



City of Florence
A City in Motion

City of Florence Council Regular Session

In Person & Videoconference
250 Hwy 101
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

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

October 16, 2023

AGENDA

5:30 p.m.

Councilors:

Rob Ward, Mayor

Sally Wantz, Council President

Bill Meyer, Council Vice-President

Jo Beaudreau, Councilor

Robert Carp, Councilor

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

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

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

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/2395216146769391451>

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](http://www.ci.florence.or.us).

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

PRESENTATIONS & ANNOUNCEMENTS

- Chamber of Commerce Proclamation
- Arts and Humanities Month Proclamation
- Travel Lane County Annual Report

Mayor Ward

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 ITEMS

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

2. HILL ANNEXATION AND ZONE ASSIGNMENT

A. PUBLIC HEARING ON ANNEXATION & ZONE CHANGE

Hear and consider written and oral testimony regarding the annexation and zone assignment as applied for by, Jessica Hill, on behalf of Jerard D. Oflock Trust, to annex approximately 0.34 acres of property into the Florence city limits and apply Medium Density Residential zoning. The property is described as 88384 1st Avenue at the SW intersection of 1st Ave. and Meares St.

B. HILL ANNEXATION REQUEST

Consider approval of **Ordinance No. 9, Series 2023**, an ordinance approving the annexation of property within the UGB, identified as 88384 1st Avenue, Assessor's Map 18-12-04-42 Tax Lot 01202.

C. HILL ZONE ASSIGNMENT REQUEST

Consider approval of **Ordinance No. 10, Series 2023**, an ordinance establishing assignment of medium density residential zoning as part of a proposed annexation to property identified as 88384 1st Avenue, Assessor's Map 18-12-04-42 Tax Lot 01202.

Wendy
FarleyCampbell
Planning Director

3. SOLID WASTE HAULER RATE ADJUSTMENTS

A. PUBLIC HEARING

Hear and consider written and oral testimony concerning an adjustment for the rate for Florence garbage haulers.

Wendy Farley-
Campbell
Planning Director

B. SOLID WASTE RATE ADJUSTMENT

Consider approval of **Resolution No. 21, Series 2023**, a resolution governing rates for solid waste services and repealing Resolution No. 13, Series 2023.

ACTION ITEMS

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

4. TRANSPORTATION SYSTEM PLAN (TSP) UPDATE AND IMPLEMENTATION

Note: Public Hearing held and closed during the September 25, 2023 City Council Meeting. There will be no public comment for this item. See special timeline at the end of this agenda.

Consider approval or setting a date certain for adoption of **Ordinance No. 7, Series 2023**, an ordinance adopting legislative amendments to the Florence Realization 2020 Comprehensive Plan, Florence City Code Title 10, and adopting and implementing the City of Florence 2023 Transportation System Plan.

Wendy
FarleyCampbell
Planning Director

CONSENT AGENDA

5. BRIDGEPORT MARKET CHANGE OF OWNERSHIP LIQUOR LICENSE

Consider recommendation of approval to the Oregon Liquor & Cannabis Commission (OLCC) for a change of ownership liquor license for the Bridgeport Market located at 75 Harbor Street Suite 100.

Lezlea Purcell
Finance Manager

6. LINDA DID IT DELI & ESPRESSO LIQUOR LICENSE

Consider recommendation of approval to the Oregon Liquor & Cannabis Commission (OLCC) for a liquor license for Linda Did It Deli and Espresso located at 1856-2 37th Street.

Lezlea Purcell
Finance Manager

REPORT & DISCUSSION ITEMS

7. DEPARTMENT DIRECTOR UPDATES

Management
Team

8. CITY MANAGER REPORT & DISCUSSION ITEM

Erin Reynolds
City Manager

9. CITY COUNCIL REPORTS & DISCUSSION ITEMS

City Council

COUNCIL CALENDAR

All meetings are held in person with a virtual option unless otherwise indicated

Date	Time	Description
October 19, 2023	8:30 a.m.	City Council Work Session
November 6, 2023	5:30 p.m.	City Council Meeting
November 9, 2023	8:30 a.m.	City Council Work Session
November 20, 2023	5:30 p.m.	City Council Meeting

PUBLIC MEETINGS PROCEDURES

The October 16, 2023 City Council meeting will be held in person, with the option to view / listen to the meeting virtually through the GotoWebinar platform.

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

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;
 - 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 (October 16, 2023 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 at least 1 hour prior to the meeting (October 16, 2023 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 Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/council/rules-procedure>.

*** On Monday, September 25, 2023, the Florence City Council held a public hearing for Ordinance No. 7, Series 2023, the Transportation System Plan (TSP) Update and Implementation. After receiving the presentation and having a discussion on the matter, the Council decided to move the ordinance reading and deliberation of this item to the October 16th City Council meeting. Council closed the public hearing and left the written record open until **October 9th at 5:00pm**. To learn more about the Transportation System Plan (TSP) Update project, please visit the City's website here: <https://www.ci.florence.or.us/planning/florence-transportation-system-plan-tsp-update-project>. To view the September 25th City Council meeting, visit the City's website here: <https://www.ci.florence.or.us/council/city-council-meeting-250>

PROCLAMATION

Office of the Mayor, City of Florence



SUPPORT YOUR LOCAL
CHAMBER OF COMMERCE
DAY | OCTOBER 18, 2023

#CHAMBERSTRONG



SUPPORT YOUR LOCAL CHAMBER OF COMMERCE DAY

WHEREAS, “Support Your Local Chamber of Commerce Day” is observed on the third Wednesday of October each year, and

WHEREAS, this year the City of Florence joins communities across the nation to celebrate their local chambers of commerce on October 18th, 2023, and

WHEREAS, most days, chamber professionals are focused on their member businesses and communities, but sometimes need their deserved recognition for their accomplishments...

WHEREAS, the City of Florence, The City in Motion, recognizes the Florence Area Chamber of Commerce is a Catalyst for Businesses, a Convener of Leaders and Influencers, and a Champion for a thriving community...

WHEREAS, through many vibrant partnerships and alliances our local chamber provides Florence with resources and direction for the success of a thriving business economy that improves quality of life to make Florence a great place to live.

WHEREAS, Our Chamber, as the City’s partner in tourism marketing to the benefit of more than 600 businesses, is indeed the Catalyst, Convener, and Champion instrumental in economic growth and stability—even through a pandemic—leading to tourism employing approximately 1450 of the 4600 people working in Florence, and pumping about \$200 million into the Florence area economy every year.

NOW, THEREFORE, I, Mayor Rob Ward, and the City of Florence, encourage all businesses, nonprofits, and citizens to learn of, and take advantage of, the resources available from the Florence Area Chamber of Commerce—and to celebrate our Chamber for their continuously beneficial and crucially essential contributions that keep Florence the City In Motion and Oregon’s Coastal Playground.

Rob Ward, Mayor

PROCLAMATION

Office of the Mayor, City of Florence



Experience Florence
Where Everyday is a Celebration of the Arts

NATIONAL ARTS AND HUMANITIES MONTH OCTOBER 2023

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for over 30 years; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our country; and

WHEREAS, the City of Florence recognizes the economic impact of the arts in our 'City in Motion' and has developed a Public Arts Program and Committee to help assist this grassroots effort in creating economic vitality through the arts; and

WHEREAS, the City of Florence Public Arts Committee's mission is to integrate art into the daily life of our community and inspire extraordinary creative expression that will enrich public awareness, enhancing the vitality, economy and diversity of Florence through the arts.

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Florence, I do hereby proclaim **October as National Arts and Humanities month** in the City of Florence and call upon our citizens to celebrate and promote the arts and culture in our nation and specifically encourage the greater participation by those said citizens in taking action for the arts and humanities in their communities.



Rob Ward, Mayor

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: October 16, 2023
Department: Mayor & Council

ITEM TITLE: Public Comments – *Items Not on the Agenda*

DISCUSSION/ISSUE:

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

AGENDA ITEM SUMMARY / STAFF REPORT**FLORENCE CITY COUNCIL****ITEM NO: 2**

Meeting Date: 10/16/23

Department: Community Dev.

ITEM TITLE: Ordinances 9 & 10, Series 2023
Hill & Oflock 88384 1st Avenue Annexation and Zone Assignment

OVERVIEW:

Application: The petitioner requests annexation of one lot totaling roughly .34 acres, identified as Assessor's Map Reference (MR) 18-12-04-42, Tax Lot (TL) 01202. Under Florence City Code, the City Council may assign zoning of Medium Density Residential, in conformity with the Comprehensive Plan designation of the property.

Process and Review: Annexation petitions and associated zone assignments are processes that include two public hearings: one with the Planning Commission (PC), which made a recommendation to the City Council, and another public hearing with City Council, which will make 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 (DLCD) 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.

Testimony/Agency Referrals: Public Testimony comments are included in Exhibit F, and agency referrals are included in Exhibit D. Information, comments, and concerns, where covered by applicable criteria, are addressed in the Findings of Fact.

ISSUES/DECISION POINTS: None

ALTERNATIVES:

1. Approve Ordinance Numbers. 9 & 10, Series 2023 as presented or with modifications, or
2. Deny the annexation and zone change based on the Council's findings to support denials, or
3. Continue the public hearing to a date certain, or
4. Close the hearing and leave the written record open for 7 days

RECOMMENDATION:

Planning Commission: On September 26, 2023, the Florence Planning Commission approved Resolutions PC 23 12 ANN 01 and PC 23 13 ZC 01, recommending approval of the annexation and zone assignment.

Staff concurs with the Planning Commission's recommendation.

AIS PREPARED BY:

Clare Kurth, Assistant Planner

**CITY MANAGER'S
RECOMMENDATION:**

Approve Disapprove Other

Comments:

ER Reynolds

ATTACHMENTS:

Attachment 1- Ordinance 9, Series 2023: Annexation Request

Exhibit A Map of Annexation Area

Exhibit B Findings of Fact

Attachment 2- Ordinance 10, Series 2023: Zone Assignment

Exhibit A Map of Zone Assignment Area

Exhibit B Findings of Fact

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

Exhibit C: Petition for Annexation and Application

Exhibit D: Referral Comments

Exhibit E: Significant Reach Map Excerpt

Exhibit F: Speaker's Card September 26, 2023

Exhibit G: Planning Commission Resolutions

**CITY OF FLORENCE
ORDINANCE NO. 9, SERIES 2023**

**AN ORDINANCE APPROVING THE ANNEXATION OF PROPERTY WITHIN THE UGB,
IDENTIFIED AS 88384 1ST AVENUE, ASSESSOR'S MAP 18-12-04-42 TAX LOT 01202**

RECITALS:

1. The City of Florence was petitioned by the property's Power of Attorney, Jessica Hill, on July 11, 2023, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The signed petition to annex was received constituting more than half of the owners of land in the territory consenting in writing to the annexation, with the sole owner consenting to annex more than half of the land in the contiguous territory, and the owner 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 adopted findings of fact in support of the annexation.
5. The City Council met in a public hearing on October 16, 2023, 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 October 16, 2023, 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. 10, Series 2023 zoning the annexed property as Medium Density Residential, as described in Exhibits A and B, 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 Assessor's Map 18-12-04-42 Tax Lot 01202, and territory owned by the petitioner into the City of Florence containing approximately .34-acre 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 16th day of October, 2023.

Second Reading on the 16th day of October, 2023.

This Ordinance is passed and adopted on the 16th day of October, 2023.

Councilors:

AYES

NAYS

ABSTAIN

ABSENT

Rob Ward, Mayor

Attest:

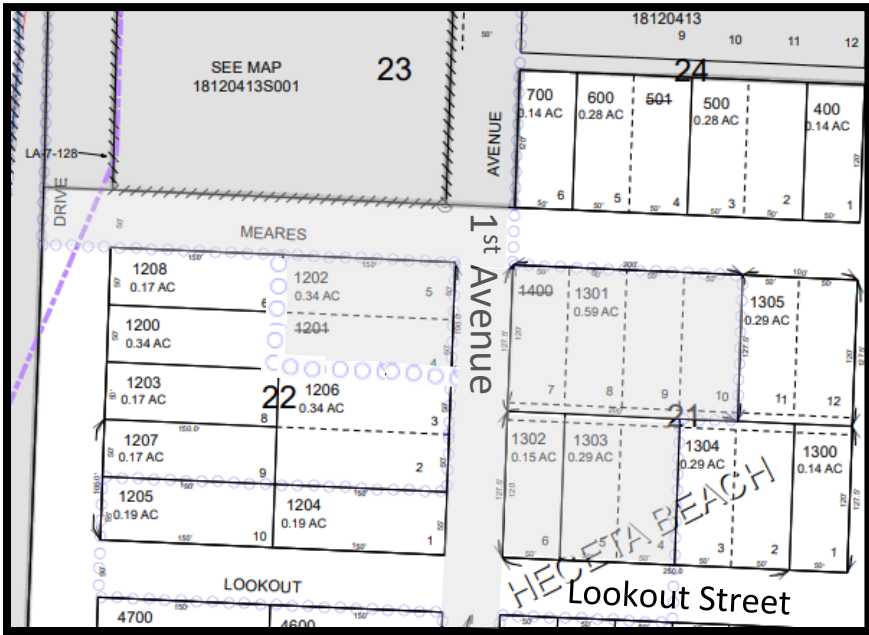
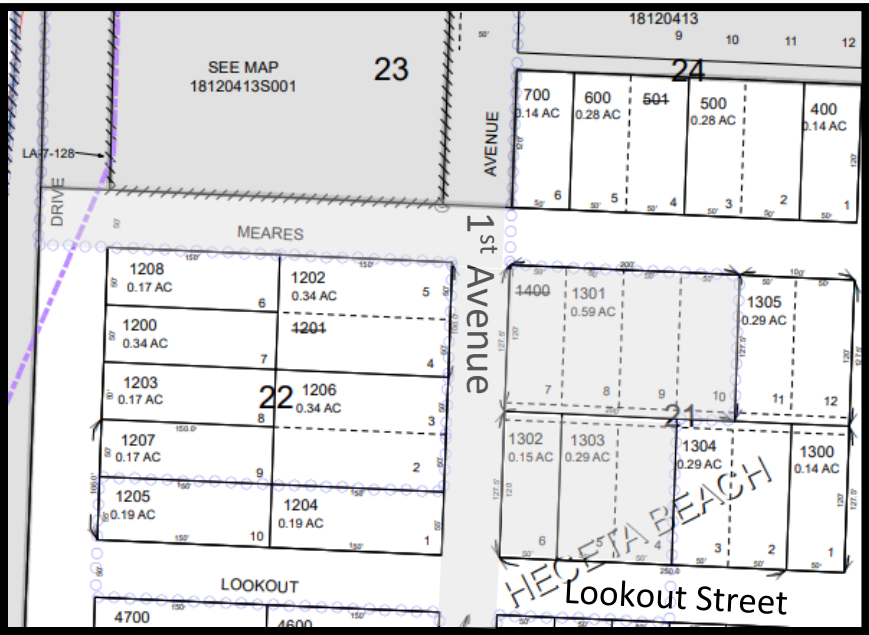
Lindsey White, City Recorder




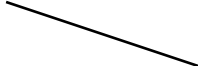
EXHIBIT A

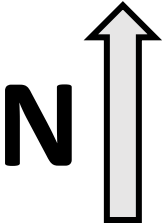
Exhibit A Resolution PC 23 12 ANN 01 88384 1st. Ave.- Hill & Oflock

Before Proposed Annexation

After Proposed Annexation



 City of Florence	 City Limits
 Unincorporated	 Tax Lot Boundaries



Legal Description

Legal Description: Lots 4 and 5, Block 22, HACETA BEACH,
as platted and recorded in Volume 7, page 25, Lane County Plat
records, in Lane County, Oregon.

CITY OF FLORENCE ORDINANCE NO. 10, SERIES 2023

AN ORDINANCE ESTABLISHING ASSIGNMENT OF MEDIUM DENSITY RESIDENTIAL ZONING AS PART OF A PROPOSED ANNEXATION TO PROPERTY IDENTIFIED AS 88384 1ST AVENUE, ASSESSOR'S MAP 18-12-04-42 TAX LOT 01202

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's Power or Attorney, Jessica Hill, on July 11, 2023, 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 September 26, 2023, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on September 26, 2023, 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 October 16, 2023, 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 October 16, 2023, and found that the subject property is plan designated Medium Density Residential in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Medium Density Residential consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 9, Series 2023, annexing the property as described in the Ordinance title above.

Based on these findings,

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

1. The City of Florence approves the zoning of the property as Medium Density Residential as shown on the attached map Exhibit A to Assessor's Map 18-12-04-42 Tax Lot 01202, containing approximately .34 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 bears 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. 9, Series 2023.

ADOPTION:

First Reading on the 16th day of October, 2023

Second Reading on the 16th day of October, 2023

This Ordinance is passed and adopted on the 16th day of October, 2023.

Councilors:

AYES

NAYS

ABSTAIN

ABSENT

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder

PC 23 13 ZC 01
Hill / Oflock 88384 1st Ave. Zone Assignment
Exhibit A

EXHIBIT A







Before Proposed Rezoning



After Proposed Rezoning



18-12-04-42 01301
1st Avenue - Proposed Zone Assignment to Medium Density Residential

 Medium Density Residential	 City Limits
 Commercial	 Tax Lot Boundaries
 Open Space	 Unincorporated

**CITY OF FLORENCE
FINDINGS OF FACT
Ordinance No. 9, 2023 Exhibit B
Ordinance No. 10, 2023 Exhibit B**

Public Hearing Date: October 16, 2023
Date of Report: October 6, 2023

I. PROPOSAL DESCRIPTION

Proposal: Annexation
A request from the Power of Attorney of a property for the City of Florence to annex the property from Lane County into the City.

Zone Assignment
Upon annexation, the property requires zoning assignment by the Florence City Council. The corresponding zoning district matching the property's plan designation is Medium Density Residential District.

Petitioners/Applicants: Jessica Hill and Jerad Oflock

General Property Description (Annexation boundary described in respective Exhibit A; Zoning areas described in respective Exhibit A):

88384 1st Avenue
Assessor's Map Reference (MR) 18-12-04-42, Tax Lot (TL) 01202

Comprehensive Plan Map Designation: Medium Density Residential

Surrounding Land Use | Current Zoning:

Site: Detached single-unit dwelling | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay (County)

North: Tourism & Lodging (Driftwood Shores Resort) | Commercial

South: Detached single-unit dwelling | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay (County)

East: Detached single-unit dwelling | Medium Density Residential

West: Detached single-unit dwelling | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay (County)

Streets | Classification: North: (improved/gravel) Meares St - Local.; South: None; East: 1st Ave. – Local; West: None

II. NARRATIVE

The applicant petitioned for annexation of Tax Lot 01202 from Lane County jurisdiction to City of Florence jurisdiction. The property is owned by Jared D. Oflock Trust and the applicant and petitioner is the Power of Attorney (POA) for this property, Jessica Hill. If the property is annexed, the City of Florence City Council may use its authority to assign a City zoning designation. City staff initiate a zoning assignment application to process concurrently with the annexation request.

The property includes an existing single-unit dwelling that abuts 1st Avenue to the east, and property immediately to the south, both of which are within the City of Florence Urban Growth Boundary (UGB) but are outside the City Limits. Meares St. abuts the property to the north and is within the City of Florence City limits. The abutting portion of Meares Street is improved with gravel and primarily used for parking and beach access. Access to the subject property would be from the existing, improved 1st Ave.

Sewer infrastructure is available in 1st Avenue. The property owner will bear any costs associated with accessing the pressure wastewater lines.

The petition requesting annexation and zoning assignment was received on July 11, 2023, and deemed complete as of July 13, 2023. 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).

Procedurally, Florence City Code, Title 10, Chapter 1 calls for processing the annexation as a Type IV application. The zoning assignment procedure applies to the property as illustrated in Exhibit A of the zoning assignment Resolution. In accordance with FCC 10-1-5-B, the two actions will be processed through consolidated proceedings.

The property is designated in the Florence Realization 2020 Comprehensive Plan as Medium Density Residential, and shall be zoned Medium Density Residential upon annexation.

The property would continue to be served by Heceta Water PUD, which maintains water infrastructure directly adjacent to the property. After annexation, the Property will be provided City services such as sewer and police protection. The property is within the Siuslaw Rural Fire Protection and Western Lane Ambulance Districts. The property will continue to be served by all districts presently providing public services.

III. PUBLIC NOTICE

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on August 22, 2023, not less than 35 days prior to the proposed first evidentiary hearing of September 26, 2023, as required by State law and the Florence City Code.

Notice of the Planning Commission’s public hearing was mailed on September 6, 2023, to owners of property within 300’ of the Property. Notice was published in the Siuslaw News on September 15, 2023.

Public Comments:

September 26, 2023. David Johnson & Kimber Bishop: A speaker’s card received prior to the Planning Commission Hearing stated (Exhibit F):

- 1) Clarification of the Property Description: From "Commercial lodging to the N; Single family S + E; Beach to the West" to "Commercial lodging to the N; Single family South, East and West". We own one lot to the West.
- 2) Heavy equipment staging and impact to our septic drain field at the east half of our lot (Map Lot 1812044201200)
- 3) If in the future, the potential of up to 10 units in a Medium Density Residential zone is developed, what building requirements will ensure the private road to the west is not used?

Response:

- 1) The property classifications have been reviewed and checked for correct property classifications and language consistent with relevant Florence City Code chapters and definitions.
- 2) Any heavy equipment used for connecting this subject site to City sanitary sewer would be contained on the subject property or in the ROW with no anticipated impacts to adjacent properties or their septic systems. Impact from this connection is anticipated to be temporary and have a duration during site work only.
- 3) Medium density residential has a maximum of 12 units per acre. The subject property is 0.34 acres. Therefore, the maximum dwelling units that could be developed on this lot would be 4 ($0.34 \times 12 = 4.08$). Any development on this lot would be required to meet minimum development standards consistent with FCC 10-10, including required review process and noticing to neighboring property owners in accordance with FCC 10-1. This lot has the potential for future development and increased density, but none is proposed as part of this application.

IV. REFERRALS

On September 17, 2023, referrals were sent to the Florence Public Works, Building, Utility Billing, Police Departments, Lane County Management Divisions, Heceta Water PUD, Western Lane Ambulance, and Siuslaw Valley Fire and Rescue.

Referral Comments:

At the time of this report, the City had received comments from Florence Public Works, Siuslaw Valley Fire and Rescue and the Lane County Transportation Department.

Florence Public Works Department

"Florence Public Works offers the following comments regarding the annexation of 88384 1st Avenue, Assessors Map No. 18-12-04-42, Tax Lot 01202:

Sanitary Sewer

Currently, the total sanitary sewer capacity of the treatment plant is 1.3 million gallons per day (mgd) dry weather flow. Our current average dry weather flow is 0.745 which equates to 0.555 mgd of excess capacity at the treatment plant.

The City has a pressure sewer line located on the east side 1st Avenue as well as a regional sewer pumping facility on 1st Avenue across from 88466 1st Avenue (Surfside Restaurant – Driftwood Shores Resort and Conference Center). Gravity sewer is currently unavailable at this location, however pressure sewer is available and the existing pressure sewer line has excess capacity. Florence Public Works has been working with the property owner in getting them connected to sanitary sewer as quickly as possible since their septic drainfield has failed and they are having their septic tank pumped on a very frequent and regular basis. Due to this failure and

the property owners desire to connect to City sanitary sewer in an expeditious manner, they have pre-paid the customary \$12,000 connection fee to the pressure sewer line in this area and the wastewater system development charges.

In order to connect to the pressure sewer line, the City will tap (connect) to the pressure sewer main line, extend a small diameter pressure line to the location of the existing septic tank and install the necessary pump and controls.

Streets

Currently, this portion of 1st Avenue has already been annexed to the City, however the street continues to be under Lane County for maintenance. The City does not plan on seeking jurisdictional transfer of maintenance responsibilities for 1st Avenue at this time.

Stormwater

Since the property is already developed, additional stormwater management is not necessary.

Water

The property is currently within Heceta Water People's Utility District (HWPUD) service territory and will remain a HWPUD customer. Please contact HWPUD for specific fire flow and domestic capacities for this area."

Siuslaw Valley Fire and Rescue

Siuslaw Valley Fire and Rescue responded that they had no concerns with this property being annexed into the City.

Lane County Transportation Department

Lane County states supporting the annexation and "highly encourages the annexation of the right-of-way of 1st Avenue to the greatest extent possible..."

V. APPLICABLE REVIEW CRITERIA

Annexation:

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; 222.170

Oregon Administrative Rule (ORS)

660-015-000, Goal 10 Housing

660-012-0060, Transportation

Florence Realization 2020 Comprehensive Plan, Chapters

1: Citizen Involvement, Policy 4

2: Land Use, Policy 6; Residential Policy 10; and Residential Plan Designations

12: Transportation: 8

14: Urbanization; Annexation section, Policies 1 through 7

Florence City Code (FCC), Chapters

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

Proposed Zone Assignment—Medium Density Residential District:

Florence Realization 2020 Comprehensive Plan

1: Citizen Involvement, Policy 4

2: Land Use, Policy 6; Residential Policies 2, 7, 8 & 10; and Section on Residential Plan Designations

Florence City Code (FCC), Chapters

1: Zoning Regulations; Sections

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

10: Residential Districts; Section 1

Oregon Land Use Planning Goals

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

VI. FINDINGS OF FACT

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

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

Policies

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

Consistent with this policy is met regarding City meetings being well publicized and at regular times. Noticing was previously discussed in these Findings and meets Code criteria in accordance with FCC 10-1-1-6-4-D. These public hearing proceedings are being held at a regular time, place, and day for Planning Commission meetings. Citizens were provided the opportunity to submit both verbal and written comments as described on the meeting agenda, notice of hearing, and the media notice published in the Siuslaw Newspaper. The option to provide public comment included both in-person and virtual options. Beyond meeting this Comp. Plan policy, Oregon State meeting laws under Executive Order No. 20-16 have also been met. These policies are met.

Chapter 2: Land Use

Policies

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

Consistent with this policy, the provision of City utility services to the proposed annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these

systems and hired consultants to supplement these studies. Most recently the City updated its Stormwater Management Plan and Public Facilities Master Plan. Public Works testimony using analysis from the documentation within these recent study results confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents, consistent with the direction in this policy.

Residential

Goal

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

Policy 2. The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.

In December 2019, the City adopted new housing codes that increased the density of residential districts through the use of small lots. The revised Medium Density Residential District (formerly Single-family Residential) implements this policy and provides the framework for the future development of this property. While the City adopted housing codes July 2023 and went into effect August 2023. These new housing codes were not in effect when this application was received. Therefore the 2019 housing codes apply to this application, not the 2023 updated housing codes.

Policy 7. Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.

The subject property is zoned Suburban Residential/Mobile Home with an Interim Urban Combining District Overlay within Lane County and is developed. The implementing zone for this area is Medium Density Residential. The City has established policy in the Comprehensive Plan and City Code regulating development in these land use classifications. Residential development on the property would not constitute a threat to the public health or welfare or create excessive public expense any more than the development that is typical to the area, and development regulations are in place to abate any potential issues.

According to RLID, 61 percent of the property includes soils (Waldport fine sand, 12 to 30 percent slopes) that require a Phase 1 Site Investigation Report (SIR) prior to development or clearing. In accordance with Title 10 Chapter 7, these are performed in conjunction with development or platting to identify areas of hazard and ensure the development is proposed in a manner to eliminate the risk associated with the hazard. At this time, the property contains a detached single unit residence, and no new development is being proposed aside from attaching to the City sanitary sewer system after annexation.

The adjacent improved street infrastructure is designated Local, serving local residences as well as public beach access points, and Driftwood Shores Resort. The surrounding area includes residential properties. Existing and proposed development on this property will be subject to City code related to traffic impact studies and resulting improvements and be subject to nuisance code and land use codes. Any future proposed development on the property shall be subject to both City zoning regulations and State building codes as applicable.

Policy 8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.

This proposed annexation site represents a residential use and the adjacent property to the north, and separated by Meares Street, is Driftwood Shores Resort which is a mixed use consisting of tourism and lodging facilities, private condos, and commercial space. Both uses are pre-existing, and this annexation does not warrant reevaluation of screening and buffering protection by Driftwood Shore Resort (Commercial) for this residential lot.

Policy 10. Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.

The property includes an existing detached single-unit residence. Any additional development on the property would be in accordance with the implementing zoning district, Medium Density Residential. The properties surrounding this property to the south and west have County zoning consistent with the City's Medium Density Residential (MDR) District. The properties to the east, located on the east side of 1st Ave have been annexed into the City and have been zone designated MDR.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use.

Upon annexation, the City Council may assign City of Florence zoning to the property. Zone assignment of Medium Density Residential would match the property's underlying Comprehensive Plan Designation. Residential development on the Property would meet the requirements of this zone, as detailed in FCC Title 10 Chapter 10.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits, and the proposal meets the applicable City code and Comprehensive Plan policies; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area. The annexation will allow the provision of City sewer to the property. All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.

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’s Power of Attorney in order to receive City services and has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

For this proposed annexation, the City of Florence has utilized 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. The City has received a signed petition from the property owner. This criterion is met.

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

The property is located within the UGB and the North Florence Dunal Aquifer and thus not eligible for land division until annexed. However, no land division is proposed with this application for annexation.

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

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

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

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve potential Medium Density Residential uses without negatively affecting existing customers. Per the Public Works Department's referral comments (Exhibit D), the City has a pressure sewer line located on the east side 1st Avenue as well as a regional sewer pumping facility on 1st Avenue across from 88466 1st Avenue (The Market at Driftwood Shores). Gravity sewer is currently unavailable at this location. Pressure sewer is available, and the existing pressure sewer line has excess capacity. In order to connect to the pressure sewer line, there is a \$12,000 connection fee that includes the actual connection and tapping of the pressure sewer main line and extension of the small diameter pressure line to the property. This does not include wastewater System Development Charges (SDC's) which are separate and are due prior to connection to the City pressure sewer line since this is an existing home.

Water:

The property is currently within Heceta Water People's Utility District (HWPUD) service territory and will remain an HWPUD customer. Public Works recommends that the petitioner contact HWPUD for specific fire flow and domestic capacities for this area.

Stormwater: There will be no change in the requirements of handling stormwater upon annexation. Future development on the property will be expected to meet City Code, maintaining post-development stormwater flows from the property at pre-development levels. The associated policies reduce the risk of public impacts, including impacts on local natural resources.

Streets:

Currently, this portion of 1st Avenue has already been annexed to the City, however the street continues to be under Lane County for maintenance. The City does not plan on seeking jurisdictional transfer of maintenance of this road at this time.

FCC 10-1-4-E-2 requires performance of a Traffic Impact Study upon, "A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact." The County zoning district currently permits lot sizes similar to the minimum required by the Medium Density District. A TIS is not warranted for this application. It is for these same reasons that the Transportation Planning Rule does not apply—density is not changing, zoning is not impacted, development may impact the street network and may be evaluated via a TIA/TIS when an impact is proposed. Adjacent transportation facilities have not been identified in the 2012 TSP as deficient facilities. An existing public street network is available to serve this 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.

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 property and will continue to do so following the annexation.

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

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

This proposal is consistent with this policy as 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 as 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.

Referrals requests were sent to Lane County. Cassidy Mills with the Lane County Transportation Department replied in support of this annexation and encourages annexation along the 1st Ave to the greatest extent possible.

5. The City will send a referral requesting comments on annexations to the Heceta Water District, for annexations within the District's service boundary. The comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.

The Water District was provided notice. As of the writing of this report no testimony has been received. Any comments received will become part of the public record for later public hearings.

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

Connecting the existing residence to City infrastructure will necessitate payment of applicable systems development charges, and future development may necessitate additional charges commensurate with impacts on the relevant infrastructure systems.

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

Lane County provides services and administers jurisdiction to all properties outside of the City of Florence and within the Urban Growth Boundary. After the completion of annexation, the City of Florence will be the responsible jurisdiction for development of the property, with the exception of maintenance and access from the abutting 1st Ave, which is under jurisdictional maintenance by Lane County.

The same applies to the portion of improved/gravel portion of Meares St, on the west of 1st Ave that is under City jurisdiction.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

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

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

The annexation petition of the property was initiated by the Power of Attorney (POA) of the real property in the territory to be annexed. The property ownership is under Jerard D. Oflock Trust.

(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.

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

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

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

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

Resolution No. 28, Series 2010, adopted by the City Council, the legislative body of the City, on July 6, 2010, expressed 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 petition from the owner's POA of the property within the annexation area, as allowed in ORS 222.170; therefore, an election is not required.

ORS 222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers, "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 10, 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. 10, Series 2010, Section 2 specifically expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222 and instead hold a public hearing. A public hearing on this annexation and zoning assignment proposal was held before the Planning Commission on September 26, 2023 and City Council (the legislative body) on October 16, 2023 allowing City electors to be heard on the proposed annexation.

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

The Planning Commission public hearing was noticed as a Type III quasi-judicial land use proceeding, with notice of the public hearing published in the Siuslaw News on September 15, 2023. The Florence City Council, as the legislative body, making the final decision on the request for annexation, held a public hearing fully noticed as listed in this criterion on October 16, 2023. At that time, this criterion will be addressed. This annexation is a Type IV review process, but is noticed as a Type III process as regulated by FCC 10-1-1-6-3-B.

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

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

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

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

The proposed annexation is contiguous to the City limits on both its eastern and northern property lines. Subsection "b" above is met. The Florence Planning Commission made recommendation to the City Council. The City Council as the legislative body will be making these declarations.

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

No properties will be withdrawn from the Siuslaw Valley Fire and Rescue as discussed above.

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

The Ordinance passed by City Council is subject to referendum per ORS 222.170 (1) and 222.170 (2).

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

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

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

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

The City historically has used ORS 222.120 and never included this section of the statute in the criteria or ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute.

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

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

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

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

The area under consideration consists of the applicant’s property. Written consent from the property owner was signed and provided with the petition for annexation received by the City on July 11, 2023. The applicant owns property representing 100% of the assessed value of real property under consideration. This criterion is met.

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

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

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

One elector resides within the property, but did not make petition for this annexation. The petitioned to be annexed was made by the sole property owner’s POA and has provided consent for the proceedings, the public hearing may be held by Council under ORS 222.120. The criterion is met.

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

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

ORS 373.270 Transferring jurisdiction over county roads within cities

(1) Jurisdiction over a county road within a city may be transferred under this section whenever:

(a) The county governing body deems it necessary, expedient or for the best interest of the county to surrender jurisdiction over any county road or portion thereof within the corporate limits of any city; and

(b) The governing body of the city deems it necessary or expedient and for the best interests of the city to acquire jurisdiction over the county road or part thereof to the same extent as it has over other public streets and alleys of the city.

Jurisdictional transfer of public rights-of-way is not being pursued as part of this annexation request. This criterion and the other criteria of ORS 373.270 would be followed in the event of jurisdictional transfer.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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.

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).**

The applicant has proposed annexation of the property located at 88384 1st Ave in Florence, OR. There will be at least two public hearings as part of this process. The first public hearing was before the Planning Commission of September 26, 2023. This meeting, before the City Council represents the second public hearing.

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

The zoning district corresponding to the subject property's Comprehensive Plan designation is Medium Density Residential (MDR) as regulated by FCC Title 10, Chapter 10. This zoning district will be assigned upon approval of the request from the City Council and finalization of the annexation process with the county and state. Review of the applicable code and Comprehensive Plan objectives and policies are contained within these findings.

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 September 26, 2023, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment and voted on Resolutions PC 23 12 ANN 01 and Resolution PC 23 13 ZC 01 to recommend approval to the City Council.

On October 16, 2023 the City Council held a hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the City's urbanization policies. These have been reviewed earlier with supporting findings.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

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

The property has previously been developed with a detached single unit dwelling and associated developments (i.e., parking facilities and utilities), is proposed to be zoned Medium Density Residential District. This zone is appropriate, as it corresponds to Comp. Plan designation (Medium Density). The approximately .34-acre Property consists of one tax lot, which meets the minimum lot size of the district (5,000 sq. ft.). No specific policies are applicable under this

annexation or zoning proposal since no development is proposed or approved under this application.

Oregon Administrative Rules – 660-015-0000

OAR 660-015-0000 (Goal 10):

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

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

[...]

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

[...]

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

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

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

The Housing Needs Analysis 2017, Exhibit IV.6, identifies a forecasted need under Scenario A of 858 single family dwelling units, with an estimated land need of 164 acres. The proposed zoning assignment to Medium Density Residential for the .34 acres creates a positive impact on the supply of residential land base.

B. IMPLEMENTATION

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

Finding: The proposal is consistent with this rule because it includes proposed zoning that supports implementation of the adopted HNA, including opportunity for needed housing units and types such as additional detached or new attached housing and accessory dwelling units.

VII. CONCLUSION

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

VIII. EXHIBITS

- Exhibit A: Map of Annexation Area
- Exhibit B: Findings of Fact
- Exhibit C: Petition for Annexation and Application
- Exhibit D: Referral Comments
- Exhibit E: Significant Reach Map Excerpt
- Exhibit F: Speaker's Card September 26, 2023

DRAFT

Exhibit C

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

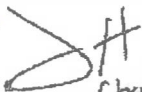
The undersigned hereby petition for and give our consent for the area described below to be included in the request for annexation to the City of Florence. With these signatures, we are verifying that we have the authority to consent to annexation as the property owner(s) and/or elector(s) or on behalf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

The property to be annexed is as follows: to medium density residential tie into city sewer services

Assessor's Map Reference and Tax Lot: 18-12-04-42 01262
Property Address (if appropriate): 88384 7th Ave Florence, OR 97309

Property Owner/Elector Name(s): Gerard B. Oflock trust
POA / Trustee - Jessica Hill

Signature(s):


(Trustee / POA)

Date: 7/19/2023

Clare Kurth

From: Mike Miller
Sent: Friday, September 22, 2023 10:07 AM
To: Clare Kurth
Cc: Planning Department
Subject: PC 23 12 ANN 01 & PC 23 13 ZC 01 - Hill and Oflock Annexation and Zone Change

Hi Clare,

Florence Public Works offers the following comments regarding the annexation of 88384 1st Avenue, Assessors Map No. 18-12-04-42, Tax Lot 01202:

Sanitary Sewer

Currently, the total sanitary sewer capacity of the treatment plant is 1.3 million gallons per day (mgd) dry weather flow. Our current average dry weather flow is 0.745 which equates to 0.555 mgd of excess capacity at the treatment plant.

The City has a pressure sewer line located on the east side 1st Avenue as well as a regional sewer pumping facility on 1st Avenue across from 88466 1st Avenue (Surfside Restaurant – Driftwood Shores Resort and Conference Center). Gravity sewer is currently unavailable at this location, however pressure sewer is available and the existing pressure sewer line has excess capacity. Florence Public Works has been working with the property owner in getting them connected to sanitary sewer as quickly as possible since their septic drainfield has failed and they are having their septic tank pumped on a very frequent and regular basis. Due to this failure and the property owners desire to connect to City sanitary sewer in an expeditious manner, they have pre-paid the customary \$12,000 connection fee to the pressure sewer line in this area and the wastewater system development charges.

In order to connect to the pressure sewer line, the City will tap (connect) to the pressure sewer main line, extend a small diameter pressure line to the location of the existing septic tank and install the necessary pump and controls.

Streets

Currently, this portion of 1st Avenue has already been annexed to the City, however the street continues to be under Lane County for maintenance. The City does not plan on seeking jurisdictional transfer of maintenance responsibilities for 1st Avenue at this time.

Stormwater

Since the property is already developed, additional stormwater management is not necessary.

Water

The property is currently within Heceta Water People's Utility District (HWPUD) service territory and will remain a HWPUD customer. Please contact HWPUD for specific fire flow and domestic capacities for this area.

If you have any additional questions, please give me a call.

Thank you,

Mike

Mike Miller

Public Works Director
mike.miller@ci.florence.or.us

(541) 997-4106

Mailing Address:

City of Florence
250 Hwy 101
Florence, OR 97439

Physical Address:

2675 Kingwood Street
Florence, OR 97439

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The City of Florence is an equal opportunity employer and service provider.

PUBLIC RECORDS LAW DISCLOSURE:

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

Clare Kurth

From: Michael Schick <chief@wlfea.org>
Sent: Monday, September 18, 2023 8:23 AM
To: Clare Kurth
Subject: RE: Annexation Request 88384 1st Ave

Clare,

The Fire Department has no issues with this request.

From: Clare Kurth <clare.kurth@ci.florence.or.us>
Sent: Sunday, September 17, 2023 1:35 PM
Subject: Annexation Request 88384 1st Ave

Hello,

I apologize for the short notice, but we received an annexation request for the property located at 88384 1st Ave. I have included the Notice of Hearing that was mailed on September 6th. Additional information can be found on the City website [HERE](#). Are there any comments or concerns I should be aware of while I am processing this application. This property is located on the south west corner of the Mears Street and 1st Ave intersection.

This will be going to the Planning Commission for the public hearing and recommendation to City Council on Tuesday September 26, 2023. My Findings of Facts are due by 4pm this coming Tuesday, September 19, 2023.

Thank you,

Clare Kurth (She/Her)
Assistant Planner | City of Florence
clare.kurth@ci.florence.or.us

City of Florence
250 Hwy 101
Florence, OR 97439

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Clare Kurth

From: MILLS Cassidy M <Cassidy.MILLS@lanecountyor.gov>
Sent: Thursday, September 21, 2023 3:09 PM
To: Clare Kurth
Cc: LCTPReferrals
Subject: RE: Annexation Request 88384 1st Ave

Hi Clare,

I hope this message finds you well. This notification didn't land on Transportation Planning's desk until the deadline passed, so I understand if this comment can't be taken into consideration; however, Lane County supports this property annexation and highly encourages the annexation of the right-of-way of 1st Avenue to the greatest extent possible as a part of this proposal.

Thank you,

Cassidy Mills (*she/her*)
Engineering Associate
Lane County Public Works
Transportation Engineering Services
3040 N Delta Hwy, Eugene, OR 97408
Office: 541.682.6996

From: VARTANIAN Sasha L <sasha.vartanian@lanecountyor.gov>
Sent: Tuesday, September 19, 2023 8:35 AM
To: LCTPReferrals <lcpwtpreferrals@lanecountyor.gov>
Subject: FW: Annexation Request 88384 1st Ave

From: BELL Amber R
Sent: Monday, September 18, 2023 4:36 PM
To: VARTANIAN Sasha L <sasha.vartanian@lanecountyor.gov>
Subject: FW: Annexation Request 88384 1st Ave

FYI, in case you don't have this yet.

Amber

From: Clare Kurth <clare.kurth@ci.florence.or.us>

Sent: Sunday, September 17, 2023 2:32 PM

To: MILLER Keir C <Keir.MILLER@lanecountyor.gov>; BELL Amber R <amber.bell@lanecountyor.gov>; WEBSTER John P <john.webster@lanecountyor.gov>

Subject: FW: Annexation Request 88384 1st Ave

[EXTERNAL ⚠]

Hello,

I apologize for the short notice, but we received an annexation request for the property located at 88384 1st Ave. I have included the Notice of Hearing that was mailed on September 6th. Additional information can be found on the City website [HERE](#). Are there any comments or concerns I should be aware of while I am processing this application. This property is located on the south west corner of the Mears Street and 1st Ave intersection.

This will be going to the Planning Commission for the public hearing and recommendation to City Council on Tuesday September 26, 2023. My Findings of Facts are due by 4pm this coming Tuesday, September 19, 2023.

This is the first annexation I have processed for the City of Florence. If there is a better contact person I would appreciate that information as well.

Thank you,

Clare Kurth (She/Her)

Assistant Planner | City of Florence

clare.kurth@ci.florence.or.us

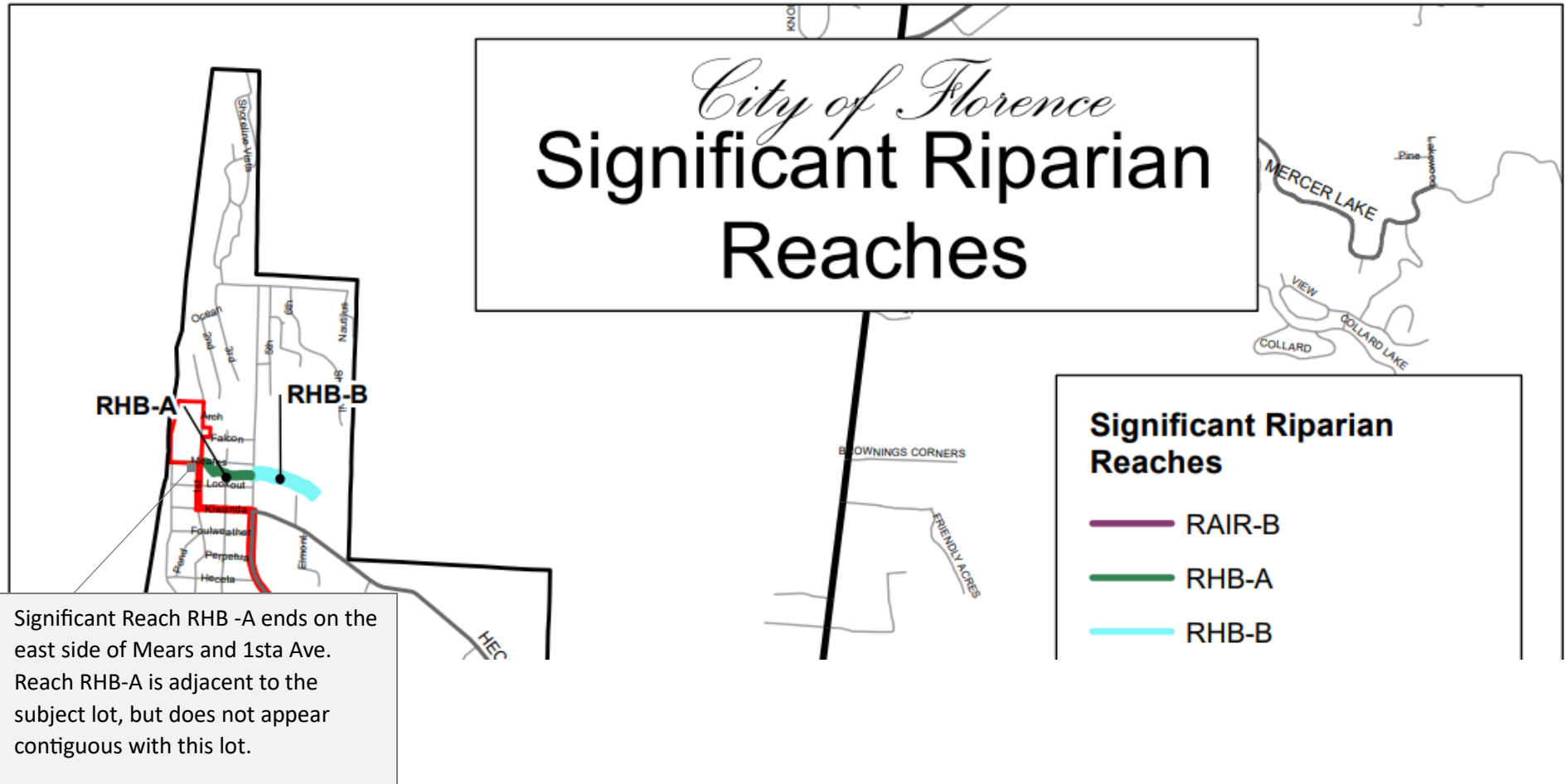
City of Florence

250 Hwy 101

Florence, OR 97439

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Exhibit E



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[Home](#) > [Planning Commission](#) > [Request to Address the Planning Commission \(Speaker's Card\)](#) > [Webform results](#) > [Request to Address the Planning Commission \(Speaker's Card\)](#)

Submission information

Form [Request to Address the Planning Commission \(Speaker's Card\)](#) [1]

Submitted by Visitor (not verified)

Mon, 09/25/2023 4 39pm

Name

David Johnson & Kimber Bishop

Planning Commission Meeting Date

Tue, 09/26/2023

Agenda Item Number

6

Do you wish to speak as a Proponent? Opponent? or Neutral?

Neutral

Brief Overview of What You Wish to Discuss

- 1) Clarification of the Property Description: From "Commercial lodging to the N; Single family S + E; Beach to the West" to "Commercial lodging to the N; Single family South, East and West" We own one lot to the West
- 2) Heavy equipment staging and impact to our septic drain field at the east half of our lot (Map Lot 1812044201200)
- 3) If in the future, the potential of up to 10 units in a Medium Density Residential zone is developed, what building requirements will ensure the private road to the west is not used?

Do you Represent an Organization?

No

Name of Organization

Residence Address

[REDACTED]

Email

[REDACTED]

Phone Number



Source URL:<https://www.ci.florence.or.us/node/16391/submission/30425>

Links

[1] <http://www.ci.florence.or.us/bcpc/request/address/planning/committee/peaker-card>

**CITY OF FLORENCE
PLANNING COMMISSION**

Exhibit G

RESOLUTION PC 23 12 ANN 01

A RESOLUTION RECOMMENDING APPROVAL OF ANNEXATION OF PROPERTY WITHIN THE UGB, IDENTIFIED AS ASSESSOR'S MAP 18-12-04-42 TAX LOT 01202, TO THE FLORENCE CITY COUNCIL.

WHEREAS, the owner initiated the annexation with a 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 all owners of land owning a majority 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 September 26, 2023, 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 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 Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes and Oregon Administrative Rules (Exhibit B).

APPROVED BY THE FLORENCE PLANNING COMMISSION this 26th day of September, 2023.


Sandra Young, Chairperson
Florence Planning Commission


Date

Exhibit G

CITY OF FLORENCE PLANNING COMMISSION

RESOLUTION PC 23 13 ZC 01

A RESOLUTION RECOMMENDING APPROVAL TO THE FLORENCE CITY COUNCIL OF THE ASSIGNMENT OF MEDIUM DENSITY RESIDENTIAL ZONING AS PART OF A PROPOSED ANNEXATION TO PROPERTY IDENTIFIED AS 88384 1ST AVENUE, ASSESSOR'S MAP 18-12-04-42 TAX LOT 01202

WHEREAS, the property owner(s) submitted petition for annexation of their property as required by FCC 10-1-1-4, 10-1-1-6 and 10-1-2-3; and

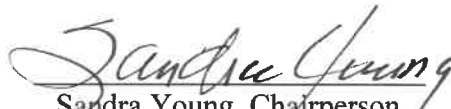
WHEREAS, under FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of annexation; and

WHEREAS, the Planning Commission met in a public hearing on September 26, 2023, 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 Realization 2020, 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 Medium Density Residential to Assessor's Map 18-12-04-42 Tax Lot 01202 as presented in Exhibit A and based on the Findings of Fact in Exhibit B.

APPROVED BY THE FLORENCE PLANNING COMMISSION this 26th day of September 2023.


Sandra Young, Chairperson
Florence Planning Commission


Date

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: October 16, 2023
Department: Community Dev.

ITEM TITLE: Solid Waste Hauler Rate Adjustments

DISCUSSION/ISSUE:

Background & Process: The City Council establishes rates for solid waste and recycling services as outlined in [Title 9, Chapter 4](#) of the Florence City Code (FCC). On July 1, 2023 the solid waste rates were increased by CPI and the County's Tipping Fee. The code directs rate reviews be performed as follows: base year review followed by two interim year reviews. [Resolution 15, Series 2021](#), approved by the City Council May 17, 2021, updated the solid waste rate schedule after completing a "Base Year" review whereby the financial records of the haulers were reviewed and a solid waste rate study was performed by an independent consultant, Bell and Associates. City Code also permits a change to the rate schedule outside of regular reviews to be considered not more than once annually at the request of a hauler, citizens, EMAC, City Manager, or Council.

There are two considerations discussed within this AIS: A hauler-initiated request to amend the solid waste rate schedule and postponing the base year rate review until November 1, 2024.

1. **Rate Schedule Adjustment:** County Transfer and Recycling (CTR) has submitted a formal request (Attachment 2) to change the adopted rate schedule to remove the rates associated with "personal cans". This translates to removal of the 21 gallon and the 30-32-gallon customer provided can rates offered in Tables I-A and I-C. CTR's justification cites improved customer and employee safety, customer convenience and satisfaction, and route efficiency. They state they have around 144 customers using this service. In phone conversation with the local manager, he clarified that the total was for county and city accounts and that the total number of city accounts using the rate is less than half that amount.
 2. **Rate Review Postponement:** The fall of 2022 was the second of two interim year reviews. In accordance with FCC 9-4-5-1, on November 1, 2023 the base year review of financial statements for the fiscal year ending August 31st commences. Central Coast Disposal (CCD) was purchased by CTR in the Fall of 2022. In the past year CTR has been incrementally merging customers and routes, changing and training employees on business practices, moving operations into the city limits, and selling CCD equipment. These activities will have disrupted the financial reporting creating situations that are atypical and difficult to analyze. Therefore, it is requested that the regularly scheduled base year review due to commence November 1, 2023 be postponed until November 1, 2024. And, specifically that neither an interim or base year review be performed this year.
-

Proposal: Attachment 3 includes the residential tables with strike-outs of the rates to be removed from Schedule 1 that was adopted in May and became effective July 1, 2023. All other rates remain the same with no changes.

FISCAL IMPACT:

There is no fiscal impact to the City in eliminating the customer provided can rates as they apply only to the residential customers. The next size of service (35-gallon hauler cart) costs \$4.50 more per month and \$54.00 more per year.

RELEVANCE TO ADOPTED COUNCIL GOALS:

Goal 2, Livability & Quality of Life, Greater Community.

-
- ALTERNATIVES:**
1. Approve Resolution 21, Series 2023.
 2. Amend the proposed resolution.
 3. Continue the discussion to a date certain in order to obtain additional information.
 4. Do not make any amendments to the rate schedule.

EMAC RECOMMENDATION: Recommended approval on September 20th. There was concern that the hauler address those for whom this will be a financial hardship.

AIS PREPARED BY: Wendy FarleyCampbell, Community Development Director

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

ITEM'S ATTACHED: Attachment 1 – Resolution 21, Series 2023
Exhibit A: Schedule 2, 2023 (to be revised once rates are set)
Attachment 2 – County Transfer Request
Attachment 3 – Solid Waste Rate Residential Tables

Items Available for Reference:
Florence City Code Title 9 Chapter 4:
https://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/924/chapter_4_-_solid_waste_management.pdf

Attachment 1

RESOLUTION NO. 21, SERIES 2023

A RESOLUTION GOVERNING RATES FOR SOLID WASTE SERVICES AND REPEALING RESOLUTION NO. 13, SERIES 2023

The City Council of the City of Florence hereby resolves to amend the solid waste collection service fee table for residential customers:

Section 1.

A. The following are fees for applicants and licenses for solid waste services:

Nonrefundable application fee	\$350.00
Nonrefundable reapplication fee	\$80.00

Provided reapplication was made within one month of expiration date of the original application and the cause requiring reapplication was no fault of the applicant.

The license fee shall be calculated as follows:

Five percent of the gross receipts (excluding Lane County disposal fees collected for drop box service) collected each year by the licensee from its operations in the provision of solid waste collection and management services.

B. The license fee shall be paid quarterly, within thirty days of the end of each quarter; (quarters are July 1 - September 30, October 1 - December 31, January 1 - March 31, and April 1 - June 30). Licensee shall provide support for the calculation of the license fee amount due from a qualified consultant within thirty days of request by the City. If the quarterly payment is not paid within 30 days of the due date, license revocation proceedings (re: FCC 9-4-7-1) will be initiated by the City Manager. Such proceedings may be discontinued only when the licensee pays the unpaid amount.

C. The City may inspect the financial records of a licensee or the licensee's agents or assigns at all reasonable times for any purpose relevant to the performance or enforcement of the licensee. The City may require an audit of a licensee's financial records to determine compliance with the payment of the licensee fee pursuant to this section, or if there is a public need therefor.

Section 2.

A. Rates are listed in attached *Schedule 2, 2023 to FCC 9-4 Solid Waste Management*. Changes include:

- Removal of the rates for "21 gallon" and "30-32-Gallon" customer provided container/can from Schedule 1, 2023 Table I-A and Table I-C.
- All other rates remain as adopted under Resolution 13, 2023.
- This new rate schedule will take effect November 14, 2023 in accordance with Florence City Code Title 9 Chapter 4 Section 5-2-C.

- B.** The rates are designed to permit the licensee to ultimately collect the cost of service + 10%. Due to the purchase of Central Coast Disposal by County Transfer and Recycling in the Fall of 2022 and CTR's work at merging customers, routes, and business practices moving locations, and selling equipment the regularly scheduled base year review due to commence November 1, 2023 will be postponed until November 1, 2024. Neither an interim or base year review shall be performed this year.

Section 3.

Rates shall be increased annually on July 1st of each year by 80.6% of the Consumer Price Index published by the Bureau of Labor. The following Consumer Price Index categories shall be used: CPI-W U.S. City Average. The changes shall be made by resolution and are not subject to public hearing.

Section 4.

All contractual arrangements for solid waste services within city limits must be submitted by the hauler to the city for its review of compliance with city code and resolutions. The contracts shall include the number of dwellings and/or businesses served, types and frequency of service, and cost of service. The city's review must be completed within 30 days of receipt.

Section 5.

The recycling surcharge is temporary and to be reviewed with a base year review or with a hauler submitted request for rate review in accordance with Title 9 Chapter 4 with any changes effective 30 days from the date of review and approval.

This Resolution is passed and adopted on the 16th day of October, 2023.

Rob Ward, Mayor

ATTEST:

Lindsey White, City Recorder

Exhibit A

Schedule ~~21~~ to FCC Solid Waste Management

City of Florence--Solid Waste Collection Rates—adopted ~~October 16~~ May 15, 2023

Effective ~~July 1~~ November 14, 2023

After excluding the recycling surcharge the 2022 rates include ~~corporate~~ increases of 4.7% CPI and 7% County Disposal Fee

I. CONTAINER/CAN BASE RATE—RESIDENTIAL

A. Basic Residential Curbside Service-Voluntary Yard Debris:

The rates in this section include collection charges for garbage and recycling. **Voluntary yard debris collection, when available, is negotiated by the hauler.** These rates are for curbside service only. The customer places the container(s) at the curbside for collection and the customer retrieves the container after collection.

Basic Residential Curbside				
RATE PER MONTH				
Container Size	Monthly¹	Every Other Week	Weekly	Each Additional Container⁵
21-Gallon or less ²	14.70	19.15	26.30	26.30
30-32-Gallon ³	16.20	20.95	27.45	27.45
32-35 Gallon ⁴	n/a	23.95	31.95	31.95
48 Gallon	n/a	26.55	35.95	35.95
60-65 Gallon	n/a	28.30	39.20	39.20
90-95 Gallon	n/a	35.30	50.50	50.50
¹ Only available for non-putrescible (non-food) solid waste				
² Rate applies to capacity of 21 gallons or less in a customer provided container				
³ Rate applies to a capacity of 30-32 gallons in a customer provided container				
⁴ Rate applies to a capacity of 32-35 gallons in a hauler provided container				
⁵ Rate applies to every container over basic subscription, except where indicated below. The largest container shall be the primary rate, smaller containers are assessed the additional container rate.				

ADDITIONAL SERVICES

- Occasional extra bag..... \$3.70/bag
- Occasional extra container..... \$6.45/container
- Pack Out Service (up to 30 feet from curbside- haulers may provide a disability discount for service)\$3.10/month/container
- Recyclable yard debris service, when available, is negotiated by the hauler.**

B. Inside a Mobile Home Park, Condominium or Apartment Complex (Multi-Residential-Single Bill-Single Stop—Monthly):

The rates in this section include collection charges for solid waste and recycling. These rates apply when the mobile home park, condominium or apartment complex management is billed for solid waste removal within the mobile home park, condominium or apartment complex on a single bill and there is one stop for all cans or carts or for larger complexes for each trash enclosure storage area (up to three). Basic residential collection rates shall apply when residents of such complexes are billed individually. Service of any type more frequently than once a week shall be chargeable at the monthly rate multiplied by the number of times that service is provided during the week. **Any level of service within Schedule 1 not outlined on Table 1B table is available to Multi-Resident-Single Stop customers at 65% of the listed cost, excepting Table 1C. First container picked up shall be at full rate on source Table.** All users of Tables 1B of Schedule 1 shall use an occupancy calculated on the average tabulated occupancy for the previous year (July 1-June 30th), being no less than 80% and no more than 100%.

R e s i d e n t i a l	
Multi-Resident—Single Bill—Single Stop	
RATE PER MONTH	
Container Size	Weekly
32-35 Gallon [±]	22.55
48 Gallon	27.35
60-65 Gallon	30.35
90-95 Gallon	34.60
[±] Rate Applies to a capacity of 32-35 gallons in a hauler provided container	

ADDITIONAL SERVICES:

Occasional extra bag..... \$3.70/bag

Occasional extra container..... \$6.45/container

Recyclable yard debris service, when available, is negotiated by the hauler.

C. Inside a Gated or non-gated Community with Single-Family Dwellings (Multi-Residential—Single Bill—Multiple Stops)—Monthly;

The rates in this section include collection charges for solid waste and recycling. These rates apply when the gated or non-gated single-family dwelling community is billed for solid waste removal within the gated or non-gated single-family dwelling community on a single bill and there are multiple curbside stops for cans and/or carts. The customer places the container at the curbside for collection and the customer retrieves the container after collection. Basic residential collection rates shall apply when residents of such complexes are billed individually. Service of any type more frequently than once a week shall be chargeable at the monthly rate multiplied by the number of times that service is provided during the week. There is no monthly collection rate available. Any level of service within Schedule 1 not outlined on Table 1C table is available to Multi-Resident-Multiple Stop customers at 86% of the listed cost, excepting Table 1B. First container picked up shall be at full rate on source Table. All users of Tables 1C of Schedule 1 shall use an occupancy calculated on the average tabulated occupancy for the previous year (July 1-June 30th), being no less than 80% and no more than 100%. First container picked up shall be at full rate on source Table.

Residential Multi-Resident—Single Bill—Multiple Stops	
RATE PER MONTH	
Container Size	Weekly
30-32 Gallon¹	25.70
32-35 Gallon ²	28.00
48 Gallon	30.00
60-65 Gallon	33.10
90-95 Gallon	43.90
¹ Rate applies to a capacity of 30-32 gallons in a customer provided container	
² Rate applies to a capacity of 32-35 gallons in a hauler provided container	

ADDITIONAL SERVICES:

Occasional extra bag..... \$3.70/bag

Occasional extra container..... \$6.45/container

Recyclable yard debris service, when available, is negotiated by the hauler.

II. COMMERCIAL RATES

A. Roll Cart Rates—Commercial:

The rates in this section include collection charges for garbage and recycling. These rates are for curbside service only. The customer places the cart at the curbside for collection and the customer retrieves the cart after collection. Recyclable yard debris service, when available, is negotiated by the hauler.

Roll Cart Rates—Commercial			
RATE PER MONTH			
Container Size	Every Other Week	Weekly¹	Each Additional Cart²
32-35 Gallon	23.95	31.95	31.95
48 Gallon	26.55	35.95	35.95
60-65 Gallon	28.30	39.20	39.20
90-95 Gallon	35.30	50.50	50.50
¹ Rates are for weekly pick-up. More than weekly pick-ups of an additional container uses "2 X Weekly" rate as indicated.			
² Rates apply to every cart over basic weekly subscription. The largest cart shall be the primary rate, smaller carts are assessed the additional cart rate.			

B. Container Rates—Commercial Bins & Rear and Front Load Compactor:

The rates in this section include collection charges for garbage and recycling. Compactor rates are 2.5 times the rates below. **Recyclable yard debris service, when available, is negotiated by the hauler.**

Container Rates — Commercial									
RATE PER MONTH									
Bin Size¹ (cu yds.)	Weekly	2 x Week	3 x Week	4 x Week	5x Week	6x Week	EOW	Monthly	Will Call
1	135.95	268.10	402.20	536.15	670.20	804.25	88.80	52.85	51.95
1.5	182.10	362.20	543.35	724.45	905.60	1,086.70	123.30	72.50	69.30
2	229.00	463.60	695.60	927.35	1,159.20	1,391.00	150.45	91.60	89.45
3	330.10	657.40	986.05	1,314.70	1,643.40	1,972.10	213.10	130.60	126.60
4	433.50	733.50	1,281.85	1,709.15	2,136.35	2,563.65	276.70	169.25	164.40
6	596.00	1,144.30	1,771.00	2,361.35	2,951.65	3,541.95	381.35	232.85	226.45
8	649.00	1,297.95	1,946.85	2,595.90	3,244.85	3,893.80	416.55	253.60	246.55

¹ If equipment is not available at the time service is requested then the combined yardage is used to determine bin size rate: (ex: no 6 yd. available then two 3 yds. = 6 yd. rate)

C. Roll-Off and Drop Box Rates:

The rates in this section include collection charges for garbage and recycling for both commercial and residential customers. These rates do not include yard debris service. **Recyclable yard debris service, when available, is negotiated by the hauler.**

Roll Off and Drop Box Base Rates	
RATE PER WEEK	
1 Week of Service	
Service Level¹	
9-10 yard	165.70
11-30 yard	165.70
31-40 yard	171.25
Relocation/Delivery	80.45
Disposal Fee²	County's Rate
Box Rental³	
9-20 yards	11.45
21-40 yards	16.00
Mileage to Disposal Site	If mileage is greater than 15 miles from box location to disposal site add \$4.60 per mile on disposal leg of haul
¹ Covers the delivery day plus 4 days. Does not include the County's disposal fee, delivery or relocation fee or additional rental days.	
² Actual fee charged by the disposal facility (transfer station, county/private dump)	
³ Per day after 5 th day, excluding Sunday and Holidays	



Date: 9/3/2023

To: Wendy Farley-Campbell, Senior Planner
Environmental Management Advisory Committee (EMAC)
City of Florence
250 Highway 101
Florence, OR 97439

Subject: Request for Change in Solid Waste Regarding Personal Cans

Dear Wendy and Members of the Committee:

County Transfer and Recycling (CTR) would like to ask for your consideration to recommend that personal garbage cans be removed from the rate schedule. Please consider the following reasons.

Safety: Our number one operating value is safety for our employees and the public we serve. Waste haulers are exposed to a variety of health and safety hazards every day. For the well-being of our employees, we ask you to help us reduce the risk from the hazards they face by servicing personal cans. Personal cans must be physically lifted and dumped into a garbage truck which increases the risk to punctures, cuts, abrasions, chemical exposure, biological exposure, back strains, and contact with flying debris. Carts provided by CTR are picked up by an automated arm that limits all these risks for our employees. The CTR provided roll carts have wheels and customers can safely roll them to the curb vs the customer lifting a personal can and carrying it to the street.

Customer convenience and satisfaction: Eliminating personal cans will remove the responsibility of managing the cans and their associated costs from the Customer, as well as the need to reimburse customers for damaged cans. Our carts are more robust and easier to roll than most units available to the general consumer. We ensure they are compatible with our equipment and not subject to premature failure. Additionally, having hauler provided carts for all residents improves curbside aesthetics by presenting a cleaner, more uniform appearance and the attached lids provide less opportunity for windblown debris and litter at the curbside.

Efficiency: Automated equipment allows us to manage costs better as the driver can collect significantly more carts per hour than with manual or semi-automated trucks. Rate payers will benefit from cost-savings over time. We currently have 144 customers who are using personal cans. The use of a manual truck to service these customers,



who are spread throughout the city, takes approximately 8 hours. If these customers had a hauler provided cart, they could be added onto our automated truck routes and could be serviced in less than one hour. This would increase route efficiency and would take one truck off the road for one day helping with the reduction of emissions and road surface wear.

Price / Volume differences between a 32gal personal can and a 35gal cart:

The difference in price between the two containers is \$4.50 per month and the difference in volume is 12gal per month. The city's rate for an extra 12gal bag is \$3.70 which will allow .80 cents per month to offset the expense of the cart. The current cost of a single 35gal cart is \$48.00 and our customers will receive two carts one for trash and one for recycle.

We understand some customers prefer their old cans; however, we believe the benefits of eliminating personal cans far exceed the negatives of retaining legacy cans. This change has been enacted in other areas to great effect and has been received well by customers and employees in those areas. We strongly believe that modernizing solid waste collection is a positive experience for the City of Florence and the customers. We pride ourselves on providing customers with the best possible service in a safe, courteous, and effective manner.

We welcome a further discussion with the Committee for this Rate Adjustment and the resulting change in Can Ownership.

Best Regards,

Brian Enochian
Site Manager

City of Florence SW

SW Collection Rates

Residential	Established July 1, 2023
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Table I-A-Basic

20 Gal. Can monthly	\$ 14.70
20 Gal. Can EOW	\$ 19.15
20 Gal. Can weekly	\$ 26.30
20 Gal. Additional	\$ 26.30
32 Gal. Can monthly	\$ 16.20
32 Gal. Can EOW	\$ 20.95
32 Gal. Can weekly	\$ 27.45
32 Gal. Can additional	\$ 27.45
35 Gal. Cart EOW	\$ 23.95
35 Gal. Cart weekly	\$ 31.95
35 Gal. Additional	\$ 31.95
48 Gal. Cart EOW	\$ 26.55
48 Gal. Cart weekly	\$ 35.95
48 Gal. Additional	\$ 35.95
60 Gal. Cart EOW	\$ 28.30
60 Gal. Cart weekly	\$ 39.20
60 Gal. Additional	\$ 39.20
90 Gal. Cart EOW	\$ 35.30
90 Gal. Cart weekly	\$ 50.50
90 Gal. Additional	\$ 50.50
Extra Bag	\$ 3.70
Extra Container	\$ 6.45

Table I-B-MF SB / SS

35 Gal. Cart weekly	\$ 22.55
48 Gal. Cart weekly	\$ 27.35
60 Gal. Cart weekly	\$ 30.35
90 Gal. Cart weekly	\$ 34.60

Table I-C-MF SB / MS

32 Gal. Can weekly	\$ 25.70
35 Gal. Cart weekly	\$ 28.00
48 Gal. Cart weekly	\$ 30.00
60 Gal. Cart weekly	\$ 33.10
90 Gal. Cart weekly	\$ 43.90

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4

Meeting Date: October 16, 2023

Department: Comm. Dev. Dept.

ITEM TITLE: Transportation System Plan Update -- Adopting Legislative Amendments to the Florence Realization Comprehensive Plan and Florence City Code Title 10

DISCUSSION/ISSUE:

Proposal: The proposal includes adopting the draft Transportation System Plan document, making Legislative Amendments to the Florence Realization 2020 Comprehensive Plan 2020, and amending Florence City Code Title 10 Chapters 1, 2, 3, 35, and 36 to incorporate state legislation related to transportation systems, parking, and perform general housekeeping items.

Background: Upon receiving a grant to partially fund work in 2022 the City of Florence entered into an agreement with the Oregon Department of Transportation (ODOT) to update the Florence Transportation System Plan (TSP) with Kittleson & Associates selected as consultants. The agreement was initially expected to end before June 30, 2023, but an extension was granted April 2023 through September 30, 2023 after it was determined additional time was required to complete this project than initially anticipated. ODOT requested one more extension to see this project through adoption which, with a contract end date of November 30, 2023.

For the course of this project a TSP Stakeholder Transportation Advisory Committee (STAC) was formed and held 4 meetings where they reviewed the 6 technical memos prepared by Kittleson & Associates, heard overviews of the tech memos, and held discussions. The first 3 TSP STAC meetings were followed by a public open house where community members were invited to ask questions, learn more about this project, and provide comments. Following the final TSP STAC meeting on June 29, 2023 the City Council and Planning Commission met in a joint work session on July 11, 2023 to review the draft TSP document and TSP STAC recommendations. Newsletter and Open House flyers were available in both English and Spanish with Spanish Interpreters available at each of the three open houses in an effort to ensure inclusivity throughout this project.

Process: Land use code updates consist of a three-step review and approval process—Initiation, 1st-Evidentiary Hearing, and 2nd-Final Hearing. The Florence Planning Commission initiated these legislative changes on August 8, 2023 via Resolution PC 23 15 TA 03. Notice was then filed on August 8, 2023 with the Department of Land Conservation and Development 35 days prior to the first scheduled evidentiary public hearing held on September 12, 2023. Planning Commission held their hearing to consider the proposal and deliberated to a recommendation under Resolution PC 23 17 TA 04 & PC 23 18 CPA 02. The Florence City Council opened the public hearing on September 25, 2023 received the staff report and made available the opportunity for public testimony. They closed the hearing and kept the written record open to permit staff the consultant to correct omissions and staff to check for document consistencies. The consultant has provided the TSP and

supporting documents in their entirety to eliminate errors in substituting pages. Staff found an error in Exhibit B whereby the last four policies of the existing Chapter 12 of the Comprehensive Plan were inadvertently deleted when the renumbering was performed. These policies were included in the initiation meeting and the evidentiary hearing before the Planning Commission and do not constitute new material. All of the documents will be adopted via Ordinance No. 7, Series 2023 following two readings of the ordinance. Any changes become effective 30 days after Council approval.

Packet Overview: The Ordinance includes several exhibits which are briefly explained below. Changes are bolded.

Exhibit A Findings of Fact demonstrate that the TSP plan and resulting comprehensive plan and code edits comply with state and city laws and rules (criteria). The attachments to the implementing ordinances in Volume 2 of Exhibit C contain additional explanation and are adopted in support of these findings.

Exhibit B Comprehensive Plan Updates replace the current Chapter 12 goals with those from the proposed TSP. Also, the existing policies that are enumerated with either numbers or bullets have been changed to consecutive numbering only. **The last four policies (44-47) were added back in from the evidentiary hearing exhibit.** Additionally, two narrative edits have been made to reference the correct Transportation Planning Rule statute and the year of the new TSP (which should be 2023 instead of the stated 2022).

Exhibit C Comprehensive Plan Update and TSP Adoption includes two volumes. Volume 1 includes the TSP Plan and project (prospectus) plans. Volume 2 consists of background information that include the six tech memos, implementing ordinances, public involvement and communication summary (replacing the current PIC Plan), and methodology paper. Volume 2 documents have been previously reviewed by the TSP STAC and during the two joint work sessions between Planning Commission and City Council. Exhibit C will replace the current 2012 TSP in the Comprehensive Plan Appendix 12. **Resubmitted in its entirety to eliminate page substitution errors, make the changes cited in ton September 25th and add at ODOT's request a section entitled "Mobility Standards" to Chapter 9 on page 77 within Volume 1. They also updated the prospectus pages for OR 126 and Quince and Spruce Sts. (pp. 88 & 89)**

Exhibit D Title 10 Code Updates were identified by the consultant through a code audit and found to be needed to meet state laws and to implement the TSP. These are also included in Volume 2 of Exhibit C as a recommendation of the TSP. Additionally, Exhibit D includes a staff proposed amendment to the parking and driveway criteria for covered parking and attached single unit dwellings. The changes address both the need for clear and objective criteria and create the opportunity for more housing choices by permitting single unit attached dwellings to have more than one covered parking space on wider lots.

FISCAL IMPACT:

Amendment costs include staff time: preparing public notices, reviewing findings of fact, and meeting minutes; attending public hearings and answering inquiries from the public and direct costs: publishing public notices in the newspaper, and preparing findings of fact and meeting packets.

RELEVANCE TO ADOPTED CITY WORK PLAN:

2021-2023 Work Plan: Infrastructure and Capital Improvements- Prepare updates to the Transportation Systems Plan

2023-2025 Work Plan: Infrastructure and Capital Improvements-Continue the update process for the City's Transportation Systems Plan

ALTERNATIVES:

1. Adopt Ordinance No. 7, Series 2023, as presented.
2. Adopt Ordinance No. 7, Series 2023, as amended by Council.
3. Do not adopt Ordinance No. 7, Series 2023 and provide direction to staff.
4. Reopen the public hearing or the written record.

RECOMMENDATION:

Staff recommends number 1 adopting Ordinance No. 7, Series 2023, as presented.

AIS PREPARED BY: Wendy FarleyCampbell, Community Development Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ER Reynolds

ITEMS ATTACHED:**Attachment 1: Approving Documents**

Ordinance No. 7, Series 2023:

- Exhibit A – Findings of Fact
- Exhibit B – Comprehensive Plan Chapter 12 modifications
- Exhibit C – Comprehensive Plan Appendix 12 modifications
 - Volume 1 TSP 2023, and Attachment A Prospectus Sheets
 - Volume 2 Technical Appendix
- Exhibit D Florence City Code Title 10 modifications

Items Available for Reference:

- TSP Project Webpage:
 - <https://www.projectcomment.com/florencetsp>
- Planning Commission recommendation documents
 - Resolution PC 23 17 TA 04 & PC 23 18 CPA 02
<https://www.ci.florence.or.us/bc-pc/planning-commission-meeting-public-hearings>

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- City of Florence Transportation Systems Project Webpage
 - <https://www.ci.florence.or.us/planning/florence-transportation-system-plan-tsp-update-project>
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Due to the size of items, all supporting documents for Agenda Item #4 can be found on the City's Website:

<https://www.ci.florence.or.us/council/city-council-meeting-252>

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5
Meeting Date: October 16, 2023
Department: Finance

ITEM TITLE: Bridgeport Market Change of Ownership Liquor License

DISCUSSION/ISSUE:

This is a request for a recommendation of a change of ownership liquor license to the Oregon Liquor Control Commission (OLCC) for 75 Harbor Street LLC doing business as Bridgeport Market. OLCC allows the City Council the opportunity to review the liquor license before making a recommendation of approval.

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

FISCAL IMPACT:

The fee for a change of ownership liquor license is \$93. This fee includes the cost of staff time to review the application and place a recommendation before the City Council.

RELEVANCE TO ADOPTED COUNCIL GOALS:

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

ALTERNATIVES:

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

RECOMMENDATION:

Recommend ratification for the liquor license approval

AIS PREPARED BY: Lezlea Purcell, Finance Manager

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED: Attachment 1 – Liquor License Application



OREGON LIQUOR & CANNABIS COMMISSION
LIQUOR LICENSE APPLICATION



Attachment 1

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. You can submit the application to the OLCC if:
 1. You have WRITTEN documentation showing the date the local government received the application or;
 2. The local government has provided you their recommendation.

ALL forms and documents must be a PDF attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission to: OLCC.LiquorLicenseApplication@Oregon.Gov.**
5. **Do not** include any license fees with your application packet (fees will be collected at a later time).
When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet**: The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership**: The request to completely change the licensee of record at a licensed business.
- **Greater Privilege**: The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- **Additional Privilege**: The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of "applicant" and "licensee" and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per [OAR 845-005-0311\[6\]](#)) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below Authorized Representative area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

New Outlet | Change of Ownership | Greater Privilege | Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

- Off Premises
- Warehouse
- Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT:

After providing your recommendation, return this application to the applicant WITH the recommendation marked below

City OR County name: (not both)

(Please specify city **OR** county)

Date application received:

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Bridgeport Market

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: 75 Harbor Street LLC	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): Bridgeport Market		
Premises street address (The physical location of the business and where the liquor license will be posted): 75 Harbor St, Suite 100		
City: Florence	Zip Code: 97439	County: Lane
Business phone number: 5419975091	Business email: 75harbor@gmail.com	
Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]): 75 Harbor St., Suite 100		
City: Florence	State: OR	Zip Code: 97439
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application. I give permission for the below named representative to: <input checked="" type="checkbox"/> Make changes regarding this license/application on my behalf. <input checked="" type="checkbox"/> Sign application forms regarding this license/application on my behalf. <input checked="" type="checkbox"/> Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.		
Representative Name: Karl Engel		
Phone number: 3606404214	Email: 75harbor@gmail.com	
Mailing address: 87697 Saltaire St		
City: Florence	State: OR	Zip Code: 97439

Please note: liquor license applications are public records.

OLCC Liquor License Application (Rev. 8.29.23)

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Karl Engel

Phone number:

3606404214

Email:

75harbor@gmail.com

TERMS

- “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 – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OLCC 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street 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 licensed premises at the premises street address 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) permission to exercise the privileges of the license in the area.

Bridgeport Market

OLCC Liquor License Application (Rev. 8.29.23)

LIQUOR LICENSE APPLICATION

Bridgeport Market

Page 4 of 4

• Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

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.

Karl Engel



10/04/2023

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



OREGON LIQUOR & CANNABIS COMMISSION

LIMITED ON-PREMISES SALES Primary License Privileges

Introduction

Oregon Revised Statute (ORS) 471.178 authorizes the limited on-premises sales license and its license privileges.

Limited On-Premises Sales

- The OLCC license fee is \$400 per year.
- On-premises. May sell and serve by the drink at retail to consumers for consumption on your licensed premises:
 - * Malt beverages (beer), wine, and cider.
- Off-Premises: May sell at retail to consumers for consumption off your licensed premises:
 - * Malt beverages, wine, and cider in factory-sealed containers. There is no minimum or maximum container size or volume limit to sell, but there are delivery limits (see the delivery rules).
 - * Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. There are delivery limits (see the delivery rules).
- May deliver factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption off your licensed premises; however, must follow the delivery rules at OAR 845-006-0392 and 845-006-0396.
- Food service is not a requirement of this license; however, offering legitimate food service will likely allow minor customers (people age 20 and under) on the premises.
- Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity).
- Eligible to apply for a "special event" license: Temporary Use of an Annual License (TUAL).

Obtaining Alcoholic Beverages for Sale and Service

All limited on-premises sales licenses must obtain their alcoholic beverages as follows:

- Malt beverages (beer)
 - * Must obtain malt beverages (beer) only from manufacturers and wholesalers within Oregon. These are the following license types: brewery, brewery-public house, and wholesale malt beverage and wine.
- Wine and cider
 - * May obtain wine and cider from manufacturers and wholesalers within Oregon. These are the following license types: grower sales privilege, wholesale malt beverage and wine, and winery.
 - * May obtain wine and cider directly from businesses outside of Oregon only if:
 - The business outside of Oregon holds an OLCC-issued wine self-distribution permit; and
 - The limited on-premises sales licensee has received an endorsement to receive from the OLCC and follows OAR 845-006-0401.

Some Links

- Temporary Use of an Annual license (TUAL) application: [TUAL application](#)
- Alcoholic liquor laws: [ORS 471](#)
- Wine and cider delivery to consumer: [OAR 845-006-0392](#)
- Malt beverage delivery to a consumer: [OAR 845-006-0396](#)
- For alcohol service permit questions: olcc.servicepermits@oregon.gov
- For general liquor licensing questions: olcc.liquorlicenseapplication@oregon.gov
- For liquor license renewal inquiries: olcc.renewals@oregon.gov
- For liquor compliance or enforcement inquiries: alcohol@oregon.gov

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6
Meeting Date: October 16, 2023
Department: Finance

ITEM TITLE: Linda Did It Deli and Espresso Limited On Premises Liquor License

DISCUSSION/ISSUE:

This is a request for a recommendation of a limited on premises liquor license to the Oregon Liquor Control Commission (OLCC) for Linda Did It Deli and Espresso. OLCC allows the City Council the opportunity to review the liquor license before making a recommendation of approval.

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

FISCAL IMPACT:

The fee for a limited on premises liquor license is \$121. This fee includes the cost of staff time to review the application and place a recommendation before the City Council.

RELEVANCE TO ADOPTED COUNCIL GOALS:

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

ALTERNATIVES:

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

RECOMMENDATION:

Recommend ratification for the previous administrative liquor license approval.

AIS PREPARED BY: Lezlea Purcell, Finance Manager

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

ITEM'S ATTACHED: Attachment 1 – Liquor License Application



OREGON LIQUOR & CANNABIS COMMISSION
LIQUOR LICENSE APPLICATION



Attachment 1

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. You can submit the application to the OLCC if:
 1. You have WRITTEN documentation showing the date the local government received the application or;
 2. The local government has provided you their recommendation.

ALL forms and documents must be a PDF attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission** to: OLCC.LiquorLicenseApplication@Oregon.Gov.
5. **Do not include any license fees with your application packet** (fees will be collected at a later time). *When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.*

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of "applicant" and "licensee" and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the [applicant information box](#) on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below [Authorized Representative](#) area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

[New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

- Off Premises
- Warehouse
- Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT:

After providing your recommendation, return this application to the applicant WITH the recommendation marked below

City **OR** County name: (not both)

(Please specify city **OR** county)

Date application received:

Optional: Date Stamp Received Below



- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Linda Did It Deli and Espresso

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1: Linda Did It deli and Espresso	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Linda Did It Deli and Espresso

Premises street address (The physical location of the business and where the liquor license will be posted):

1856 -2 37th Street

City: Florence	Zip Code: 97439	County: Lane
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Business phone number: 5419913330	Business email: Deligals22@mail.com
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Business mailing address (where we will send any items by mail as described in [OAR 845-004-006511](#)):

1890 37th Street

City: Florence	State: OR	Zip Code: 97439
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Does the business address currently have an OLCC liquor license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- Make changes regarding this license/application on my behalf.
- Sign application forms regarding this license/application on my behalf.
- Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name: Dawn Nissen		
Phone number: 5419919461	Email: Deligals22@mail.com	
Mailing address: 1890 37th Street		
City: Florence	State: OR	Zip Code: 97439

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Dawn Nissen

Phone number:

5419919461

Email:

Deligals22@mail.com

TERMS

- “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 – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street 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 licensed premises at the premises street address 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) permission to exercise the privileges of the license in the area.

Linda Did It Deli and Espresso



OREGON LIQUOR & CANNABIS COMMISSION

LIMITED ON-PREMISES SALES Primary License Privileges

Introduction

Oregon Revised Statute (ORS) 471.178 authorizes the limited on-premises sales license and its license privileges.

Limited On-Premises Sales

- The OLCC license fee is \$400 per year.
- On-premises. May sell and serve by the drink at retail to consumers for consumption on your licensed premises:
 - * Malt beverages (beer), wine, and cider.
- Off-Premises: May sell at retail to consumers for consumption off your licensed premises:
 - * Malt beverages, wine, and cider in factory-sealed containers. There is no minimum or maximum container size or volume limit to sell, but there are delivery limits (see the delivery rules).
 - * Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. There are delivery limits (see the delivery rules).
- May deliver factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption off your licensed premises; however, must follow the delivery rules at OAR 845-006-0392 and 845-006-0396.
- Food service is not a requirement of this license; however, offering legitimate food service will likely allow minor customers (people age 20 and under) on the premises.
- Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity).
- Eligible to apply for a "special event" license: Temporary Use of an Annual License (TUAL).

Obtaining Alcoholic Beverages for Sale and Service

All limited on-premises sales licenses must obtain their alcoholic beverages as follows:

- Malt beverages (beer)
 - * Must obtain malt beverages (beer) only from manufacturers and wholesalers within Oregon. These are the following license types: brewery, brewery-public house, and wholesale malt beverage and wine.
- Wine and cider
 - * May obtain wine and cider from manufacturers and wholesalers within Oregon. These are the following license types: grower sales privilege, wholesale malt beverage and wine, and winery.
 - * May obtain wine and cider directly from businesses outside of Oregon only if:
 - The business outside of Oregon holds an OLCC-issued wine self-distribution permit; and
 - The limited on-premises sales licensee has received an endorsement to receive from the OLCC and follows OAR 845-006-0401.

Some Links

- Temporary Use of an Annual license (TUAL) application: [TUAL application](#)
- Alcoholic liquor laws: [ORS 471](#)
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AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7
Meeting Date: October 16, 2023
Department: City Manager

ITEM TITLE: Department Director Updates

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8
Meeting Date: October 16, 2023
Department: City Manager

ITEM TITLE: City Manager Report & Discussion Items

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 9
Meeting Date: October 16, 2023
Department: City Council

ITEM TITLE: City Council Reports & Discussion Items
