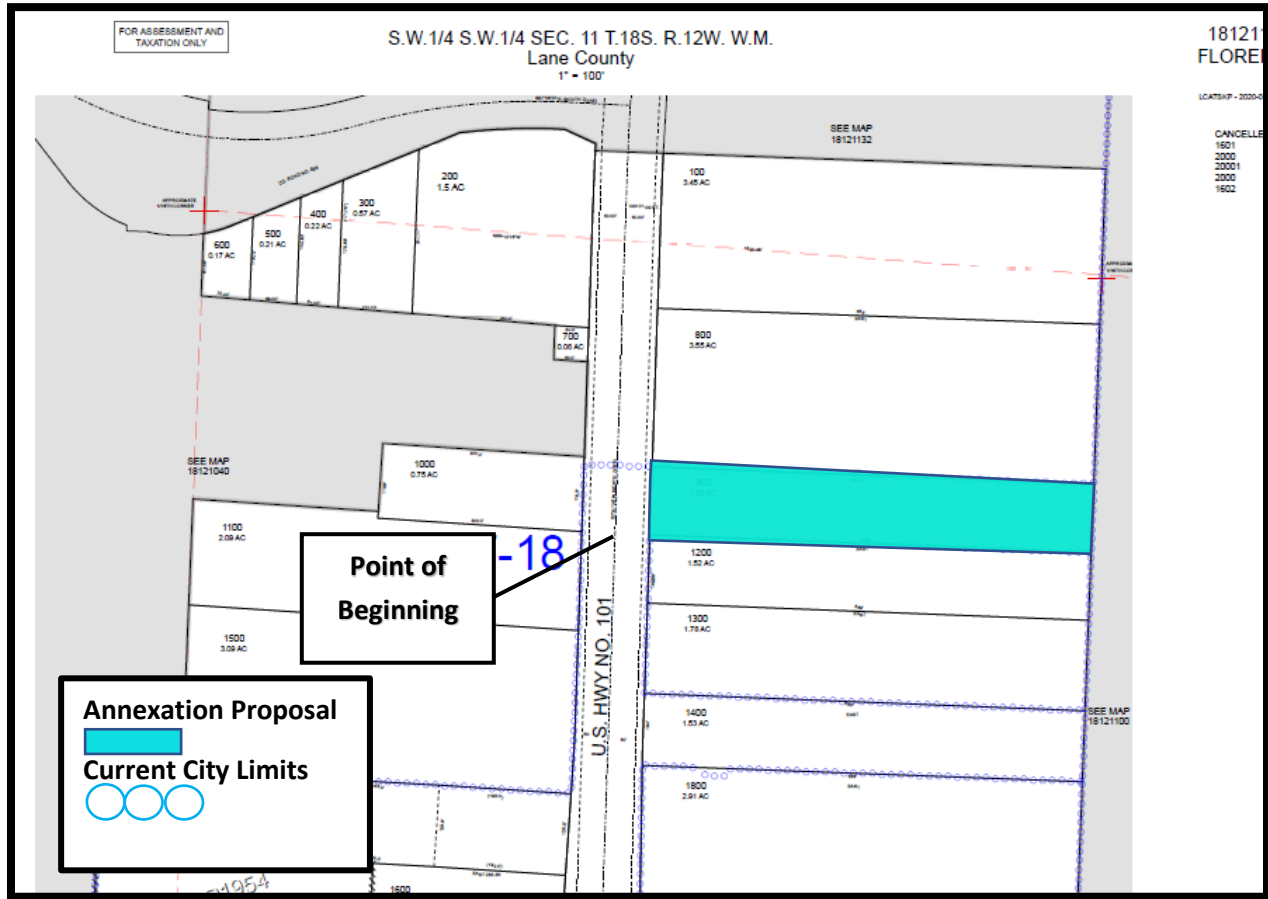
Attest:

\_\_\_\_\_  
Erin Reynolds, City Manger



## Ordinance No. 2, Series 2022 – Exhibit A

Lofy Properties, LLC Highway 101  
 Assessor's Map 18-12-11-33, Tax Lot 01300



### Legal Description

All that part of the following which lies within the bounds of the Southwest quarter of Section 11, Township 18, South, Range 12 West, Willamette Meridian, 50-wit: Beginning at a point being located on the center line of the U.S. Highway #101, a distance of 654 feet North of a point on said center line of said Highway where the section line between Sections 11 and 14, Township 18 South of Range 12 West, Willamette Meridian, intersects with said center line of said Highway; thence East, a distance of 710 feet; thence North, a distance of 118 feet; thence West, a distance of approximately 708 feet to the center line of said Highway #101; thence South along said center line to the point of beginning, in Lane County, Oregon.

EXEPTING THEREFROM: That portion to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded February 28, 1985, Reel 1338, Reception No. 85-06862, Lane County Official Records, in Lane County, Oregon.

**FINDINGS OF FACT**  
**Ordinance No. 2, Series 2022: Exhibit B**  
**Ordinance No. 3, Series 2022: Exhibit B**

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**Public Hearing Date:** February 7, 2022  
**Application:** CC 21 21 ANN 09 Annexation – Lofy Properties, LLC.  
CC 21 22 ZC 09 Zoning – Lofy Properties, LLC.

**I. PROPOSAL DESCRIPTION**

**Proposal:** Annexation

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

Rezoning

Upon annexation, a request for the property to be zoned with a city zoning district. The corresponding zoning district matching the property's comprehensive plan designation is Service Industrial

**Petitioner/Property Owner:** Lofy Properties, LLC

**Associated Properties:** Assessor's Map 18-12-11-33 Tax Lot 01300

**Comprehensive Plan Map Designation:** Service Industrial

**Surrounding Land Use / Zoning:**

**Site:** Single-family residences | Suburban Residential; (Interim Urban Combining District Overlay)

**North:** Single-family residence | C2; (Neighborhood Commercial)

**South:** Single-family residence & concrete batch plant | Service Industrial

**East:** Vacant | Medium Density Residential

**West:** Heceta Self Storage; Hwy 101 | M1; Limited Industrial; Service Industrial

**Streets / Classification:** West – U.S. Hwy 101 / Highway/Major Arterial.; South – None; East – Spruce St, Collector undeveloped, improvement terminates near SE corner of TL 1900; North – None

**II. NARRATIVE**

The applicants petitioned for the annexation of a 1.98-acre lot from Lane County jurisdiction to City of Florence jurisdiction. The petitioner's request for the zoning assignment of Service Industrial upon annexation was received on November. 23, 2021. This property contains pre-existing non-conforming residential uses. Upon annexation, no new residential development would be allowed on the property with the Service Industrial District zoning. The property abut tracts of properties to the south and east which have been previously annexed into the City and zoned. Additionally, Highway 101, which provides access to the subject property, has also been annexed and zoned.

The petitions for annexation and a legal property description were received in November 9, 2021. 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 all of the property owners and six electors residing on site and will also 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 which means that the Planning Commission is to make a recommendation to the City Council and the City Council will make the final decision in this legislative matter. The Planning Commission held a public hearing on January 11, 2022 and made the recommendation to City Council that the property be assigned a zoning of Service Industrial upon annexation.

The zoning assignment procedure applies to the 1.98- acres of property only, as the Highway 101, although under ODOT jurisdiction, is already annexed into City limits and zoned. In accordance with 10-1-1-5 B the two actions (the annexation and zoning designation) will be processed through consolidated proceedings.

The property is served by Heceta Water PUD and is currently served by Siuslaw Valley Fire Rescue District. The property will continue to be served by all districts by which it is currently served. After annexation, the property will be able to have access to City sewer services and begin receiving police protection.

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### **III. PUBLIC NOTICE**

Notice of the Planning Commission’s public hearing was mailed on December 22, 2021, and for City Council’s public hearing on January 18, 2022 to property owners within 300 feet of the proposed annexation area. On December 22, 2021 and January 18, 2022, notices were posted at Florence City Hall, the Florence Post Office, Florence Justice Center, and the Siuslaw Public Library and signage posted on the property site. Notice for the Planning Commission hearing was published in the Siuslaw News on December 18, 2021 and for the City Council hearing, January 15<sup>th</sup> and January 29, 2022.

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on November 23, 2021, not less than 35 days prior to the proposed first evidentiary hearing of January 11, 2022, as required by State law and the Florence City Code.

#### **Public Comments:**

At the time of this report, the City had received no public comments on these applications.

### **IV. REFERRALS**

On December 19, 2021, 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; and Heceta Water PUD. No comments have been submitted by these parties

## V. APPLICABLE REVIEW CRITERIA

### Annexation

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

222.050, 222.111; 222.120; and 222.170

#### **Oregon Administrative Rules (OAR)**

OAR: 660-015-0000, 660-012-0060

#### **Florence Realization 2020 Comprehensive Plan, Chapters**

- 1: Citizen Involvement, Policy 4
- 2: Land Use, Policy 6
- 14: Urbanization, Policies 1 and 3 through 7

#### **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
- 7: Development Hazards and Constraints, Policies 1,2,3 & 4

### Zoning Assignment

#### **Florence Realization 2020 Comprehensive Plan, Chapters**

- 1: Citizen Involvement, Policies 1 & 4
- 2: Land Use, Policy 1; Industrial Policy 4; and Section on Industrial Plan Designations
- 12: Transportation, Policy 8

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

Title 10: Zoning Regulations

- 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 & 4
- 31: Service Industrial District, Section 1
- 12: Transportation: Policy 8

#### **Oregon Land Use Planning Goals**

- Goal 10 Housing: OAR 660-015-0000 (Goal 10)

## VI. FINDINGS OF FACT

The following Findings support the petition and application for rezone and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, State Administrative Rules, and State Statutes.

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

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **Chapter 1: Citizen Involvement**

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#### **Policies**

**4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

This proposal is consistent with this policy because the process used by the City to review the resolutions recommending approval of 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 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 will be conducted virtually with no opportunity for in-person attendance, the public could attend the meeting virtually and provide verbal testimony during the public hearings via the internet or via a landline phone. Those wishing to simply 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 to be included in these Findings was available up to January 4, 2022 and again up to January 28, 2022. All public comments received both before and after those dates were posted online and distributed to the decision bodies up to 4:00 PM on the hearing dates.

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**Chapter 2: Land Use**

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**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 Service Industrial was adopted in 2002 as part of Periodic Review following a 1997 Industrial and Commercial Lands Inventory which was updated in 2018 via a Buildable Lands Inventory and Economic Opportunities Plan. Plan designating this private land for heavy industrial use near a major transportation corridor is the most physically suitable option to be placed away from dense commercial and residential centers and natural resource, education and pedestrian oriented areas.

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 Yaquina loamy fine sand. The map's legend states the soils are unsuitable or conditionally suitable for development. Much 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.

- 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.”**

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 (actually, with regard to the City’s sewer system, in excess) to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

- 7. “The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.”**

Throughout findings of fact of several annexation requires within the past six years, Public Works testified using analysis from the documentation within recent study results and confirm that the City has the capacity (actually, with regard to the City’s sewer system, in excess) to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy. Public Works testimony also provided information on water service and how city service is available if Heceta Water is unable to serve them.

## **Industrial**

### **Goal**

**To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage and distribution, construction and development-related uses, and airport-related uses.**

- Policy 4 The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use.**

Currently, this developed property is zoned Suburban Residential/Mobile Home District by Lane County. The implementing City zoning for this area is Service Industrial. As such, the proposed Service Industrial zoning is consistent with the City of Florence Realization 202 Comprehensive Plan. Properties to the immediate south are similarly zoned and developed at least in part with industrial uses and pre-existing non-conforming residential uses. This criterion is met.

## **Service Industrial**

**In the UGB, industrially planned lands are designated Service Industrial in the area located between the North Commercial Node and the Heceta Beach Neighborhood Cluster along Highway 101. The purpose of the Service Industrial designation is to provide lands for construction and development service businesses and related uses, while continuing the North Gateway theme begun in the Neighborhood Commercial Gateway designation. There are no other appropriate or available lands within the City or the UGB for these uses. Heavy vegetation and berms will be used to separate the business/office structures along Highway 101 from the processing, storage, maintenance, and other more industrial functions to be located at the rear of the berms. Access to these sites shall be by shared driveways onto Highway 101 in the short term, and via Oak and Spruce Streets in the long term after these streets are developed.**

No development is proposed as it is an application for annexation and zone assignment. Title 10 Chapter 31 of the Florence City Code provides the implementing criteria for future development of the property, which will require additional Land Use Application reviews in concert with Florence City Codes.

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## **Chapter 12: Transportation**

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**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.**

- 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;**

The functional classification of Highway 101 and Spruce Streets will not change with the annexation of these properties and eventual development of the property.

The zoning is changing from Suburban Residential (a Lane County designation permitting 6,000 sq. ft. lots) to Service Industrial. The new zone allows development and uses that occupy large parcels of land for warehousing, yards, storage etc. The zone change to large lot uses does not significantly affect trip counts on either Highway 101 or future Spruce St. 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. Spruce Street is undeveloped. Without a developer to upgrade it if the nexus existed, this street would stay undeveloped through the planning period of 2037. This criterion is met.

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## **Chapter 14: Urbanization**

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### **Goal**

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

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



- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City as all rights-of-way and surrounding property are in the city limits. It is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area.
- All connections and future connections to the sewer line have and 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.

### **Annexation Policies**

- 1. The procedures of ORS 222.840 et. Seq. (Health Hazard Abatement) shall be initiated if needed to remove dangers to public health. In the absence of a need for health hazard abatement annexation procedures, any annexation of county territory to the City of Florence shall utilize an annexation method allowable by state law that requires a majority of consents, and shall not utilize the “island annexation” procedures set forth by ORS 222.750.**

The proposed annexation has been initiated by the property owner. 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. This policy criterion is met.

- 3. Conversion of lands within the UGB outside City limits shall be based on consideration of:**
  - a) Orderly, economic provision for public facilities and services:**

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

Sewer: With a 2020 annexation of the property immediately to the south of the subject property, the Florence Public Works Department evaluated the impact of the possible future industrial development and concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing and allowed uses without negatively affecting existing customers. Therefore, the Waste Water Treatment Plant, which has an excess capacity of .55 million gallons daily continues to be more than adequate for existing and any future needs of the subject property without negatively affecting existing customers.

Water: The property will be served by Heceta Water People's Utility District services within Highway 101 unless capacity is unavailable at which the city does have service in Highway 101 and can serve the property.

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

Streets: The property is currently accessed by Highway 101 and may also be accessed via Spruce St. once available. Therefore, any future usage (vehicular trips) made available by annexation and zone change can be accommodated by the surrounding street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

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

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

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

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

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

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

**c) consistency with state law.**

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

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

Staff sent referral requests to Lane County on December 29, 2021. No comments have been received by County staff.

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

Water is available to the property and will continue to be provided by Heceta Water People's Utility District, who will continue to serve the area unless capacity is unavailable, at which point the City does have service in Highway 101 and can serve the property. Any undeveloped property 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 future development of the property.

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**OREGON REVISED STATUTES**

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**ORS 222.111 Authority and procedure for annexation.**

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

The proposed annexation area is located within the Urban Growth Boundary of the City of Florence. The proposed annexation is contiguous to the City on three sides. The property and surrounding area lie wholly within Lane County.

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

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

**(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a**

specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

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

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

The annexation area is within the Heceta Water PUD and 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 as well as Heceta Water PUD.

**(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 the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consent from all of the owners within the proposed annexation area, as allowed in ORS 222.170; therefore, an election is not required.

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 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.

**(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 expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing after receiving a recommendation from the Planning Commission during their public hearing. The electors of the City could appear and be heard on the question of annexation and zone change assignment at each public hearing.

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

The public hearings were noticed as required by Florence City Code. Notice of the public hearings were published in the Siuslaw News on December 18, 2021 and again January 15<sup>th</sup> and 29<sup>th</sup>, 2022. Notices were posted in four public places: Florence City Hall, Justice Center, Siuslaw Public Library, and Post Office on December 18, 2021 and January 18, 2022.

**(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 City received signed petitions requesting annexation from all of the property owners and six electors residing on-site in accordance with ORS 222.125. This criterion is met. The

proposed annexation is contiguous to the City limits on three sides. Subsection “b” above is met. No finding related to this application was issued by the Department of Human Services.

**(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.**

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

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

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

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

The written consents to annexation were received from the two property owners making up Lofy Properties. They constitute 100% of the ownership. This criterion is met.

**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.**

The City received signed petitions requesting annexation from all of the property owners and six electors residing on-site. This criterion is met.

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

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

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

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

The City received signed petitions requesting annexation from all of the property owners (100%) and six electors residing on-site. The written consents were received prior to the Planning Commission hearing of January 11, 2022, and received before the City Council held the public hearing required by ORS 222.120.

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

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

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

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

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

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## **FLORENCE CITY CODE**

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### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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

#### **10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:**

##### **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.**

This application includes a quasi-judicial zone assignment for the property. Subsections 1c and 1e are not applicable. Notice was provided as required in subsections 1a, 1b, 1d and 2. These criteria are met.

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

##### **D. Notice of Hearing:**

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

Petitioner has proposed annexation of their property. There will be at least two public hearings as part of this process and as required.

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



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

### **10-1-3: AMENDMENTS AND CHANGES**

#### **B. Quasi-Judicial Changes:**

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

On January 11, 2022, the Planning Commission and on February 7, 2022, the City Council held public hearings on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearings and were reviewed against the applicable City and State policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the City's urbanization policies. These have been reviewed earlier with supporting findings.

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### **TITLE 10: CHAPTER 31: SERVICE INDUSTRIAL**

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**10-31-1: Purpose: The purpose of this District is to provide an area within the City for large-lot industrial uses, particularly those associated with construction and development, while providing a visually pleasing north entrance into Florence, and maintaining through traffic flow on Highway 101.**

The subject property's defining use is residential at this time and will be legally non-conforming upon annexation. The proposed Service Industrial zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation assigned properties in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

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### **Oregon Administrative Rules – 660-015-0000**

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#### **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 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.

The zoning assignment for this annexation request will be Service Industrial. Aside from current residential uses, which will be legally non-conforming upon annexation and zoning assignment, only caretaker housing opportunities will be available upon future development. Presently under County jurisdiction the property may be built with one single family residence as no land divisions are permitted with the City of Florence UGB. The addition of land to the city limits will not impact the City's residential inventory in the City's BLI in a negative or positive way as little opportunity exists presently or by annexing.

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## **VII. CONCLUSION**

The evidence in the record demonstrates 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, based on the findings.

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## **VIII. ATTACHMENTS**

Ordinance No. 2, Series 2022

- Exhibit A Annexation Map & Legal Description
- Exhibit B Findings of Fact
- Exhibit C Petition for Annexation

Ordinance No.3, Series 2022

- Exhibit A Rezoning Map
- Exhibit B Findings of Fact

**CITY OF FLORENCE  
ORDINANCE NO. 3, SERIES 2022**

**AN ORDINANCE ESTABLISHING ASSIGNMENT OF SERVICE INDUSTRIAL ZONING DISTRICT  
AS PART OF A PROPOSED ANNEXATION 1.98 ACRES OF PROPERTY IDENTIFIED AS  
ASSESSOR'S MAP REFERENCE 18-12-11-33, TAX LOT 01300**

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, Lofy Properties, LLC and six property electors residing on property, 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 January 11, 2022, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on January 11, 2022, 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 7, 2022, 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 7, 2022, and found that the subject property is plan designated Service Industrial in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Service Industrial consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 3, Series 2022, 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 Service Industrial as shown on the attached map Exhibit A as described on Assessor's Map Reference 18-12-11-33, Tax Lot 01300, containing approximately 1.98 acres.
2. This zoning is based on the Findings of Fact in Exhibit B and evidence in the record.
3. The City shall produce an updated Zoning Map that is filed with the City Recorder and bear the signature of the Planning Commission chairperson as required by FCC 10-1-2-2.

4. The City Recorder is hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office and the Lane Council of Governments.
5. Pursuant to FCC 10-1-2-3, the zoning established by this Ordinance will take effect on the effective date of the annexation approved in Ordinance No. 2, Series 2022.

ADOPTION:

First Reading on the XX day of February, 2022

Second Reading on the XX day of February, 2022

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

City Council Votes:

AYES

NAYS

ABSTAIN

ABSENT

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Joe Henry, Mayor

Attest:

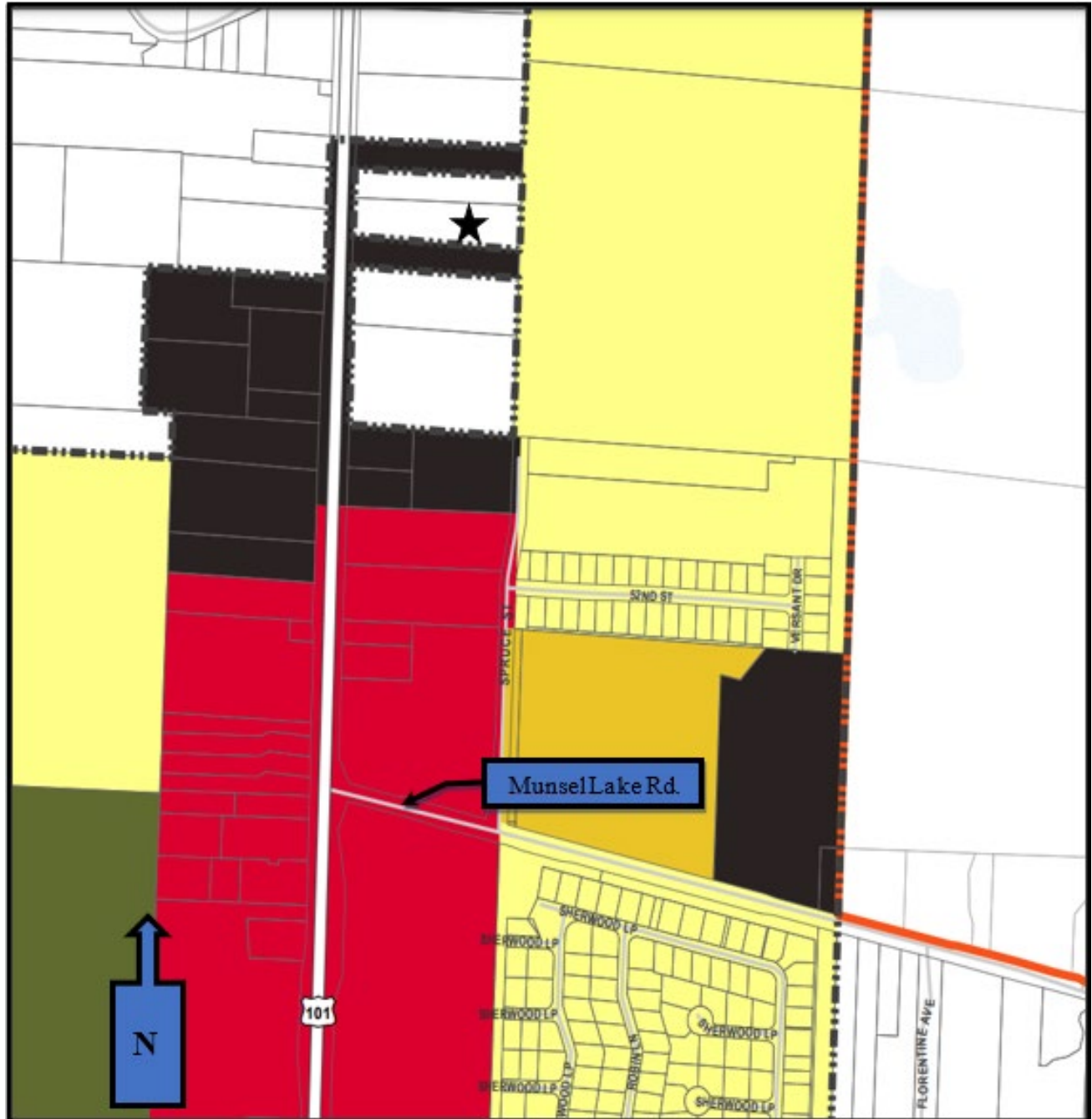
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Erin Reynolds, City Manager

# Exhibit A

## Ordinance No. 3, Series 2022 - EXHIBIT A Lofy Properties, LLC Hwy 101 Zone Assignment

City of Florence Zoning Map Excerpt, FCC Title 10  
Proposal: County zoned Suburban Residential District (white lot with black star) Service Industrial to match adjacent City zoning of Service Industrial (Black)  
Assessor's Map # 18-12-11-33, Tax Lot 01300 – E. of Hwy 101, N. of Munsel Lk Rd & W of Spruce St.



**FINDINGS OF FACT**  
**Ordinance No. 2, Series 2022: Exhibit B**  
**Ordinance No. 3, Series 2022: Exhibit B**

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**Public Hearing Date:** February 7, 2022  
**Application:** CC 21 21 ANN 09 Annexation – Lofy Properties, LLC.  
CC 21 22 ZC 09 Zoning – Lofy Properties, LLC.

**I. PROPOSAL DESCRIPTION**

**Proposal:** Annexation

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

Rezoning

Upon annexation, a request for the property to be zoned with a city zoning district. The corresponding zoning district matching the property’s comprehensive plan designation is Service Industrial

**Petitioner/Property Owner:** Lofy Properties, LLC

**Associated Properties:** Assessor’s Map 18-12-11-33 Tax Lot 01300

**Comprehensive Plan Map Designation:** Service Industrial

**Surrounding Land Use / Zoning:**

**Site:** Single-family residences | Suburban Residential; (Interim Urban Combining District Overlay)

**North:** Single-family residence | C2; (Neighborhood Commercial)

**South:** Single-family residence & concrete batch plant | Service Industrial

**East:** Vacant | Medium Density Residential

**West:** Heceta Self Storage; Hwy 101 | M1; Limited Industrial; Service Industrial

**Streets / Classification:** West – U.S. Hwy 101 / Highway/Major Arterial.; South – None; East – Spruce St, Collector undeveloped, improvement terminates near SE corner of TL 1900; North – None

**II. NARRATIVE**

The applicants petitioned for the annexation of a 1.98-acre lot from Lane County jurisdiction to City of Florence jurisdiction. The petitioner’s request for the zoning assignment of Service Industrial upon annexation was received on November. 23, 2021. This property contains pre-existing non-conforming residential uses. Upon annexation, no new residential development would be allowed on the property with the Service Industrial District zoning. The property abut tracts of properties to the south and east which have been previously annexed into the City and zoned. Additionally, Highway 101, which provides access to the subject property, has also been annexed and zoned.

The petitions for annexation and a legal property description were received in November 9, 2021. 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 all of the property owners and six electors residing on site and will also 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 which means that the Planning Commission is to make a recommendation to the City Council and the City Council will make the final decision in this legislative matter. The Planning Commission held a public hearing on January 11, 2022 and made the recommendation to City Council that the property be assigned a zoning of Service Industrial upon annexation.

The zoning assignment procedure applies to the 1.98- acres of property only, as the Highway 101, although under ODOT jurisdiction, is already annexed into City limits and zoned. In accordance with 10-1-1-5 B the two actions (the annexation and zoning designation) will be processed through consolidated proceedings.

The property is served by Heceta Water PUD and is currently served by Siuslaw Valley Fire Rescue District. The property will continue to be served by all districts by which it is currently served. After annexation, the property will be able to have access to City sewer services and begin receiving police protection.

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### **III. PUBLIC NOTICE**

Notice of the Planning Commission’s public hearing was mailed on December 22, 2021, and for City Council’s public hearing on January 18, 2022 to property owners within 300 feet of the proposed annexation area. On December 22, 2021 and January 18, 2022, notices were posted at Florence City Hall, the Florence Post Office, Florence Justice Center, and the Siuslaw Public Library and signage posted on the property site. Notice for the Planning Commission hearing was published in the Siuslaw News on December 18, 2021 and for the City Council hearing, January 15<sup>th</sup> and January 29, 2022.

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on November 23, 2021, not less than 35 days prior to the proposed first evidentiary hearing of January 11, 2022, as required by State law and the Florence City Code.

#### **Public Comments:**

At the time of this report, the City had received no public comments on these applications.

### **IV. REFERRALS**

On December 19, 2021, 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; and Heceta Water PUD. No comments have been submitted by these parties

## V. APPLICABLE REVIEW CRITERIA

### Annexation

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

222.050, 222.111; 222.120; and 222.170

#### **Oregon Administrative Rules (OAR)**

OAR: 660-015-0000, 660-012-0060

#### **Florence Realization 2020 Comprehensive Plan, Chapters**

- 1: Citizen Involvement, Policy 4
- 2: Land Use, Policy 6
- 14: Urbanization, Policies 1 and 3 through 7

#### **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
- 7: Development Hazards and Constraints, Policies 1,2,3 & 4

### Zoning Assignment

#### **Florence Realization 2020 Comprehensive Plan, Chapters**

- 1: Citizen Involvement, Policies 1 & 4
- 2: Land Use, Policy 1; Industrial Policy 4; and Section on Industrial Plan Designations
- 12: Transportation, Policy 8

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

Title 10: Zoning Regulations

- 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 & 4
- 31: Service Industrial District, Section 1
- 12: Transportation: Policy 8

#### **Oregon Land Use Planning Goals**

- Goal 10 Housing: OAR 660-015-0000 (Goal 10)

## VI. FINDINGS OF FACT

The following Findings support the petition and application for rezone and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, State Administrative Rules, and State Statutes.

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

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **Chapter 1: Citizen Involvement**

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#### **Policies**



**4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

This proposal is consistent with this policy because the process used by the City to review the resolutions recommending approval of 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 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 will be conducted virtually with no opportunity for in-person attendance, the public could attend the meeting virtually and provide verbal testimony during the public hearings via the internet or via a landline phone. Those wishing to simply 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 to be included in these Findings was available up to January 4, 2022 and again up to January 28, 2022. All public comments received both before and after those dates were posted online and distributed to the decision bodies up to 4:00 PM on the hearing dates.

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**Chapter 2: Land Use**

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**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 Service Industrial was adopted in 2002 as part of Periodic Review following a 1997 Industrial and Commercial Lands Inventory which was updated in 2018 via a Buildable Lands Inventory and Economic Opportunities Plan. Plan designating this private land for heavy industrial use near a major transportation corridor is the most physically suitable option to be placed away from dense commercial and residential centers and natural resource, education and pedestrian oriented areas.

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 Yaquina loamy fine sand. The map's legend states the soils are unsuitable or conditionally suitable for development. Much 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.

- 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.”**

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 (actually, with regard to the City’s sewer system, in excess) to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

- 7. “The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.”**

Throughout findings of fact of several annexation requires within the past six years, Public Works testified using analysis from the documentation within recent study results and confirm that the City has the capacity (actually, with regard to the City’s sewer system, in excess) to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy. Public Works testimony also provided information on water service and how city service is available if Heceta Water is unable to serve them.

## **Industrial**

### **Goal**

**To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage and distribution, construction and development-related uses, and airport-related uses.**

- Policy 4 The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use.**

Currently, this developed property is zoned Suburban Residential/Mobile Home District by Lane County. The implementing City zoning for this area is Service Industrial. As such, the proposed Service Industrial zoning is consistent with the City of Florence Realization 202 Comprehensive Plan. Properties to the immediate south are similarly zoned and developed at least in part with industrial uses and pre-existing non-conforming residential uses. This criterion is met.

## **Service Industrial**

**In the UGB, industrially planned lands are designated Service Industrial in the area located between the North Commercial Node and the Heceta Beach Neighborhood Cluster along Highway 101. The purpose of the Service Industrial designation is to provide lands for construction and development service businesses and related uses, while continuing the North Gateway theme begun in the Neighborhood Commercial Gateway designation. There are no other appropriate or available lands within the City or the UGB for these uses. Heavy vegetation and berms will be used to separate the business/office structures along Highway 101 from the processing, storage, maintenance, and other more industrial functions to be located at the rear of the berms. Access to these sites shall be by shared driveways onto Highway 101 in the short term, and via Oak and Spruce Streets in the long term after these streets are developed.**

No development is proposed as it is an application for annexation and zone assignment. Title 10 Chapter 31 of the Florence City Code provides the implementing criteria for future development of the property, which will require additional Land Use Application reviews in concert with Florence City Codes.

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## **Chapter 12: Transportation**

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**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.**

- 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;**

The functional classification of Highway 101 and Spruce Streets will not change with the annexation of these properties and eventual development of the property.

The zoning is changing from Suburban Residential (a Lane County designation permitting 6,000 sq. ft. lots) to Service Industrial. The new zone allows development and uses that occupy large parcels of land for warehousing, yards, storage etc. The zone change to large lot uses does not significantly affect trip counts on either Highway 101 or future Spruce St. 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. Spruce Street is undeveloped. Without a developer to upgrade it if the nexus existed, this street would stay undeveloped through the planning period of 2037. This criterion is met.

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## **Chapter 14: Urbanization**

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### **Goal**

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City as all rights-of-way and surrounding property are in the city limits. It is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area.
- All connections and future connections to the sewer line have and 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.

### **Annexation Policies**

- 1. The procedures of ORS 222.840 et. Seq. (Health Hazard Abatement) shall be initiated if needed to remove dangers to public health. In the absence of a need for health hazard abatement annexation procedures, any annexation of county territory to the City of Florence shall utilize an annexation method allowable by state law that requires a majority of consents, and shall not utilize the “island annexation” procedures set forth by ORS 222.750.**

The proposed annexation has been initiated by the property owner. 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. This policy criterion is met.

- 3. Conversion of lands within the UGB outside City limits shall be based on consideration of:**
  - a) Orderly, economic provision for public facilities and services:**

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

Sewer: With a 2020 annexation of the property immediately to the south of the subject property, the Florence Public Works Department evaluated the impact of the possible future industrial development and concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing and allowed uses without negatively affecting existing customers. Therefore, the Waste Water Treatment Plant, which has an excess capacity of .55 million gallons daily continues to be more than adequate for existing and any future needs of the subject property without negatively affecting existing customers.

Water: The property will be served by Heceta Water People's Utility District services within Highway 101 unless capacity is unavailable at which the city does have service in Highway 101 and can serve the property.

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

Streets: The property is currently accessed by Highway 101 and may also be accessed via Spruce St. once available. Therefore, any future usage (vehicular trips) made available by annexation and zone change can be accommodated by the surrounding street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

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

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

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

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

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

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

**c) consistency with state law.**

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

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

Staff sent referral requests to Lane County on December 29, 2021. No comments have been received by County staff.

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

Water is available to the property and will continue to be provided by Heceta Water People's Utility District, who will continue to serve the area unless capacity is unavailable, at which point the City does have service in Highway 101 and can serve the property. Any undeveloped property 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 future development of the property.

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**OREGON REVISED STATUTES**

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**ORS 222.111 Authority and procedure for annexation.**

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

The proposed annexation area is located within the Urban Growth Boundary of the City of Florence. The proposed annexation is contiguous to the City on three sides. The property and surrounding area lie wholly within Lane County.

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

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

**(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a**

specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

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

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

The annexation area is within the Heceta Water PUD and 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 as well as Heceta Water PUD.

**(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 the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consent from all of the owners within the proposed annexation area, as allowed in ORS 222.170; therefore, an election is not required.

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

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



Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 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.

**(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 expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing after receiving a recommendation from the Planning Commission during their public hearing. The electors of the City could appear and be heard on the question of annexation and zone change assignment at each public hearing.

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

The public hearings were noticed as required by Florence City Code. Notice of the public hearings were published in the Siuslaw News on December 18, 2021 and again January 15<sup>th</sup> and 29<sup>th</sup>, 2022. Notices were posted in four public places: Florence City Hall, Justice Center, Siuslaw Public Library, and Post Office on December 18, 2021 and January 18, 2022.

**(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 City received signed petitions requesting annexation from all of the property owners and six electors residing on-site in accordance with ORS 222.125. This criterion is met. The

proposed annexation is contiguous to the City limits on three sides. Subsection “b” above is met. No finding related to this application was issued by the Department of Human Services.

**(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.**

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

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

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

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

The written consents to annexation were received from the two property owners making up Lofy Properties. They constitute 100% of the ownership. This criterion is met.

**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.**

The City received signed petitions requesting annexation from all of the property owners and six electors residing on-site. This criterion is met.

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

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

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

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

The City received signed petitions requesting annexation from all of the property owners (100%) and six electors residing on-site. The written consents were received prior to the Planning Commission hearing of January 11, 2022, and received before the City Council held the public hearing required by ORS 222.120.

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

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

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

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

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

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## **FLORENCE CITY CODE**

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### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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

#### **10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:**

##### **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.**

This application includes a quasi-judicial zone assignment for the property. Subsections 1c and 1e are not applicable. Notice was provided as required in subsections 1a, 1b, 1d and 2. These criteria are met.

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

##### **D. Notice of Hearing:**

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

Petitioner has proposed annexation of their property. There will be at least two public hearings as part of this process and as required.

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

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

### **10-1-3: AMENDMENTS AND CHANGES**

#### **B. Quasi-Judicial Changes:**

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

On January 11, 2022, the Planning Commission and on February 7, 2022, the City Council held public hearings on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearings and were reviewed against the applicable City and State policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the City's urbanization policies. These have been reviewed earlier with supporting findings.

---

### **TITLE 10: CHAPTER 31: SERVICE INDUSTRIAL**

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**10-31-1: Purpose: The purpose of this District is to provide an area within the City for large-lot industrial uses, particularly those associated with construction and development, while providing a visually pleasing north entrance into Florence, and maintaining through traffic flow on Highway 101.**

The subject property's defining use is residential at this time and will be legally non-conforming upon annexation. The proposed Service Industrial zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation assigned properties in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

---

### **Oregon Administrative Rules – 660-015-0000**

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#### **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 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.

The zoning assignment for this annexation request will be Service Industrial. Aside from current residential uses, which will be legally non-conforming upon annexation and zoning assignment, only caretaker housing opportunities will be available upon future development. Presently under County jurisdiction the property may be built with one single family residence as no land divisions are permitted with the City of Florence UGB. The addition of land to the city limits will not impact the City's residential inventory in the City's BLI in a negative or positive way as little opportunity exists presently or by annexing.

---

## **VII. CONCLUSION**

The evidence in the record demonstrates 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, based on the findings.

---

## **VIII. ATTACHMENTS**

Ordinance No. 2, Series 2022

- Exhibit A Annexation Map & Legal Description
- Exhibit B Findings of Fact
- Exhibit C Petition for Annexation

Ordinance No.3, Series 2022

- Exhibit A Rezoning Map
- Exhibit B Findings of Fact

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

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



The property to be annexed is as follows:

Assessors Map Reference and Tax Lot: 18-12-11-33-01300

Property Address (if appropriate): 87641-87643-87647-87649 Hwy 101  
Florence, OR 97439

Property Owner /Electors Name(s): DANIEL J Lohy  
TERESA M Lohy  
Lohy Properties LLC

Signature(s):

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: 11/8/2021

PETITION FOR ANNEXATION

to the

*City of Florence, Oregon*

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



The property to be annexed is as follows:

Assessors Map Reference and Tax Lot: ~~#~~ 18-12-11-33-01300

Property Address (if appropriate): 87641 Hwy 101, Florence, OR. 97439

Property Owner /Electors Name(s): Kelly LON:EN  
Brent Deffenbaugh

Signature(s):

  
\_\_\_\_\_  
  
\_\_\_\_\_

Date: 11/8/2021

\_\_\_\_\_  
\_\_\_\_\_



PETITION FOR ANNEXATION

to the

*City of Florence, Oregon*

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

The property to be annexed is as follows:

Assessors Map Reference and Tax Lot: *18-12-11-33-01300*

Property Address (if appropriate): *87643 Hwy 101, Florence, OR 97439*

Property Owner /Electors Name(s):

*Duane Cunningham  
Sheila Cunningham  
Daniel Maynard*

Signature(s):

*Duane Stacie Cunningham*

*Sheila A. Cunningham*

*Daniel Maynard*

Date: *11/8/2021*

PETITION FOR ANNEXATION

to the

*City of Florence, Oregon*

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

The property to be annexed is as follows:

Assessors Map Reference and Tax Lot: *18-12-11-33-01300*

Property Address (if appropriate): *87647 Hwy 101, Florence, OR 97439*

Property Owner /Elector(s) Name(s): *Maxine Woodcock*

Signature(s):



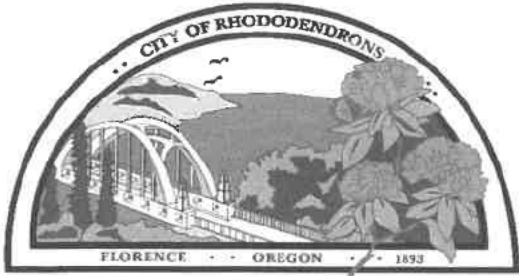
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Date: *11/8/2021*



*City of Florence*  
Community Development Department  
250 Highway 101  
Florence, OR 97439  
Phone: (541) 997 - 8237  
Fax: (541) 997 - 4109  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

**Type of Request**

**THIS SECTION FOR OFFICE USE ONLY**

Type I    Type II    Type III    Type IV

Proposal: \_\_\_\_\_

**Applicant Information**

Name: LOEY PROPERTIES LLC

Phone 1: [REDACTED]

E-mail Address: [REDACTED]

Phone 2: [REDACTED]

Address: [REDACTED]

Signature: [Signature]

Date: 11-9-2021

Applicant's Representative (if any): \_\_\_\_\_

**Property Owner Information**

Name: Loey Properties LLC

Phone 1: [REDACTED]

E-mail Address: [REDACTED]

Phone 2: \_\_\_\_\_

Address: [REDACTED]

Signature: [Signature]

Date: 11-9-2021

Applicant's Representative (if any): \_\_\_\_\_

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

**For Office Use Only:**

Received	Approved	Exhibit
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**Property Description**

Site Address: 87641, 87643, 87647, 87649 Hwy 101 Florence

General Description: \_\_\_\_\_ 0297439

Assessor's Map No.: 18 - 12 - 11 - 33 Tax lot(s): 01300

Zoning District: \_\_\_\_\_

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Project Description**

Square feet of new: \_\_\_\_\_ Square feet of existing: \_\_\_\_\_

Hours of operation: \_\_\_\_\_ Existing parking spaces: \_\_\_\_\_

Is any project phasing anticipated? (Check One): Yes  No

Timetable of proposed improvements: \_\_\_\_\_

Will there be impacts such as noise, dust, or outdoor storage? Yes  No

If yes, please describe: \_\_\_\_\_

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**For Office Use Only:**

Date Submitted: \_\_\_\_\_ Fee: \_\_\_\_\_

Received by: \_\_\_\_\_

Paid

**From:** [REDACTED]  
**To:** [Roxanne Johnston](#)  
**Subject:** Re: Annexation  
**Date:** Tuesday, November 23, 2021 10:51:00 AM

---

Yes we are planning service industrial for the property.  
Thank you,

[REDACTED]

"Nobody made a greater mistake than he who did nothing because he could do only a little."

- Edmund Burke, Irish statesman (1729 - 1797)

On Tue, Nov 23, 2021 at 10:48 AM Roxanne Johnston  
<[Roxanne.Johnston@ci.florence.or.us](mailto:Roxanne.Johnston@ci.florence.or.us)> wrote:

I know I just hung up, but could you please email me to verify the zoning request? We have to notify the state by today.

Thanks,

R

**Roxanne M. Johnston, CFM**

Senior Planner | City of Florence

O: 541.997.8237

[roxanne.johnston@ci.florence.or.us](mailto:roxanne.johnston@ci.florence.or.us)

250 U.S. Highway 101, FLORENCE, or 97439

Follow Us! [City Website](#) | [Vimeo](#) | [Facebook](#) | [Twitter](#)

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**From:** Daniel Lofy <[REDACTED]>  
**Sent:** Tuesday, November 23, 2021 10:41 AM

**To:** Roxanne Johnston <[Roxanne.Johnston@ci.florence.or.us](mailto:Roxanne.Johnston@ci.florence.or.us)>  
**Subject:** Annexation

Hello Roxanne,

You sent my wife this email:

Good afternoon,

We noticed that you did not include a zone assignment request with your annexation petition. The Florence Realization 2020 Comprehensive Plan supports Service Industrial zoning for the property. We know there are residences there; however, they would be considered to be legally non-conforming uses since residential is not an allowed use outright in Service Industrial. The structures, as you know, can remain as residences after annexation. Building new residences there would not be allowed.

To ask for a different zoning would trigger a change in the Comp Plan which will likely not happen since the zoning to the north and south include Service Industrial – to zone otherwise would be an illegal spot zoning situation which we need to avoid for everyone's sake!

Could you please send me an email affirming your zoning assignment request?

Thank you,

R

**Roxanne M. Johnston, CFM**

Senior Planner | City of Florence

O: 541.997.8237

[roxanne.johnston@ci.florence.or.us](mailto:roxanne.johnston@ci.florence.or.us)

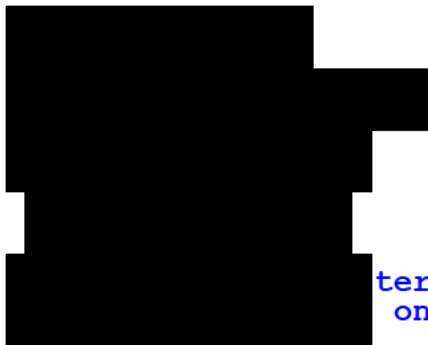
250 U.S. Highway 101, FLORENCE, or 97439

Do you have a form that needs to be filled out or just a Yes we are wanting this for industrial uses. I was going to build duplexes originally and now I want to build shop/office buildings.

I will also call you about this, please include me in all other correspondence.

Thank you,

Daniel Lofy

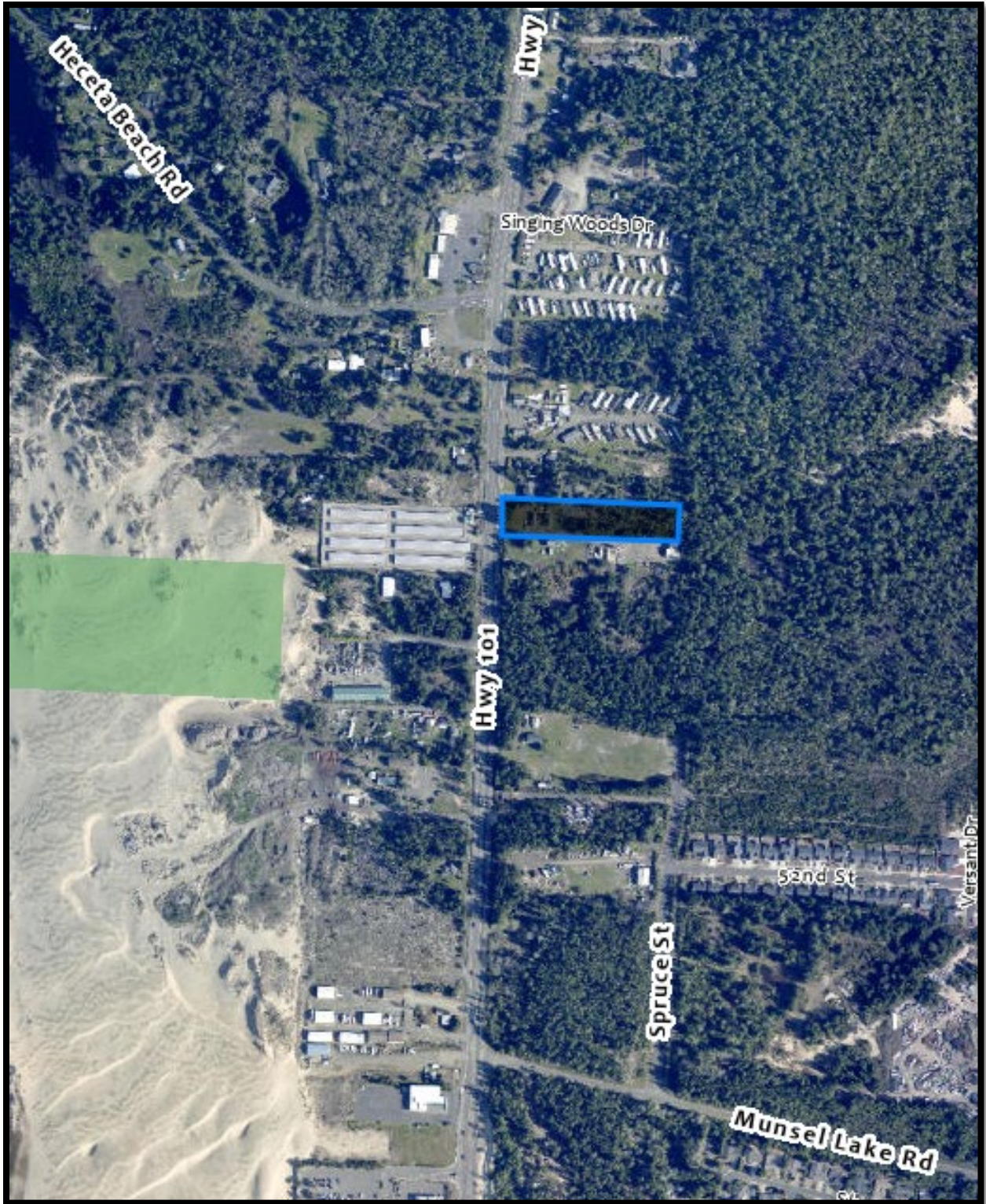


ter mistake than he who did nothing  
only a little."

- Edmund Burke, Irish statesman (1729 - 1797)

EXHIBIT E

Lofy Properties, LLC Hwy 101 Annexation and Zoning Assignment Vicinity Map





**CITY OF FLORENCE  
PLANNING COMMISSION  
RESOLUTION PC 21 35 ANN 09**

**A RESOLUTION RECOMMENDING APPROVAL TO THE FLORENCE CITY COUNCIL OF ANNEXATION OF PROPERTY WITHIN THE UGB, ASSESSOR'S MAP 18-12-11-33 TAX LOT 01300 CONTAINING APPROXIMATELY 1.98 ACRES.**

**WHEREAS**, the owner initiated the annexation with petition to the city as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4; and

**WHEREAS**, consent was achieved in accordance with ORS 222.170(1) with more than half of all owners of land owning a majority 52% of the contiguous land and a majority of the assessed value of all real property; and

**WHEREAS**, the proposed annexation is within the Florence Urban Growth Boundary and contiguous to the city boundaries as required by ORS 222.111(1); and

**WHEREAS**, the Planning Commission met in a public hearing on January 11, 2022, after giving the required notice per FCC 10-1-1-6 to consider the proposal, evidence in the record and testimony received; and

**WHEREAS**, the Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Florence Realization 2020, the City's acknowledged Comprehensive Plan and adopted findings of fact in support of the annexation; and

**NOW THEREFORE BE IT RESOLVED** that the Florence Planning Commission:

- Section 1. Recommends approval of the annexation as depicted and described in Exhibit A; and
- Section 2. Bases its recommendation for approval on the findings of fact showing consistency with the Florence Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes (Exhibit B).

**APPROVED BY THE FLORENCE PLANNING COMMISSION** this 11<sup>th</sup> day of January 2022.



---

Phil Tarvin, Chairperson  
Florence Planning Commission

**CITY OF FLORENCE  
PLANNING COMMISSION  
RESOLUTION PC 21 36 ZC 09**

**A RESOLUTION RECOMMENDING APPROVAL OF ASSIGNING SERVICE INDUSTRIAL ZONING TO ASSESSOR'S MAP REFERENCE (MR) 18-12-11-33 TAX LOT 03100 CONTAINING APPROXIMATELY 1.98 ACRES AS PART OF A PROPOSED ANNEXATION, TO THE FLORENCE CITY COUNCIL.**

**WHEREAS**, the property owner submitted petition for annexation of their property and assignment of applicable City zoning of the property as required by FCC 10-1-1-4, 10-1-1-6 and 10-1-2-3; and

**WHEREAS**, the Planning Commission met in a public hearing on January 11, 2022 after giving the required notice per FCC 10-1-1-6 to consider the proposal, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Florence Realization 2020 Comprehensive Plan, the City's acknowledged Comprehensive Plan, and adopted Findings of Fact in support of the zoning assignment;

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission recommends assigning zoning of Service Industrial to Assessor's Map 18-12-11-33 TAX LOT 01300, containing approximately 1.98 acres, as presented in Exhibit B and based on the Findings of Fact in Exhibit A.

**APPROVED BY THE FLORENCE PLANNING COMMISSION** this 11<sup>th</sup> day of January, 2022.



---

Phil Tarvin, Chairperson  
Florence Planning Commission

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**AGENDA ITEM SUMMARY  
FLORENCE CITY COUNCIL****ITEM NO: 3**  
Meeting Date: February 7, 2022  
Department: Admin Svs Dept.

---

**ITEM TITLE:** Supplemental Budget Appropriating Additional American Rescue Plan Act (ARPA or Plan) Funding Received

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**DISCUSSION/ISSUE:**

During the budgeting process for the 2021 -2023 biennium, staff received information from the League of Oregon Cities (LOC) that the City of Florence's initial estimate of funding from the Plan would be \$1,800,000. A fund was created during the budget process to hold and account for those moneys. The City will receive the funding in two tranches, so \$900,000 was budgeted for each year of the biennium.

In August of 2021, the City received its first ARPA payment from the state of \$1,015,750, which after receiving the second tranche, is \$231,500 more than what was budgeted for the biennium. The second payment of \$1,015,750 is expected in August of 2022.

In accordance with the guidance of the Treasury's Interim Final Rule (Rule), the City can apply ARPA funding to recover lost revenue due to the Covid pandemic. A small portion of the funds was budgeted for that purpose, but was estimated very conservatively. Using the Government Finance Officers Association's revenue loss calculator based on the Rule guidance, the City can apply approximately \$1,478,000 of the funds to replacing lost revenue. Therefore, it is staff's suggestion to appropriate the additional moneys to materials and services in preparation for this.

---

**FISCAL IMPACT:**

The additional moneys received will increase appropriations in the City's ARPA Fund \$231,500.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

The application of the additional funding to revenue replacement sustains and improves the City's financial position in accordance with Goal 5.

---

**ALTERNATIVES:**

1. Approve Resolution No. 3, Series 2022 increasing materials and services appropriations in the ARPA Fund \$231,500
  2. Approve Resolution No. 3, Series 2022 increasing appropriations in the ARPA Fund as adjusted by Council
  3. Do not appropriate the additional moneys in the ARPA Fund and provide guidance to staff
- 

**RECOMMENDATION:**

Approve Resolution No. 3, Series 2022 increasing materials and services appropriations in the ARPA Fund \$231,500

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**AIS PREPARED BY:** Anne Baker, Administrative Services Department Director

---

**CITY MANAGER'S RECOMMENDATION:**  Approve       Disapprove       Other  
Comments:

*ER Reynolds*

---

**ITEM'S ATTACHED:** Resolution No. 3, Series 2022

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**CITY OF FLORENCE  
RESOLUTION NO. 3, SERIES 2022**

**A Resolution Adopting a Supplemental Budget in the ARPA Fund for Excess  
Funding Received.**

RECITALS:

1. The City of Florence budgeted to receive \$1,800,000 from the American Rescue Plan Act (ARPA) for the 2021 – 2023 biennium based on information that was available at the time the budget was prepared, and;
2. In August of 2021, the City received the first of its two tranches from the State of Oregon and was informed that the total amount to be received in ARPA funds was \$2,031,500, and;
3. Oregon Budget Law provides a local government may prepare a supplemental budget if unexpected funds are made available by another unit of federal, state, or local government (ORS 294.471).

Based on these findings,

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

1. The City Council of the City of Florence approves the following appropriation adjustments for the 2021-2023 Biennium:

<b>ARPA Fund</b>	<b>2021-23 Appropriation</b>	<b>Adjustment</b>	<b>Adjusted Appropriation</b>
<i>Resources</i>			
Intergovernmental	\$1,800,000	\$231,500	\$2,031,500
<i>Requirements</i>			
Materials and services	\$621,200	\$231,500	\$852,700
<b><i>Total Appropriations</i></b>	<b>\$1,802,500</b>	<b>\$231,500</b>	<b>\$2,034,000</b>

2. This resolution takes effect immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the 7<sup>th</sup> day of February, 2022.

\_\_\_\_\_  
Joe Henry, Mayor

Attest:

\_\_\_\_\_  
Erin Reynolds, City Manager

**AGENDA ITEM SUMMARY  
FLORENCE CITY COUNCIL**

**ITEM NO: 4**  
Meeting Date: February 7, 2022  
Department: Planning

---

**ITEM TITLE:** Stonefield Court Street Name Exception Request

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**DISCUSSION/ISSUE:**

**Proposal Summary:**

The applicant, Stonefield Investments, has received approval from the Planning Commission for the tentative subdivision plan review for a 14-lot subdivision, Stonefield Court. As part of that approval, the applicant must choose street names which fit the naming conventions required by Florence City Code (FCC) 8-2-1-1, which states [emphasis added]:

*8-2-1-1: SYSTEM ESTABLISHED: There is hereby established a uniform system of numbering all houses and buildings fronting on all streets, avenues, alleys and highways in the City, and allowing for future growth within the City.*

*Where practicable all north-south streets through the City shall be named with the names matching the coastal theme of our region: aquatic sea life, native plants, or historic names of local events or people; and where practicable all east-west streets through the City shall be in numerical order. (Amended by Ord. No 1, Series 2007)*

...

*Subdivisions and future expansion of the City must conform where practicable or be approved by the City Council. (Ord. 618, 11- 26-79)*

The subdivision proposes one east-west oriented street with the name “Stonefield Court”. This name does not fit the east-west naming convention for a numerically ordered street. The applicant seeks approval from City Council for an exception to the street naming code.

**Review:**

The property was annexed into the city in May 2021 and is situated east off of Rhododendron Dr. The street names in this area were approved by Lane County using their own system. Most of the county names streets are alphabetic. Those that are numeric are called “Avenue” and are oriented north and south. Placing a numbered east-west street in this area would be out of character. Furthermore, if numbered the street would be named somewhere between 80<sup>th</sup> and 90<sup>th</sup> since the last numerical street is 52<sup>nd</sup> St. east of Highway 101. There are no numbered streets north of 35th Street that directly access off of Rhododendron Drive. Other than through use of mapping systems it is likely emergency services would be confused as to where the street was.

The applicant in the request, explained how “Stonefield” is the name of a local State of Oregon

---

recreation site between Florence and Yachats. He felt this effort met the city code for matching the coastal theme of the region required for north-south streets.

The street name has been pre-approved by the Lane County Street & Road Naming Committee. The committee reviewed the name for duplication against other existing street names within Lane County and assessed whether it fit the approved street-naming conventions in place. The name was found to be adequate for public safety and emergency response purposes as well as general ease of navigation.

**Process:**

As specified by the above code section, names which do not fit the numerical order requirements must be approved by the City Council. Council will approve or deny the request through a resolution. This decision can then be easily cited when the applicant applies for final subdivision approval from the Planning Commission.

---

**FISCAL IMPACT:**

None

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

This proposal supports Goal 1 City Service Delivery and Goal 4 Communication and Trust.

---

**ALTERNATIVES:**

1. Approve Resolution 4, Series 2022, as presented or with modifications; or
2. Deny the proposal through resolution with reasons for the denial; or
3. Continue the public hearing or leave the record open for more information.

---

**STAFF RECOMMENDATION:** Approve Resolution No. 4, Series 2022

---

**AIS PREPARED BY:** Wendy Farley Campbell, Planning Director

---

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

---

**ITEM'S ATTACHED:** Resolution No. 4, Series 2022

- Exhibit A      Request for Street Name
- Exhibit B      Stonefield Subdivision Plan & Aerial



**CITY OF FLORENCE  
RESOLUTION NO. 4, SERIES 2022**

**A Resolution Establishing Street Name Approval for Stonefield Court Subdivision**

RECITALS:

1. Stonefield Investments, representative for Stonefield Court Subdivision, applied for City Council approval of a street name which does not fit the numerical order required by Florence City Code 8-2-1-1.
2. FCC 8-2-1-1 also establishes that the City Council may approve street names that do not fit the requirements.
3. The proposed name and its context within the coastal region and the west Rhododendron Urban Growth Boundary area have been reviewed.
4. The proposed street name has been reviewed against the requirements of the Lane County Street and Road Naming Committee.
5. City Council reviewed the materials submitted and proposed street names at their regularly-scheduled meeting on February 7, 2022.
6. Based upon the review, the proposed street name was found to meet the needs for emergency response in this area of the Florence Urban Growth Boundary.

Based on these findings,

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

1. The proposed street name of "Stonefield Court" is hereby approved as set forth in Exhibit A, attached to and made part of Resolution No. 4, Series 2022.
2. This Resolution takes effect immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Joe Henry, Mayor

Attest:

\_\_\_\_\_  
Erin Reynolds, City Manager

# Stonefield Court Naming Exception Request

Stonefield Investments is seeking an exception from FCC 8-2-1-1, the system established for naming streets in the City of Florence.

The Stonefield Court subdivision is in the northwest corner of the UGB, where many existing street names do not follow the associated naming conventions as dictated in 8-2-2-1. For reference, figure 1 below shows the area of the Stonefield Court subdivision and the associated street names.



Figure 1

The associated city code calls for all east-west streets to be numbered. In the proposed subdivision, the road will travel in this manner, in theory requiring it to be numbered somewhere between the 8000 and 9000 block. However, as can be seen in Figure 1, none of the east-west streets in this area are numbered. The north-south streets are primarily numbered except for other PUD's and subdivisions that received exceptions, like Fawn Ridge and Heceta South, further to the east.

Additionally, the northern-most city street that exists today is 52<sup>nd</sup> St. Adding a small street, such as 82<sup>nd</sup> Ct or 86<sup>th</sup> Ct would cause confusion for anyone seeking an address in that area, nor does it fit in with the surrounding area's street names.

Stonefield Investments, the applicant for the proposed Stonefield Court subdivision is seeking to use the name "Stonefield Court" as the proposed street name. Stonefield is the name of a local State of Oregon recreation site between Florence and Yachats, thus meeting other requirements in city code for beach and marine related names. Stonefield Beach is located across from Ten Mile Creek Rd/National Forest Service Road 56. See Figure 2 below.

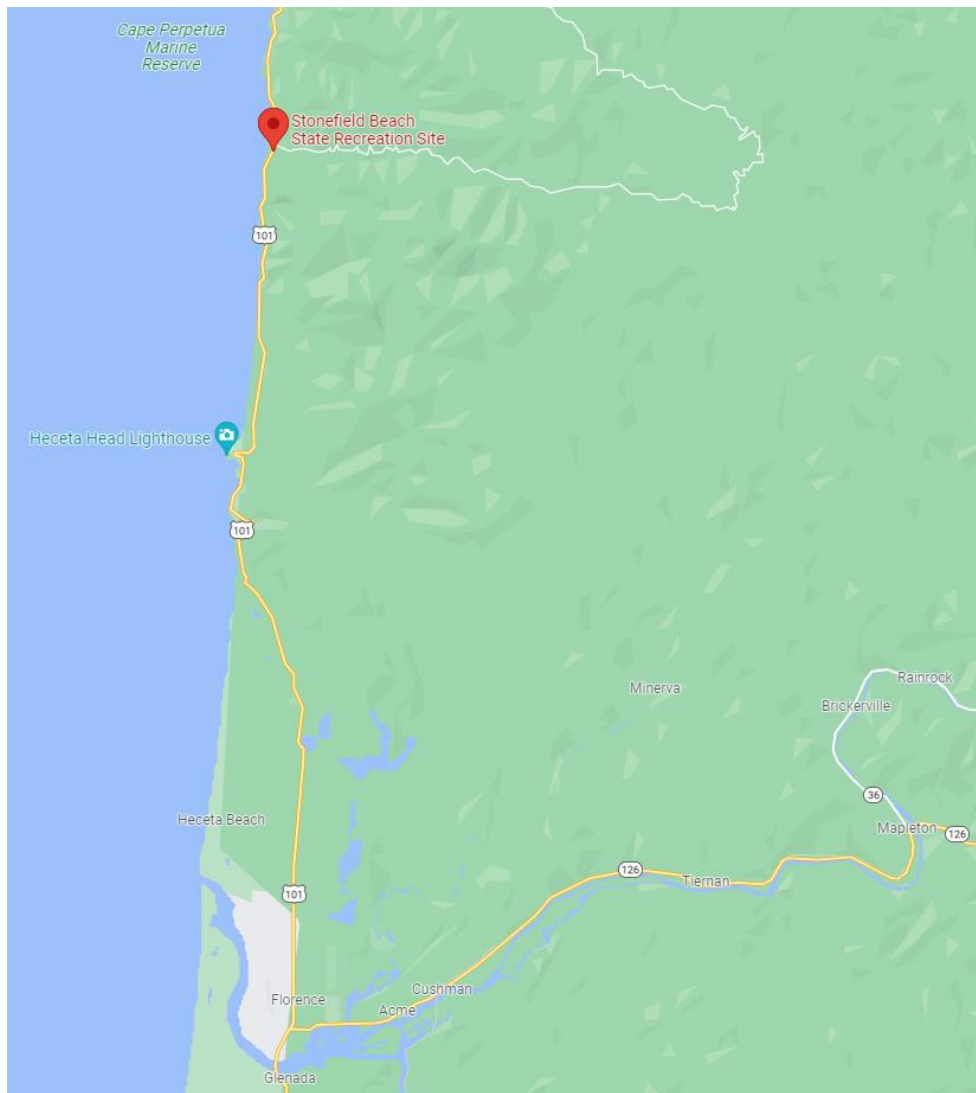


Figure 2

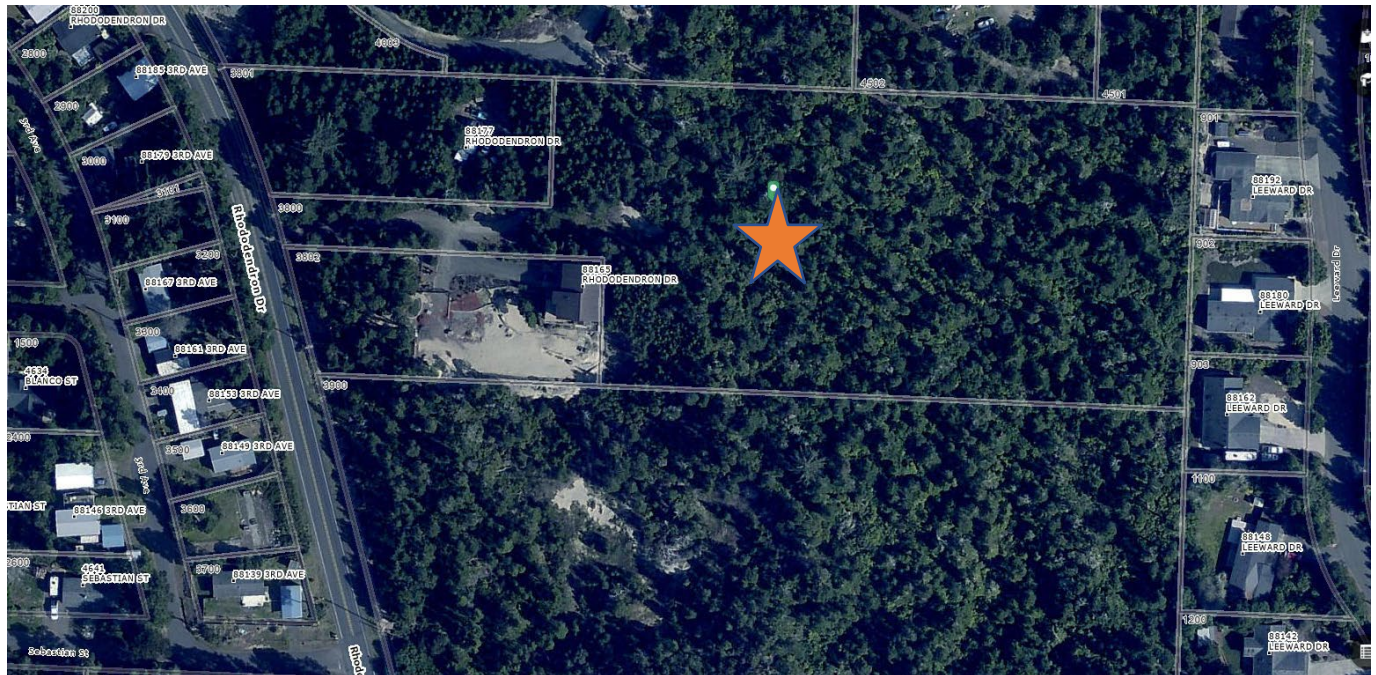
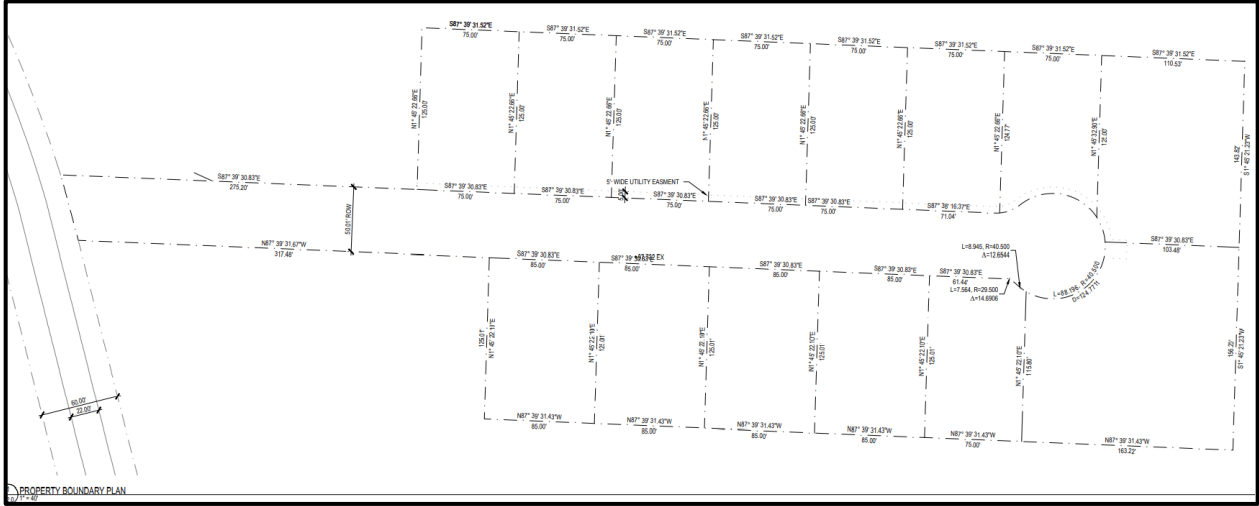
Finally, Stonefield Court has been accepted by Lane County as the proposed name of the subdivision, meeting their requirements for uniqueness within the county and content of the name.

Stonefield Investments requests that the Florence City Council approves the request to deviate from the east-west name conventions and allows the use of Stonefield Court.

# Stonefield Court Tentative Subdivision Plan and Aerial Image

## Resolution 3, Series 2022

### Exhibit B



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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL****ITEM NO:**  
Meeting Date: February 7, 2022  
Department:

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**ITEM TITLE:** Review and consider procedures for filling the vacant City Councilor position

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**DISCUSSION/ISSUE:**

Currently there is a vacancy on the Florence City Council resulting from a resignation that was announced by former Councilor Wisniewski during a City Council Work Session on January 24, 2022, and took effect immediately that day. Subsequently the remaining members of the City Council accepted the resignation at their regular business meeting on January 24, 2022, and directed staff to bring to the Council at their next meeting options to be considered for the process and the schedule to set to fill the vacant councilor position. During the City Council Work Session on February 7, 2022, the City Council will discuss a few various decision points related to the filling of the vacancy. Then later that day at the regular business meeting of the City Council it is expected that the City Council will approve a process and announce the vacant councilor position application process to the public.

**Appointment Process**

Per the Florence City Charter (Section 28), vacancies on the City Council are filled by an appointment by the City Council (made by a majority vote of the remaining Councilors). The new appointee would fulfill the remainder of the vacated term, which ends December 31, 2022. The Charter, which was adopted by the Florence voters, placed the authority with the remaining Council for picking a candidate to fill a vacancy through a majority vote of the remaining members of the Council to appoint an individual to the vacant position. The basis for the Charter process is to weigh qualifications and come to a consensus on who should fill the vacancy.

**Application Process**

In addition to the Charter appointment language, the City of Florence has typically followed a standard practice for filling vacant Councilor positions. There are links at the end of this report to the last two times the City Council has gone through this process. The processes used in the past were developed based on best practices as shown by other communities and as directed by Florence legal counsel during that time period. During the work session the City Council will consider the following for the application and appointment process for this vacancy:

- Application Form and Supplemental Questions
- Open Application Timeframe and Community Outreach Communication Plan
- Overall Schedule for the entire process
- Interview Process and Questions
- Deliberation, Vote & Appointment Process
- New Councilor's Oath of Office and First Meeting

**Next Steps**

After reviewing things during the work session, the Council will have the opportunity to review and make a recommendation on the following recruitment items and decision points during the regular meeting that will include, but not limited to the following decision points:

- 1. City Councilor Recruitment Process & Timeline
- 2. City Councilor Vacancy Application
- 3. City Councilor Interview Questions

After the Council reviews and approves the application materials and appointment process, staff will open the applications to fill the vacant position by posting materials on the City of Florence website, placing notices on social media, and submitting public service announcements to local media outlets.

**FISCAL IMPACT:**

Staff time to complete the recruitment process.

**RELEVANCE TO ADOPTED CITY WORK PLAN:**

Appointment of a new City Councilor is relevant to all City Council goals, but most importantly:

- Goal 1: City Service Delivery
- Goal 4: Communication & Trust and
- Goal 5: Financial & Organizational Sustainability

**ALTERNATIVES:**

- 1. Approve the City Council vacancy filling process as discussed during the meeting and agreed upon by the Council.
- 2. Direct staff to modify any or all of the application process and materials and bring back decisions for another meeting.
- 3. Direct staff to delay initiating the application process until a later date.

**RECOMMENDATION:**

Approve initiating the vacant position application process including the application and general application timeline as decided upon by the Council during the meeting.

**AIS PREPARED BY:**

Erin Reynolds – City Manager

**CITY MANAGER'S**

Approve
  Disapprove
  Other

**RECOMMENDATION:**

Comments:

*ERReynolds*

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**ITEMS****REFERENCED:**

Florence City Charter

<https://www.ci.florence.or.us/citymanager/city-charter>**Previous Councilor Vacancy Filling Processes:**

November 16, 2020, City Council Meeting

<https://www.ci.florence.or.us/council/city-council-meeting-195>

December 18, 2017, City Council Meeting

<https://www.ci.florence.or.us/council/city-council-meeting-159>

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 6**  
Meeting Date: February 7, 2022  
Department: Public Works

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**ITEM TITLE:** Approve the purchase of two new 2023 Ford Maverick Crew Cab Gas Electric Hybrid vehicles for Public Works in the amount of 46,530.

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**DISCUSSION/ISSUE:**

During this unprecedented time with supply chain disruptions; semiconductor chip shortages; idling and reduction of production at eight Ford Motor Company plants; has created lingering impacts in obtaining new fleet replacement vehicles. While the City has placed three new vehicle orders in 2021, only one vehicle has been scheduled for production thus far. The vehicle scheduled for production is the fully electric Transit van which was ordered in November 2, 2021 and has a tentative production date late March 2022.

The Ford Utility Police Hybrid Inceptor that was ordered September 21, 2021 currently does not have a production date as well as the F150 Hybrid pick-up truck that was ordered November 16, 2021. Our local Ford dealership has been keeping the City apprised of the situation and working hard to get our vehicle orders fulfilled, however this is a national and even international, disruption to acquiring new vehicles.

Ford Motor Company has reported that it is planning to nearly double production of certain vehicles in order to meet the high demand. They are going the route of taking reservations and has implemented a wave-by-wave reservation process with reservation holders being asked to place their orders as soon as the announcement is made (that there is an opening in the production schedule).

According to the news release from Ford Motor Company, Ford is committed to leading the electric vehicle revolution, investing more than \$30 million in electric vehicles through 2025. Over the next two years, Ford aims to emerge as the clear No. 2 electric vehicle manufacturer in North America and then challenge the No. 1 spot as large investments in battery and electric vehicle manufacturing come online.

Given the current circumstances with Ford's production schedule, Public Works is wanting to be able to place an order for two new Ford Maverick XL gas electric hybrid crew cab pickups as soon as notice is given to our local dealership.

Our Public Works is in desperate need of versatile vehicles that lessens our impact on the environment, has zero emissions and less scheduled maintenance while being 'right sized' to respond to various needs during and after regular business hours. After much research

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and discussions, we have determined that the vehicle best suited to replace our existing 1995 Ford F150 pickup truck as well as provide another vehicle for our growing field staff are two 2023 Ford Maverick Crew Cab Gas Electric Hybrid pickups.

The new Ford Maverick Gas Electric Hybrid is a four-door crew cab that has a 1,500 payload; ability to tow up to 4,000 pounds; a FLEXBED™ system that has a 4.5-foot bed, 10 available tie-downs, a 110-volt outlet and a multi-position tailgate; and a standard 2.5-liter full hybrid powertrain. The standard hybrid powertrain on the Maverick has an EPA estimated 42 mpg in the City and 500-mile range on a single tank of fuel.

We utilized the OregonBuys (formally Oregon Procurement Information Network - ORPIN) eProcurement System to secure the purchase of the vehicle. In addition, we also cross referenced the price of a new vehicle with the National Auto Fleet Group Sourcewell which is a national competitively solicited cooperative contract.

OregonBuys provides access to procurement and contracting information issued by the State of Oregon, local governments, and political subdivisions of the state. This allows us the purchasing power of the state, where by the state has already negotiated contract pricing. The purchase price from Johnston Motors, based on the ORegonBuys pricing, is:

2023 Ford Maverick Crew Cab Gas Electric Hybrid     \$23,265 (including state tax)

As a comparison, the MSPR for the 2023 Ford Maverick Crew Cab Gas Electric Hybrid is \$23,675 (vehicle only). The Sourcewell pricing from National Auto Fleet Group is \$23,491.70 which is \$226.70 greater than what we can purchase a vehicle directly from our local Ford dealership. Johnston Motor Company is a long-established new Ford vehicle dealer and has a proven record of support to the City.

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**FISCAL IMPACT:**

During the 2021-23 biennium budget process, \$300,000 was budgeted in the Public Works Administration fund for a second equipment building and office expansion in the first year of the biennium.

The proposal submitted by Johnston Motors for the purchase of two (2) new 2023 Ford Maverick Crew Cab Gas Electric Hybrid pickup truck is within the budget authority of the Public Works capital outlay program and this purchase is fully funded. Again, the purchase price, which includes both the Oregon vehicle privilege tax and vehicle use tax, is \$23,265 each for a total of \$46,530.

As mentioned in the discussion section of the staff report, due to supply chain disruptions; semiconductor chip shortages; idling and reduction of production at eight Ford Motor

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Company plants; staff is requesting advance permission to order these two vehicles as soon as the announcement is made that Ford has the ability to fulfill the production of the vehicles. We are hopeful that the announcement is in February or March and vehicle build and delivery will take place in time for our summer season.

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**RELEVANCE TO ADOPTED CITY WORK PLAN:**

- City Service Delivery - efficient and cost-effective city services by maintaining and enhancing infrastructure as feasible.
- Livability & Quality of Life – being responsive to our community’s needs with efficient, effective and sustainable service delivery.
- Financial & Organizational Sustainability – purchasing equipment that supports current and future needs.

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**ALTERNATIVES:**

1. Do not approve purchase.
2. Request formal bids.

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**RECOMMENDATION:**

Staff recommends that the City Council authorize the City Manager or designee to sign purchase agreement for two (2) new 2023 Ford Maverick Crew Cab Gas Electric Hybrid pickup trucks from Johnston Motors in the amount of \$46,530.

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**AIS PREPARED BY:** Mike Miller, Public Works Director

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**CITY MANAGER’S RECOMMENDATION:**  Approve       Disapprove       Other

Comments:

*ER Reynolds*

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**ITEM’S ATTACHED:** None

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO:** 7  
**Meeting Date:** February 7, 2022  
**Department:** Finance

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**ITEM TITLE:** Day 2 Day Market & Deli Liquor License

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**DISCUSSION/ISSUE:**

This is a request for a recommendation of a new owner and name change liquor license approval to the Oregon Liquor Control Commission (OLCC) for the liquor license for MoeJoe, Inc. doing business as Day 2 Day Market & Deli. 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.

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**FISCAL IMPACT:**

The fee for a new owner and name change liquor license is \$100. This fee includes the cost of staff time to review the application and place a recommendation before the City Council.

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**RELEVANCE TO ADOPTED COUNCIL GOALS:**

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

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**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

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**AIS PREPARED BY:** Lezlea Purcell, Finance Manager

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**CITY MANAGER'S RECOMMENDATION:**  Approve  Disapprove  Other

Comments: *ER Reynolds*

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**ITEM'S ATTACHED:** Attachment 1 – Liquor License Application

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# LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

<b>License Applied For:</b>	<b>CITY AND COUNTY USE ONLY</b>
<input type="checkbox"/> Brewery 1 <sup>st</sup> Location	Date application received and/or date stamp:  02/22/2022
Brewery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 <sup>st</sup> location	Name of City or County: _____
BPH Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	
<input type="checkbox"/> Distillery	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	By: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	Date: _____
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	<b>OLCC USE ONLY</b>
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 <sup>st</sup> location	
GSP Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	Date application received: _____
<input type="checkbox"/> Limited On-Premises	Date application accepted: _____
<input checked="" type="checkbox"/> Off-Premises	License Action(s): _____
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 <sup>st</sup> Location	
Winery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/> (4 <sup>th</sup> ) <input type="checkbox"/> (5 <sup>th</sup> ) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)<sup>1</sup>** applying for the license(s):

MOEJOE, INC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT \_\_\_\_\_ App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT \_\_\_\_\_

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT \_\_\_\_\_ App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT \_\_\_\_\_

**3. Trade Name of the Business (Name Customers Will See)**  
DAY 2 DAY MARKET & DELI

**4. Business Address (Number and Street Address of the Location that will have the liquor license)**  
1544 HWY 101

City FLORENCE	County LANE	Zip Code 97439
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<sup>1</sup> Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION

# LIQUOR LICENSE APPLICATION

<b>5. Trade Name of the Business (Name Customers Will See)</b> DAY 2 DAY MARKET & DELI			
<b>6. Does the business address currently have an OLCC liquor license?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
<b>7. Does the business address currently have an OLCC marijuana license?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>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 <a href="#">OAR 845-004-0065[1]</a>.)</b> 1544 HWY 101			
City FLORENCE	State OR	Zip Code 97439	
<b>9. Phone Number of the Business Location</b> 541- 991-3839		<b>10. Email Contact for this Application and for the Business</b> DAY2DAYMARKET1@GMAIL.COM	
<b>11. Contact Person for this Application</b> MASOUD ARIA		Phone Number 541-678-1477	
Contact Person's Mailing Address (if different) 8750 COOPERS HAWK DR	City REDMOND	State OR	Zip Code 97756

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.**

MASOUD ARIA

App. #1: (PRINT NAME)

App. #1: (SIGNATURE)

App. #1: Signature Date

Atty. Bar Information (if applicable)

App. #2: (PRINT NAME)

App. #2: (SIGNATURE)

App. #2: Signature Date

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  
**CORPORATE QUESTIONNAIRE**

PRINT FORM

RESET FORM

Corporation or Foreign Corporation Name MOEJOE, INC

Trade Name of Business (Name Customers Will See) DAY 2 DAY MARKET & DELI

**LIST OFFICERS** (Please follow directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President (if required)	MASOUD ARIA
Secretary (if required)	
Treasurer (list only if have one)	
Vice president with responsibility over the operation of the business (list only if have one)	

**LIST BOARD OF DIRECTORS** (Please follow directions on page 1. You may include information on a separate sheet.)

Name (please print)	Name (please print)
MASOUD ARIA	

**LIST SHAREHOLDERS** (Please follow directions on page 1. You may include information on a separate sheet.)

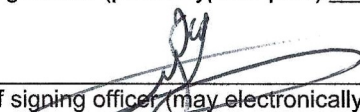
Name (please print)	Percentage of issued shares held
MASOUD ARIA	100%

**SERVER EDUCATION DESIGNEE** (Please follow directions on page 1)

Name (please print)	Date of Birth

**OFFICER'S SIGNATURE** (Please follow directions on page 1)

NAME of Signing Officer (please type or print) MASOUD ARIA

SIGNATURE of signing officer (may electronically sign)  DATE 02-01-2022

**This box OLCC use ONLY**

Only for an applicant of record: SOS Number \_\_\_\_\_ Current at the time of issuing the license (yes/no) \_\_\_\_\_

Does the entity hold, or has it ever held, an OLCC-issued liquor license? \_\_\_\_\_



Oregon Liquor Control Commission  
**CORPORATE QUESTIONNAIRE**

PRINT FORM

RESET FORM

Corporation or Foreign Corporation Name MOEJOE, INC

Trade Name of Business (Name Customers Will See) DAY 2 DAY MARKET & DELI

**LIST OFFICERS** (Please follow directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President (if required)	MASOUD ARIA
Secretary (if required)	
Treasurer (list only if have one)	
Vice president with responsibility over the operation of the business (list only if have one)	

**LIST BOARD OF DIRECTORS** (Please follow directions on page 1. You may include information on a separate sheet.)

Name (please print)	Name (please print)
MASOUD ARIA	

**LIST SHAREHOLDERS** (Please follow directions on page 1. You may include information on a separate sheet.)

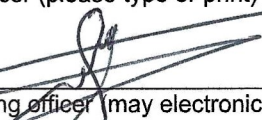
Name (please print)	Percentage of issued shares held
MASOUD ARIA	100%

**SERVER EDUCATION DESIGNEE** (Please follow directions on page 1)

Name (please print)	Date of Birth

**OFFICER'S SIGNATURE** (Please follow directions on page 1)

NAME of Signing Officer (please type or print) MASOUD ARIA

 DATE 02-01-2022  
 SIGNATURE of signing officer (may electronically sign)

**This box OLCC use ONLY**

Only for an applicant of record: SOS Number \_\_\_\_\_ Current at the time of issuing the license (yes/no) \_\_\_\_\_

Does the entity hold, or has it ever held, an OLCC-issued liquor license? \_\_\_\_\_





# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: MASOUD ARIA Phone: 541-678-1477

Trade Name (dba): DAY 2 DAY MARKET & DELI

Business Location Address: 1544 HWY 101

City: FLORENCE ZIP Code: 97439

### DAYS AND HOURS OF OPERATION

#### Business Hours:

Sunday 6:00 AM to 10:00 PM  
 Monday 6:00 AM to 10:00 PM  
 Tuesday 6:00 AM to 10:00 PM  
 Wednesday 6:00 AM to 10:00 PM  
 Thursday 6:00 AM to 10:00 PM  
 Friday 6:00 AM to 10:00 PM  
 Saturday 6:00 AM to 10:00 PM

#### Outdoor Area Hours:

Sunday \_\_\_\_\_ to \_\_\_\_\_  
 Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday \_\_\_\_\_ to \_\_\_\_\_  
 Thursday \_\_\_\_\_ to \_\_\_\_\_  
 Friday \_\_\_\_\_ to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_

The outdoor area is used for:

- Food service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Alcohol service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Enclosed, how \_\_\_\_\_

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

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

### ENTERTAINMENT

Check all that apply:

- Live Music  Karaoke  
 Recorded Music  Coin-operated Games  
 DJ Music  Video Lottery Machines  
 Dancing  Social Gaming  
 Nude Entertainers  Pool Tables  
 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: 0 Outdoor: 0  
 Lounge: 0 Other (explain): 0  
 Banquet: 0 Total Seating: 0

#### OLCC USE ONLY

Investigator Verified Seating: \_\_\_\_ (Y) \_\_\_\_ (N)  
 Investigator Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_

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

Applicant Signature:  Date: 02-01-2022

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



## OREGON LIQUOR CONTROL COMMISSION

### Real Property Attestation

**IMPORTANT:** Please read Oregon Administrative Rule (OAR) 845-005-0311 [here](#) before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

DAY 2 DAY MARKET & DELI

Business Trade Name (the name customers see)

1544 HWY 101, FLORENCE OREGON, 97439

Business Address (street, city, zip code)

#### Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

#### ATTESTATION

##### All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
  - a. Does *not* include any common areas; or
  - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
    - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
  - a. Has no area on property controlled by a public entity (like a city, county, or state); or
  - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

DAY 2 DAY MARKET & DELI

Business Trade Name (the name customers see)

1544 HWY 101, FLORENCE OREGON, 97439

Business Address (street, city, zip code)

Applicant(s) Signature

- Each individual listed as an applicant must sign this form.
• 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 this form.
• 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 this form. If an individual other than an applicant signs this form, 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.

02-01-2022

Date

If an attorney

(Print Name)

(State of bar licensure)

(Bar number)

If an applicant

Masoud ARIA

Applicant #1 (Print Name)

Applicant #1 (Signature)

Applicant #2 (Print Name)

Applicant #2 (Signature)

Applicant #3 (Print Name)

Applicant #3 (Signature)

Applicant #4 (Print Name)

Applicant #4 (Signature)



# OREGON LIQUOR CONTROL COMMISSION

## Real Property Attestation

**IMPORTANT:** Please read Oregon Administrative Rule (OAR) 845-005-0311 [here](#) before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

DAY 2 DAY MARKET & DELI

Business Trade Name (the name customers see)

1544 HWY 101, FLORENCE OREGON, 97439

Business Address (street, city, zip code)

### Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

### ATTESTATION

#### All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
  - a. Does not include any common areas; or
  - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
    - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
  - a. Has no area on property controlled by a public entity (like a city, county, or state); or
  - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

DAY 2 DAY MARKET & DELI

Business Trade Name (the name customers see)

1544 HWY 101, FLORENCE OREGON, 97439

Business Address (street, city, zip code)

Applicant(s) Signature

- Each individual listed as an applicant must sign this form.
• 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 this form.
• 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 this form. If an individual other than an applicant signs this form, 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.

02-01-2022

Date

If an attorney

(Print Name)

(State of bar licensure)

(Bar number)

If an applicant

Masoud ARIA

Applicant #1 (Print Name)

Applicant #1 (Signature)

Applicant #2 (Print Name)

Applicant #2 (Signature)

Applicant #3 (Print Name)

Applicant #3 (Signature)

Applicant #4 (Print Name)

Applicant #4 (Signature)



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	ARIA  Last	MASOUD  First	SAID  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><b>SOCIAL SECURITY NUMBER DISCLOSURE:</b> 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) &amp; 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 checked="" type="checkbox"/>				
5. Date of Birth (DOB):	[REDACTED]  (mm)	[REDACTED]  (dd)	1965  (yyyy)	
6. Driver License or State ID # [REDACTED]			7. State OREGON	
8. Contact Phone: 541-678-1477				
9. E-mail Address: DAY2DAYMARKET1@GMAIL.COM				
10. Mailing Address:	1544 HWY 101  (Number and Street)	FLORENCE  (City)	OR  (State)	97439  (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):	ARIA Last	MASOUD First	SAID Middle
Signature:			Date: 02-01-2022

**This box for OLCC use ONLY**

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

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 8**  
Meeting Date: February 7, 2022  
Department: City Manager

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**ITEM TITLE:** CITY MANAGER REPORT & DISCUSSION ITEMS

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**AGENDA ITEM SUMMARY**  
**FLORENCE CITY COUNCIL**

**ITEM NO: 9**  
Meeting Date: February 7, 2022  
Department: City Council

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**ITEM TITLE:** CITY COUNCIL REPORTS & DISCUSSION ITEMS

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