

**CITY OF FLORENCE  
ORDINANCE NO. 5, SERIES 2020**

**An Ordinance approving a zone change from High Density Residential to Commercial District for properties located at 1686 12<sup>th</sup> Street being 2 acres total; Map #18-12-26-32, Tax Lots 2100, 2200, and 2900, in accordance with the Florence Realization 2020 Comprehensive Plan.**

**RECITALS:**

1. Roger McCorkle, representative and past Chairman of the Board for Florence Elks Lodge # 1858, initiated amendments to revise code and change zoning by application on January 21, 2020.
2. On March 10, 2020 notice of the proposed code amendments and zone change was sent to the Department of Land Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On March 25, 2020 the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
4. On April 1, 2020 notice of hearing was published in the Siuslaw News and on March 24th notice was mailed to surrounding property owners prior to the Planning Commission hearing of April 14, 2020.
5. Planning Commission opened their public hearing April 14, 2020 and then closed it and deliberated to a decision for a recommendation to the City Council on April 14, 2020.
6. On April 22, 2020, notice of hearing was published in the Siuslaw News and mailed to surrounding property owners prior to the City Council hearing of May 4, 2020.
7. City Council conducted a public hearing on May 4, 2020 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence Zoning Map, is amended as explained in Exhibit A, as shown in Exhibit B, and initiated through citizen application provided as Exhibit C.
2. This ordinance shall become effective thirty days following adoption. (June 3, 2020).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

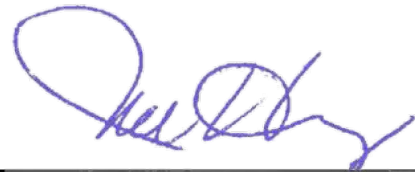
ADOPTION:

First Reading on the 4<sup>th</sup> day of May, 2020.

Second Reading on the 4<sup>th</sup> day of May, 2020.

This Ordinance is passed and adopted on the 4<sup>th</sup> day of May, 2020.

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



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Joe Henry, Mayor

Attest:



\_\_\_\_\_  
Kelli Weese, City Recorder

**FINDINGS OF FACT**  
**Florence City Council**  
**Community Development Department**  
**Exhibit “A”**

**Public Hearing Date:** May 4, 2020  
**Application:** CC 20 03 ZC 01/Ordinance No.5, Series 2020

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a zoning change from High Density Residential to Commercial, in conformance with the Florence Realization 2020 Comprehensive Plan Map designation of “Commercial” for Subject Property.

**Applicant:** Florence Elks Lodge #1858, represented by Roger McCorkle, Exalted Ruler 2020  
 1686 12<sup>th</sup> Street / P.O. Box 36  
 Florence, Oregon 97439

**Property Owner:** Florence Elks Lodge #1858

**Location:** 1686 12<sup>th</sup> Street, Florence OR  
 Southwest corner of intersection of 12<sup>th</sup> Street and Pine Street

**Site:** Map # 18-12-26-32, Tax Lots 2100, 2200, and 2900

**Comprehensive Plan Map Designation:** Commercial

**Zone Map Classification:** High Density Residential

**Characteristics:**

	<b>Use(s)</b>	<b>Zoning</b>	<b>Comp. Plan Designation</b>	<b>Streets / TSP Classification</b>
<b>Site</b>	Elks Lodge and majority of parking lot	High Density Residential	Commercial	N/A
<b>South</b>	Southern portion of Elks Lodge parking lot; Ixtapa Mexican Restaurant	Commercial	Commercial	10 <sup>th</sup> Street / Local
<b>North</b>	Businesses, including Papa Murphy’s	High Density Residential	Commercial	12 <sup>th</sup> Street / Local
<b>East</b>	Ichiban Chinese and Japanese Restaurant and Hwy 101	Commercial	Commercial	Pine Street / Local (unimproved); Hwy 101 / Major Arterial

<b>West</b>	Residences, Florence Church of the Nazarene, Siuslaw Outreach Services	High Density Residential	High Density Residential	Oak Street / Local (unimproved)
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**II. NARRATIVE:**

After notice for this application was posted, an email dated April 10, 2020, staff was alerted by Jean Dahlquist representing the Housing Land Advocates that the required findings for Oregon’s Statewide Planning Goal 10 was initially excluded from Exhibit A of the Elks Lodge Zoning Request (PC 20 04 ZC 01) Findings of Fact. A supplement to the Findings of Fact was then added to the original packet as Exhibit “A1” and presented to the Planning Commission on April 14, 2020. The findings for this Statewide Planning Goal 10 have been incorporated verbatim within this Findings of Fact document instead of being added as a supplement for ease of reference.

In response to the Goal 10 supplemental findings, the Fair Housing Council of Oregon, jointly submitted a letter with the Housing Land Advocates, on April 14, 2020, that became Exhibit “D” in the meeting agenda packet for PC 20 04 ZC 01. This letter essentially supports the efforts that the City of Florence have made towards ensuring adequate housing types and quantities for its residents and urges the City to continue this effort.

The Elks Lodge property encompasses 6 adjoining tax lots. All 6 tax lots are designated as Commercial in the Florence Realization 2020 Comprehensive Plan. The current zoning of the northern three tax lots (Subject Property) are zoned High Density Residential and are inconsistent with the Plan. The southern three tax lots are zoned Commercial and are Plan compliant.

Comprehensive Plans sometimes designate properties based on future needs of a community, rather than existing use. Property owners then have the opportunity to apply to re-zone, based on that designation. That is what is occurring in this case. The Elks previously had no need to re-zone – but now they are looking to install a sign on the property which is not permitted in the Residential zone, A Commercial zone could allow for the desired signage.

The Elks Lodge property is developed with a private lodge and parking area (including RV parking spots, with electrical and water hookups). The Lodge also holds public functions and operates a secondhand store open to the public. A Temporary Conditional Use Permit, PC 19 06 CUP 01, was approved in June 2019 and allows for two mobile storage containers incidental to the thrift store.

**III. INFORMATIONALS:**

Informational 1: The applicant is encouraged to contact City’s Building Department prior to designing their new sign. Florence City Code 4-7-12 Commercial Sign District regulates signage in the Commercial District, and is administered by the Building Department.

Informational 2: The lot coverage on the subject property exceeds the 85% allowable coverage. Any future proposal for new construction, modification, or change of use may trigger the removal of impervious surface and/or the installation of additional landscaping.

#### IV. NOTICES & REFERRALS

**Notice:** Notice was mailed to surrounding property owners within 300 feet of the property on March 24, 2020, posted on the property on March 25, 2020, and published in the Siuslaw News on April 1, 2020. Notice was mailed and the property posted again in advance of the City Council public hearing on the subject on April 22, 2020.

Notice of the plan amendment (PAPA) was sent to DLCD on March 10, 2020. At the time of this report, the City had received no comments on the application. A response to this notice was jointly submitted on April 14, 2020 by the Fair Housing Council of Oregon and the Housing Land Advocates and is discussed in the above Narrative section of these Findings of Fact.

**Referrals:** On March 25, 2020, referrals were sent to the Lane Council of Governments, Florence Urban Renewal District staff, and City of Florence Public Works GIS. At the time of this report, the City had received no referral comments on the proposal.

#### V. APPLICABLE REVIEW CRITERIA

**Florence City Code, Title 10:**

- Chapter 1: Zoning Administration, Sections 1-1-6-3 and 1-3
- Chapter 2: General Zoning Provisions, Section 10-2-1
- Chapter 10: Nonconforming Lots and Uses, Sections 10-8-1
- Chapter 15: Commercial District, Sections 1 through 6

**Florence Realization 2020 Comprehensive Plan**

- Chapter 1: Citizen Involvement, Policies 4 through 6, and 8
- Chapter 2: Land Use, Policies 1, 4, and 7  
Residential Section, Policy 8  
Commercial Section, Policy 1, Commercial Zone Description  
Florence Realization 2020 Comprehensive Plan Map

**Oregon Revised Statutes: 197.610(1)**

**(OAR 660-015) GOAL 10: HOUSING**

#### VI. FINDINGS

Code criteria are listed in **bold**. Only applicable criteria have been listed.

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#### **FLORENCE CITY CODE**

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

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

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

## **9. Quasi-Judicial Zone Changes**

The applicant has proposed a zone change to an area designated by the Florence Realization 2020 Comprehensive Plan as Commercial. This zone change requires a Type III land use process with public hearing before the Planning Commission and. A public hearing was scheduled and held during a Planning Commission meeting on April 14, 2020. This criterion has been met.

### **B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
  - b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.**
  - c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).**
  - d. Notice shall be mailed to any person who submits a written request to receive notice.**
- 2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

For the Planning Commission public hearing on this item, notice was mailed to surrounding property owners within 300 feet of the property on March 24, 2020, posted on the property on March 25, 2020, and published in the Siuslaw News on April 1, 2020. For the City Council public hearing for this item, notice was mailed to surrounding property owners within 300 feet of the property on April 22, 2020, posted on the property on April 22, 2020, and published in the Siuslaw News on April 22, 2020. These criteria are met.

### **C. Notice Mailed to Surrounding Property Owners - Information provided:**

- 1. The notice shall:**
  - a. Explain the nature of the application and the proposed use or uses which could be authorized;**
  - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;**

- c. **Set forth the street address or other easily understood geographical reference to the subject property;**
- d. **State the date, time and location of the hearing;**
- e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are met.

**D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.**

**E. Action by the Planning Commission:**

- 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 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.**
- 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission held a public hearing on April 14, 2020, which met the standards of FCC 2-3 and FCC 2-10. These criteria are met.

[...]

**10-1-2: USE DISTRICTS AND BOUNDARIES:**

**10-1-2-1: DISTRICTS ESTABLISHED:** For the purpose of this Title, the City is hereby divided into the zoning districts, as established within this Title 10.

**10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP:** The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity. (Amd. by Ord. 30, 1990).

Planning Commission recommended approval of the change proposed by the applicant. This amendment to the Zoning Map will be dated and filed with the City of Florence Zoning Map, as described in 10-1-2-2, meeting this criterion.

[...]

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

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

**B. Type III (Quasi-Judicial) Changes:**

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

The application for this zone change was filed by owner of the subject property using a representative. No change to the Comprehensive Plan is required; the subject property is already designated Commercial in the Comprehensive Plan.

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



Application fees have been collected, per the 2019 Planning / Land Use Application Fees schedule. This criterion has been met.

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

For findings related to public notice and public hearings, see findings related to 10-1-1-6-3: Type III Reviews – Quasi-Judicial Land Use Hearings, above. This criterion has been met.

- 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.**

The Planning Commission held a public hearing on April 14, 2020 and reviewed the application for the proposed zone change. They received findings and testimony demonstrating that the proposed zone change is consistent with the Florence Realization 2020 Comprehensive Plan and is not contrary to any portion of the zoning code or public interest. Additionally, the representative for the applicant, Roger McCorkle, provided testimony during the hearing on what prompted the zone change request. He explained that the Elks wanted to expand the size of their signage and would not be able to do so with High Density Residential zoning, but that signage expansion would be allowable in the requested zoning.

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## **TITLE 10: CHAPTER 2: GENERAL ZONING PROVISIONS**

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**10-2-1: CONFORMANCE AND PERMITS: No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the district which such building, structure or land is located and there only after applying for and securing all permits and licenses required by all laws and ordinances of the City.**

No new construction, modification, or change of use is proposed with this application. The existing uses are permitted in the Commercial district.

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## **TITLE 10: CHAPTER 8: NONCONFORMING LOTS AND USES**

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**10-8-1: PURPOSE: There were lots, structures and uses that were lawful before the effective date hereof, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Title. They shall hereafter be referred to as pre-existing, nonconforming uses or buildings.**

The lodge's uses as (a) a public meeting space and (b) a secondhand store, are not permitted in the High Density Residential District; they were considered pre-existing, non-conforming uses. Re-zoning the subject property as Commercial will render those uses conforming, as they are permitted in the Commercial district.

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**TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT (C)**

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**10-15-1: PURPOSE:** The Commercial District is intended to preserve and enhance areas within which a wide range of retail sales and businesses will occur.

**10-15-2: PERMITTED BUILDINGS AND USES:** The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-15-4 herein.

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

**Clubs, lodges and meeting halls**

**Bars or night clubs, including entertainment and sale of alcoholic beverages**

**Secondhand stores, if conducted within a wholly enclosed building**

**Parking areas, public or private**

The existing uses of the subject property meet the purpose and permitted uses within the Commercial district.

**10-15-4: LOT AND YARD REQUIREMENTS:**

- A. Minimum Lot Dimensions:** The minimum lot width shall be twenty five feet (25').
- B. Minimum Lot Area:** The minimum lot area shall be two thousand five hundred (2,500) square feet.

The lots comprising Subject Property each exceed the minimum lot dimensions and area.

- C. Lot Coverage:** Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

Each of the lots comprising the subject property exceeds 85% lot coverage (the lots are almost entirely impervious surface, with the exception of planters at the entrance of the lodge. As described in the findings related to FCC 10-8 Nonconforming Lots and Uses, above, these are pre-existing non-confirming features, and do not require reconstruction.

**D. Yard Regulations:**

- 1. Front yards are not required except where setbacks have been established for road widening or other purposes.**
- 2. Side and rear yards are not required except:**
  - a. Where setbacks have been established for road widening or other purposes.**

- b. **Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.**

The lots comprising the subject property each meet these yard regulations. The subject property does not abut a residential use.

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **CHAPTER 1: CITIZEN INVOLVEMENT**

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#### **POLICIES**

4. **Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**
5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**
6. **Planning documents and background data shall be available to interested citizens.**

[...]

8. **Citizen involvement shall be assured in the review and update of the Comprehensive Plan.**

Citizen involvement was encouraged and facilitated during the public notice portion of the land use process, described in the findings related to 10-1-1-6-3-B Notice of Hearing, above. The Planning Commission agenda provided the opportunity for citizen comment. Record of the Planning Commission meeting, official action, planning documents, and background data related to this application will be kept at City Hall and made available upon request. The Comprehensive Plan is not being updated with this application.

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### **CHAPTER 2: LAND USE**

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#### **POLICIES**

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

The zone change proposed is in accordance with the Comprehensive Plan designation for this area; this designation was made in accordance with Land Use Policy 1, above.

[...]

#### **RESIDENTIAL**

## **POLICIES**

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

[...]

While the uses of the subject property as a Lodge, thrift store and temporary RV member parking, is incompatible with the current zoning designation, these preexisting uses have inadvertently created a buffer zone between the more intensive commercial uses along Highway 101 and the residential uses located west of the subject property and on 10<sup>th</sup> Street. Since traffic access to the subject property is more commonly provided to and from Highway 101, whether along 10<sup>th</sup> street or 12<sup>th</sup> Street, traffic would not commonly extend into the residential uses to the west and southwest. A change in zoning to a more intensive use is not likely to change the traffic patterns with regard to the existing residential uses.

## **COMMERCIAL**

### **POLICIES**

**1. The City shall maintain an adequate inventory of commercial lands for the planning period to accommodate a sustainable level of commercial goods, services and trade to Florence and surrounding area residents, tourists, and to a limited extent, regional markets.**

The City has designated land through its Comprehensive Plan for commercial use, in order to accommodate a sustainable level of commercial goods, services and trade. The existing uses of the subject property are permitted in the Commercial zone. As such, re-zoning the subject property to Commercial will serve to maintain the Comprehensive Plan designated inventory of commercial lands.

**3. The City shall promote the efficient use of available lands designated for the establishment of commercial uses.**

**4. The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.**

**5. The City shall consider landowner and merchant incentives for revitalizing older commercial areas, employing adaptive reuse techniques, and reintroducing stores and services where supporting infrastructure, compatible uses, and vehicular and pedestrian access exist.**

**6. All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment.**

The uses on the subject property are pre-existing uses. No application for construction, modification, or change in use is being considered at this time. Policies 3 through 6, above, will apply to any future application for construction, modification, or change of use. See also Informational 2, above, which notes that the subject property exceeds the maximum lot coverage requirement; an application for construction, modification or change in use may therefore trigger a requirement to add additional landscaping or remove impervious surface.

**7. Commercial areas shall be planned in relation to the capacity of existing and future transportation systems and public infrastructure (sewer, water, stormwater).**

The subject property and the surrounding lands designated as Commercial in the Comprehensive Plan were planned in relation to the capacity of existing and future transportation systems and public infrastructure. Adequate capacity exists for the current use, and will be re-evaluated upon any application for change of use.

**8. Commercial facilities along highways and arterials shall be designed to avoid congestion through alternative local street access or consistent with the City's access management guidelines found within its Transportation System Plan.**

Access to the subject property is gained off of 12<sup>th</sup> Street, which is a local street. No access off of a highway or arterial is proposed.

[...]

**COMMERCIAL PLAN DESIGNATION CATEGORIES AND BACKGROUND**

[...]

**COMMERCIAL**

Three areas are designated Commercial in the Plan Map. The Commercial designations at Driftwood Shores and the adjacent parking area and the tavern located at 88274 Rhododendron Drive are retained in this Plan. Another of these areas is between approximately Highway 126/9th Streets and 21st Street, straddling the east and west side of Highway 101 and varying in depth from one to two blocks. Retail and service commercial uses are appropriate for this area, as are professional offices and motels. Residential, in the form of second-story apartments over ground floor commercial, is also an appropriate accessory use. Commercial uses should be conducted primarily within a building, facilitate both vehicular and pedestrian access, and relate to surrounding buildings in terms of scale and street orientation. Architectural and site design guidelines are appropriate for both new development and redevelopment.

The third area designated Commercial are lands north and south of Highway 126 and east of Quince Street. These lands were designated Highway Commercial in the 1988 Comprehensive Plan Map and zoned for commercial use by Lane County. Retail and service commercial, professional offices, lodging and restaurant establishments are appropriate uses for this area. Upper story residences are encouraged where they can be protected from highway impacts.

The implementing zoning district for the Commercial Plan designation is the Commercial District.

The subject property is located in the Commercial areas described above as between approximately Highway 126/9th Streets and 21st Street, straddling the east and west side of Highway 101 and varying in depth from one to two blocks. The use of the subject property (retail and services), are described above as appropriate for this area.

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**OREGON REVISED STATUTES- 197.610(1)**

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**POST-ACKNOWLEDGMENT PROCEDURES**

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

Notice was provided to the Department of Land Conservation and Development on March 10, 2020, 35 days prior to the first evidentiary hearing to be held before the Florence Planning Commission. This criterion is met.

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**(OAR 660-015) GOAL 10: HOUSING**

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

[...]

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

[...]

In December of 2017, the City of Florence commissioned a work now entitled, "Housing Needs Analysis and Economic Opportunities Analysis: (Volumes 1 and 2) Technical Report." This report presents a comprehensive analysis of lands within the City as well as in the UBG for a variety of land uses, including residential, and several of the recommendations directly responded to Oregon's Statewide Planning Goals and Guidelines and were incorporated in the latest Florence Realization 2020 Comprehensive Plan update. In response to Goal 10 and before the report was formally adopted as an addition to Chapter 9 and 10, respectively of the Plan, staff reported their Findings to the Florence City Council as follows:

***"The proposal is consistent with this rule [ OAR 660-015-0000 (Goal 10)] because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within existing buildable lands designated for residential use. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing (FCC Table 10-10-2-A), across four residential zones at differing density ranges (FCC 10-10-2-B for minimum lot sizes and 10-10-4-E for density) to provide for flexibility of housing type and density both within individual zones and across the city as a whole in multiple zones.***

***The population of the City of Florence exceeds 2,500 people, so the requirement for various housing types applies. The proposed amendments exceed the requirement, by providing for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the MDR, RMH and HDR zones, manufactured home parks in the RMH zone, and multiple-family housing in the HDR zone as well as part of mixed-use development in the C, H, OT and NC commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, duets, triplexes, quadplexes, and cluster housing in appropriate residential zones."***

As demonstrated in the above staff report for the 2017 *Housing Needs Analysis and Economic Opportunities Analysis: Volume 1 Technical Report*, the City has overall met and exceeded the requirements to identify a variety of buildable residential properties as directed in Goal 10. Page 5 of the "2017 *Housing Needs Analysis and Economic Opportunities Analysis: Volume 1*" discusses the methodology of the inventory of buildable land inventory (BLI) and results relating specifically to a twenty-year forecast:

***"The BLI findings indicate that the existing amount of vacant and redevelopable land within the Florence UGB is generally sufficient to accommodate planned 20-year housing needs and employment growth forecasts, even under the highest growth scenarios."***

A more recent example of expanding housing choices is the provision for accessory dwelling units (ADUs) development not just within in all residential zoning districts but on every lot with an existing single-family residence regardless of zoning. Additionally, in December 2019 the City adopted amendments to the city residential zoning districts enhanced opportunities for a diversity of housing types and increased densities.

In general, a zoning change from High Density Residential to Commercial would not take away all future high-density residential opportunities on the Subject Property. Title 10, Chapter 10, Commercial District (C), Section 10-15-2 of the Zoning Ordinance allows residential units within this zoning by right. This provides further evidence that in this instance, a zoning change would

not result in a subtraction from the overall high-density residential land inventory and that Goal 10 would be met should this zoning change be approved.

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**VII. CONCLUSION**

The proposed application is consistent with the applicable criteria of City Code, the Florence Realization 2020 Comprehensive Plan, and State statutes and regulations.

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**VIII. EXHIBITS**

"A"	Findings of Fact
"B"	Map Revision
"C"	Application and Cover Letter

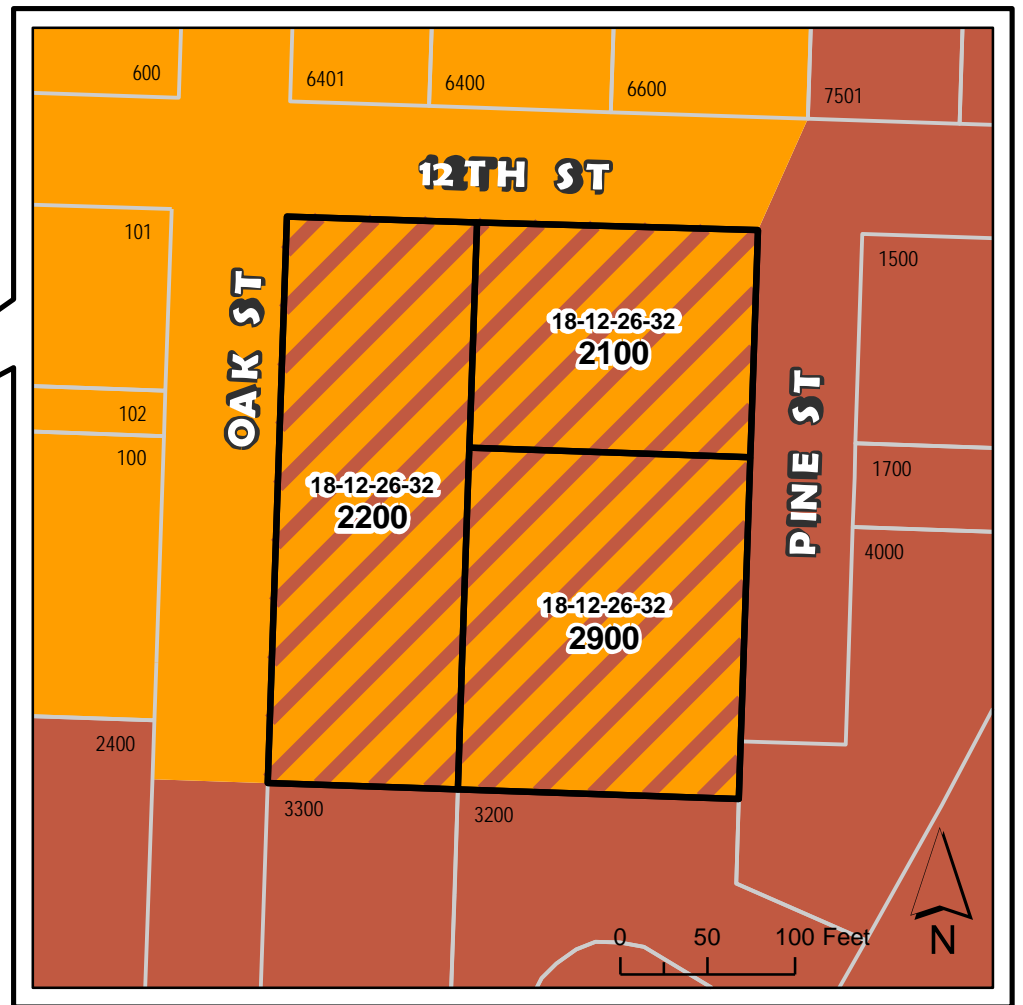
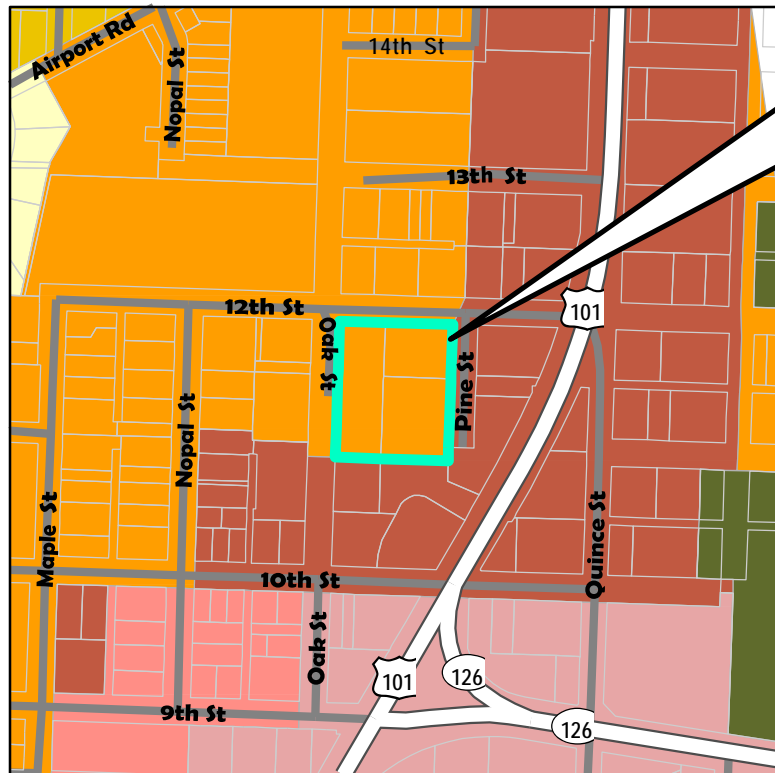


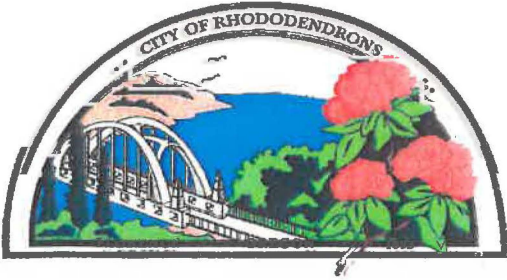
**Proposed Zoning Amendments - City of Florence**  
**Ordinance No. 5, Series 2020**  
**CC 20 03 ZC 01 – Elks Lodge Zone Change**

**Exhibit "B"**

- Low Density Residential
- Mobile Home / Manufactured Home (Residential)
- High Density Residential
- Main Street Area A (Commercial)
- Main Street Area B (Commercial)
- Commercial
- Open Space
- Area proposed for rezone

Area proposed to change from High Density Residential to Commercial





# Exhibit "C"

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

### Type of Request

#### THIS SECTION FOR OFFICE USE ONLY

Type I    Type II    Type III    Type IV

Proposal:

PC 2004 ZC 017 Florence Elks  
 CC 2003 ZC 013 Lodge #1858

### Applicant Information

Name: Florence Elks Lodge #1858 Phone 1:   
 E-mail Address:  Phone 2:   
 Address: 1686 12<sup>th</sup> St. -  Florence, OR-97439  
 Signature: Roger W. McCorkle - Chron BOD Date: 1/21/2020  
 Applicant's Representative (if any): Same

### Property Owner Information

Name: Florence Elks Lodge #1858 Phone 1:   
 E-mail Address:  Phone 2:   
 Address: 1686 12<sup>th</sup> St. -  Florence, OR-97439  
 Signature: Roger W. McCorkle - Chron BOD Date: 1/21/2020  
 Applicant's Representative (if any): Same

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

### For Office Use Only:

Received  
 City of Florence  
 JAN 21 2020  
 By: U.M.M.

Approved

Exhibit C

Property Description

Site Address: 1686 12<sup>th</sup> St. - Florence, OR

General Description: Elks Lodge Property - 1 city block, approx. 2 acres

Assessor's Map No.: 18 - 12 - 26 - 32 Tax lot(s): 2100, 2200, 2900

Zoning District: Multi-Family Residential

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

(FCC 10-1-1-4-B-3): Commercial, Multi-family, Church

Project Description

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

Square feet of existing: 87,556

Hours of operation: \_\_\_\_\_

Existing parking spaces: \_\_\_\_\_

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

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

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

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

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

Zoning change from Multi-family Residential to Commercial. This will bring the Zoning Map into compliance with the Comprehensive Map.

For Office Use Only:

Date Submitted: 1/21/2020

Fee: \$2,663.18

Received by: VMM

City of Florence  
Paid

JAN 21 2020

PAID



*A Fraternal Organization*

City Council of Florence, Oregon

Community Development Department

Florence Elks Lodge #1858 is seeking a zone change for the main Lodge property (tax lots 2100, 2200, 2900) from Multi-family Residential to Commercial. The balance of our property (tax lots 3200, 3300, 3400) is currently zoned Commercial.

The reason for our request is we would like to update the "BPOE" sign on the east side of our building with a new "Elks" sign. Under the existing Multi-family Zoning, we are not permitted to do so. Signage changes are only permitted in Commercial Zoning. There will be no change in use for the property.

If granted, this change will also bring the Zoning Map into compliance with the Comprehensive Map.

Respectfully Submitted,

A handwritten signature in black ink that reads "Roger W. McCorkle".

Roger McCorkle, Chairman - Board of Directors