



City of Florence
A City in Motion

City of Florence Council Regular Session

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

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

February 6, 2017

AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Joshua Greene, Council President
Susy Lacer, Councilor

Ron Preisler, Council Vice-President
George Lyddon, Councilor

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

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

5:30 p.m.

INTRODUCTION / ANNOUNCEMENTS

- Tyler Krueger – Wastewater Treatment Plant Operator 1
- August Murphy – Water / Wastewater Treatment Plant Superintendent
- Glen Southerland – Associate Planner

1. APPROVAL OF AGENDA

Joe Henry
Mayor

2. PUBLIC COMMENTS

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Joe Henry
Mayor

CONSENT AGENDA

3. PUBLIC WORKS DEPARTMENT VEHICLE PURCHASE

Consider approval of the purchase of a 2014 Ford Explorer in the amount of \$31,000 for the City Public Works Department.

Mike Miller
Public Works Dir.

PUBLIC HEARING & ACTION ITEMS

4. HECETA BEACH AREA ANNEXATION & ZONE CHANGE

A. PUBLIC HEARING ON ANNEXATION AND ZONE ASSIGNMENT

Hear and consider written and oral testimony regarding the annexation and zone assignment of various properties and right-of-way as listed in the ordinance materials as applied for by Mr. and Mrs. Loftin, Carey, Benedict, deRyk, and Mr. Bacon and Gillette.

B. APPROVAL OF ANNEXATION REQUEST

Consider approval of **Ordinance No. 1, Series 2017**, an ordinance approving annexation of 4636 Heceta Beach Road and abutting Heceta Beach Road.

C. APPROVAL OF ANNEXATION REQUEST

Consider approval of **Ordinance No. 2, Series 2017**, an ordinance approving annexation of 4513 and 4523 Lookout Street and all of Lookout Street west of 1st Street.

Wendy
FarleyCampbell
Planning Director

4c. D. APPROVAL OF ANNEXATION REQUEST

Consider approval of **Ordinance No. 3, Series 2017**, an ordinance approving annexation of 04744 South Harbor Vista Drive and all of Treewood Court west of Rhododendron Drive and south of Harbor Vista Drive from the west edge of annexing property to west side of Rhododendron Drive.

Wendy
FarleyCampbell
Planning Director

E. APPROVAL OF ZONE ASSIGNMENT

Consider approval of **Ordinance No. 4, Series 2017**, an ordinance establishing neighborhood commercial district, Single Family Residential, and Residential Development Shoreland Management Unit Overlay to the annexed properties as listed in the Ordinance.

ACTION ITEMS

The Mayor will provide opportunity for the public to offer comments on action items after staff has given their report and if there is an applicant, after they have had an opportunity to speak.

5. CITY WORK PLAN ADOPTION

Consider approval of **Resolution No. 2, Series 2017**, a resolution approving the 2017 City of Florence work plan.

Erin Reynolds
City Manager

6. STORMWATER MASTER PLAN UPDATE

Consider accepting the fee proposal from Civil West Engineering in the amount of \$71,760 to complete engineering services to update the Stormwater Master Plan.

Mike Miller
Public Works Dir.

7. STORMWATER IMPROVEMENTS ENGINEERING DESIGN

Consider accepting the fee proposal from Civil West Engineering in the amount of \$135,510 to complete engineering design services for two separate stormwater projects: 6th and Hemlock and 2nd and Ivy.

Mike Miller
Public Works Dir.

REPORT ITEMS

8. FLORENCE EVENTS CENTER EVENTS MANAGEMENT

Report on the events management processes for the Florence Events Center.

Kevin Rhodes
FEC Director

9. CITY MANAGER REPORT

- Upcoming Budget Adoption Process and Budget Meeting Calendar
- Florence Urban Renewal Agency Annual report

Erin Reynolds
City Manager

10. CITY COUNCIL REPORTS

Joe Henry
Mayor

COUNCIL CALENDAR

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

Date	Time	Description
February 8, 2017	- - -	City Council Work Session <i>Canceled</i>
February 20, 2017	- - -	President's Day Holiday <i>City Offices Closed</i>
		City Council Meeting <i>Rescheduled</i>
February 22, 2017	- - -	City Council Work Session <i>Canceled</i>

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1

Meeting Date: February 6, 2017

Department: Mayor & Council

ITEM TITLE: APPROVAL OF AGENDA

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: February 6, 2017
Department: Mayor & Council

ITEM TITLE: PUBLIC COMMENTS

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. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3

Meeting Date: February 6, 2017
Department: Public Works

ITEM TITLE: Approve the purchase of a used 2014 Ford Explorer XLT 4WD SUV for Public Works in the amount of \$31,000.

DISCUSSION/ISSUE:

Florence Public Works is in need of a versatile vehicle with the ability to respond to various emergencies during and after regular business hours. After much research and discussions we have determined that the vehicle best suited for Public Works is a quality used 2014 Ford Explorer XLT 4WD SUV with 35,500 miles. The purchase price from Johnston Motors of \$31,000, is \$1,995 less than their current advertised price for the vehicle.

As we completed our analysis, we looked at comparable Ford Explorer's with the same trim and options. Late model Ford Explorer's are holding their value and are somewhat difficult to find. As a comparison, a new 2017 Ford Explorer XLT 4WD SUV would retail at \$46,500 and the Oregon Procurement Information Network (ORPIN) pricing would be \$42,000. As Council may recall, ORPIN provides access to procurement and contracting information issued by the State of Oregon, local governments, and political subdivisions of the state. This allows us the purchasing power of the state, where by the state has already negotiated contract pricing.

Since the State does not negotiate used vehicle prices, we are left to do comparisons based on what other dealers have to offer. Due to the low mileage and outstanding condition of the vehicle it has been difficult to compare apples to apples.

This used Ford Explorer XLT 4WD SUV replaces 2009 Ford Escape Hybrid that is used by the Public Works Director. The 2009 Ford Escape Hybrid, since it has low mileage and is in good shape, will be rotated within the Public Works fleet and be assigned to the Water/Wastewater Superintendent. Currently a 2006 F150 pick-up is assigned to the Water/Wastewater Superintendent and with the fleet rotation, will replace an older high mileage 1995 Ford F-150 pick-up truck within the fleet.

The Johnston Motor Company is a long established Ford vehicle dealer in Florence and has a proven record of support to the City.

FISCAL IMPACT:

During the FY17 budget process, funding was budgeted in the Wastewater fund for equipment, facility and vehicle upgrades. The proposal submitted by Johnston Motors for the used 2014 Ford Explorer XLT 4WD SUV is \$1,995 less than the dealers asking price. Funding is available from the Wastewater capital outlay budget and this purchase is fully funded.

RELEVANCE TO ADOPTED CITY WORK PLAN:

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

ALTERNATIVES:

1. Do not approve purchase.
2. Continue research and locate another vehicle from a different dealership that is similar for lower cost.
3. Utilize ORPIN and purchase a new 2017 Ford Explorer XLT
4. Request formal bids.

RECOMMENDATION:

Staff recommends that the City Council accept the proposal from Johnston Motor Company and authorize the City Manager to proceed with the purchase of the used 2014 Ford Explorer XLT 4WD SUV.

AIS PREPARED BY: Mike Miller, Public Works Director

CITY MANAGER’S RECOMMENDATION: ☒ Approve ☐ Disapprove ☐ Other

Comments:

ER Reynolds

ITEMS ATTACHED: None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4

Meeting Date: February 6, 2017
Department: Planning/Public Works

ITEM TITLE: Ordinances 1, 2, 3, & 4, Series 2017: Public Hearing
Heceta Beach, Lookout and S. Harbor Vista – Annexation and Zone Assignment

DISCUSSION/ISSUE:

Note: The Findings of Fact are the same for the Annexation (Ord. 1, 2, & 3—Exhibit C) and the Zoning Assignment (Ord 4—Exhibit B).

Proposal Summary:

Three property owners in three areas initiated petitions for annexation separately around the same time for various reasons to include need for sewer service due to septic failure and interest in redevelopment. Due to the close proximity of all of the petitioners (along Rhododendron Drive) they were combined into one application and process.

Annexation: Four developed properties and four rights-of-way are under consideration:

- **Ordinance 1:** 04636 Heceta Beach Rd. & Heceta Beach Road (Loftin)
- **Ordinance 2:** 04513 & 04523 Lookout St. & Lookout Street (Carey & Benedict)
- **Ordinance 3:** 04744 S. Harbor Vista Dr. & S. Harbor Vista Dr. & Treewood Ct. (deRyk)

Zoning: The properties and rights of way would be assigned zoning corresponding to their Florence Realization 2020 Comprehensive Plan designations of Recreational Commercial and Medium Density as follows:

- **Ordinance 4:**
 - Neighborhood Commercial District: 04636 Heceta Beach Rd. & southern half of Heceta Beach Road
 - Single Family Residential District: 04513 and 04523 Lookout St., 04744 S. Harbor Vista Dr. and Lookout Street, South Harbor Vista Dr., Treewood Court and northern half of Heceta Beach Road
 - Residential Development Shoreland Management Unit Overlay: Treewood Court and 04744 S. Harbor Vista Dr.

Process:

Petitions were received October 28th (Loftin/Heceta Beach RV), November 3rd (Carey/Lookout), and November 7th (deRyk/S. Harbor Vista Dr.). On December 19th invitations to annex were sent to other property owners within the immediate area of Lookout St. and Treewood Ct. Subsequently, one additional property owner, Benedict, on Lookout St. petitioned to annex on December 29th. During this time the deRyks completed purchase of 04744 S. Harbor Vista Drive from Cliff Gillette the original petitioner. Since all property owners of the territory had submitted requests for annexation, there were no electors, and the proposed territory was contiguous with the city limits, no initiation of the annexation was required and the application went directly to the Planning Commission.

Planning Commission held a public hearing on January 24, 2017 and unanimously approved Resolutions PC 16 29 ANN 04 and PC 16 30 ZC 04, recommending approval of the annexation and zone assignments, respectively, to the City Council.

As per ORS 222.170 after a public hearing is held in accordance with ORS 222. 120 properties may be annexed without an election if 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 on or before the date of the hearing. This is also called the triple majority method. 100% of the property owners owning all of the land and all of the assessed value consented to annexation prior to the Council hearing date.

Access & Utilities:

Staff is working with the petitioners on annexation/development agreements for the extension of sewer utilities. Water will continue to be provided by Heceta Water PUD. Vehicular access is available from Heceta Beach Road, Lookout Street, Treewood Court and South Harbor Vista Drive. All of the streets are proposed to be annexed. Lookout and Treewood are classified by Lane County as “Local Access Roads” and are not maintained by Lane County. Upon their annexation they would jurisdictionally transfer to the City for maintenance and access permitting. South Harbor Vista Drive and Heceta Beach Road are classified as Urban Local and Urban Major Collector, respectively. These are maintained by Lane County and jurisdictional transfer is not automatic upon annexation. Jurisdictional transfer must be requested by the City to the Lane County Board of Commissioners. Lane County clarified jurisdictional transfers on January 30th (Attachment 2) and staff modified pages 2, 3 & 9 of the Findings of Fact from those published to the public in advance of the hearing. If approved, staff will notify other utility companies of the annexation.

FISCAL IMPACT:

The properties are developed therefore applicants will pay sewer systems development charges as well as utility connection fees upon connection to sewer services. New or expanded development may be subject to additional SDCs at the time of building permit issuance or expansion of use.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery. Sustain and improve delivery of cost effective and efficient services.
Objective 18: Organized growth opportunities, Task 3: Encouraging in-fill development

ALTERNATIVES:

1. Approve Ordinance Nos. 1, 2, 3 & 4 Series 2017, as presented or with modifications or
2. Deny the petition for annexation and zone assignment through resolution with reasons for the denial.
3. Continue the public hearing or leave the record open for more information.

RECOMMENDATION:

Planning Commission: On January 24th recommended approval of the annexation and zone assignments as presented in Ordinances 1, 2, 3 and 4, Series 2017.

Staff: Concurs with Planning Commissions' recommendation with modification to pages 2, 3 and 9 of the Findings to reflect that Treewood and Lookout will become the maintenance responsibility of the City.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

**CITY MANAGER'S
RECOMMENDATION:**

Approve

☐ Disapprove

☐ Other

Comments:

ER Reynolds

ITEMS ATTACHED:

- Ordinance No.1, Series 2017
 - Exhibit A – Map of Annexation Area
 - Exhibit B – Description of Annexation Area
 - Exhibit C – Findings of Fact

- Ordinance No. 2, Series 2017
 - Exhibit A – Map of Annexation Area
 - Exhibit B – Description of Annexation Area
 - Exhibit C – Findings of Fact
 - Ordinance No. 4, Series 2017
 - Exhibit A – Map of Rezoning Area
 - Exhibit B – Findings of Fact
 - Other Attachments
 - Attachment 1 – Petitions for Annexation
 - Attachment 2 – Referral Comments Received
-

**CITY OF FLORENCE
ORDINANCE NO. 1, SERIES 2017**

**AN ORDINANCE APPROVING ANNEXATION OF 4636 HECETA BEACH ROAD AND
ABUTTING HECETA BEACH ROAD, MAP REFERENCE 18-12-04-00 TAX LOT 00103.**

RECITALS:

1. The City of Florence was petitioned by the property owners, Daniel & Sheryll Loftin on October 28, 2016 as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The City Council of the City of Florence is authorized by Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act on annexations to the City.
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. ORS 222.170 (2) requires that annexations be initiated by owners of more than half the land and the consent of the majority of electors residing on the affected properties.
5. Signed petitions to annex were received from 100% of property owners of the lots included in the petition for annexation and 100% of the electors.
6. The City of Florence is not including additional lands to be annexed inside the city limits as provided under triple majority annexation, though the three conditions for a triple majority annexation have been met: more than half of the owners of land in the territory consent in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex represent more than half of the assessed value of property in the territory. Only the lands described as part of Exhibits A and B will be annexed into the City of Florence.
7. The Planning Commission met in a public hearing on January 24, 2017 after giving the required notice per FCC 10-1-1-5 to consider the proposal, evidence in the record and testimony received.
8. The Planning Commission determined, after review of the proposal, testimony and evidence in the record, that the proposal was consistent with Realization 2020, the city's acknowledged Comprehensive Plan and adopted findings of fact in support of the annexation.
9. The City Council met on February 6, 2017 after giving the required notice per FCC 10-1-1-5, to consider the proposal, evidence in the record, and testimony received.
10. The City Council on February 6, 2017 found that the request met the applicable criteria and that the property could adequately be served.

11. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation and the City Council adopted Ordinance No. 4, Series 2017 zoning the annexed property to Neighborhood Commercial District, consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

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

1. The City of Florence approves the annexation of territory owned by the petitioners into the City of Florence as described in Exhibits A and B.
2. This annexation is based on the Findings of Fact in Exhibit C 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 6th day of February 2017.

Second Reading on the 6th day of February 2017.

This Ordinance is passed and adopted on the 6th day of February, 2017.

AYES
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

**ORDINANCE 1, 2017– 4636 Heceta Beach Rd. & Heceta Beach Rd.
EXHIBIT A**



4636 Heceta Beach Road – Assessor's Map 18-12-04-00-00103

Ordinance 1, Series 2017

Exhibit B – Legal Descriptions of Areas to be Annexed

Property 1: 4636 Heceta Beach Rd., MR 18-12-04-00 Tax Lot 00103

Parcel II:

Beginning at a point which is North 89° 27' 30" West 127.00 feet and North 0° 01' 15" East 414.02 feet and North 89° 23' 40" West 368.00 feet and North 0° 01' 15" East 300.02 feet and North 89° 23' 40" West 340.00 feet and North 0° 01' 15" East 600.65 feet and South 89° 03' 40" East 89.19 feet from the Southwest corner of Section 3, Township 18 South, Range 12 West of the Willamette Meridian; thence North 0° 01' 15" East 361.97 feet to the Southerly right-of-way line of Heceta Beach Road; thence along said right-of-way North 68° 33' 00" West 283.48 feet; thence North 77° 23' 00" West 229.08 feet to the intersection of the said right-of-way line of Rhododendron Drive; thence along said right-of-way line South 0° 32' 30" West 511.07 feet; thence South 89° 27' 30" East 492.21 feet to the point of beginning, in Lane County, Oregon,

Map and Tax Lot 18 12 04 00 00103, Tax Account No. 1058930

Right of Way: Heceta (Haceta) Beach Road also known as "County Road No. 856", dedication unknown

FINDINGS OF FACT

Ordinances 1, 2 & 3 Series 2017: Exhibit "C"

Ordinance 4, Series 2017: Exhibit "B"

Public Hearing Date: February 6, 2017

I. PROPOSAL DESCRIPTION

Proposal: Annexation

ORD. 1, 2, & 3: S. Harbor Vista / Heceta Beach / Lookout Annexation
Annex property from Lane County to the City of Florence

Rezoning

ORD. 4: S. Harbor Vista / Heceta Beach / Lookout Zone Change
Upon annexation, the properties will be rezoned with city zoning. The corresponding zoning districts matching the included properties plan designation are Neighborhood Commercial and Single Family Residential. Property 4 and ROW 4 will also have Residential Development Shorelands Management Unit Overlay assigned.

Property Owners/Petitioners & Associated Properties (described in Exhibit B of Ordinances 1, 2, & 3)

Property 1--SE Corner of Rhododendron Drive & Heceta Beach Rd, 4636 Heceta Beach Rd. as well as Right-of-way (ROW) 1: adjoining portion of Heceta Beach Road

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin)

Properties 2 & 3--Land west of 1st Ave. & South of Driftwood Shores, 04513 & 04523 Lookout St. as well as ROW 2: adjoining Lookout St.:

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4--Land between Treewood Court and S. Harbor Vista Dr., 04744 S. Harbor Vista Dr., as well as ROW 3 & 4: adjoining S. Harbor Vista Dr. and Treewood Court.:

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk)

Comprehensive Plan Map Designation: Recreational Commercial & Medium Density

Current Land Use / Zoning:

Property 1 & ROW 1: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin):

Properties 2 & 3 & ROW 2: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4 & ROW 3 & 4: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays NRC, BD & U (Natural Resources Conservation, Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk):

Streets / Classification: Heceta Beach Road / Major Arterial; Lookout, S. Harbor Vista Dr. & Treewood Court / Local

II. NARRATIVE

There are four developed properties under consideration for annexation as well as the following abutting rights-of-way: Heceta Beach Rd., Lookout St., South Harbor Vista Dr. and Treewood Court.

Three property owners in three areas initiated petitions for annexation separately around the same time for various reasons to include need for sewer service due to septic failure and interest in redevelopment. Due to the close proximity (along Rhododendron Drive) of all of the petitioners they were combined into one application and process. These petitions were received on October 28th, November 3rd, and November 7th. On December 19th invitations to annex were sent to other property owners within the immediate area of Lookout St. and Treewood Ct. Subsequently, one additional property owner, Benedict, on Lookout St. petitioned to annex on December 29th. As of the date of writing the proposal is reviewed under the "Double Majority" annexation (ORS 222.125) methodologies. The annexation and zoning assignments will be processed as quasi-judicial applications with a hearing.

The properties are within the Heceta Water PUD and Siuslaw Rural Fire Protection District. The properties will continue to be served by Heceta Water PUD and SVFR.

Properties abutting Heceta Beach Road and South Harbor Vista Drive right-of-ways and wishing to have access or install or connect to utilities within the right-of-way must apply for permits from Lane County as the streets while in Florence jurisdiction will remain the maintenance responsibility of Lane County. Properties abutting

Treewood and Lookout right-of-ways and wishing to have access or install or connect to utilities within the right-of-way will apply for permits from the City of Florence as these two streets are designated “Local” and maintenance responsibility transfers from the property owners (county does not maintain local streets) to the city with annexation

III. PUBLIC NOTICE

Notice of the Planning Commission’s public hearing was mailed on January 4, 2017 to property owners within 300 feet of the proposed annexation areas. Notice was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st. On January 4th and January 25th notices were posted at City Hall, the Florence Post Office, the Justice Center, and the Siuslaw Public Library.

Public Comments:

At the time of this report, the City had received no written comments. There were several verbal inquiries.

IV. REFERRALS

On January 4th and 25th referrals were sent to Florence Public Works and Police; Lane County Transportation, Surveyor, Land Management and Environmental Health; Oregon Department of Transportation; DLCD; the U.S. Post Office; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Central Coast Disposal; Country Transfer and Recycling; Siuslaw Valley Fire and Rescue and Heceta Water PUD.

Referral Comments:

At the time of this report, the City had received comments from Lane County Transportation concurring with the annexation of the streets and stating they will retain jurisdiction (maintenance) of Heceta Beach Road and South Harbor Vista Dr. and clarifying that stormwater from abutting properties is not permitted to be placed within the rights-of-way due to insufficient width for both street and property stormwater runoff.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement, Policy 4

Chapter 14: Urbanization, Policies 1 and 3 through 7

Rezoning

Florence Realization 2020 Comprehensive Plan

Chapter 2: Land Use, Policy 6, Section on Commercial Designations

Florence City Code (FCC)

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3, 10-1-2-3, & 10-1-3-B-4

Chapter 11: Single Family Residential District

Chapter 14: Neighborhood Commercial District

Chapter 19: Estuary Shorelands Beaches and Dunes

VI. FINDINGS OF FACT

The following findings support Ordinances 1, 2, 3 & 4 and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code and State Statutes.

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

“Goal

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

Policy

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

This proposal is consistent with this citizen involvement goal and Policy 4 because the process used by the City to approve the Resolutions recommending approval of this annexation and zone assignment request was consistent with the City’s applicable citizen involvement program, which ensured that citizens were provided an opportunity to be involved in this land use action. Specifically, official City meetings on this action were publicized and held at regular times and provided the opportunity for citizen comment.

The public process used met all of the requirements stated in Florence City Code pertaining to the rezoning of properties.

The proposal is the subject of public hearings before both the Planning Commission and the City Council. This annexation proposal was considered by the Florence Planning Commission on January 24, 2017 and by City Council on February 6, 2017. The public hearing was noticed in accordance with Florence City Code 10-1-1-5 as a quasi-judicial land use decision before the Planning Commission and City Council.

The City notified property owners within 300 feet of the sites 21 days prior to the Planning Commission public hearing. The City also published the required notice of the Planning Commission's public hearing two times in the Siuslaw News on January 11th and 18th and prior to the City Council public hearing on January 25th and February 1st. Finally, the City posted notice at four public places within the City on January 4th and revised notice on January 25th: City Hall, Justice Center, Siuslaw Public Library, and Post Office.

The Planning Commission and City Council agenda packets were posted on the City's website prior to the public hearing. The staff reports were available seven days prior to the public hearings. Therefore, this proposal was reviewed in accordance with the City's acknowledged plan and was consistent with the plan policies for Citizen Involvement.

Chapter 2: Land Use

Policy

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

The annexation proposal is consistent with this policy because the provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

Commercial

Commercial Plan Designation Categories and Background

Recreational Commercial

The Recreational Commercial Plan designation was applied to one property in the UGB when the Realization 2020 Comprehensive Plan was adopted. This property, located in the southeast corner of Heceta Beach Road and Rhododendron Drive, was developed as a campground/recreational vehicle park and a small store at the time of Plan adoption. No other Plan designation fit this combination of land uses, and thus the Recreational Commercial designation was created in the legend of the Comprehensive Plan Map. This property is currently zoned by Lane County because it lies outside city limits.

A City zoning classification of Neighborhood Commercial District will be applied to this property at such time as it is annexed to the city.

Property 1 and ROW 1 are proposed to be zoned Neighborhood Commercial, consistent with their Recreational Commercial plan designation. They are developed as mentioned above.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via Rhododendron Dr. or 1st. Ave. to the west and/or east; 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 water and sewer to the properties being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and the sewer and water funds in the 2016-17 City of Florence Budget. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid additional construction of septic systems and inefficient use of open space contained within the lots to be annexed for the drain field.

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 owners in order to receive City services, but has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits. The City has received petitions from the property owners with signature of all listed property owners and electors. This policy criterion is met.

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

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

The proposed annexation is consistent with Policy 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer and police protection. 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 existing and possible future commercial development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing uses without negatively affecting existing customers.

Water: The properties will remain customers of Heceta Water PUD.

Stormwater: There will be no change in the handling of stormwater upon annexation. The properties will develop stormwater treatment systems consistent with code when site improvements are made.

Streets: The properties are accessed via Lookout St., Heceta Beach Rd., Rhododendron Dr. and Treewood Dr. Lookout is classified as a local street and developed as a narrow driveway. Treewood and South Harbor Vista are developed but not to city standards for development. The increased usage (vehicular trips) made available by annexation and zone change can be accommodated by the streets with improvements made in tandem with development.

Fire: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. The City eliminated contractual agreements with Siuslaw Valley Fire and Rescue that previously provided protection services to city residents.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will patrol and respond to calls for the subject properties.

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

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

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

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

c) consistency with state law.

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

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

Staff sent referral requests to Lane County on January 4 and 25th, 2017. There have been no responses as of writing this report.

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.

Staff sent a referral to Heceta Water Public Utility District and has not received a response.

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

At the time of writing all properties petitioned for annexation are developed. As such the applicant and petitioners of the properties will be required to pay sewer systems development charges upon connecting to the sewer. Future infill development of the properties will necessitate payment of applicable systems development charges. Any developed properties and expansions to properties added to this application will be charged systems development charges commensurate with their impacts on the systems. The proposed annexation is consistent with Policy 3 because Florence City

Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges.

- 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 redevelopment of the properties, with the exception of maintenance and access off South Harbor Vista Dr. and Heceta Beach Road, which will continue to be the maintenance responsibility of Lane County. Treewood and Lookout will be maintained by the City.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The proposed annexation area is located within the urban growth boundary of the City of Florence, all within Lane County. The annexation is contiguous to the City from the west on the east side of Rhododendron Dr. and from the east on the west side of Rhododendron Dr. and from the east on the west side of 1st Ave.

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

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

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

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

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

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

The annexation area is within the Siuslaw Valley Fire and Rescue District, 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, expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 28, Services 2010 expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 28, Series 2010 expresses the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing on February 6, 2017, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

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

The Planning Commission and City Council public hearings were noticed as required. Notice of the public hearing was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st, 2017. Notices were posted in four public places in the City at City Hall, Justice Center, Siuslaw Public Library, and Post Office on January 4th and 25th, 2017.

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

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

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

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

The City Council will held a public hearing on the annexation request on February 6, 2017. Passing an ordinance as required under (b) showing that the electors and landowners consented in writing to the annexation consistent with ORS 222.170.

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

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

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

The written consents from property owners were received by the City on petitions requesting annexation to the City. The City received written consents from all property owners of the properties requesting annexation.

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

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

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires that a state process that requires a majority of consents be required. For these reasons the annexation portion of this application does not include a hearing but will include a recommendation to the City Council.

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.

There are eight owners of the property in the proposed annexation area. The City received written consents from both property owners of the properties who own 100% of the land in the contiguous area to be annexed representing 100% of the assessed value of real property in the contiguous territory to be annexed prior to the public hearing dates.

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

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

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

There are no electors in the proposed annexation area. The City has received written consents from all property owners of the properties within the area proposed to be annexed

prior to a public hearing before the legislative body of the City of Florence. The written consents were all signed prior to January 24, 2017 and received before the City Council held the required public hearing required by ORS 222.120.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-5-E-3

3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**

The applicants requested annexation of their property within the UGB. This process includes the assignment of the zoning district corresponding to their properties' Recreational Commercial and Medium Density comprehensive plan designations. The properties upon annexation will be rezoned from their current county zones to either the City's Neighborhood Commercial District zone or Single Family Residential District. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned. The rezone is necessary to finalize annexation. The public need and good of annexation has been reviewed elsewhere in this report. The selected zoning is appropriate and corresponds to the Recreational Commercial and Medium Density Comprehensive Plan designations.

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 districts corresponding to the subject properties' Comprehensive Plan designation are Neighborhood Commercial and Single Family Residential. The Neighborhood Commercial (Property 1 & ROW 1 (s. ½)) or Single Family Residential Districts (Properties 2, 3, & 4 and ROW 1 (n ½), 2, 3, & 4) will be assigned upon approval of the request from Council and finalization of the annexation process with the county. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned.

The existing properties either meet the minimum lot frontage dimensions and lot sizes for the Florence City Code Title 10, Chapter 14: Neighborhood Commercial District and Chapter 11 Single Family Residential District or are pre-existing non-conforming.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On January 24, 2017, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

VI. CONCLUSION

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

**CITY OF FLORENCE
ORDINANCE NO. 2, SERIES 2017**

AN ORDINANCE APPROVING ANNEXATION OF 4513 AND 4523 LOOKOUT ST. AND ALL OF LOOKOUT ST. WEST OF 1ST ST., MAP REFERENCE 18-12-04-42 TAX LOTS 01204 & 01205.

RECITALS:

1. The City of Florence was petitioned by the property owners, Dennis & Jayne Carey and Julius & Justine Benedict on November 7, 2016 as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The City Council of the City of Florence is authorized by Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act on annexations to the City.
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. ORS 222.170 (2) requires that annexations be initiated by owners of more than half the land and the consent of the majority of electors residing on the affected properties.
5. Signed petitions to annex were received from 100% of property owners of the lots included in the petition for annexation and 100% of the electors.
6. The City of Florence is not including additional lands to be annexed inside the city limits as provided under triple majority annexation, though the three conditions for a triple majority annexation have been met: more than half of the owners of land in the territory consent in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex represent more than half of the assessed value of property in the territory. Only the lands described as part of Exhibits A and B will be annexed into the City of Florence.
7. The Planning Commission met in a public hearing on January 24, 2017 after giving the required notice per FCC 10-1-1-5 to consider the proposal, evidence in the record and testimony received.
8. The Planning Commission determined, after review of the proposal, testimony and evidence in the record, that the proposal was consistent with Realization 2020, the city's acknowledged Comprehensive Plan and adopted findings of fact in support of the annexation.
9. The City Council met on February 6, 2017 after giving the required notice per FCC 10-1-1-5, to consider the proposal, evidence in the record, and testimony received.
10. The City Council on February 6, 2017 found that the request met the applicable criteria and that the property could adequately be served.

11. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation and the City Council adopted Ordinance No. 4, Series 2017 zoning the annexed property to Single Family Residential, consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

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

1. The City of Florence approves the annexation of territory owned by the petitioners into the City of Florence as described in Exhibits A and B.
2. This annexation is based on the Findings of Fact in Exhibit C 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 6th day of February 2017.

Second Reading on the 6th day of February 2017.

This Ordinance is passed and adopted on the 6th day of February, 2017.

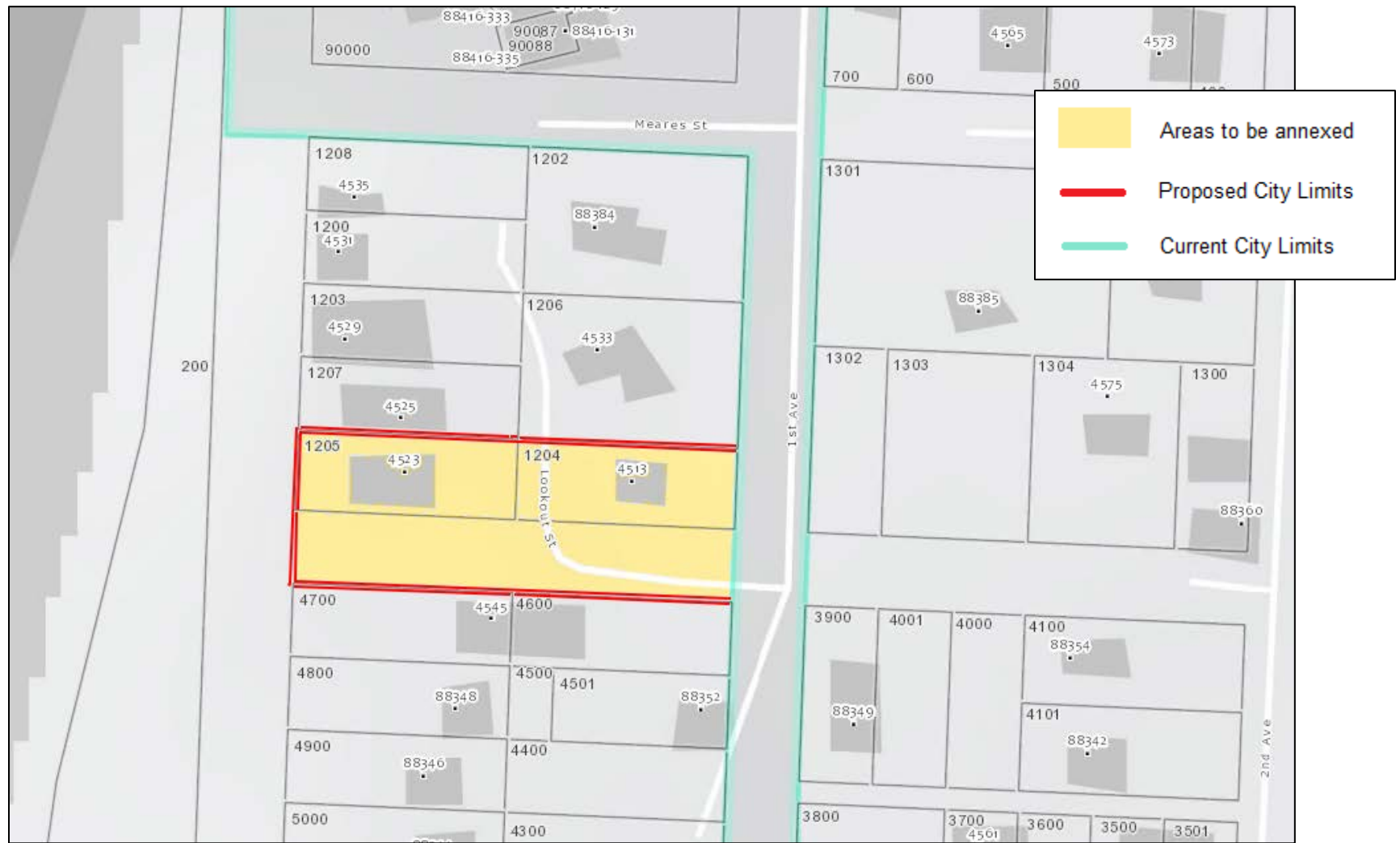
AYES
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

ORDINANCE 1, 2017– 4513 & 4523 Lookout Street & Lookout Street EXHIBIT A



4523 Lookout Street – Assessor's Map 18-12-04-42 Taxlot 01205

4513 Lookout Street – Assessor's Map 18-12-04-42 Taxlot 01204

Ordinance 2, Series 2017

Exhibit B – Legal Descriptions of Areas to be Annexed

Property: 4513 Lookout St., MR 18-12-04-42 Tax Lot 1204

Lot 1, Block 22, HECETA BEACH, as platted and recorded in Book 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

Property: 4523 Lookout St., MR 18-12-04-42 Tax Lot 1205

Lot 10, Block 22, Heceta Beach, as platted and recorded in Book 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon. ✓

Right of Way: Lookout St. of Heceta Beach, as platted and recorded in Book 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon

FINDINGS OF FACT

Ordinances 1, 2 & 3 Series 2017: Exhibit "C"

Ordinance 4, Series 2017: Exhibit "B"

Public Hearing Date: February 6, 2017

I. PROPOSAL DESCRIPTION

Proposal: Annexation

ORD. 1, 2, & 3: S. Harbor Vista / Heceta Beach / Lookout Annexation
Annex property from Lane County to the City of Florence

Rezoning

ORD. 4: S. Harbor Vista / Heceta Beach / Lookout Zone Change
Upon annexation, the properties will be rezoned with city zoning. The corresponding zoning districts matching the included properties plan designation are Neighborhood Commercial and Single Family Residential. Property 4 and ROW 4 will also have Residential Development Shorelands Management Unit Overlay assigned.

Property Owners/Petitioners & Associated Properties (described in Exhibit B of Ordinances 1, 2, & 3)

Property 1--SE Corner of Rhododendron Drive & Heceta Beach Rd, 4636 Heceta Beach Rd. as well as Right-of-way (ROW) 1: adjoining portion of Heceta Beach Road

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin)

Properties 2 & 3--Land west of 1st Ave. & South of Driftwood Shores, 04513 & 04523 Lookout St. as well as ROW 2: adjoining Lookout St.:

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4--Land between Treewood Court and S. Harbor Vista Dr., 04744 S. Harbor Vista Dr., as well as ROW 3 & 4: adjoining S. Harbor Vista Dr. and Treewood Court.:

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk)

Comprehensive Plan Map Designation: Recreational Commercial & Medium Density

Current Land Use / Zoning:

Property 1 & ROW 1: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin):

Properties 2 & 3 & ROW 2: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4 & ROW 3 & 4: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays NRC, BD & U (Natural Resources Conservation, Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk):

Streets / Classification: Heceta Beach Road / Major Arterial; Lookout, S. Harbor Vista Dr. & Treewood Court / Local

II. NARRATIVE

There are four developed properties under consideration for annexation as well as the following abutting rights-of-way: Heceta Beach Rd., Lookout St., South Harbor Vista Dr. and Treewood Court.

Three property owners in three areas initiated petitions for annexation separately around the same time for various reasons to include need for sewer service due to septic failure and interest in redevelopment. Due to the close proximity (along Rhododendron Drive) of all of the petitioners they were combined into one application and process. These petitions were received on October 28th, November 3rd, and November 7th. On December 19th invitations to annex were sent to other property owners within the immediate area of Lookout St. and Treewood Ct. Subsequently, one additional property owner, Benedict, on Lookout St. petitioned to annex on December 29th. As of the date of writing the proposal is reviewed under the "Double Majority" annexation (ORS 222.125) methodologies. The annexation and zoning assignments will be processed as quasi-judicial applications with a hearing.

The properties are within the Heceta Water PUD and Siuslaw Rural Fire Protection District. The properties will continue to be served by Heceta Water PUD and SVFR.

Properties abutting Heceta Beach Road and South Harbor Vista Drive right-of-ways and wishing to have access or install or connect to utilities within the right-of-way must apply for permits from Lane County as the streets while in Florence jurisdiction will remain the maintenance responsibility of Lane County. Properties abutting

Treewood and Lookout right-of-ways and wishing to have access or install or connect to utilities within the right-of-way will apply for permits from the City of Florence as these two streets are designated “Local” and maintenance responsibility transfers from the property owners (county does not maintain local streets) to the city with annexation

III. PUBLIC NOTICE

Notice of the Planning Commission’s public hearing was mailed on January 4, 2017 to property owners within 300 feet of the proposed annexation areas. Notice was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st. On January 4th and January 25th notices were posted at City Hall, the Florence Post Office, the Justice Center, and the Siuslaw Public Library.

Public Comments:

At the time of this report, the City had received no written comments. There were several verbal inquiries.

IV. REFERRALS

On January 4th and 25th referrals were sent to Florence Public Works and Police; Lane County Transportation, Surveyor, Land Management and Environmental Health; Oregon Department of Transportation; DLCD; the U.S. Post Office; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Central Coast Disposal; Country Transfer and Recycling; Siuslaw Valley Fire and Rescue and Heceta Water PUD.

Referral Comments:

At the time of this report, the City had received comments from Lane County Transportation concurring with the annexation of the streets and stating they will retain jurisdiction (maintenance) of Heceta Beach Road and South Harbor Vista Dr. and clarifying that stormwater from abutting properties is not permitted to be placed within the rights-of-way due to insufficient width for both street and property stormwater runoff.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement, Policy 4

Chapter 14: Urbanization, Policies 1 and 3 through 7

Rezoning

Florence Realization 2020 Comprehensive Plan

Chapter 2: Land Use, Policy 6, Section on Commercial Designations

Florence City Code (FCC)

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3, 10-1-2-3, & 10-1-3-B-4

Chapter 11: Single Family Residential District

Chapter 14: Neighborhood Commercial District

Chapter 19: Estuary Shorelands Beaches and Dunes

VI. FINDINGS OF FACT

The following findings support Ordinances 1, 2, 3 & 4 and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code and State Statutes.

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

“Goal

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

Policy

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

This proposal is consistent with this citizen involvement goal and Policy 4 because the process used by the City to approve the Resolutions recommending approval of this annexation and zone assignment request was consistent with the City’s applicable citizen involvement program, which ensured that citizens were provided an opportunity to be involved in this land use action. Specifically, official City meetings on this action were publicized and held at regular times and provided the opportunity for citizen comment.

The public process used met all of the requirements stated in Florence City Code pertaining to the rezoning of properties.

The proposal is the subject of public hearings before both the Planning Commission and the City Council. This annexation proposal was considered by the Florence Planning Commission on January 24, 2017 and by City Council on February 6, 2017. The public hearing was noticed in accordance with Florence City Code 10-1-1-5 as a quasi-judicial land use decision before the Planning Commission and City Council.

The City notified property owners within 300 feet of the sites 21 days prior to the Planning Commission public hearing. The City also published the required notice of the Planning Commission's public hearing two times in the Siuslaw News on January 11th and 18th and prior to the City Council public hearing on January 25th and February 1st. Finally, the City posted notice at four public places within the City on January 4th and revised notice on January 25th: City Hall, Justice Center, Siuslaw Public Library, and Post Office.

The Planning Commission and City Council agenda packets were posted on the City's website prior to the public hearing. The staff reports were available seven days prior to the public hearings. Therefore, this proposal was reviewed in accordance with the City's acknowledged plan and was consistent with the plan policies for Citizen Involvement.

Chapter 2: Land Use

Policy

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

The annexation proposal is consistent with this policy because the provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

Commercial

Commercial Plan Designation Categories and Background

Recreational Commercial

The Recreational Commercial Plan designation was applied to one property in the UGB when the Realization 2020 Comprehensive Plan was adopted. This property, located in the southeast corner of Heceta Beach Road and Rhododendron Drive, was developed as a campground/recreational vehicle park and a small store at the time of Plan adoption. No other Plan designation fit this combination of land uses, and thus the Recreational Commercial designation was created in the legend of the Comprehensive Plan Map. This property is currently zoned by Lane County because it lies outside city limits.

A City zoning classification of Neighborhood Commercial District will be applied to this property at such time as it is annexed to the city.

Property 1 and ROW 1 are proposed to be zoned Neighborhood Commercial, consistent with their Recreational Commercial plan designation. They are developed as mentioned above.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via Rhododendron Dr. or 1st. Ave. to the west and/or east; 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 water and sewer to the properties being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and the sewer and water funds in the 2016-17 City of Florence Budget. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid additional construction of septic systems and inefficient use of open space contained within the lots to be annexed for the drain field.

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 owners in order to receive City services, but has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits. The City has received petitions from the property owners with signature of all listed property owners and electors. This policy criterion is met.

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

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

The proposed annexation is consistent with Policy 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer and police protection. 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 existing and possible future commercial development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing uses without negatively affecting existing customers.

Water: The properties will remain customers of Heceta Water PUD.

Stormwater: There will be no change in the handling of stormwater upon annexation. The properties will develop stormwater treatment systems consistent with code when site improvements are made.

Streets: The properties are accessed via Lookout St., Heceta Beach Rd., Rhododendron Dr. and Treewood Dr. Lookout is classified as a local street and developed as a narrow driveway. Treewood and South Harbor Vista are developed but not to city standards for development. The increased usage (vehicular trips) made available by annexation and zone change can be accommodated by the streets with improvements made in tandem with development.

Fire: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. The City eliminated contractual agreements with Siuslaw Valley Fire and Rescue that previously provided protection services to city residents.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will patrol and respond to calls for the subject properties.

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

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

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

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

c) consistency with state law.

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

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

Staff sent referral requests to Lane County on January 4 and 25th, 2017. There have been no responses as of writing this report.

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.

Staff sent a referral to Heceta Water Public Utility District and has not received a response.

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

At the time of writing all properties petitioned for annexation are developed. As such the applicant and petitioners of the properties will be required to pay sewer systems development charges upon connecting to the sewer. Future infill development of the properties will necessitate payment of applicable systems development charges. Any developed properties and expansions to properties added to this application will be charged systems development charges commensurate with their impacts on the systems. The proposed annexation is consistent with Policy 3 because Florence City

Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges.

- 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 redevelopment of the properties, with the exception of maintenance and access off South Harbor Vista Dr. and Heceta Beach Road, which will continue to be the maintenance responsibility of Lane County. Treewood and Lookout will be maintained by the City.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The proposed annexation area is located within the urban growth boundary of the City of Florence, all within Lane County. The annexation is contiguous to the City from the west on the east side of Rhododendron Dr. and from the east on the west side of Rhododendron Dr. and from the east on the west side of 1st Ave.

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

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

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

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

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

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

The annexation area is within the Siuslaw Valley Fire and Rescue District, 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, expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 28, Services 2010 expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 28, Series 2010 expresses the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing on February 6, 2017, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

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

The Planning Commission and City Council public hearings were noticed as required. Notice of the public hearing was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st, 2017. Notices were posted in four public places in the City at City Hall, Justice Center, Siuslaw Public Library, and Post Office on January 4th and 25th, 2017.

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

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

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

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

The City Council will held a public hearing on the annexation request on February 6, 2017. Passing an ordinance as required under (b) showing that the electors and landowners consented in writing to the annexation consistent with ORS 222.170.

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

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

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

The written consents from property owners were received by the City on petitions requesting annexation to the City. The City received written consents from all property owners of the properties requesting annexation.

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

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

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires that a state process that requires a majority of consents be required. For these reasons the annexation portion of this application does not include a hearing but will include a recommendation to the City Council.

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.

There are eight owners of the property in the proposed annexation area. The City received written consents from both property owners of the properties who own 100% of the land in the contiguous area to be annexed representing 100% of the assessed value of real property in the contiguous territory to be annexed prior to the public hearing dates.

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

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

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

There are no electors in the proposed annexation area. The City has received written consents from all property owners of the properties within the area proposed to be annexed

prior to a public hearing before the legislative body of the City of Florence. The written consents were all signed prior to January 24, 2017 and received before the City Council held the required public hearing required by ORS 222.120.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-5-E-3

- 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**

The applicants requested annexation of their property within the UGB. This process includes the assignment of the zoning district corresponding to their properties' Recreational Commercial and Medium Density comprehensive plan designations. The properties upon annexation will be rezoned from their current county zones to either the City's Neighborhood Commercial District zone or Single Family Residential District. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned. The rezone is necessary to finalize annexation. The public need and good of annexation has been reviewed elsewhere in this report. The selected zoning is appropriate and corresponds to the Recreational Commercial and Medium Density Comprehensive Plan designations.

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 districts corresponding to the subject properties' Comprehensive Plan designation are Neighborhood Commercial and Single Family Residential. The Neighborhood Commercial (Property 1 & ROW 1 (s. ½)) or Single Family Residential Districts (Properties 2, 3, & 4 and ROW 1 (n ½), 2, 3, & 4) will be assigned upon approval of the request from Council and finalization of the annexation process with the county. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned.

The existing properties either meet the minimum lot frontage dimensions and lot sizes for the Florence City Code Title 10, Chapter 14: Neighborhood Commercial District and Chapter 11 Single Family Residential District or are pre-existing non-conforming.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On January 24, 2017, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

VI. CONCLUSION

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

**CITY OF FLORENCE
ORDINANCE NO. 3, SERIES 2017**

AN ORDINANCE APPROVING ANNEXATION OF 04744 SOUTH HARBOR VISTA DRIVE AND ALL OF TREETWOOD COURT WEST OF RHODODENDRON DR. AND SOUTH HARBOR VISTA DR. FROM WEST EDGE OF ANNEXING PROPERTY TO WEST SIDE OF RHODODENDRON DR., MAP REFERENCE 18-12-15-22 TAX LOT 05300.

RECITALS:

1. The City of Florence was petitioned by the property owners, Gary Bacon, Cliff Gillette, Jon and Janet deRyk on November 3, 2016 as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The City Council of the City of Florence is authorized by Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act on annexations to the City.
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. ORS 222.170 (2) requires that annexations be initiated by owners of more than half the land and the consent of the majority of electors residing on the affected properties.
5. Signed petitions to annex were received from 100% of property owners of the lots included in the petition for annexation and 100% of the electors.
6. The City of Florence is not including additional lands to be annexed inside the city limits as provided under triple majority annexation, though the three conditions for a triple majority annexation have been met: more than half of the owners of land in the territory consent in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex represent more than half of the assessed value of property in the territory. Only the lands described as part of Exhibits A and B will be annexed into the City of Florence.
7. The Planning Commission met in a public hearing on January 24, 2017 after giving the required notice per FCC 10-1-1-5 to consider the proposal, evidence in the record and testimony received.
8. The Planning Commission determined, after review of the proposal, testimony and evidence in the record, that the proposal was consistent with Realization 2020, the city's acknowledged Comprehensive Plan and adopted findings of fact in support of the annexation.
9. The City Council met on February 6, 2017 after giving the required notice per FCC 10-1-1-5, to consider the proposal, evidence in the record, and testimony received.
10. The City Council on February 6, 2017 found that the request met the applicable criteria and that the property could adequately be served.

11. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation and the City Council adopted Ordinance No. 4, Series 2017 zoning the annexed property to either Single Family Residential, or Single Family Residential with a Residential Development Shoreland Management Unit Overlay consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

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

1. The City of Florence approves the annexation of territory owned by the petitioners into the City of Florence as described in Exhibits A and B.
2. This annexation is based on the Findings of Fact in Exhibit C 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 6th day of February 2017.

Second Reading on the 6th day of February 2017.

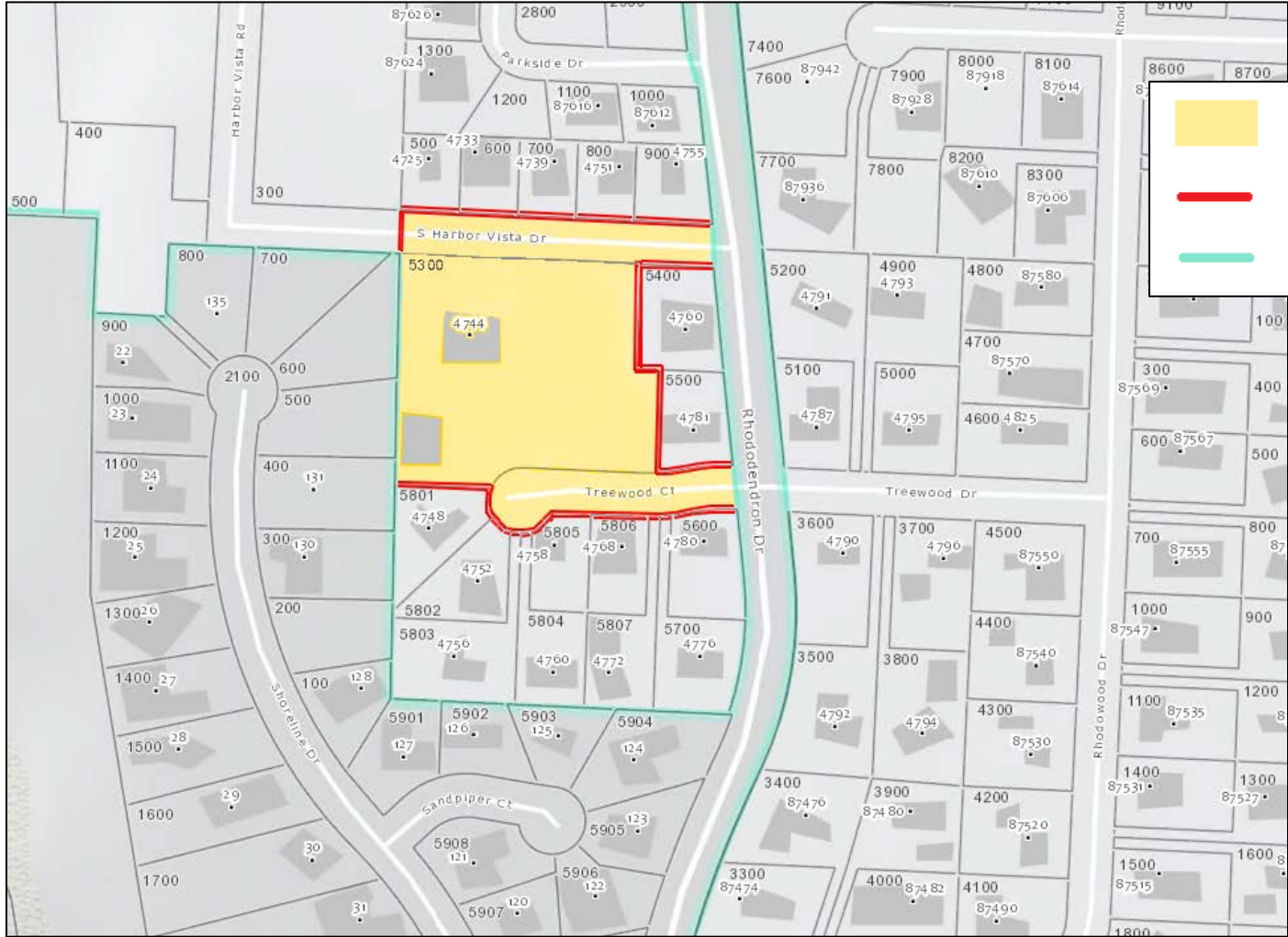
This Ordinance is passed and adopted on the 6th day of February, 2017.

AYES
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder



4744 S. Harbor Vista Drive – Assessor's Map 18-12-15-22 Taxlot 5300

Ordinance 3, Series 2017

Exhibit B – Legal Descriptions of Areas to be Annexed

Property: 04744 S. Harbor Vista Dr., MR 18-12-15-22 Tax Lot 05300

**PARCEL 1 OF LAND PARTITION PLAT NO. 90-P0004 FILED MAY 14, 1990, LANE COUNTY
OREGON OFFICIAL RECORDS, IN LANE COUNTY, OREGON.**

Right of Way: Tree Wood Court of TREEWOOD, as platted and recorded in File 74 Slide 195, Lane County Oregon Plat Records, In Lane County, Oregon.

Right of Way: S. Harbor Vista Dr., also known as “County Road 1301”, dedication unknown

FINDINGS OF FACT

Ordinances 1, 2 & 3 Series 2017: Exhibit “C”

Ordinance 4, Series 2017: Exhibit “B”

Public Hearing Date: February 6, 2017

I. PROPOSAL DESCRIPTION

Proposal: Annexation

ORD. 1, 2, & 3: S. Harbor Vista / Heceta Beach / Lookout Annexation
Annex property from Lane County to the City of Florence

Rezoning

ORD. 4: S. Harbor Vista / Heceta Beach / Lookout Zone Change
Upon annexation, the properties will be rezoned with city zoning. The corresponding zoning districts matching the included properties plan designation are Neighborhood Commercial and Single Family Residential. Property 4 and ROW 4 will also have Residential Development Shorelands Management Unit Overlay assigned.

Property Owners/Petitioners & Associated Properties (described in Exhibit B of Ordinances 1, 2, & 3)

Property 1--SE Corner of Rhododendron Drive & Heceta Beach Rd, 4636 Heceta Beach Rd. as well as Right-of-way (ROW) 1: adjoining portion of Heceta Beach Road

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin)

Properties 2 & 3--Land west of 1st Ave. & South of Driftwood Shores, 04513 & 04523 Lookout St. as well as ROW 2: adjoining Lookout St.:

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4--Land between Treewood Court and S. Harbor Vista Dr., 04744 S. Harbor Vista Dr., as well as ROW 3 & 4: adjoining S. Harbor Vista Dr. and Treewood Court.:

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk)

Comprehensive Plan Map Designation: Recreational Commercial & Medium Density

Current Land Use / Zoning:

Property 1 & ROW 1: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin):

Properties 2 & 3 & ROW 2: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4 & ROW 3 & 4: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays NRC, BD & U (Natural Resources Conservation, Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk):

Streets / Classification: Heceta Beach Road / Major Arterial; Lookout, S. Harbor Vista Dr. & Treewood Court / Local

II. NARRATIVE

There are four developed properties under consideration for annexation as well as the following abutting rights-of-way: Heceta Beach Rd., Lookout St., South Harbor Vista Dr. and Treewood Court.

Three property owners in three areas initiated petitions for annexation separately around the same time for various reasons to include need for sewer service due to septic failure and interest in redevelopment. Due to the close proximity (along Rhododendron Drive) of all of the petitioners they were combined into one application and process. These petitions were received on October 28th, November 3rd, and November 7th. On December 19th invitations to annex were sent to other property owners within the immediate area of Lookout St. and Treewood Ct. Subsequently, one additional property owner, Benedict, on Lookout St. petitioned to annex on December 29th. As of the date of writing the proposal is reviewed under the "Double Majority" annexation (ORS 222.125) methodologies. The annexation and zoning assignments will be processed as quasi-judicial applications with a hearing.

The properties are within the Heceta Water PUD and Siuslaw Rural Fire Protection District. The properties will continue to be served by Heceta Water PUD and SVFR.

Properties abutting Heceta Beach Road and South Harbor Vista Drive right-of-ways and wishing to have access or install or connect to utilities within the right-of-way must apply for permits from Lane County as the streets while in Florence jurisdiction will remain the maintenance responsibility of Lane County. Properties abutting

Treewood and Lookout right-of-ways and wishing to have access or install or connect to utilities within the right-of-way will apply for permits from the City of Florence as these two streets are designated “Local” and maintenance responsibility transfers from the property owners (county does not maintain local streets) to the city with annexation

III. PUBLIC NOTICE

Notice of the Planning Commission’s public hearing was mailed on January 4, 2017 to property owners within 300 feet of the proposed annexation areas. Notice was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st. On January 4th and January 25th notices were posted at City Hall, the Florence Post Office, the Justice Center, and the Siuslaw Public Library.

Public Comments:

At the time of this report, the City had received no written comments. There were several verbal inquiries.

IV. REFERRALS

On January 4th and 25th referrals were sent to Florence Public Works and Police; Lane County Transportation, Surveyor, Land Management and Environmental Health; Oregon Department of Transportation; DLCD; the U.S. Post Office; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Central Coast Disposal; Country Transfer and Recycling; Siuslaw Valley Fire and Rescue and Heceta Water PUD.

Referral Comments:

At the time of this report, the City had received comments from Lane County Transportation concurring with the annexation of the streets and stating they will retain jurisdiction (maintenance) of Heceta Beach Road and South Harbor Vista Dr. and clarifying that stormwater from abutting properties is not permitted to be placed within the rights-of-way due to insufficient width for both street and property stormwater runoff.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement, Policy 4

Chapter 14: Urbanization, Policies 1 and 3 through 7

Rezoning

Florence Realization 2020 Comprehensive Plan

Chapter 2: Land Use, Policy 6, Section on Commercial Designations

Florence City Code (FCC)

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3, 10-1-2-3, & 10-1-3-B-4

Chapter 11: Single Family Residential District

Chapter 14: Neighborhood Commercial District

Chapter 19: Estuary Shorelands Beaches and Dunes

VI. FINDINGS OF FACT

The following findings support Ordinances 1, 2, 3 & 4 and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code and State Statutes.

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

“Goal

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

Policy

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

This proposal is consistent with this citizen involvement goal and Policy 4 because the process used by the City to approve the Resolutions recommending approval of this annexation and zone assignment request was consistent with the City’s applicable citizen involvement program, which ensured that citizens were provided an opportunity to be involved in this land use action. Specifically, official City meetings on this action were publicized and held at regular times and provided the opportunity for citizen comment.

The public process used met all of the requirements stated in Florence City Code pertaining to the rezoning of properties.

The proposal is the subject of public hearings before both the Planning Commission and the City Council. This annexation proposal was considered by the Florence Planning Commission on January 24, 2017 and by City Council on February 6, 2017. The public hearing was noticed in accordance with Florence City Code 10-1-1-5 as a quasi-judicial land use decision before the Planning Commission and City Council.

The City notified property owners within 300 feet of the sites 21 days prior to the Planning Commission public hearing. The City also published the required notice of the Planning Commission's public hearing two times in the Siuslaw News on January 11th and 18th and prior to the City Council public hearing on January 25th and February 1st. Finally, the City posted notice at four public places within the City on January 4th and revised notice on January 25th: City Hall, Justice Center, Siuslaw Public Library, and Post Office.

The Planning Commission and City Council agenda packets were posted on the City's website prior to the public hearing. The staff reports were available seven days prior to the public hearings. Therefore, this proposal was reviewed in accordance with the City's acknowledged plan and was consistent with the plan policies for Citizen Involvement.

Chapter 2: Land Use

Policy

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

The annexation proposal is consistent with this policy because the provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

Commercial

Commercial Plan Designation Categories and Background

Recreational Commercial

The Recreational Commercial Plan designation was applied to one property in the UGB when the Realization 2020 Comprehensive Plan was adopted. This property, located in the southeast corner of Heceta Beach Road and Rhododendron Drive, was developed as a campground/recreational vehicle park and a small store at the time of Plan adoption. No other Plan designation fit this combination of land uses, and thus the Recreational Commercial designation was created in the legend of the Comprehensive Plan Map. This property is currently zoned by Lane County because it lies outside city limits.

A City zoning classification of Neighborhood Commercial District will be applied to this property at such time as it is annexed to the city.

Property 1 and ROW 1 are proposed to be zoned Neighborhood Commercial, consistent with their Recreational Commercial plan designation. They are developed as mentioned above.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via Rhododendron Dr. or 1st. Ave. to the west and/or east; 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 water and sewer to the properties being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and the sewer and water funds in the 2016-17 City of Florence Budget. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid additional construction of septic systems and inefficient use of open space contained within the lots to be annexed for the drain field.

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 owners in order to receive City services, but has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits. The City has received petitions from the property owners with signature of all listed property owners and electors. This policy criterion is met.

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

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

The proposed annexation is consistent with Policy 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer and police protection. 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 existing and possible future commercial development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing uses without negatively affecting existing customers.

Water: The properties will remain customers of Heceta Water PUD.

Stormwater: There will be no change in the handling of stormwater upon annexation. The properties will develop stormwater treatment systems consistent with code when site improvements are made.

Streets: The properties are accessed via Lookout St., Heceta Beach Rd., Rhododendron Dr. and Treewood Dr. Lookout is classified as a local street and developed as a narrow driveway. Treewood and South Harbor Vista are developed but not to city standards for development. The increased usage (vehicular trips) made available by annexation and zone change can be accommodated by the streets with improvements made in tandem with development.

Fire: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. The City eliminated contractual agreements with Siuslaw Valley Fire and Rescue that previously provided protection services to city residents.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will patrol and respond to calls for the subject properties.

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

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

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

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

c) consistency with state law.

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

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

Staff sent referral requests to Lane County on January 4 and 25th, 2017. There have been no responses as of writing this report.

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.

Staff sent a referral to Heceta Water Public Utility District and has not received a response.

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

At the time of writing all properties petitioned for annexation are developed. As such the applicant and petitioners of the properties will be required to pay sewer systems development charges upon connecting to the sewer. Future infill development of the properties will necessitate payment of applicable systems development charges. Any developed properties and expansions to properties added to this application will be charged systems development charges commensurate with their impacts on the systems. The proposed annexation is consistent with Policy 3 because Florence City

Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges.

- 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 redevelopment of the properties, with the exception of maintenance and access off South Harbor Vista Dr. and Heceta Beach Road, which will continue to be the maintenance responsibility of Lane County. Treewood and Lookout will be maintained by the City.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The proposed annexation area is located within the urban growth boundary of the City of Florence, all within Lane County. The annexation is contiguous to the City from the west on the east side of Rhododendron Dr. and from the east on the west side of Rhododendron Dr. and from the east on the west side of 1st Ave.

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

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

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

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

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

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

The annexation area is within the Siuslaw Valley Fire and Rescue District, 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, expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 28, Services 2010 expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 28, Series 2010 expresses the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing on February 6, 2017, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

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

The Planning Commission and City Council public hearings were noticed as required. Notice of the public hearing was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st, 2017. Notices were posted in four public places in the City at City Hall, Justice Center, Siuslaw Public Library, and Post Office on January 4th and 25th, 2017.

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

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

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

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

The City Council will held a public hearing on the annexation request on February 6, 2017. Passing an ordinance as required under (b) showing that the electors and landowners consented in writing to the annexation consistent with ORS 222.170.

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

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

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

The written consents from property owners were received by the City on petitions requesting annexation to the City. The City received written consents from all property owners of the properties requesting annexation.

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

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

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires that a state process that requires a majority of consents be required. For these reasons the annexation portion of this application does not include a hearing but will include a recommendation to the City Council.

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.

There are eight owners of the property in the proposed annexation area. The City received written consents from both property owners of the properties who own 100% of the land in the contiguous area to be annexed representing 100% of the assessed value of real property in the contiguous territory to be annexed prior to the public hearing dates.

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

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

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

There are no electors in the proposed annexation area. The City has received written consents from all property owners of the properties within the area proposed to be annexed

prior to a public hearing before the legislative body of the City of Florence. The written consents were all signed prior to January 24, 2017 and received before the City Council held the required public hearing required by ORS 222.120.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-5-E-3

- 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**

The applicants requested annexation of their property within the UGB. This process includes the assignment of the zoning district corresponding to their properties' Recreational Commercial and Medium Density comprehensive plan designations. The properties upon annexation will be rezoned from their current county zones to either the City's Neighborhood Commercial District zone or Single Family Residential District. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned. The rezone is necessary to finalize annexation. The public need and good of annexation has been reviewed elsewhere in this report. The selected zoning is appropriate and corresponds to the Recreational Commercial and Medium Density Comprehensive Plan designations.

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 districts corresponding to the subject properties' Comprehensive Plan designation are Neighborhood Commercial and Single Family Residential. The Neighborhood Commercial (Property 1 & ROW 1 (s. ½)) or Single Family Residential Districts (Properties 2, 3, & 4 and ROW 1 (n ½), 2, 3, & 4) will be assigned upon approval of the request from Council and finalization of the annexation process with the county. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned.

The existing properties either meet the minimum lot frontage dimensions and lot sizes for the Florence City Code Title 10, Chapter 14: Neighborhood Commercial District and Chapter 11 Single Family Residential District or are pre-existing non-conforming.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On January 24, 2017, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

VI. CONCLUSION

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

**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2017**

AN ORDINANCE ESTABLISHING NEIGHBORHOOD COMMERCIAL DISTRICT TO 4636 HECETA BEACH ROAD AND THE SOUTHERN HALF OF ADJOINING HECETA BEACH RD. AND SINGLE FAMILY RESIDENTIAL DISTRICT TO NORTHERN HALF OF ADJOINING HECETA BEACH RD AND SINGLE FAMILY RESIDENTIAL DISTRICT TO 4513 AND 4523 LOOKOUT ST. AND ALL OF ADJOINING LOOKOUT ST. AND SINGLE FAMILY RESIDENTIAL AND RESIDENTIAL DEVELOPMENT SHORELAND MANAGEMENT UNIT OVERLAY TO 05300 SOUTH HARBOR VISTA DR. AND ALL OF TREEWOOD COURT WEST OF RHODODENDRON DR. AND SINGLE FAMILY RESIDENTIAL TO SOUTH HARBOR VISTA DR. FROM THE WESTERN EDGE OF THE ANNEXING PROPERTY TO WESTERN EDGE OF RHODODENDRON DR.

RECITALS:

1. Florence City Code (FCC) Title 10, Chapter 1, Section 3-B-1 provides that a quasi-judicial zone change may be initiated by a property owner within the affected area.
2. The City of Florence was petitioned by property owners, Daniel & Sheryll Loftin, Dennis & Jayne Carey, Julius & Justine Benedict, and Gary Bacon, Cliff Gillette, Jon and Janet deRyk, between October 28th and November 7th, 2016, for annexation of their properties and assignment of applicable City zoning of the property currently zoned by Lane County as required by FCC 10-1-3-B-1 and FCC 10-1-1-4.
3. The Planning Commission met on January 24, 2017 at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
4. The Planning Commission determined on January 24, 2017, 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.
5. The City Council met in a public hearing on February 6, 2017, after giving the required notice per FCC 10-1-1-5, to consider the proposal, evidence in the record, and testimony received.
6. The City Council deliberated on February 6, 2017 and found that the subject properties are designated either Medium Density or Recreational Commercial in the Realization 2020 Plan and the City Council supported the establishment of city-zoning as Single Family Residential and Neighborhood Commercial Districts consistent with Florence Comprehensive Plan and Zoning Code objectives.

7. The City Council adopted Ordinance Nos. 1, 2 & 3, Series 2017 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 properties owned by the petitioners as Neighborhood Commercial District or Single Family Residential as shown on the attached map as Exhibit A.
2. This annexation is based on the Findings of Fact in Exhibit B and evidence in the record.
3. The City shall produce an updated Zoning Map that is filed with the City Recorder and bear the signature of the Planning Commission chairperson as required by FCC 10-1-2-2.
4. The City Recorder is hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office and the Lane Council of Governments.
5. Pursuant to FCC 10-1-2-3, the zoning established by this Ordinance will take effect on the effective date of the annexation approved in Ordinance Nos. 1, 2 & 3, Series 2017.

ADOPTION:

First Reading on the 6th day of February, 2017

Second Reading on the 6th day of February, 2017

This Ordinance is passed and adopted on the 6th day of February, 2017.

AYES Councilors
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

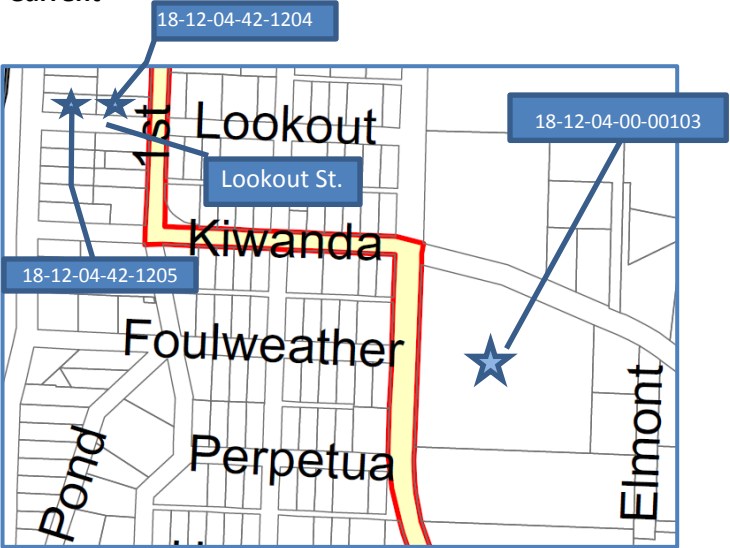
Attest:

Kelli Weese, City Recorder

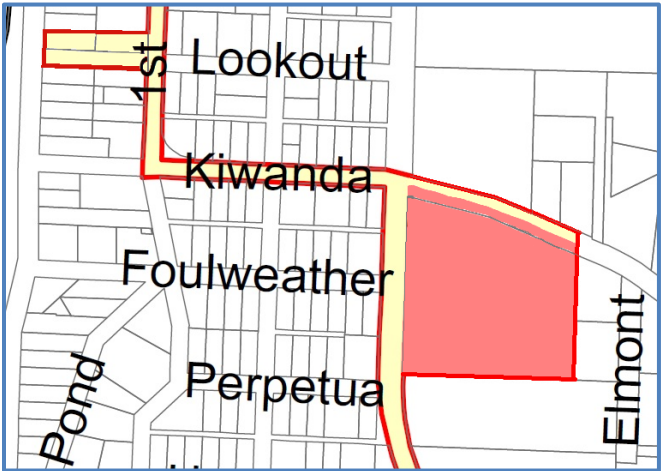
Ordinance 4, Series 2017—Proposed Zoning Map
Exhibit A

Zoning Assignment: Properties 1, 2, & 3 and ROW 1 & 2

Current

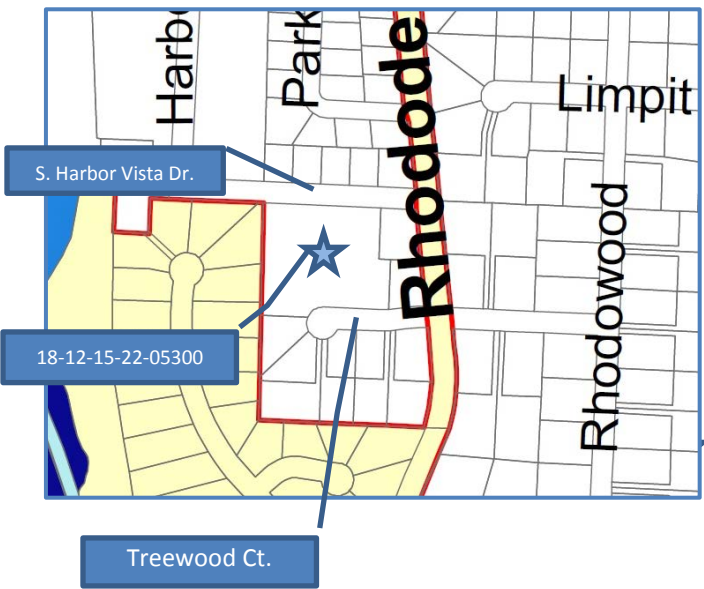


Proposed

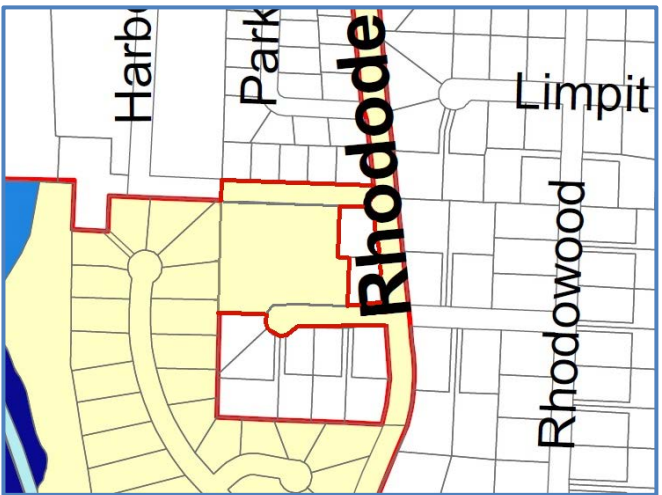


Zoning Assignment: Property 4 and ROW 3 & 4

Current



Proposed



FINDINGS OF FACT

Ordinances 1, 2 & 3 Series 2017: Exhibit “C”

Ordinance 4, Series 2017: Exhibit “B”

Public Hearing Date: February 6, 2017

I. PROPOSAL DESCRIPTION

Proposal: Annexation

ORD. 1, 2, & 3: S. Harbor Vista / Heceta Beach / Lookout Annexation
Annex property from Lane County to the City of Florence

Rezoning

ORD. 4: S. Harbor Vista / Heceta Beach / Lookout Zone Change
Upon annexation, the properties will be rezoned with city zoning. The corresponding zoning districts matching the included properties plan designation are Neighborhood Commercial and Single Family Residential. Property 4 and ROW 4 will also have Residential Development Shorelands Management Unit Overlay assigned.

Property Owners/Petitioners & Associated Properties (described in Exhibit B of Ordinances 1, 2, & 3)

Property 1--SE Corner of Rhododendron Drive & Heceta Beach Rd, 4636 Heceta Beach Rd. as well as Right-of-way (ROW) 1: adjoining portion of Heceta Beach Road

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin)

Properties 2 & 3--Land west of 1st Ave. & South of Driftwood Shores, 04513 & 04523 Lookout St. as well as ROW 2: adjoining Lookout St.:

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4--Land between Treewood Court and S. Harbor Vista Dr., 04744 S. Harbor Vista Dr., as well as ROW 3 & 4: adjoining S. Harbor Vista Dr. and Treewood Court.:

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk)

Comprehensive Plan Map Designation: Recreational Commercial & Medium Density

Current Land Use / Zoning:

Property 1 & ROW 1: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-00 Tax Lot 00103 (Daniel & Sheryll Loftin):

Properties 2 & 3 & ROW 2: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays BD & U (Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-04-42 Tax Lot 01204 (Dennis & Jayne Carey)

Map Reference 18-12-04-42 Tax Lot 01205 (Julius & Justine Benedict)

Property 4 & ROW 3 & 4: County RA/MH (Suburban Residential / Mobile Home Dist.), Overlays NRC, BD & U (Natural Resources Conservation, Beaches & Dunes and Interim Urban Combining District)

Map Reference 18-12-15-22 Tax Lot 05300 (Gary Bacon, Cliff Gillette, Jon and Janet deRyk):

Streets / Classification: Heceta Beach Road / Major Arterial; Lookout, S. Harbor Vista Dr. & Treewood Court / Local

II. NARRATIVE

There are four developed properties under consideration for annexation as well as the following abutting rights-of-way: Heceta Beach Rd., Lookout St., South Harbor Vista Dr. and Treewood Court.

Three property owners in three areas initiated petitions for annexation separately around the same time for various reasons to include need for sewer service due to septic failure and interest in redevelopment. Due to the close proximity (along Rhododendron Drive) of all of the petitioners they were combined into one application and process. These petitions were received on October 28th, November 3rd, and November 7th. On December 19th invitations to annex were sent to other property owners within the immediate area of Lookout St. and Treewood Ct. Subsequently, one additional property owner, Benedict, on Lookout St. petitioned to annex on December 29th. As of the date of writing the proposal is reviewed under the "Double Majority" annexation (ORS 222.125) methodologies. The annexation and zoning assignments will be processed as quasi-judicial applications with a hearing.

The properties are within the Heceta Water PUD and Siuslaw Rural Fire Protection District. The properties will continue to be served by Heceta Water PUD and SVFR.

Properties abutting Heceta Beach Road and South Harbor Vista Drive right-of-ways and wishing to have access or install or connect to utilities within the right-of-way must apply for permits from Lane County as the streets while in Florence jurisdiction will remain the maintenance responsibility of Lane County. Properties abutting

Treewood and Lookout right-of-ways and wishing to have access or install or connect to utilities within the right-of-way will apply for permits from the City of Florence as these two streets are designated “Local” and maintenance responsibility transfers from the property owners (county does not maintain local streets) to the city with annexation

III. PUBLIC NOTICE

Notice of the Planning Commission’s public hearing was mailed on January 4, 2017 to property owners within 300 feet of the proposed annexation areas. Notice was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st. On January 4th and January 25th notices were posted at City Hall, the Florence Post Office, the Justice Center, and the Siuslaw Public Library.

Public Comments:

At the time of this report, the City had received no written comments. There were several verbal inquiries.

IV. REFERRALS

On January 4th and 25th referrals were sent to Florence Public Works and Police; Lane County Transportation, Surveyor, Land Management and Environmental Health; Oregon Department of Transportation; DLCD; the U.S. Post Office; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Central Coast Disposal; Country Transfer and Recycling; Siuslaw Valley Fire and Rescue and Heceta Water PUD.

Referral Comments:

At the time of this report, the City had received comments from Lane County Transportation concurring with the annexation of the streets and stating they will retain jurisdiction (maintenance) of Heceta Beach Road and South Harbor Vista Dr. and clarifying that stormwater from abutting properties is not permitted to be placed within the rights-of-way due to insufficient width for both street and property stormwater runoff.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170 (2)

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement, Policy 4

Chapter 14: Urbanization, Policies 1 and 3 through 7

Rezoning

Florence Realization 2020 Comprehensive Plan

Chapter 2: Land Use, Policy 6, Section on Commercial Designations

Florence City Code (FCC)

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3, 10-1-2-3, & 10-1-3-B-4

Chapter 11: Single Family Residential District

Chapter 14: Neighborhood Commercial District

Chapter 19: Estuary Shorelands Beaches and Dunes

VI. FINDINGS OF FACT

The following findings support Ordinances 1, 2, 3 & 4 and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code and State Statutes.

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

“Goal

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

Policy

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

This proposal is consistent with this citizen involvement goal and Policy 4 because the process used by the City to approve the Resolutions recommending approval of this annexation and zone assignment request was consistent with the City’s applicable citizen involvement program, which ensured that citizens were provided an opportunity to be involved in this land use action. Specifically, official City meetings on this action were publicized and held at regular times and provided the opportunity for citizen comment.

The public process used met all of the requirements stated in Florence City Code pertaining to the rezoning of properties.

The proposal is the subject of public hearings before both the Planning Commission and the City Council. This annexation proposal was considered by the Florence Planning Commission on January 24, 2017 and by City Council on February 6, 2017. The public hearing was noticed in accordance with Florence City Code 10-1-1-5 as a quasi-judicial land use decision before the Planning Commission and City Council.

The City notified property owners within 300 feet of the sites 21 days prior to the Planning Commission public hearing. The City also published the required notice of the Planning Commission's public hearing two times in the Siuslaw News on January 11th and 18th and prior to the City Council public hearing on January 25th and February 1st. Finally, the City posted notice at four public places within the City on January 4th and revised notice on January 25th: City Hall, Justice Center, Siuslaw Public Library, and Post Office.

The Planning Commission and City Council agenda packets were posted on the City's website prior to the public hearing. The staff reports were available seven days prior to the public hearings. Therefore, this proposal was reviewed in accordance with the City's acknowledged plan and was consistent with the plan policies for Citizen Involvement.

Chapter 2: Land Use

Policy

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

The annexation proposal is consistent with this policy because the provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results in the record confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

Commercial

Commercial Plan Designation Categories and Background

Recreational Commercial

The Recreational Commercial Plan designation was applied to one property in the UGB when the Realization 2020 Comprehensive Plan was adopted. This property, located in the southeast corner of Heceta Beach Road and Rhododendron Drive, was developed as a campground/recreational vehicle park and a small store at the time of Plan adoption. No other Plan designation fit this combination of land uses, and thus the Recreational Commercial designation was created in the legend of the Comprehensive Plan Map. This property is currently zoned by Lane County because it lies outside city limits.

A City zoning classification of Neighborhood Commercial District will be applied to this property at such time as it is annexed to the city.

Property 1 and ROW 1 are proposed to be zoned Neighborhood Commercial, consistent with their Recreational Commercial plan designation. They are developed as mentioned above.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via Rhododendron Dr. or 1st. Ave. to the west and/or east; 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 water and sewer to the properties being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and the sewer and water funds in the 2016-17 City of Florence Budget. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property owners to avoid additional construction of septic systems and inefficient use of open space contained within the lots to be annexed for the drain field.

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 owners in order to receive City services, but has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits. The City has received petitions from the property owners with signature of all listed property owners and electors. This policy criterion is met.

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

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

The proposed annexation is consistent with Policy 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer and police protection. 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 existing and possible future commercial development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the existing uses without negatively affecting existing customers.

Water: The properties will remain customers of Heceta Water PUD.

Stormwater: There will be no change in the handling of stormwater upon annexation. The properties will develop stormwater treatment systems consistent with code when site improvements are made.

Streets: The properties are accessed via Lookout St., Heceta Beach Rd., Rhododendron Dr. and Treewood Dr. Lookout is classified as a local street and developed as a narrow driveway. Treewood and South Harbor Vista are developed but not to city standards for development. The increased usage (vehicular trips) made available by annexation and zone change can be accommodated by the streets with improvements made in tandem with development.

Fire: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation. The City eliminated contractual agreements with Siuslaw Valley Fire and Rescue that previously provided protection services to city residents.

Police: Once annexed, the City will provide public safety services. The Florence Police Department will patrol and respond to calls for the subject properties.

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

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

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

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

c) consistency with state law.

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

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

Staff sent referral requests to Lane County on January 4 and 25th, 2017. There have been no responses as of writing this report.

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.

Staff sent a referral to Heceta Water Public Utility District and has not received a response.

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

At the time of writing all properties petitioned for annexation are developed. As such the applicant and petitioners of the properties will be required to pay sewer systems development charges upon connecting to the sewer. Future infill development of the properties will necessitate payment of applicable systems development charges. Any developed properties and expansions to properties added to this application will be charged systems development charges commensurate with their impacts on the systems. The proposed annexation is consistent with Policy 3 because Florence City

Code Title 9 Chapter 1 Section 4-A requires properties annexed to pay system development charges.

- 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 redevelopment of the properties, with the exception of maintenance and access off South Harbor Vista Dr. and Heceta Beach Road, which will continue to be the maintenance responsibility of Lane County. Treewood and Lookout will be maintained by the City.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The proposed annexation area is located within the urban growth boundary of the City of Florence, all within Lane County. The annexation is contiguous to the City from the west on the east side of Rhododendron Dr. and from the east on the west side of Rhododendron Dr. and from the east on the west side of 1st Ave.

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

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

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

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

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

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

The annexation area is within the Siuslaw Valley Fire and Rescue District, 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, expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be holding an election on this annexation request. Resolution No. 28, Services 2010 expresses the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Resolution No. 28, Series 2010 expresses the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. A public hearing on all annexations will be held allowing City electors to be heard on the annexation. Consistent with this Resolution, the City Council held a duly advertised public hearing on February 6, 2017, after receiving a recommendation from the Planning Commission. The electors of the City may appear and be heard on the question of annexation at that public hearing.

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

The Planning Commission and City Council public hearings were noticed as required. Notice of the public hearing was published in the Siuslaw News on January 11th and 18th and January 25th and February 1st, 2017. Notices were posted in four public places in the City at City Hall, Justice Center, Siuslaw Public Library, and Post Office on January 4th and 25th, 2017.

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

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

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

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

The City Council will held a public hearing on the annexation request on February 6, 2017. Passing an ordinance as required under (b) showing that the electors and landowners consented in writing to the annexation consistent with ORS 222.170.

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

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

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

The written consents from property owners were received by the City on petitions requesting annexation to the City. The City received written consents from all property owners of the properties requesting annexation.

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

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

The City historically has used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in City Code requiring a hearing for processing an annexation. Policy requires that a state process that requires a majority of consents be required. For these reasons the annexation portion of this application does not include a hearing but will include a recommendation to the City Council.

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.

There are eight owners of the property in the proposed annexation area. The City received written consents from both property owners of the properties who own 100% of the land in the contiguous area to be annexed representing 100% of the assessed value of real property in the contiguous territory to be annexed prior to the public hearing dates.

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

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

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

There are no electors in the proposed annexation area. The City has received written consents from all property owners of the properties within the area proposed to be annexed

prior to a public hearing before the legislative body of the City of Florence. The written consents were all signed prior to January 24, 2017 and received before the City Council held the required public hearing required by ORS 222.120.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-5-E-3

- 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**

The applicants requested annexation of their property within the UGB. This process includes the assignment of the zoning district corresponding to their properties' Recreational Commercial and Medium Density comprehensive plan designations. The properties upon annexation will be rezoned from their current county zones to either the City's Neighborhood Commercial District zone or Single Family Residential District. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned. The rezone is necessary to finalize annexation. The public need and good of annexation has been reviewed elsewhere in this report. The selected zoning is appropriate and corresponds to the Recreational Commercial and Medium Density Comprehensive Plan designations.

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 districts corresponding to the subject properties' Comprehensive Plan designation are Neighborhood Commercial and Single Family Residential. The Neighborhood Commercial (Property 1 & ROW 1 (s. ½)) or Single Family Residential Districts (Properties 2, 3, & 4 and ROW 1 (n ½), 2, 3, & 4) will be assigned upon approval of the request from Council and finalization of the annexation process with the county. Property 4 and ROW 4 will also have a Residential Development Shoreland Management Unit Overlay assigned.

The existing properties either meet the minimum lot frontage dimensions and lot sizes for the Florence City Code Title 10, Chapter 14: Neighborhood Commercial District and Chapter 11 Single Family Residential District or are pre-existing non-conforming.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On January 24, 2017, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

VI. CONCLUSION

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

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the "Harbor Vista Drive" 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:

Beginning at a point which is North 89° 27' 30" West 127.00 feet and North 0° 01' 15" East 414.02 feet and North 89° 23' 40" West 368.00 feet and North 0° 01' 15" East 300.02 feet and North 89° 23' 40" West 340.00 feet and North 0° 01' 15" East 600.65 feet and South 89° 03' 40" East 89.19 feet from the Southwest corner of Section 3, Township 18 South, Range 12 West of the Willamette Meridian; thence North 0° 01' 15" East 361.97 feet to the Southerly right-of-way line of Heceta Beach Road; thence along said right-of-way North 68° 33' 00" West 283.48 feet; thence North 77° 23' 00" West 229.08 feet to the intersection of the said right-of-way line of Rhododendron Drive; thence along said right-of-way line South 0° 32' 30" West 511.07 feet; thence South 89° 27' 30" East 492.21 feet to the point of beginning, in Lane County, Oregon.

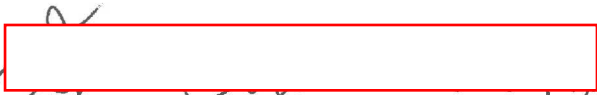

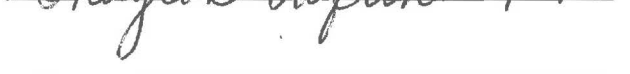

EXCEPT THEREFROM that portion described in Dedications to Lane County, recorded December 8, 1983, Reception No. 8345429 and recorded September 1, 1987, Reception No. 8738473, Lane County Official Records.

Assessors Map Reference and Tax Lot:
Property Address (if appropriate):

18-12-04-00 Tax Lot 00103
4636 Heceta Beach Road

Property Owner Name(s):

Signature(s):

Date:

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the "Harbor Vista Drive" 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:

Parcel 1 of Land Partition Plat 90-0004, as filed in Lane County, Oregon Partition Records, May 14, 1990.

Assessors Map Reference and Tax Lot: 18-12-15-22 Taxlot 05300
Property Address (if appropriate): 4744 S. Harbor Vista Drive

Property Owner Name(s):

Signature(s):



[Handwritten signature]

11 3 16

Date:

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the "Harbor Vista Drive" 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:

Parcel 1 of Land Partition Plat 90-0004, as filed in Lane County, Oregon Partition Records, May 14, 1990.

Assessors Map Reference and Tax Lot: 18-12-15-22 Taxlot 05300
Property Address (if appropriate): 4744 S. Harbor Vista Drive

Property Owner Name(s):

Signature(s):

A rectangular box with a red border, used to redact the signature of the property owner.A handwritten signature in blue ink, written over a horizontal line.

11/3/14

Date:

Property Description

Is the property located within the Florence Urban Growth Boundary? ☒ Yes ☐ No

Property Address: 04744 S. HARBOR VISTA

General Location (example: City Hall is at the SE corner of 2nd and Highway 101):

S. HARBOR VISTA JUST WEST OF RHODODENDRON

Assessor's Map and Tax Lot: 18-12-15-22-05300

Lot Size: 2.37 AC (County) Zoning District: _____

List other owners or occupants (electors):

Residential Units to be Annexed: _____ Type: _____

Is/Are the property/ies currently developed? ☒ Yes (Skip to Additional Information Req.) ☒ No

Proposed Development Plan: PARTITION

Does the land use plan designation allow this proposed use? ☒ Yes ☐ No

Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us under "City Government", click on "City Code".

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

☐ Existing Utilities:

Is the area of annexation located within the Heceta Water District? ☒ Yes ☐ No
Is the area of annexation located within the Siuslaw Rural Fire District? ☒ Yes ☐ No
Is the area of annexation currently served by ☒ individual or ☐ collective septic systems?

☐ Needed Public Facilities:

Typically, these questions are answered by the Public Works Director prior to application. Please contact Public Works at (541) 997-4106. A pre-application meeting can be scheduled by calling the Planning Department at (541) 997-8237.

? ☐ Water – Is a water main available? ☐ Yes ☐ No
Size of Main: _____ Adequate capacity for additional service? ☐ Yes ☐ No

? ☐ Sewer – Is a water main available? ☐ Yes ☐ No
Size of Main: _____ Adequate capacity for additional service? ☐ Yes ☐ No

? ☐ Streets – Are adequate streets available? ☐ Yes ☐ No
Street: _____ Adequate capacity for additional service? ☐ Yes ☐ No

☐ Known pre-existing non-conforming conditions on-site: _____

Proposed Method of Annexation

- ☐ Petition signed by owners of at least one-half of the land area in the affected territory.
- ☐ Petition signed by the majority of electors registered in the territory proposed to be annexed and written consents of the annexation of their land from the owners of more than half of the land in the territory to be annexed.

Review Criteria

Please provide detailed responses to each of the criteria below (please attach sheets as necessary):

A) Describe how the proposed annexation will allow or promote orderly, economic provision of public facilities and services.

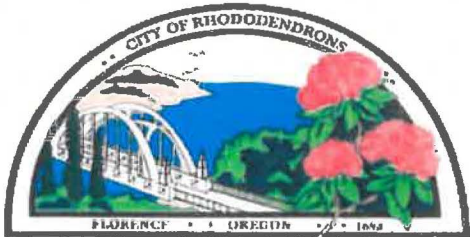
B) How does the proposed annexation contribute to the availability of sufficient land for various land uses, i.e., residential, commercial, etc. to ensure choice in the market place?

C) Please provide a detailed description of conformity of the proposed annexation with the approved City of Florence 2020 Comprehensive Plan.

D) Are lands available within the existing city limits which are available for the uses proposed in the annexation? If not, please provide the justification for that conclusion.

Date Submitted: 11/3/16 Fee: _____

Received by: gdfc



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

Type of Request

Annexation and Zoning Assignment

Applicant Information

Name: JANET deRYK Phone 1:
E-mail Address: Phone 2:
Address:
Signature: Date: _____
Applicant's Representative (if any): _____

Property Owner Information

Name: CLIFF Gillette Phone 1:
E-mail Address: _____ Phone 2:
Address:
Signature: _____ Date: _____
Applicant's Representative (if any): _____

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

(Attach Additional Sheets as Necessary)

For Office Use Only:



Approved

Exhibit

Property Description

Is the property located within the Florence Urban Growth Boundary? ☒ Yes ☐ No

Property Address: 04744 S. Harbor Vista Dr.

General Location (example: City Hall is at the SE corner of 2nd and Highway 101):

S. Harbor Vista, just west of Rhododendron

Assessor's Map and Tax Lot: 18-12-15-22-05300

Lot Size: 2.37 ac. (County) Zoning District: _____

List other owners or occupants (electors):

2 occupants are electors

Residential Units to be Annexed: _____ Type: _____

Is/Are the property/ies currently developed? ☐ Yes (Skip to Additional Information Req.) ☐ No

Proposed Development Plan:

PARTITION

Does the land use plan designation allow this proposed use? ☒ Yes ☐ No

Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us under "City Government", click on "City Code".

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Is the area of annexation located within the Siuslaw Rural Fire District? ☒ Yes ☐ No
Is the area of annexation currently served by ☒ individual or ☐ collective septic systems?

☐ Needed Public Facilities:

Typically, these questions are answered by the Public Works Director prior to application. Please contact Public Works at (541) 997-4106. A pre-application meeting can be scheduled by calling the Planning Department at (541) 997-8237.

? ☐ Water – Is a water main available? ☒ Yes ☐ No – *Hecetz*
Size of Main: _____ Adequate capacity for additional service? ☐ Yes ☐ No

? ☐ Sewer – Is a water main available? ☐ Yes ☐ No
Size of Main: _____ Adequate capacity for additional service? ☐ Yes ☐ No

? ☐ Streets – Are adequate streets available? ☐ Yes ☐ No
Street: _____ Adequate capacity for additional service? ☐ Yes ☐ No

☐ Known pre-existing non-conforming conditions on-site:

Proposed Method of Annexation

- ☒ Petition signed by owners of at least one-half of the land area in the affected territory.
- ☒ Petition signed by the majority of electors registered in the territory proposed to be annexed and written consents of the annexation of their land from the owners of more than half of the land in the territory to be annexed.

Review Criteria

Please provide detailed responses to each of the criteria below (please attach sheets as necessary):

A) Describe how the proposed annexation will allow or promote orderly, economic provision of public facilities and services.

B) How does the proposed annexation contribute to the availability of sufficient land for various land uses, i.e., residential, commercial, etc. to ensure choice in the market place?

C) Please provide a detailed description of conformity of the proposed annexation with the approved City of Florence 2020 Comprehensive Plan.

D) Are lands available within the existing city limits which are available for the uses proposed in the annexation? If not, please provide the justification for that conclusion.

Date Submitted: 11/3/16 Fee: _____

Received by: gdfc

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

The undersigned hereby petitions for and gives our consent for the area described below to be included in the "Lookout Street" 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:

Lot 1, Block 27, HECETA BEACH, as platted and recorded in Book 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

Assessors Map Reference and Tax Lot: 18-12-04-42 Taxlot 01204

Property Address (if appropriate): 04513 Lookout Street

Property Owner Name(s): Dennis E & Jayne D Carey

Signature(s):



Date:

11/7/2016

PETITION FOR ANNEXATION

to the

City of Florence, Oregon

*mailed to
city of Florence
12/28/16*

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

The property to be annexed is as follows:

Assessors Map Reference and Tax Lot:

Property Address (if appropriate):

Property Owner /Elector(s) Name(s):

18-12-04-42-01265

4523 Lookout

Florence OR 97139

*Julius E + E Susan Benoit
NEO Trust*

Signature(s):

Date:

12-28-16



From: TAYLOR Becky [<mailto:Becky.TAYLOR@co.lane.or.us>]
Sent: Friday, January 20, 2017 12:18 PM
To: Vevie McPherren <vevie.mcpherren@ci.florence.or.us>
Subject: RE: PC 16 29 ANN 04 & PC 16 30 ZC 04 - Staff Report

Hi Vivie,

Thanks for sending me this information. I apologize on behalf of Lane County that we were unable to respond sooner. I want to make sure your planner and Planning Commission have the information they need from Lane County in rendering a decision.

I affirm that Lane County has no objection to the requested annexation, as the properties are within the Florence UGB. Consistent with our comprehensive plans, we typically recommend annexation of County roads within UGBs. As such, we support the requested inclusion of the adjoining portion of Heceta Beach Road; and, we would encourage additional roadway incorporation of any of the adjacent County roads, if there is such an opportunity in this case.

The following County roads are adjacent to the subject properties: 1st Avenue, Heceta Beach Road, and Rhododendron Drive. Requirements regarding future access and roadway improvement will be determined at the time of development, when traffic generation specific to the use and the location of the driveways are known. Please note that Lane County generally prohibits private development stormwater runoff to be directed to County roads because those facilities are typically designed to only accommodate roadway runoff.

Thank you for the opportunity to review and comment. Please let me know if you have any questions or need additional information.

Becky Taylor
Senior Transportation Planner
Lane County Public Works
3040 N. Delta Highway
Eugene, OR 97408
541-682-6932

From: [TAYLOR Becky](#)
To: [Wendy Farley-Campbell](#)
Cc: [INGRAM Daniel B](#); [REESOR David R](#)

Date: Monday, January 30, 2017 11:22:49 AM

Hi Wendy,

Yes, I can do that for you. The details you request are as follows:

- **Lookout Street** is classified as a Local Access Road (LAR). LARs are not maintained by Lane County. Upon annexation, they automatically transfer to the City.
- **Treewood Court** is also an LAR. The same information above applies.
- **Harbor Vista Road** is classified as an Urban Local. This road is maintained by Lane County (and provides access to Lane County's Harbor Vista Park). Jurisdictional transfer (JT) is not automatic upon annexation; it requires approval by the Lane County Board of County Commissioners.
- **Heceta Beach Road** is classified as an Urban Major Collector. This road is maintained by Lane County. The JT process above applies.

Let me know if you have any questions or need additional information.

Becky

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5

Meeting Date: February 6, 2017

Department: Administration

ITEM TITLE: City of Florence Work Plan

DISCUSSION/ISSUE:

The City Council met in a retreat on December 14th and January 11th to review the City Council goals and potential work plan for the 2017 calendar year. These discussions included round table discussions for ideas from the City Council and management staff on the identified objectives and tasks necessary to assist the City as it works toward its five Council goals. These objectives have been compiled into a work plan document seeking detail priorities for moving the City toward its mission.

The proposed 2017 City of Florence work plan serves as the foundation for preparing the upcoming budget. Although adoption of the work plan assists the City in showing validation for the work plan objectives, the work plan is intended to be a living document. This means the objectives and actions are dynamic and should be modified periodically to ensure the goals, vision and mission of the city are being met.

FISCAL IMPACT:

The work plan incurs staff time in compilation and distribution. In addition, the work plan forms the foundation of the upcoming budget and thus each of the items listed have a potential fiscal impact.

RELEVANCE TO ADOPTED CITY WORK PLAN:

The adoption of the work plan indicates the City's intent to meet the established goals.

ALTERNATIVES:

1. Approve Resolution No. 2, Series 2017 as shown
2. Approve Resolution No. 2, Series 2017 with amendments
3. Do not approve Resolution No. 2, Series 2017

RECOMMENDATION:

Approve Resolution No. 2, Series 2017 as shown

AIS PREPARED BY: Erin Reynolds, City Manager

CITY MANAGER'S RECOMMENDATION: ☒ Approve ☐ Disapprove ☐ Other
Comments: 

ITEM'S ATTACHED: Attachment 1 – Resolution No. 2, Series 2017
Exhibit A: City of Florence work plan

**CITY OF FLORENCE
RESOLUTION NO. 2, SERIES 2017**

A Resolution of the City of Florence Oregon adopting the 2017 Work Plan.

RECITALS:

1. The City Council periodically establishes goals to guide its actions in carrying out the business of the City.
2. The City Council considered and identified its goals during its annual planning sessions in 2015/16.
3. The City Council agreed at its January 11th City Council work session that the City goals adopted in 2016 still met the values of the City of Florence for 2017 and thus should be continued.
4. The City Council has worked with staff to prioritize the objectives and tasks to be worked on during the 2017 calendar year.
5. The City Council has indicated an intent to utilize the 2017 work plan priorities in the creation of the upcoming budget.

Based on these findings,

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

1. The City of Florence approves the 2017 Work Plan as set forth in Exhibit A.
2. This Resolution takes effect immediately upon adoption.

ADOPTION:

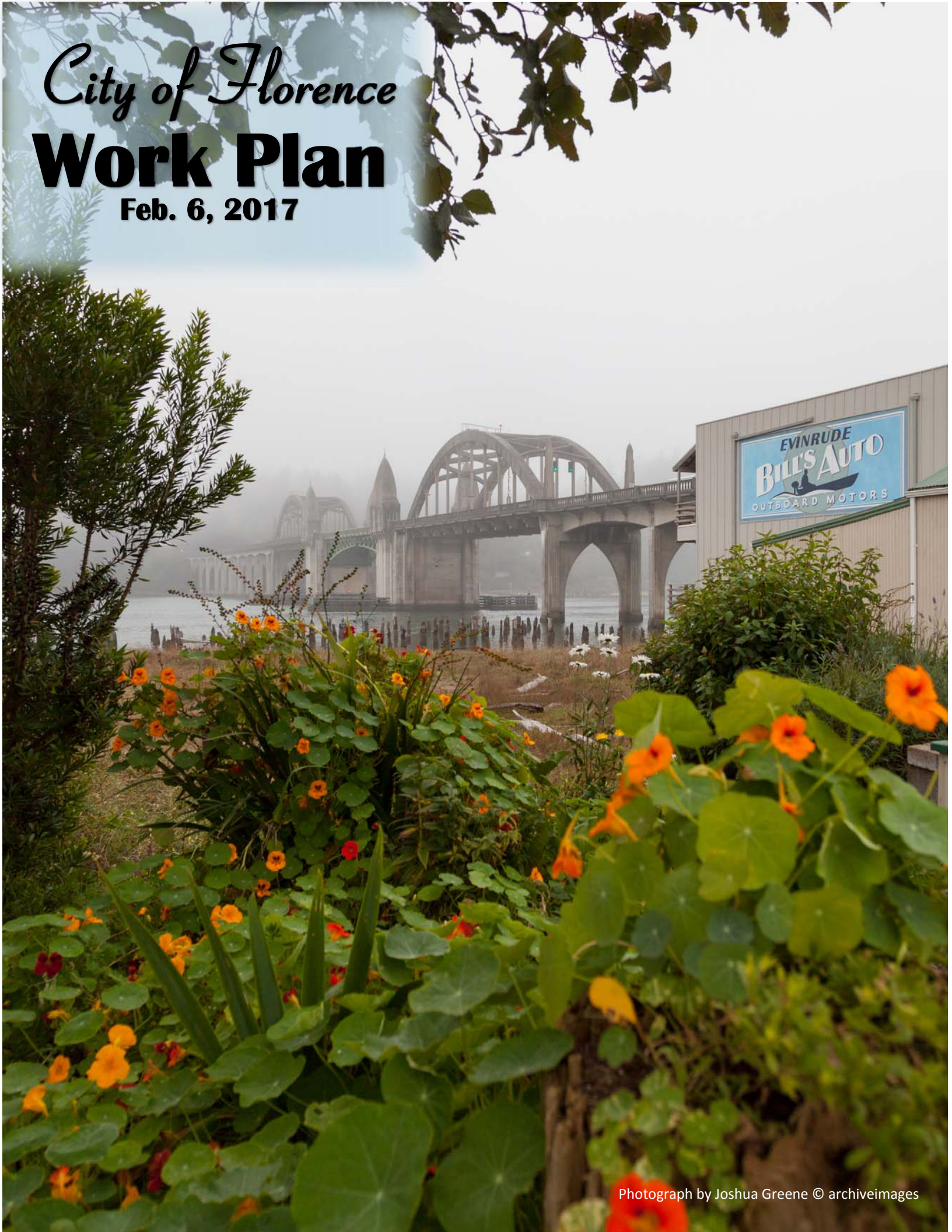
This Resolution is passed and adopted on the 6th day of February, 2017.

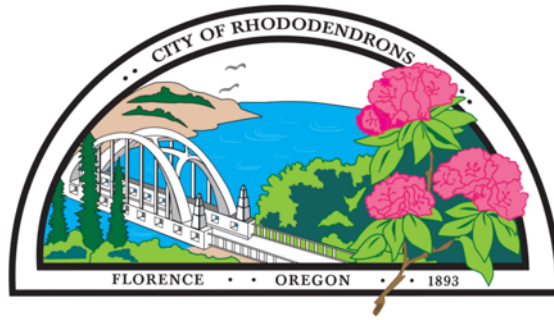
Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

City of Florence **Work Plan** Feb. 6, 2017





City of Florence **A City in Motion** **2017 Work Plan**

“The Mission of the City of Florence is to meet community expectations for municipal services, provide a vision for civic improvements, maintain a quality environment and position Florence to have an economically viable and sustainable future.”

Work Plan Index

Page 2/3 - Mission & Goals

Page 4/5 - 2017 Priorities

Page 6-9 - Goal 1:
City Service Delivery

Page 8/9 - Goal 2:
Livability and Quality of
Life

Page 10/11 - Goal 3:
Economic Development

Page 12/13 - Goal 4:
Communication & Trust

Page 14/15 - Goal 5:
Financial & Organizational
Sustainability

The City of Florence's work plan represents the projects the City intends to undertake during the calendar year on behalf of it's residents. The work plan is governed by the City's mission and goals. These goals represent the City's priorities for moving forward toward the city's mission.

The 2017 City of Florence work plan outlines the City's strategy toward the achievement of the five City Council goals and serves as the foundation for preparing the budget. The goals and objectives outlined seek to reflect our commitment to ensure that Florence remains Oregon's Premier Coastal Community.

The work plan is intended to be a living document. This means the objectives and actions are dynamic and should be modified periodically to ensure the goals, vision, and mission of the city are being met.

City of Florence

Oregon's Premier Coastal Community

1

City Service Delivery

Sustain and improve the delivery of cost effective and efficient services, including public safety, to the citizens of Florence and our visitors.



2

Livability & Quality of Life

Sustain and improve the City's livability and quality of life for Florence residents and visitors.



3

Economic Development

Create a strategy and actions aimed towards sustaining and expanding the Florence economy.



4

Communication & Trust

Sustain and improve the City's communication program and strengthen citizen trust.



5

Financial & Organizational Sustainability

Sustain and improve the City's financial position, City-wide policies, and the infrastructure networks to support current and future needs.



Signatures of Council & Staff

City Council Members

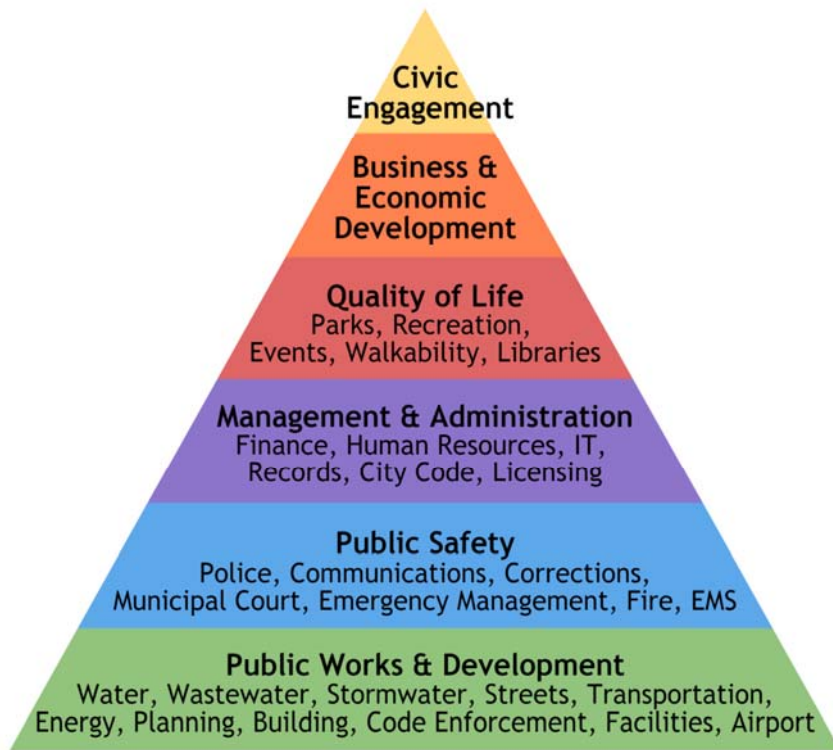
Mayor Joe Henry
Council President Joshua Greene
Council Vice-President Ron Preisler
Councilor Susy Lacer
Councilor George Lyddon

City Staff

City Manager Erin Reynolds
Public Works Director Mike Miller
Police Chief Tom Turner
Planning Dir. Wendy FarleyCampbell
Events Center Director Kevin Rhodes
City Recorder Kelli Weese
Project Manager Megan Messmer
Contract Finance Director Andy Parks

2017 City of Florence:

Hierarchy of Municipal Functions



City Facilities:

Public Works Facility;
City Hall;
Justice Center Round Room:
Staff & Meetings
Displacement Logistics

G1

ReVision Florence:

Right-of-Way Engineering;
Funding Plan;
Public Art & Gateways:
Parking Management

G3

Parks:

Support Community Group
Grants to improve or create
new parks, including: Miller
Park, Siuslaw River Beach
Access, Siuslaw Estuary Trail
and Gallagher Park

G2

Operations:

IT Strategy;
Financial Fees Study;
Continued Assessment of
Long Term Financial Plan

G5

Community:

Evaluation for Solid Waste
Recycling / FloGro;
Support local community
groups endeavors

G2 & G4

Communication:

Continued Timely Reporting;
Support Staff Community
Involvement;
Marketing for Commerce,
Tourism and Residents

G3 & G4

Public Works:

Expansion of Utility
Services;
Continuing Street and Utility
Maintenance;
Airport

G1

Public Safety:

School Resource Officer;
Build Department;
Emergency Management

G1

Personnel:

Key Recruitment;
Employee Retention;
Compensation Prog. Review;
Police Association
Negotiations

G5

Work Plan Priorities

G'#' = Goal Number
(See Page 3)

Florence Events Center:

Development of additional parking lot & north facility;
Sustainability of Operations

G2

Florence Urban Renewal Agency:

Support for Agency Endeavors including Public Art, Façade Grant Program, & Catalyst Sites.

G2 & G3

Economic Development:

Marketing & Recruitment of Key Areas;
Business Retention & Expansion

G3

Community Development:

Housing / Commercial Needs Assessment;
National Law Amendments

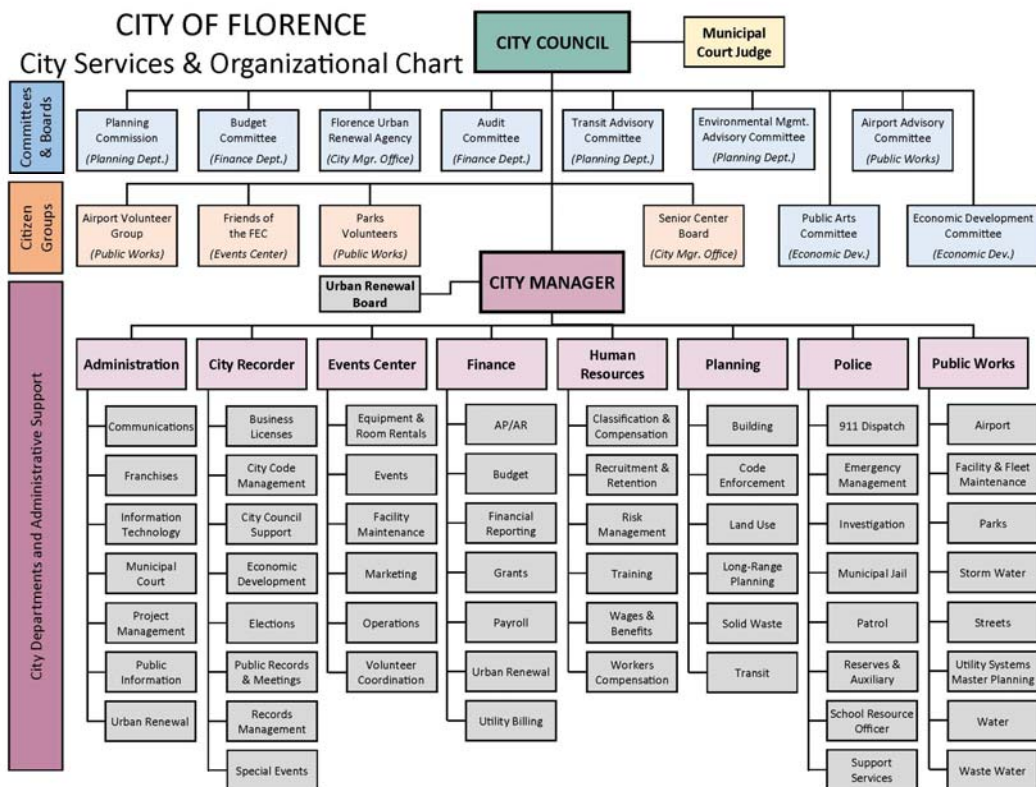
G1 & G2

Determining Priorities

The City of Florence priorities take into consideration:

- projects which have the greatest potential of moving the City forward toward its mission and goals;
- The hierarchy of municipal services,;
- Current city services provided, and;
- Staff time and funding availability.

The City strives to provide for the core municipal services citizens expect, while continuously seeking the actualization of civic engagement.





Public Safety: Police

- Objective 1: Maintain continuity in administration & enhance personnel development
- Objective 2: Develop Permanent Funding for School Resource Officer
- Objective 3: Increase Police Department's Role in Emergency Management
- Objective 4: Define Vehicle Needs and Develop a Plan for Improvement and Maintenance
- Objective 5: Develop, train and implement Bike Patrols
- Objective 6: Maintain national trends and best practices in law enforcement

Public Safety: Emergency Management

- Objective 1: Continue to participate and lead efforts of the West Lane Emergency Operations Groups (WLEOG) and maintain Emergency Operations Plan in coordination with WLEOG partners
- Objective 2: Update and maintain the Emergency Operations Center forms, materials, and readiness in coordination with our WLEOG partners
- Objective 3: Participate in the State of Oregon's efforts to update tsunami evacuation maps, wayfinding maps, and other educational materials
- Objective 4: Develop and implement City emergency preparedness policies
 - Task 1: Develop departmental specific procedures, policies and check lists
 - Task 2: Develop a City continuity of operations plan
 - Task 3: Coordinate ICS 100, 200, 700 and 800 for all employees
 - Task 4: Develop emergency supply kits and equipment for facilities and employees
 - Task 5: Coordinate emergency preparedness trainings for specific roles

Public Safety: Dispatch, Jail, Court

- Objective 1: Complete 911 System Upgrade
 - Task 1: Complete entire 911 system upgrade as funded by Oregon Emergency Management
 - Task 2: Train Communication Officers on New System
- Objective 2: Maintain compliance with Criminal Justice Information Services (CJIS) and Federal Crime Reporting
 - Task 1: Complete Computer Aided Dispatch update with Justice Connect
 - Task 2: Complete Oregon National Incident Based Reporting System (ONIBRS)
- Objective 3: Continue to increase efficiency in Jail Operations
 - Task 1: Clear and restructure the secure sally port area
 - Task 2: Acquire multi-prisoner transport van
- Objective 4: Continue to implement Incode Court management software
 - Task 1: Transfer old accounts from Caselle to Incode
 - Task 2: Continue training on new software, including new employees
- Objective 5: Continue to implement acceptable best practices to modernize Court operations

City Facilities

Objective 1: Design and construct remodel / expansion of City Hall

Objective 2: Construct new City Public Works Facility Phases 1 & 2

Task 1: Move staff, equipment and materials to new Operations Center once completed

Task 2: Pursue grants for items not installed / completed as part of the project including 175 KW emergency power generator, Video conferencing equipment & hybrid yard lighting

Objective 3: Construct finishes to the Justice Center round room

Objective 4: Develop strategy for relocating staff and city meeting displacement during construction

Community Development

Objective 1: Evaluate model and make decision on whether to staff or contract Building / Inspection Services

Objective 2: Develop Approach and continue to encourage organized city growth as opportunities arise

Task 1: Complete Harbor Vista Park Process

Task 2: Complete Development Agreements with Landowners wishing to annex

Task 3: Review with Council concept for reimbursement districts to extend infrastructure

Task 4: Develop a plan to address failing septic system in Heceta Beach if desired by property owners

Objective 3: Complete Buildable Land Inventory and Housing and Employment Studies

Objective 4: Continue to encourage infill development

Task 1: Explore land use approach to provide for more infill development and greater multi-family housing opportunities

Task 2: Discuss and consider regulation related to accessory dwelling units and tiny homes

Objective 5: Strengthen Code Enforcement Efforts

Task 1: Consider whether and how to fund additional code enforcement personnel

Objective 6: Update Title 4 Building Code



Public Works: Capital Improvement Plan Implementation

Objective 1: Complete Rhododendron Drive Water, Stormwater, and Roadway Improvements

Info: Project extends from 9th Street to Hwy 101; including Kingwood between Rhody and 2nd Street.

Objective 2: Complete 8th Street water main crossing of Hwy 101

Objective 3: Complete Automated Meter Reading (AMR) program

Objective 4: Complete Harbor Vista Sewer extension

Info: Project includes new pump station

Objective 5: Complete Hwy 101 water line replacement

Info: Project begins at 2nd and Maple, then along Hwy 101 from Maple to Hwy 126; then Hwy along Hwy 126 to Quince Street. Project also includes replacement of water and sewer lines within 8th Street between Quince and Hwy 101. Additionally the project will include replacing the sewer crossing of Hwy 101 at Rhody and at 7th Street. Project will be completed prior to ReVision Florence.

Objective 6: Complete North Hwy 101 Sewer Extension, West Side

Info: Project is along west side of Hwy 101 from Munsel Lake Road to Heceta Beach Road. Project dependent upon Reimbursement District formation.

Objective 7: Complete North Hwy 101 Sewer Extension, East Side

Info: Project is along the east side of Hwy 101 from 52nd Street sewer pump station to Heceta Beach Road. Project dependent upon Reimbursement District formation.

Objective 8: Complete Hwy 126 Water and Sewer Extension

Info: Project extends water along the south side of Hwy 126 from Upas to Vine Street, including a 12-inch water line boring under Hwy 126 and sewer extension from Vine Street to Pier 126 along south side of Hwy 126.

Objective 9: Complete Hwy 126 Water and Sewer Extension, Phase 2

Info: Project extends water and sewer from Vine Street to Xylo Street, including extension within Xylo Street between Hwy 126 and Coastal Highlands. Project dependent upon Reimbursement District formation.

Objective 10: Complete Annual Chip / Fog Seal program

Objective 11: Complete Old Town Stormwater drainage project

Info: Project from Hemlock 1st to 6th Streets and 6th Street from Hemlock to Juniper Street.

Objective 12: Complete 2nd Street Stormwater Project

Info: Project from Kingwood to Ivy and Ivy from 2nd to 1st Street

Objective 13: Complete Stormwater Master Plan update

Objective 14: Complete Pine Court Stormwater Project

Objective 15: Plan for Pedestrian / Bicycle Activated Crossings

Info: Project for Redwood Street and Hwy 126, 12th Street and Hwy 101, and midblock 15th/ 16th and Hwy 101. ODOT funded project scheduled for construction in 2018.

Objective 16: Complete sidewalk on Pacific View from Kingwood to eastern property line of Lot 30 of the Pacific View Business Park

Public Works

Objective 1: Implement Airport Improvements according to Airport Master Plan

Task 1: Airport Runway / Taxiway seal coat and lighting project (design in 2017 construction summer 2018)

Task 2: Improve Airport Funding and Long Term Financial Sustainability

Objective 2: Develop approach and funding to address deferred street maintenance

Objective 3: Develop approach and funding to focus on preventative maintenance

Task 1: Research, recommend and acquire Computer Maintenance Management Software (CMMS) for tracking maintenance and developing preventative maintenance schedules

Objective 4: Fix Spruce Street Culvert Failure

Task 1: Develop Plan

Task 2: Seek grant funding opportunities as available

Objective 5: Complete a fleet assessment for continual maintenance

Task 1: Develop list of equipment with purchase dates, vehicle year, current condition, mileage, and current use

Task 2: Develop replacement criteria and schedules

City Licensing

Objective 1: Reassess and update City various licensing where appropriate and determine fee structure

Task 1: Street Closure

Task 2: Business Licenses

Task 3: Special Events & Parades

Task 4: Liquor Licenses

Task 5: Taxi Codes



Parks, Trails & Walkability

Objective 1: Support Community Group grants to improve or create new parks

Task 1: Develop a vision for new Memorial Park / Gateway at airport.

Task 2: Work with school district and community volunteers to develop new soccer fields at Middle School site

Task 3: Work with Siuslaw Baseball Association, Siuslaw Youth Soccer, and other community partners to rehabilitate and expand sport / fitness opportunities at Miller Park. This includes soccer field development; relocate softball fields, rehabilitation of the baseball fields, construction of additional restrooms, equipment and maintenance storage, community concession stand, and installation of circuit training stations along the walking path.

Objective 2: Improve parks, trails and walkability where opportunities and funds allow

Task 1: Review Transportation plan and find funding for bike paths, trails, sidewalks, etc.

Objective 3: Seek long-term financing plan to improve parks, trails, and walkability

Task 1: Discuss and determine if parks district is viable idea with possible inclusion of Mapleton area if desired

Objective 4: Plan and complete Siuslaw Estuary Trail—Hwy 126 to Port Property

Objective 5: Construct and develop new South Rhododendron Beach / River Park

Transit

Objective 1: Expand the Transit Advisory Committee responsibilities and membership to address broader range of transportation issues

Objective 2: Participate in efforts to increase public transit opportunities to Eugene, Yachats and Coos Bay

Public Art

Objective 1: Decide on what and where to spend Florence Urban Renewal Agency funding for public art

Objective 2: Focus efforts on primary projects in Public Art Work Plan

Objective 3: Complete Mural Code Revisions with Revisions to Sign Code where necessary

Objective 4: Complete actions to encourage private funding and/or donations of public art to leverage Urban Renewal Dollars

Florence Events Center

Objective 1: Create Sustainable Funding Options

Task 1: Increase number of conference & events

Task 2: Develop and implement an endowment program

Task 3: Consider booking bigger 'name acts' with consideration for risk vs. benefit

Objective 2: Development of North Property

Task 1: Establish plan for increased parking and storage

Task 2: Implementation

Objective 3: Improve Marketing Efforts

Task 1: Reevaluate marketing plan and increase marketing efforts

Task 2: Increase marketing staff / budget

Objective 4: Improve Florence Events Center Facility and Operations

Task 1: Complete ticket system upgrade

Task 2: Complete theater digital projection and audio upgrade

Task 3: Upgrade facility lighting with LED and increase efficiency

Task 4: Remodel FEC office

Task 5: Review and update capital improvement plan and maintenance schedule

Task 6: Research and implement booking software system

Task 7: Review and update Florence Events Center policies and procedures

Objective 5: Friends of the Florence Events Center and Volunteer Procurement

Task 1: Improve volunteer procurement and management

Task 2: Support fundraising events presented by Friends of the Florence Events Center

Greater Community

Objective 1: Develop position and approach to FEMA's new flood plain mapping and National Flood Insurance Program policy releases

Objective 2: Should the City receive Coast Guard City designation, determine next steps to ensure appropriate memorialization

Objective 3: Enhance City's efforts toward recycling

Task 1: Develop program to place garbage & recycling containers throughout City

Task 2: Consider community discussion on voluntary ban of use of Styrofoam products and plastic bags by City

Objective 4: Consider Support for Siuslaw Vision 2025 Program

Objective 5: Develop an approach to address dilapidated buildings and homes throughout Florence

Task 1: Strengthen Code Enforcement Efforts where appropriate

Objective 6: Hold Joint Work Session with School District

Task 1: Discuss potential school bond and consider City Council support

Task 2: Discuss potential of expanding art and music curriculum

Objective 7: Hold Joint Work Session with Hospital Board

Task 1: Discuss action to recruit and maintain doctors and health services



Business Retention & Expansion

- Objective 1: Develop a Business Retention & Expansion Program in coordination with community partners
- Objective 2: Continue to monitor new business licenses and perform outreach
- Objective 3: Survey business license respondents to determine expansion, workforce, and other needs

Marketing & Recruitment

- Objective 1: Develop marketing & branding strategy focused on Florence
 - Task 1: Host community discussion on Florence's branding and what we are attempting to become
- Objective 2: Maintain information on available properties, buildings and businesses in Florence
- Objective 3: Expand marketing for Pacific View Business Park and research available methods to help promote development

Economic Infrastructure

- Objective 1: Develop approach to expand and improve City's fiber and high-speed internet services
 - Task 1: Discuss City's role in whether it should provide service
- Objective 2: Develop funding for housing and economic development initiatives
- Objective 3: Host community leaders discussion on workforce recruitment issues and develop plan for possible solutions

Entrepreneurship & Innovation

- Objective 1: Continue to support the Regional Accelerator & Innovation Network entrepreneurship programs
 - Task 1: Assist in marketing entrepreneurship events and trainings
 - Task 2: Provide support to business and potential business participants as necessary
 - Task 3: Evaluate progress & determine whether to fund additional year

Florence Urban Renewal Agency

Objective 1: Support Urban Renewal Agency in completion of the ReVision Florence project

Task 1: Complete access management process

Task 2: Begin and complete right-of-way engineering and acquisition process

Task 3: Complete environmental clearances with ODOT

Task 4: Finalize funding availability

Task 5: Conceptualize, design and determine funding for public art, gateways and street furniture

Objective 2: Support the Urban Renewal Agency in implementing Façade Improvement Program

Task 1: Work with community groups to develop and/or enhance award program for façade and landscaping improvements

Objective 3: Support Agency's work to market and recruit for Five Catalyst Sites

Objective 4: Support the Agency through research and it's determination whether to conduct parking analysis with emphasis on parking management

Objective 5: Support Agency work to identify areas and opportunities for infill housing within the District

Objective 6: Consider support of providing updates to regional taxing jurisdictions on the FURA work plan

Objective 7: Support agency's work to complete Sidewalk Improvements within the district

Task 1: Complete quick response sidewalk and ADA improvements in the area of Maple Street and Laurel Street

Task 2: Complete sidewalk replacement project along 2nd Street to address gaps and inadequate sidewalks, including ADA and installation of pedestrian scale lights.

Tourism Promotion

Objective 1: Discuss investment in Florence tourism promotion with Lane County

Objective 2: Review transient room tax allocation methodology and marketing and visitor information center contract

Objective 3: Prepare for the 2018 Oregon Mayor's Association Conference

Objective 4: Continue to advocate for the establishment of a hotel or other lodging facility across from the Florence Events Center



Citizen Outreach: News & Media

Objective 1: Continue monthly distribution and streamline production and distribution of newsletter

Task 1: Implement subscription based e-newsletter

Task 2: Implement online subscription registry via the City's website to better manage the City's distribution lists

Objective 2: Continue media outreach on pertinent news items

Task 1: Continue weekly City Manager spot on KCST

Task 2: Complete timely public service announcements to help media disseminate City information

Task 3: Continue project specific outreach to various media and community group outlets including but not limited to Our Town presentations, Rotary, Kiwanis, City Club, etc.

Objective 3: Continue to develop information videos to add to the City's video communications

Objective 4: Continue outreach on Social Media platforms for pertinent City news and services

Citizen Outreach: Website

Objective 1: Continue to implement new City of Florence website tools

Task 1: Complete and implement online email distribution lists

Task 2: Continue to keep City news timely and useful

Task 3: Complete and implement City Services A-Z function

Task 4: Complete and implement Staff Directory

Task 5: Complete and implement City Projects function

Task 6: Research and Implement Codification Software

Customer Service

Objective 1: Include considerations for customer interactions and self-help stations within City Hall remodel architectural design

Objective 2: Explore informational delivery system for Code

Enforcement to communicate the City Code policies and track violation to deliver professional and consistent service delivery

Objective 3: Implement webform, workflow and online payment system for business, taxi, special events, and other licenses

City Community Participation

Objective 1: Continue Council involvement in local, regional, and state organizations

Objective 2: Continue to support staff involvement in Community programs and groups

Citizen Participation

Objective 1: Ensure new City Committee volunteers are appointed and well trained for their posts

Objective 2: Review City's committee structure and mission and modify where appropriate

Objective 3: Improve Citizen access to City Council and Committee information

Task 1: Establish Website Distribution Lists

Task 2: Research and Implement Agenda Management Software

Objective 4: Host volunteer appreciation luncheon

Objective 5: Develop and implement a Citizens Academy program to provide educational opportunities to citizens about City operations and functions

Objective 6: Coordinate activities such as City Day or Public Works Day to provide opportunities for public participation and education



Organizational Sustainability: Human Resources

Objective 1: Recruit for open positions and continue to work toward full staffing levels

Task 1: Recruit and hire Finance Director

Task 2: Recruit and hire Human Resources Director

Task 3: Recruit and hire School Resource Officer

Objective 2: Complete Police Association negotiations

Objective 3: Improve Employee Retention

Objective 4: Improve employee safety and risk management

Organizational Sustainability: Records

Objective 1: Improve City's record's management and retention program

Task 1: Research and determine best methods for short and long term records storage

Task 2: Research and implement off-site storage options

Task 3: Setup protocols to relocate records to long term & short term storage

Task 4: Continue to digitize and index the City's permanent and long-term records

Task 5: Setup protocols and process for retention of City email records

Task 6: Research and potentially implement records retention software

Objective 2: Pending new state law adoption, update public records request policies and research / potentially implement software solutions

Organizational Sustainability: Finance & IT

Objective 1: Develop Information Technology strategic plan

Objective 2: Develop an overall program for city purchasing and automated / better access enterprise accounting system

Task 1: Centralize accounts payable

Objective 3: Review and update financial procedures and processes to gain efficiencies and effectiveness

Objective 4: Develop a strategy and process for telecommunication franchises within the City

Task 1: Continue negotiating the Charter Telecommunications Franchise

Task 2: Renegotiate other telecommunications franchisees as they approach renewal

Financial Sustainability

Objective 1: Review and update long-range financial forecasts annually for all funds. Identify funding gaps and approaches to ensure financial and operational sustainability.

Task 1: Decide on an implement findings / recommendations of utility rate and system development charge studies

Task 2: Evaluate General Fund specific considerations:

- Perform research on property valuations and impacts to property taxes and next steps
- Determine whether to implement financial policy on cost recovery for community development

Task 3: Evaluate strategies to address City Public Employee Retirement System (PERS) obligation

Task 4: Decide on level of service for street system and develop long term approaches to adequately fund

Objective 2: Prepare biennial budget for fiscal years 2017-2019 consistent with adopted work plan

Task 1: Prepare biennial budget incorporating five-year financial forecasts, identify goals and objectives and or funded, and those that remain unfunded and or require action by Council or others

Objective 3: Ensure timely financial reporting

Task 1: Prepare quarterly reports that include financial, operational and capital performance and status

Task 2: Adjust budgets timely to reflect changes in budgeted resources and / or expenditures to achieve work plan objectives

Task 3: Secure clean opinion on annual audited financial statements

Objective 4: Ensure City operates consistent with its fiscal policies



City of Florence
A City in Motion

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6

Meeting Date: February 6, 2017
Department: Public Works

ITEM TITLE: Accept fee proposal from Civil West Engineering of \$71,760 for Stormwater Master Plan Update.

DISCUSSION/ISSUE:

The current Stormwater Master Plan was developed in the late 1990's, completed in 2000 and adopted in 2004. It has been 17 years since the Stormwater Master Plan was completed. Typically infrastructure master plans are updated in the 10 to 15 year interval depending on growth and community needs.

The City's current Stormwater Master Plan (SWMP) has been used to guide and direct the planning and development efforts associated with the stormwater system. The SWMP contains a list of Capital Improvement Projects that were identified as priority improvements for the study period.

Since the City has completed most of the projects contained within the SWMP, it is necessary to update the master plan so that budget planning, design, and construction of storm improvements can be staged and phased in an informed way that responds to the needs of the community.

Civil West Engineering Services, Inc. recently completed a detailed evaluation of drainage alternatives for the Pine Court neighborhood in the Coastal Highlands Development in east Florence. This proposed stormwater master plan update will expand on that evaluation, and include planning for the rest of the City. The master plan update will identify areas in the City that should be prioritized for capital improvements, including the development of a new 20-year Stormwater Capital Improvement Plan.

Staff has met with the engineers from Civil West to discuss and describe the existing drainage facilities and operation, existing deficiencies and concerns, and known issues related to drainage throughout the City. The following areas have already been identified as problematic:

- Ivy St. from 6th St. to 8th St.
 - Juniper St. from Rhododendron Drive to 2nd St.
 - Juniper Street from 7th St. to 8th St.
 - 8th Street between Hwy 101 and Maple Street.
 - 10th St. east of existing Public Works bldg.
 - Nopal St. from 1st St. to 2nd St.
 - Kingwood St. from Airport Way to Airport Rd (15th Street).
 - Pine St. from 29th St. to 28th St. to Hwy 101
 - 46th St. by Fred Meyer
 - 9th St. from Ivy St. to Elm St.
 - West side of Hwy 101 north of Munsel Lake Road
-

As part of the Stormwater Master Plan Update, a thorough and comprehensive evaluation of the condition of the following culverts will be completed, including recommended repairs/replacement:

- Munsel Creek at Spruce St. (12th Street)
- Munsel Creek at 18th St.
- Unnamed creek at 31st St.
- Munsel Creek at 23rd St. & Willow
- Munsel Creek at the Water Treatment Plant

The proposed project schedule for the Stormwater Master Plan Update is as follows:

Authorization to begin work: Mid-February 2017

Kick off meeting & site visits: March 2017

Public meeting: Mid-March 2017

Field work completed: by late April 2017

Mapping: late May 2017

Development of Master Plan document: May – August 2017

Project Completion: September 2017

The schedule shown above is preliminary in nature and may vary depending on a number of issues, including our current workload and other high priority projects.

Staff has reviewed the proposed scope of services for this project, including the work tasks and fees, and finds the proposal to be adequate and within reason for a plan update of this scope.

FISCAL IMPACT:

The engineering fee proposal from Civil West Engineering Services, Inc. is not to exceed \$71,760. Funding is available to complete the Stormwater Master Plan Update from the Stormwater fund.

RELEVANCE TO ADOPTED COUNCIL GOALS:

- City Service Delivery – improving, maintaining and enhancing our infrastructure as feasible.
- Livability & Quality of Life – by providing stormwater facilities that convey our stormwater flows in order to prevent localized flooding to the community. Being responsive to our community's needs with efficient, effective and sustainable service delivery.
- Economic Development – quality stormwater facilities enhances the development and redevelopment potential of the community as well as protect properties from localized flooding events due to undersized stormwater systems.
- Communication & Trust – strengthening citizen trust by cooperatively working with residents for the common good.
- Financial & Organizational Sustainability – providing an updated master plan that supports current and future needs.

ALTERNATIVES:

1. Accept the engineering service proposals from Civil West Engineering Services, Inc.
2. Reject the proposal from Civil West Engineering Services, Inc. and request proposals from other qualified firms.
3. Reject the proposal and do not proceed with project.

RECOMMENDATION:

Staff recommends that the City Council accept the engineering services proposal from Civil West Engineering Services, Inc. to update the Stormwater Master Plan and authorize the City Manager to proceed with a professional services contract.

AIS PREPARED BY: Mike Miller, Public Works Director

**CITY MANAGER'S
RECOMMENDATION:**

Approve



Disapprove



Other

Comments:

ER Reynolds

ITEMS ATTACHED:None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7

Meeting Date: February 6, 2017

Department: Public Works

ITEM TITLE: Accept fee proposal from Civil West Engineering of \$135,510 for engineering design services for two separate projects: 6th and Hemlock Stormwater Improvements; and 2nd and Ivy Stormwater Improvements.

DISCUSSION/ISSUE:

During September 2013, the City solicited proposals from experienced and qualified civil engineering firms, licensed in the State of Oregon, to perform civil and environmental engineering for our capital improvement projects. The City received six proposals, which were then scored and ranked according to the criteria contained in the Request for Qualifications/Proposals. Civil West Engineering Services, Inc. is one of two firms that were selected through that process. In addition, Civil West Engineering Services, Inc. provided the engineering services for the FY 2014 and 2015 Street Preservation Programs; Rhododendron Drive Water, Stormwater and Roadway Improvements; 1st Street Stormwater Improvements; Hwy 101 – Maple to Hwy 126 Water Line Replacement; Munsel Lake Road/North Fork Siuslaw River Road Water and Sewer Improvements; and Pine Court Stormwater Evaluation.

The two proposed projects are standalone projects in that they will be engineered, bid and constructed as separate projects. However, both projects are integral in completing the 'Old Town drainage improvement project'. The 'Old Town drainage improvement project' has been a multiple phase and multiple year project, with the most recent improvements being completed in December 2016 – 1st Street Stormwater Project. The 1st Street Stormwater Project installed 730 lineal feet of new stormwater piping between Greenwood and Ivy streets and a new outfall to a drainage way that discharges to the Siuslaw River.

6th and Hemlock Stormwater Project

Several years ago the City set the stage by completing stormwater improvements on 6th Street, east of Juniper, as well as Maple Street between 9th and 6th streets. With the completion of the 1st Street Stormwater Project, the 6th and Hemlock Stormwater Project is the next phase of these improvements. This project addresses the existing deficiencies between the intersections of 6th and Juniper and 1st and Hemlock streets. Additionally, the City has taken the opportunity to install a new stormwater crossing at Hemlock and Rhododendron Drive, as part of the Rhododendron Drive Phase II project (Rhododendron Drive Water, Stormwater and Roadway Improvement Project). The 6th and Hemlock streets stormwater improvement project will increase the capacity of the stormwater system by installing 1,650 lineal feet of new 36-inch stormwater pipe. This project also completes the project identified in the 2000 Stormwater Master Plan for the southwest region of the City.

2nd and Ivy Stormwater Project

This is a new project and is not identified in the current Stormwater Master Plan for the southwest region of the City. However, as staff have completed routine maintenance and responded to localized flooding events along Kingwood south of Rhododendron, we have become aware of deficiencies within this section of the stormwater system. As we have completed stormwater projects in the southwest region, we have anticipated the need to address the stormwater flows in the area.

The recently completed 1st Street Stormwater Project included the installation of an 84-inch stormwater manhole at the intersection of 1st and Ivy streets with a 36-inch stub oriented up Ivy Street. The purpose of this stub was to accommodate future improvements to the stormwater system on and upstream of Ivy Street. Civil West also designed stormwater improvements for the City on Kingwood Street from Rhododendron Drive to 2nd Street. During design of that project, the City reviewed the stormwater flows in this area and determined that the existing system was inadequate to prevent localized flooding events. In order to eliminate the localized flooding and capitalize on the new improvements that are currently under construction, a new project is necessary in order for the system to be fully functional. The 2nd and Ivy Stormwater Project will install 910 lineal feet of 18-36 inch stormwater pipe. When implemented, these additional improvements will result in a complete stormwater system upgrade to the area.

Staff has reviewed the proposed scope of services for both projects, including the work tasks and fees, and finds the proposals to be adequate and within reason for projects of this scope. The estimated total cost for these projects (design, survey, engineering and construction) is \$1,204,340.

FISCAL IMPACT:

The engineering fee proposal from Civil West Engineering Services, Inc. is not to exceed:

6 th and Hemlock	\$93,342
2 nd and Ivy	<u>\$42,168</u>
Total	\$135,510

Funding is only available to complete the engineering and design work. Construction of the projects will be brought forward through the bi-annual budgeting process.

The total preliminary estimated construction costs (based on recent work and unit prices) for the 6th and Hemlock Stormwater Project is \$737,200. The engineering service fee represents 12.66-percent of the overall project budget and is less than the industry average of 20-percent.

The total preliminary estimated construction costs (based on recent work and unit prices) for the 2nd and Ivy Stormwater Project is \$331,100. The engineering service fee represents 12.74-percent of the overall project budget and is less than the industry average of 20-percent.

RELEVANCE TO ADOPTED COUNCIL GOALS:

- City Service Delivery – improving, maintaining and enhancing our infrastructure as feasible.
- Livability & Quality of Life – by providing stormwater facilities to prevent localized flooding to an area of the community. Being responsive to our community’s needs with efficient, effective and sustainable service delivery.
- Economic Development – quality stormwater facilities enhances the redevelopment potential of this area as well as protect properties from localized flooding events due to undersized stormwater systems.
- Communication & Trust – strengthening citizen trust by cooperatively working with residents for the common good.
- Financial & Organizational Sustainability – construction infrastructure that supports current and future needs.

ALTERNATIVES:

1. Accept the engineering service proposals from Civil West Engineering Services, Inc.
2. Reject the proposals from Civil West Engineering Services, Inc. and request proposals from another qualified firm.
3. Select only the 6th and Hemlock project.
4. Reject the proposals and do not proceed with projects.

RECOMMENDATION:

Staff recommends that the City Council accept the engineering services proposals from Civil West Engineering Services, Inc. and authorize the City Manager to proceed with two professional services contracts.

AIS PREPARED BY: Mike Miller, Public Works Director

**CITY MANAGER’S
RECOMMENDATION:**

Approve

☐ Disapprove

☐ Other

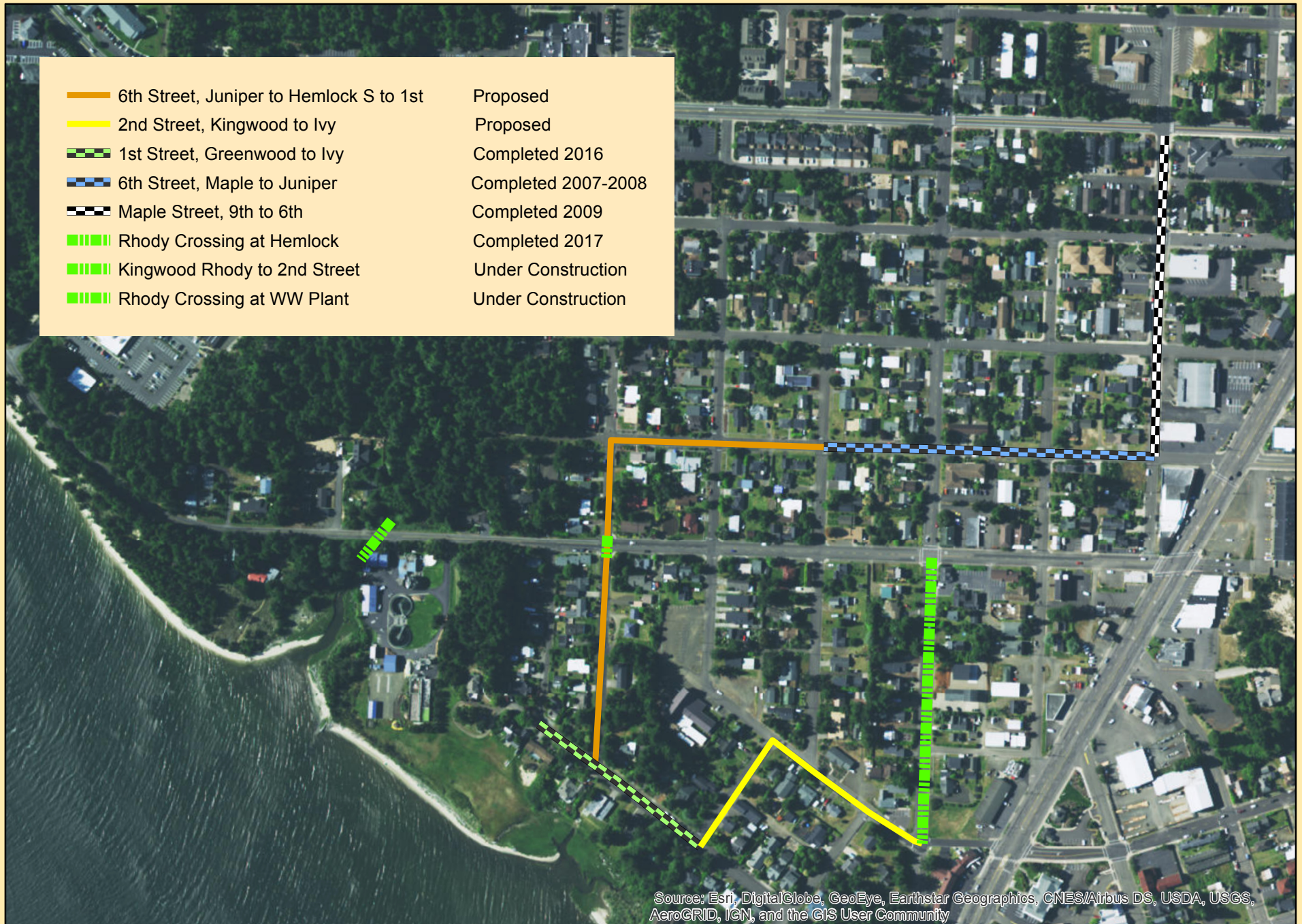
Comments:

ER Reynolds

ITEMS ATTACHED: Map of proposed improvements

Stormwater Projects

N



1 inch = 400 feet

Print Date: 2/1/2017



AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8

Meeting Date: February 6, 2016

Department: FEC

ITEM TITLE: Report on the Florence Events Center's Event Management Process

DISCUSSION/ISSUE:

With over 400 events held on average per year at the Florence Events Center, the FEC staff spends a good portion of their time managing those events. FEC Director, Kevin Rhodes will provide Council with a brief presentation on the management process.

FISCAL IMPACT:

This is a departmental presentation to Council on FEC Event management.

RELEVANCE TO ADOPTED COUNCIL GOALS:

FEC Event Management meets the 2017 Council Goals of:

- Livability & Quality of Life –by providing cost effective and efficient services.
 - Financial & Organizational Sustainability – by providing quality service and being good stewards of our wonderful facility through effective and efficient management
-

RECOMMENDATION:

Receive the report and presentation.

AIS PREPARED BY: Kevin Rhodes, FEC Director

**CITY MANAGER'S
RECOMMENDATION:**



Approve



Disapprove



Other

Comments:

ER Reynolds

ITEM'S ATTACHED: None

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 9

Meeting Date: February 6, 2017

Department: City Manager

ITEM TITLE: CITY MANAGER REPORT

- Upcoming Budget Adoption Process and Budget Meeting Calendar
- Florence Urban Renewal Agency Annual report



2015-16 Annual Report & Financial Statement

Letter from City Manager Erin Reynolds

I am excited to present the annual report of Florence Urban Renewal Agency (FURA) for the fiscal year ended June 30, 2016, and its budgeted activities for the year ending June 30, 2017.

Property values have stabilized within the District, property tax collections have increased, FURA refinanced its existing debt, leveraging the use of the City's full faith and credit, and FURA once again has capacity to make public investments within the urban renewal district.

In the fiscal year ended 2016, FURA had strategic discussions with the City Council regarding its debt obligations and alternatives, and collaborated with the City regarding economic development strategies and public investment priorities. The City Council agreed to use the City's full faith and credit to back FURA debt.

In August 2015, the City and FURA entered into an Intergovernmental Agreement for the City to loan \$3.7 million to FURA from City issued debt. The interest rate on the new debt is 3.25%, compared to 6.0% for the previous debt, which provided FURA \$2.1 million of additional debt capacity for projects. In December 2015, FURA used debt proceeds and existing resources to pay off a \$1.665 million loan obligation and a \$210,000 funding commitment to the Siuslaw Library.

During the budgeting process for fiscal year 2016-17, the FURA board established the following capital outlay budget:

<i>ReVision Florence</i>	<i>\$ 600,000</i>
<i>Development Projects</i>	<i>500,000</i>
<i>Public Artwork</i>	<i>125,000</i>
<i>2nd Street Sidewalk</i>	<i>75,000</i>

Project Budget \$1,300,000

The following highlights the ongoing activities from fiscal

year 2015-16 of FURA and what is happening during fiscal year 2016-17.

ReVision Florence

In August 2015, Murray Smith and Associates (MSA) was hired by FURA to develop concept designs for street and sidewalk improvements on Highways 101 and 126 within the District. MSA has collaborated with the Oregon Department of Transportation (ODOT), City staff, and City and FURA officials to inform its design concepts. MSA presented design concepts in a public open house in February 2016 and the final concept report was presented to the FURA Board in March 2016.

The FURA Board included the streetscape project, now

known as ReVision Florence, in the fiscal year 2016-17 budget. In June 2016, the FURA Board entered into a contract with MSA to continue the design work on ReVision Florence and to work closely with ODOT as they plan for the Highway 101 pavement preservation project. The first milestone in the design and engineering process was the 30% Design Acceptance Package (DAP) to be submitted to ODOT for review. The next steps for ReVision Florence as we proceed is to negotiate the scope of work and fee with MSA to design the project through final design.

In addition to design, the funding package for ReVision Florence needs to be further developed and finalized. In Fall

Continued on Page 2

ReVision Florence: Streetscape Design

Siuslaw River Bridge & Old Town Way → Highway 101 → Highway 126



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FURA Board of Directors

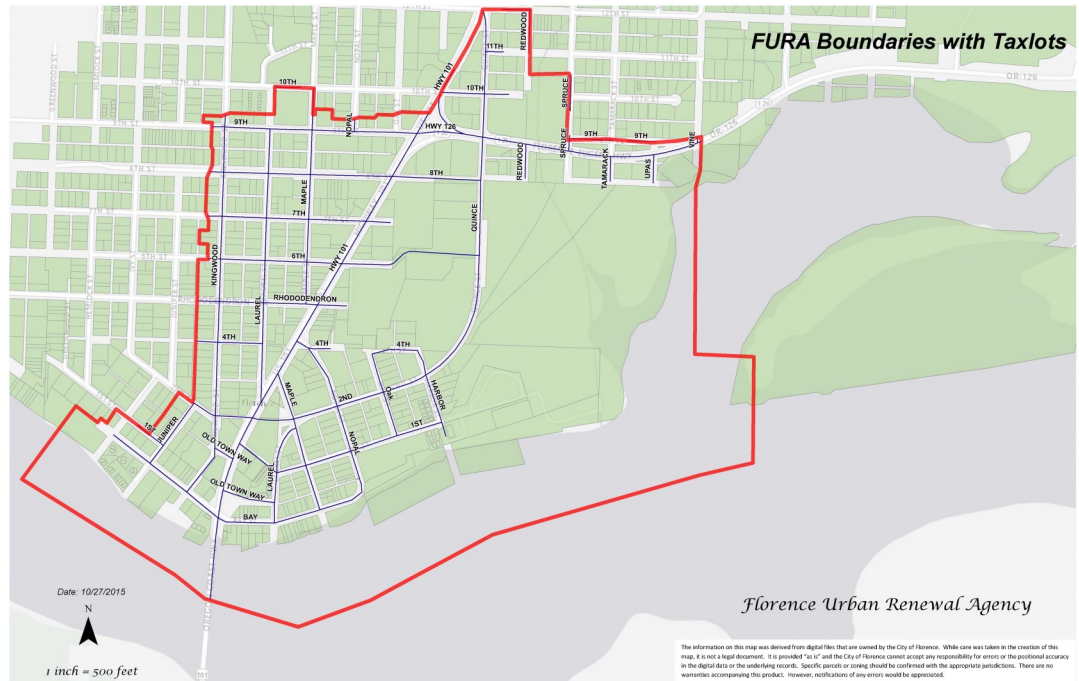
FURA is overseen by a nine-member board of directors; three positions from the City of Florence, one from each of the overlapping taxing jurisdictions, excluding the School District and ESD, and one at-large position. The term of office for members of the Board of Directors, with the exception of the Mayor, is three years with the term expiration on January 31st.

<u>Member</u>	<u>Term Expires</u>	<u>Member</u>	<u>Term Expires</u>	<u>Member</u>	<u>Term Expires</u>
Joshua Greene Councilor, Chair	2016	Ron Preisler Councilor	2016	Patricia Riley Siuslaw Public Library	2016
John Scott SVFR, Vice-Chair	2016	Dave Braley Community Member	2015	Mike Webb Western Lane Ambulance	2015
Joe Henry Mayor	2016	Ron Caputo Port of Siuslaw	2016	Woody Woodbury Lane County Representative	2016

What is FURA?

Florence voters approved the formation of the Florence Downtown Preservation and Renewal Plan in 2007, which created the Florence Urban Renewal Agency (FURA) district (boundary shown to the right). FURA uses property tax increment financing, repaid with dedicated property taxes, to fund projects within the Urban Renew District to facilitate both development and redevelopment.

Urban Renewal focuses on projects such as construction and repair of public infrastructure — including parks, streets, and other public facilities; facilitation of public-private partnerships for revitalization and preservation of downtown properties; rehabilitation of the waterfront for public and commercial uses; and promotion of mixed-use development.



FURA's nine-member board, consisting of the Mayor, two City Councilors, and members appointed by the overlapping taxing jurisdictions within Florence, authorized \$3.7

million of borrowing from the City in fiscal year 2015-16. Of that amount, \$1.6 million was borrowed to refinance existing urban renewal debt with more favorable terms. The \$2.1

million balance of borrowing is budgeted in fiscal year 2016-17 to fund planned projects.

Letter from City Manager Erin Reynolds Continued

2015, City staff presented a \$750,000 funding request to Lane Area Commission on Transportation (Lane ACT) for the project that included a \$250,000 FURA match. The project has progressed through the SuperAct as a funded project totaling \$1,000,000. The remaining funding identified for ReVision Florence includes reimbursements from ODOT and FURA funds. Additional funding opportunities from Lane County and the State are being reviewed.

Public Artwork

The FURA Board has continued their partnership with the City's Public Art Committee to implement significant

investments in public art as part of their strategy to encourage public and private investment in the District. The Public Art Committee, which has developed a Public Art Policy over the past year is currently revising the City's mural code, and is in the process of implementing several public art projects.

Those projects include a mural at the intersection of Highways 101 and 126 through a partnership with Central Lincoln PUD; creating a tiled art piece on the Siuslaw Bridge staircase in Old Town; soliciting donations of art pieces for public display; beautification of trash receptacles and transit

stops; and the Committee's outdoor gallery rental program called Art Exposed that will create a public art gallery throughout Florence. Several of these public art displays will be incorporated into the ReVision Florence design.

Other Initiatives

Gateways, Signage & Sidewalks – FURA and the Downtown Revitalization Team (DRT) have continued their efforts to collaborate on items to beautify Old Town and the rest of the Urban Renewal District. The hanging flower basket and banners have continued and have picked up momentum with local businesses, citizens and visitors.

Additionally, ReVision Florence will bring some of these features to the highway corridor and will include gateway elements. FURA has also budgeted funds to improve sidewalks and pedestrian amenities in the District.

Development – The FURA Board continues to budget funding for potential development partnerships within the District. The FURA Economic Analysis and Strategy outlined catalyst sites as well as potential incentive programs for the Board to consider.

I encourage you to participate in future open houses and meetings concerning these

Continued on Page 4

Financial Summary

FURA received \$327,875 in property taxes in fiscal year 2016, an increase of \$15,433 (4.9%) over the prior year. Debt service totaled \$1,936,247 during the year. The Agency refinanced a \$1.665 million obligation at a lower interest

rate (3.25%) compared to the prior rate of 6.0%. Additionally, the Agency paid off an obligation to the Siuslaw Library District of \$210,000. The Agency secured a \$3.7 million financing for the debt refinancing and to fund new

projects, of this amount \$1.574 million was drawn. The balance of funds will be received in fiscal year 2017. Program activities during the year cost \$448,823. These included completion of an economic strategies study, conceptual

design for the ReVision Florence project, bond sale expenses, and reimbursement to the City for administrative and technical support.

In addition to budgeting \$1.725 million in debt proceeds in fiscal

Continued on Page 4

Schedule of Revenue, Expenditures and Changes in Fund Balance

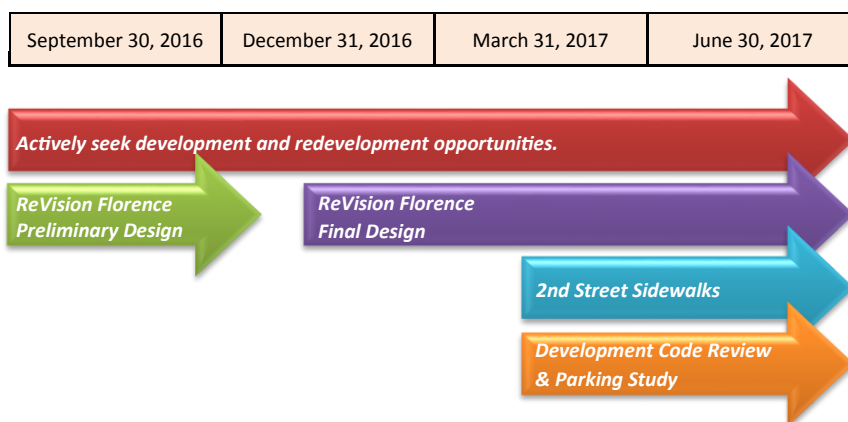
Actual - Fiscal Year Ended June 30, 2016, and Adopted Budget – Fiscal Year Ending June 30, 2017

	General Fund		Debt Service Fund		Total	
	Actual 2015-16	Budget 2016-17	Actual 2015-16	Budget 2016-17	Actual 2015-16	Budget 2016-17
Resources						
Property Taxes	\$ -	\$ -	\$ 327,875	\$ 363,600	\$ 327,875	\$ 363,600
Miscellaneous	3,461	1,000	946	1,000	4,407	2,300
Debt Proceeds	110,349	1,725,351	1,464,288	-	1,574,637	1,725,351
Total Resources	113,810	1,726,351	1,793,109	364,600	1,906,919	2,091,851
Expenditures						
Materials & Services	320,254	249,300	22,517	-	342,771	249,300
Capital Outlay	128,569	1,300,000	-	-	128,569	1,300,000
Debt Service	-	-	1,936,247	127,800	1,936,247	127,800
Transfers	-	-	-	-	-	-
Total Expenditures	448,823	1,549,300	1,958,764	127,800	2,407,587	1,677,100
Resources Over (Under) Expenditures	(335,013)	177,051	(165,655)	236,800	(500,688)	413,851
Other Requirements						
Contingency	-	352,170	-	272,149	-	624,319
Total Other Requirements	-	352,170	-	272,149	-	624,319
Net Change in Fund Balance	(335,013)	(175,119)	(165,655)	(35,349)	(500,688)	(210,468)
Beginning Fund Balance	262,770	175,119	253,549	35,349	516,319	210,468
Ending Fund Balance	\$ (72,243)	\$ -	\$ 87,894	\$ -	\$ 15,651	\$ -

FURA Work Plan

The Urban Renewal Agency has been working to develop project priorities over the past two years. The FY 2016-17 Work Plan includes many of those priorities. During FY 2016, the FURA Board has completed an Economic Analysis of the District, including review of the five main catalyst sites that would be ideal for future development opportunities. The FURA Board also completed the Hwy 101 streetscaping conceptual design, which led to ReVision Florence. Other items included in the workplan and their timelines are outlined here.

FURA FY 2016-17 Work Plan Timeline (Quarter Ending)



Florence Urban Renewal Agency

250 Highway 101
Florence, OR 97439
Phone: 541-997-3437
Fax: 541-997-4109

Letter from City Manager Erin Reynolds Continued

exciting projects. The decisions that the FURA board will make following these public sessions will have a significant impact on our community's appearance and development for decades to come.

Please see FURA's website for additional information or contact us if you have any questions.

Sincerely,



Erin Reynolds, City Manager

Financial Summary Continued

year 2017, FURA budgeted \$363,600 in property taxes, for total resources of \$2.092 million. FURA has budgeted \$1.3 million for capital projects, \$127,800 for debt service, and \$249,300 for administrative support and program related activities such as a parking study and facade grants. A contingency of \$624,319 is budgeted to provide flexibility for timing differences in project costs. Any unspent funds will be carried over to the subsequent year.

The Urban Renewal Concept

Tax increment financing is used in areas that have become physically deteriorated, unsafe, are suffering economic stagnation, or were poorly planned. Public funds are used to help accelerate changes to these conditions. The types of urban renewal activities undertaken generally include land assembly and development of infrastructure and public amenities (i.e., streets, utility lines, lighting, public open spaces, building improvements, and parks). As a result of these publicly funded efforts, private sector investment becomes more feasible.

How Does Tax Increment Financing Work?

Tax increment financing works by identifying an area where property values have stagnated, are declining, or are not rising as rapidly as the rest of the community; drawing a line

around it; planning for major public improvements like roadways, street lighting, parks, and other amenities; and encouraging private investment in the area and selling bonds to finance public improvements. As property values rise and bring an increase in tax revenues, that increase generates property taxes to pay off urban renewal bonds. Years into the future, the area – now vibrant and prosperous – yields significantly more for property tax revenue for the entire city, and overlapping taxing entities, than it would have if not for the urban renewal investment.

Tax Increment Calculations

To determine the amount of the taxes levied, the total assessed value within each urban renewal area is segregated by the County Assessor into two parts: (a) the total taxable assessed value in the district at the time the

Urban Renewal Plan was adopted (the base or “frozen” value), and (b) the difference between the frozen base value and the current total assessed value (the incremental value or “excess”).

Revenues derived from the application of the tax rate for each affected taxing district to the amount of the incremental value may be collected by the urban renewal agency and deposited in its debt service fund. This revenue is used to repay indebtedness incurred in carrying out the projects. The following schedule shows the amount of property taxes and the percentage of its total levy from each taxing entity that was redirected to FURA in fiscal year 2014-15. Note that school district and ESD funding are established by the State and therefore the school district does not realize a reduction in overall funding.

Schedule of Incremental Property Taxes and Percentage of Taxes Redirected to FURA Fiscal Year Ended June 30, 2016

Taxing Entity	Increment Amount	Percent of Taxing Entities Levy
City of Florence	\$ 94,360	3.44%
Lane Community College	19,233	0.07%
Lane County	39,730	0.08%
Lane ESD	6,863	0.10%
Port of Siuslaw	4,515	1.46%
Siuslaw Public Library District	15,982	1.68%
Siuslaw School District 97J	149,079	1.53%
Siuslaw Valley Fire & Rescue	35,318	1.87%
Western Lane Ambulance District	9,933	0.67%
Total	\$ 375,013	

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

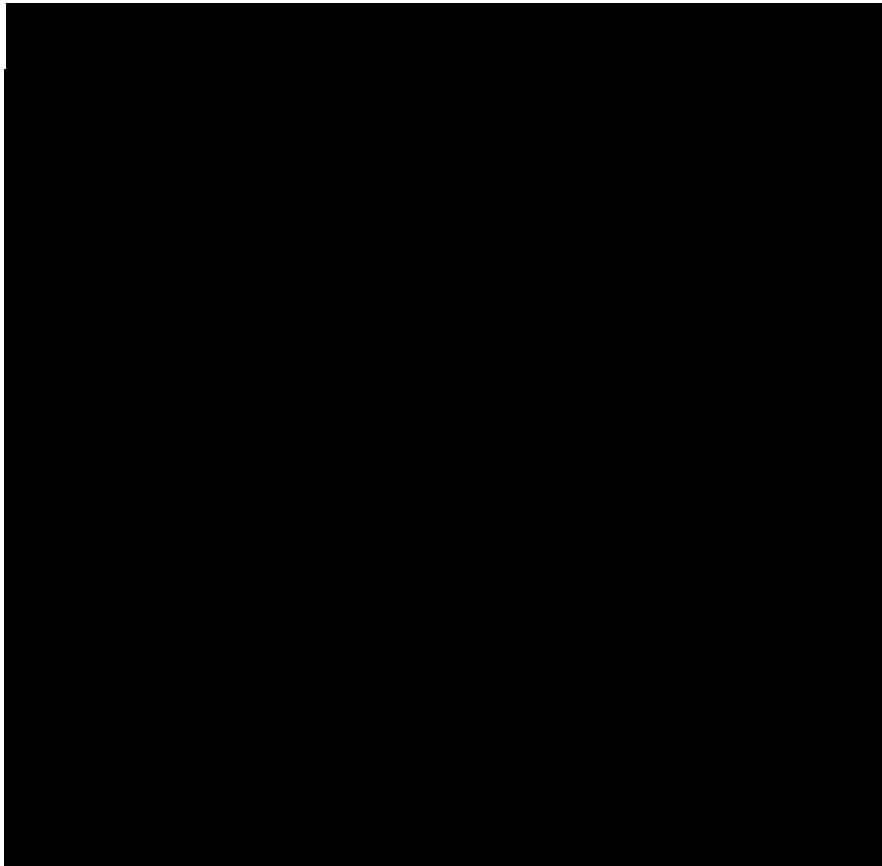
ITEM NO: 10

Meeting Date: February 6, 2017

Department: City Council

ITEM TITLE: CITY COUNCIL REPORTS

Florence City Council Calendar - 2017



February

M	Tu	W	Th	F	Sa/Su
		1	2	3	4 & 5
6 Council Meeting	7	8 Council Work Session - Canceled	9	10	11 & 12
13	14	15	16	17	18 & 19
20 Presidents Day Holiday Council Meeting Rescheduled	21	22 Council Work Session - Canceled	23	24	25 & 26
27 Council Meeting - Tentative	28				

March

M	Tu	W	Th	F	Sa/Su
		1	2	3	4 & 5
6 Council Meeting	7	8 Council Work Session - Tentative	9	10	11 & 12
13	14	15	16	17	18 & 19
20 Council Meeting	21	22 Council Work Session - Tentative	23	24	25 & 26
27	28	29	30	31	

April

M	Tu	W	Th	F	Sa/Su
					1 & 2
3 Council Meeting	4	5 Council Work Session - Canceled	6	7	8 & 9
10	11 Northwest Regional Manager's Conference	12	13	14	15 & 16
17 Council Meeting	18	19 Council Work Session - Tentative	20	21	22 & 23
24	25	26	27	28	29 & 30

Florence City Council Calendar - 2017

May

M	Tu	W	Th	F	Sa/Su
1 Council Meeting	2	3 Council Work Session - Tentative	4	5	6 & 7
8	9	10	11	12	13 & 14
15 Council Meeting	16	17 Council Work Session - Tentative	18	19	20 & 21
22	23	24	25	26	27 & 28
29 Memorial Day Holiday	30	31			

June

M	Tu	W	Th	F	Sa/Su
			1	2	3 & 4
5 Council Meeting - Rescheduled	6	7 Council Work Session - Canceled	8	9	10 & 11
12 Council Meeting	13	14	15	16	17 & 18
19 Council Meeting - Canceled	20	21 Council Work Session - Canceled	22	23	24 & 25
26	27	28	29	30	1 & 2

July

M	Tu	W	Th	F	Sa/Su
3 Council Meeting Rescheduled	4 Independence Day Holiday	5 Council Work Session Rescheduled	6	7	8 & 9
10 Council Meeting	Oregon City Manager's Association Conference				15 & 16
17 Council Meeting - Rescheduled	18	19 Council Work Session - Canceled	20	21	22 & 23
24 Council Meeting	25	26 Council Work Session - Tentative	OR Mayor's Conference		
31					

August

M	Tu	W	Th	F	Sa/Su
	1	2	3	4	5 & 6
7 Council Meeting	8	9 Council Work Session - Tentative	10	11	12 & 13
14	15	16	17	18	19 & 20
21 Council Meeting	22	23 Council Work Session - Tentative	24	25	26 & 27
28	29	30	31		