

**CITY OF FLORENCE  
ORDINANCE NO. 5 SERIES 2021**

**AN ORDINANCE APPROVING ANNEXATION OF 4.53 ACRES, ASSESSOR'S MAP  
REFERENCE 18-12-04-44, TAX LOT 03800.**

RECITALS:

1. The City of Florence was petitioned by the property owner, Stonefield Investments, LLC represented by Robbie Wright on March 5, 2021, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The signed petition to annex was received constituting more than half of the owners of land in the territory consenting in writing to the annexation, the owner consenting to annex own more than half of the land in the contiguous territory, and the owner consenting to annex representing more than half of the assessed value of property in the territory in accordance with ORS 222.170(1);
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. The Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Realization 2020—the City's acknowledged Comprehensive Plan—and they adopted findings of fact in support of the annexation.
5. The City Council met in a public hearing on May 17, 2021, after giving the required notice per FCC 10-1-1-6 and ORS 222.120 to consider the proposal, evidence in the record, and testimony received.
6. The City Council, on May 17, 2021, found that the request met the applicable criteria and that the property could adequately be served.
7. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation, and the City Council adopted Ordinance No. 6, Series 2021 zoning the annexed property as Medium Density 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 4.53 acres, Assessor's Map Reference 18-12-04-44, Tax Lot 03800 being territory owned by the petitioner into the City of Florence as described in **Exhibit A**.
2. This annexation is based on the Findings of Fact in **Exhibit B** and evidence in the record.
3. The City Recorder is hereby directed to file certified copies of this Ordinance with the Oregon Secretary of State's Office consistent with the requirements of that office 90 days prior to the general election in order for the annexation to be effective upon filing pursuant to ORS 222.040(1) and 222.180(1).
4. The City Recorder is also hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office, Lane County Chief Deputy Clerk and Oregon Department of Revenue pursuant to state law.

ADOPTION:

First Reading on the 17<sup>th</sup> day of May, 2021.

Second Reading on the 17<sup>th</sup> day of May, 2021.

This Ordinance is passed and adopted on the 17<sup>th</sup> day of May, 2021.

Councilors:

AYES	5	Councilors Wisniewski, Meyer, Wantz, Woodbury and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	



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

Attest:



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

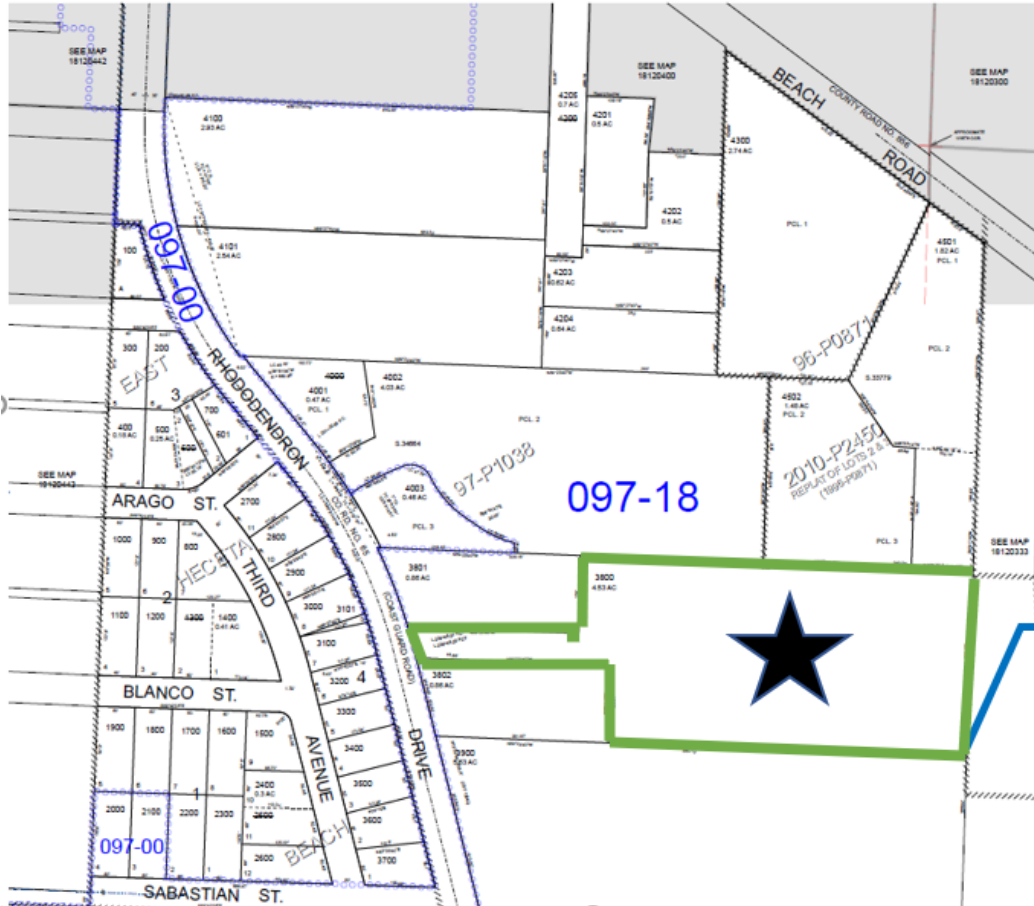
**City of Florence Preliminary Annexation Map**  
**Stonefield Investments, LLC – Rhododendron Dr.**

FOR ASSESSMENT AND  
TAXATION ONLY

S.E. 1/4 S.E. 1/4 SEC. 4 T.18S. R.12W. W.M.  
Lane County  
1" = 100'

1812044  
FLORENCE

LGAT00-2020-09-02



**CANCELLED**

600  
1300  
4000  
4200  
4400  
4600  
3400  
3601  
3800

**POINT OF  
BEGINNING**

1812044 PRELIMINARY ANNEXATION MAP TO THE  
CITY OF FLORENCE, FLORIDA. THIS MAP WAS  
RECEIVED BY THE COUNTY CLERK ON 10/15/2020.  
IT IS HEREBY PUBLICIZED BY THE COUNTY CLERK  
ON 11/03/2020. THE CITY OF FLORENCE IS THE  
APPLICANT FOR THIS MAP. THE CITY OF FLORENCE  
IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS  
MAP. THE CITY OF FLORENCE IS NOT RESPONSIBLE  
FOR ANY ERRORS OR OMISSIONS THAT MAY BE  
CONTAINED HEREIN. THE CITY OF FLORENCE IS  
NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING  
REASONABLE ATTORNEY'S FEES, THAT MAY BE  
INCURRED BY ANY PARTY AS A RESULT OF THIS  
MAP.

**Legal Description of Assessor's Map # 18-12-04-44, TL 03800**

**LEGAL DESCRIPTION:** Real property in the County of Lane, State of Oregon, described as follows:

**BEGINNING AT A POINT WHICH IS NORTH 0° 01' 15" EAST 300.54 FEET AND SOUTH 89° 03' 40" EAST 89.19 FEET FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; RUN THENCE NORTH 0° 01' 15" EAST 300.02 FEET; THENCE NORTH 89° 23' 40" WEST 963.74 FEET TO THE EAST LINE OF RHODODENDRON DRIVE; THENCE ALONG SAID EAST LINE ON A 848.15 FEET RADIUS CURVE RIGHT (THE CHORD OF WHICH BEARS SOUTH 21° 38' 55" EAST 171.92 FEET) THENCE SOUTH 15° 50' 00" EAST 146.89 FEET; THENCE SOUTH 89° 23' 40" EAST 860.12 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.**

**SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT A POINT BEING SOUTH 89° 03' 40" EAST 89.19 FEET, NORTH 0° 01' 15" EAST 600.56 FEET AND NORTH 89° 23' 40" WEST 635.56 FEET FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 0° 01' 15" WEST 125.00 FEET; THENCE NORTH 89° 23' 40" WEST 275.20 FEET TO THE EASTERLY MARGIN OF RHODODENDRON DRIVE; THENCE ALONG SAID EASTERLY MARGIN ALONG THE ARC OF A 848.51 FOOT RADIUS CURVE LEFT (THE CHORD OF WHICH CURVE BEARS NORTH 22° 51' 55" WEST 136.26 FEET) A DISTANCE OF 136.41 FEET; THENCE LEAVING SAID EASTERLY MARGIN SOUTH 89° 23' 40" EAST 328.18 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON**

**ALSO SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT A POINT BEING SOUTH 89° 03' 40" EAST 89.19 FEET, NORTH 0° 01' 15" EAST 300.54 FEET AND NORTH 89° 23' 40" WEST 578.25 FEET FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF WILLAMETTE MERIDIAN; THENCE NORTH 89° 23' 40" WEST 281.87 FEET TO THE EASTERLY MARGIN OF RHODODENDRON DRIVE; THENCE ALONG SAID EASTERLY MARGIN NORTH 15° 50' WEST 130.33 FEET; THENCE LEAVING SAID EASTERLY MARGIN SOUTH 89° 23' 40" EAST 317.48 FEET; THENCE SOUTH 0° 01' 15" WEST 125.01 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.**

**NOTE:** This Legal Description was created prior to January 01, 2008.

**CITY OF FLORENCE**  
**Ordinance Nos. 5 & 6, Series 2021**  
**FINDINGS OF FACT**  
**Exhibit B**  
**May 17 2021**

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**Public Hearing Date:** May 17, 2021  
**File Nos:** CC 21 03 ANN 01 & CC 21 04 ZC 01

**I. PROPOSAL DESCRIPTION**

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

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

**Petitioner/Property Owner:** Robbie Wright representing Stonefield Investments, LLC,

**Associated Property:** Assessor's Map 18-12-04-44 Tax lot 03800

**Comprehensive Plan Map Designation:** Medium Density Residential

**Surrounding Land Use / Zoning:**

**Site:** Vacant | Suburban Residential /Mobile Home District; (Interim Urban Combining District Overlay)

**North:** Single-family residences | Suburban Residential /Mobile Home District (Interim Urban Combining District Overlay)

**South:** Single-family residence | Suburban Residential /Mobile Home District (Interim Urban Combining District Overlay)

**East:** Single-family residences | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)

**West:** Single-family residences | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)

**Streets / Classification:** West – Rhododendron Dr. / Minor Arterial.; South – None; East – None; North – None

**II. NARRATIVE**

Upon closing a public hearing held on April 27, 2021, the Planning Commission voted unanimously (5-0) to approve recommendation to the City Council of both the annexation and

the requested zoning to the subject property discussed in these Findings of Fact. A petition for annexation of the 4.53-acre tract and a legal property description and map conforming to the requirements of ORS 308.225 were received with the application by the sole owner's representative on March 5, 2021; the same date the application was deemed complete.

The irregularly-shaped property is undeveloped amid a residential area whereupon homes are primarily located on medium-sized to large-sized tracts of property outside of the City limits. The subject property also abuts City limits along its most western boundary where it adjoins the Rhododendron Dr. right-of-way. Although this street has been annexed, the maintenance of Rhododendron Dr. lies under Lane County jurisdiction. It is likely that maintenance will become the responsibility of the City when jurisdiction is formally transferred to the City from the County through a regulated process involving an agreement between both entities.

State law requires signatures from at least 50% of the property owners and electors of the property to petition for annexation without an election. This type of annexation is known as a "Double Majority" annexation (ORS 222.125). The City received a signed petition from the sole property owner (Stonefield Investments, LLC) and will process the annexation under the "Triple Majority" methodology (ORS 222.170(1)). Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV application which means that the Planning Commission has made a recommendation to the City Council and the City Council will then make the final decision in this legislative matter.

The zoning assignment procedure applies to the 4.53-acre property only, as the Rhododendron right-of-way, although under Lane County maintenance jurisdiction as discussed above, is already annexed into City limits and zoned. In accordance with 10-1-1-5 B the two actions (the annexation and zoning designation) will be processed through consolidated proceedings.

The property would be served by Heceta Water PUD one connected and lies within the Siuslaw Rural Fire Protection District. After annexation, the property will receive City sewer services and City police protection.

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### **III. PUBLIC NOTICE**

Notice of the City Council public hearing was mailed on April 27, 2021, to property owners within 300 feet of the proposed annexation area. Also on April 27, 2021, notices were posted at Florence City Hall, the Florence Post Office, Florence Justice Center, and the Siuslaw Public Library and signage posted on the property site. Notice was published in the Siuslaw News on May 1 and May 8, 2021.

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on March 9, 2021, not less than 35 days prior to the proposed first evidentiary hearing of April 27, 2021, as required by State law and the Florence City Code.

#### **Public Comments:**

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

#### **IV. REFERRALS**

On April 7, 2021, referrals were sent to Florence Public Works (Utilities and Airport), Building, and Police Departments; Lane County Transportation and Land Management Divisions, Charter Communications; Century Link; Central Lincoln PUD; and Heceta Water PUD.

##### **Referral Comments:**

On April 12, 2021, the Lane County Public Works - Department of Transportation Planning submitted referral comments that were amended by this agency on April 21, 2021 whereby stating that while they have no conditions of approval for this annexation request, they do have comments on the future development of Rhododendron Drive:

##### *“Comments from Lane County Transportation Planning*

*The subject property (“property”) is located within the City of Florence’s Urban Growth Boundary. The property fronts Rhododendron Drive along its [Rhododendron Drive’s] eastern property line...Rhododendron Drive is a Lane County Road functionally classified as an Urban Major Collector. Rhododendron Drive has been annexed to the City of Florence. Unless and until jurisdictional transfer of Rhododendron Drive occurs, its current status as an Urban Major Collector road requires that any redevelopment of new redevelopment of the property demonstrate compliance with Lane County’s requirements for roads as applicable. Such requirements are at Lane Code (LC) Chapter 15 and include: **LC 15.070: Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Roads or Highways; LC 15:105: Dedication and Improvement Requirements LC 15.135: General Access Requirements; LC 15.137: Access Management Requirements; and LC 15.704: Urban Local Street Standards. A full copy of LC Chapter 15 is available for review at:***

[LC15 1.doc \(lanecounty.org\)](#)

##### *Improvement Requirements*

*At the time of development, Lane County may require half-street improvements pursuant to LC 15.105 (1)*

##### *Stormwater*

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

On April 20, 2021, Mike Miller, Public Works Director, provided the following:

##### *“Sanitary Sewer*

Currently, the total sanitary sewer capacity of the treatment plant is 1.3 million gallons per day (mgd) dry weather flow. Our current average dry weather flow is 0.745 (this is pre-COVID-19, the flows are currently less due to COVID-19) which equates to 0.555 mgd of excess capacity at the treatment plant.

The City has a pressure sewer lines located on Rhododendron Drive as well as gravity sewer available at Sebastian and Deer Crossing Way. With this property there is the potential to gravity sewer the property to the existing gravity sewer located within Sebastian Street. This is the preferred connection point for this property. After the annexation, we will need to review the development plans so as to understand how the property will be developed in order to make a final determination whether the property will be allowed to connect to the pressure sewer line or if connection to the gravity system is feasible. Regardless, sewer capacity is available.

It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the property owners are to pay for sewer main extension, manholes, pump stations, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project.

### Streets

Currently, this portion of Rhododendron Drive is within the City limits, however it is under County maintenance jurisdiction. Access to the property will need to be coordinated with Lane County. Any proposed public streets to be extended will need to comply with City standards.

### Stormwater

Stormwater management will need to be considered as development occurs on the property.

### Water

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

## **V. APPLICABLE REVIEW CRITERIA**

### Annexation

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

222.111; 222.120; 222.125; and 222.170 (2)

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

1: Citizen Involvement, Policy 4

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

14: Urbanization, Policies 1 and 3 through 7

### Zoning Assignment

#### **Florence Realization 2020 Comprehensive Plan**



Chapter 2: Land Use, Policy 5; Residential Policies 7, 8 & 10; and Section on Residential Plan Designations

**Florence City Code (FCC)**

Title 10: Zoning Regulations

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

Chapter 10: Residential Districts, Section 1

**Oregon Land Use Planning Goals**

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

**VI. FINDINGS OF FACT**

The following Findings support the draft Resolution Nos. PC 21 03 ANN 01 & PC 21 04 ZC 01 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.

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**FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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**Chapter 1: Citizen Involvement**

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**Policies**

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

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

While the public hearings will be conducted virtually with no opportunity for in-person attendance, the public could attend the meeting virtually and provide verbal testimony during the public hearings via the internet or via a landline phone. Those wishing to simply attend the hearing could do so through the Go-to-Webinar platform application, or they could watch the hearing live and playback offered by the videographer through an internet stream and Channel 191 on Charter Cable. Opportunities for written participation to be included in these Findings were available up to April 20<sup>th</sup> and again up to May 7<sup>th</sup>. All public comments received both before and after those dates were posted online and distributed to the decision bodies up to 4:00 PM on the hearing dates.



Florence City Code therefore implements this policy and provides the framework for future residential development of this property.

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

This undeveloped subject property sits amid tracts of properties that have been developed residentially and poses no threat to the public health and welfare as outlined in the above Policy 7 of the Residential Goal within the Florence Realization 2020 Comprehensive Plan. The adjacent street infrastructure, Rhododendron Drive, is a designated minor arterial primarily serving multiple properties along this street including access points into residential subdivisions such as Fawn Ridge East and West, Ocean Woodlands and East Heceta Beach.

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

Currently, this land is zoned Suburban Residential/Mobile Home by Lane County, is within the Urban Growth Boundary, and is undeveloped. The Florence Realization 2020 Comprehensive Plan projected zoning for this property is Medium Density Residential. Any future development will be in accordance with the approved zoning district.

### **Medium Density Residential**

**The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and 10,000-3,000 square feet, depending on the development type (Quadplex and single family attached, respectively), for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Medium Density. Single family homes, manufactured homes meeting certain minimum standards, and duplexes are allowed. Tri and quad-plexes, and cluster housing are allowed with a conditional use.**

The applicant has proposed the annexation and zone assignment of Medium Density Residential (MDR) in concert with the Florence Realization 2020 Comprehensive Plan. The property contains 4.53 acres, which is the equivalent to 197,326.8 square feet. This property meets the requirements of this zoning such as minimum lot size and width, therefore allowing a variety of uses depending on the future lot size(s) as outlined in FCC Title 10 Chapter 10. Once annexed, the applicant proposes to construct multiple residences on the property. Future development will require additional Land Use Application reviews in concert with Florence City Codes.

Worth noting is that the subject property line fronting Rhododendron Dr. is approximately 50' in width. Should this annexation and zoning assignment be approved by City Council, development of a street will require conformance with Florence City Code. In this instance, the required street right-of-way width of a local street is 60' per FCC Title 10, Chapter 36. An opportunity for a modification from the requirement of 60' is available through FCC Title 11, Chapter 7 as the property (and street) is formally subdivided.

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## **Chapter 14: Urbanization**

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### **Goal**

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via right-of-way to the west (Rhododendron Drive). It is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area.
- All connections and future connections to the sewer line have and will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.

### **Annexation Policies**

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

The proposed annexation has been initiated by the property owner. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” This policy criterion is met.

The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits.

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

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

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

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed uses without negatively affecting existing customers. Currently the Waste Water Treatment Plant has an excess capacity of .55 million gallons daily.

Water: The property is served by a connection to Heceta Water People's Utility District services within the Rhododendron Dr. right-of-way. A hydrant is available fewer than 500 feet from the property at the NW corner of the intersection of Sebastian St. and Rhododendron Dr., but its capabilities are not known.

Stormwater: There will be no change in the handling of stormwater upon annexation. Upon any redevelopment, the property will be expected to meet City Code, retaining all stormwater on-site as there is no public overflow system in this area of the City and the County will not allow overflow into the County road system.

Streets: The property will be accessed via Rhododendron Drive, which is currently under Lane County jurisdiction and maintenance responsibility, although annexed into the City. The existing and any future usage (vehicular trips) made available by annexation and zone change can be accommodated by the surrounding street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

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

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

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

Communications: CenturyLink currently provides phone service to the area and will continue to do so following the annexation. Other utility companies such as Charter 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. 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 April 7, 2021. Comments from the County are provided in Section IV, "Referrals", above.

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

Water is available to the property and will be provided by Heceta Water People's Utility District, who will continue to serve the area. Any undeveloped property and expansions to developed properties will be charged systems development charges commensurate with their impacts on the systems.

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

Lane County provides services and administers jurisdiction to all properties outside of the City of Florence and within the Urban Growth Boundary. After the completion of annexation, the City of Florence will be the responsible jurisdiction for future development of the property.

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**OREGON REVISED STATUTES**

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

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

The proposed annexation area is located within the Urban Growth Boundary of the City of Florence. The proposed annexation is contiguous to the City from the west via the Rhododendron Drive right-of-way (Exhibit A). The property and surrounding area lie wholly within Lane County.

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

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

**(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.**

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

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

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

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

Resolution No. 28, Series 2010, adopted by the City Council, the legislative body of the City, on July 6, 2010, expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consent from the sole owner and elector within the proposed annexation area, as allowed in ORS 222.170; therefore, an election is not required.

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

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

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

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

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

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



The City Council public hearing was noticed as required by Florence City Code. Notice of the public hearing was published in the Siuslaw News on May 1 & May 8, 2021. Notices were posted in four public places: Florence City Hall, Justice Center, Siuslaw Public Library, and Post Office on April 27, 2021.

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

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

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

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

The proposed annexation is contiguous to the City limits on the western side property line where the property meets the Rhododendron Drive right-of-way. Subsection “b” above is met. No finding related to this application was issued by the Department of Human Services.

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

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

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

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

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

The written consent from the sole property owner was received by the City on a petition requesting annexation to the City, (Exhibit E).

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

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

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

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

**(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 is only one elector within the proposed annexation area, Stonefield Investments, LLC, who is also the sole property owner and represented by Robbie Wright.

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

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

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

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

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

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**FLORENCE CITY CODE**

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

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

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

**B. Notification of Hearing:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On April 27, 2021, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment and recommends approval to the City Council of both requests. 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.

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**TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS**

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**10-10-1: RESIDENTIAL ZONES AND PURPOSE:**

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

The subject property's defining use is undeveloped at this time. The proposed Medium Density Residential zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation (Medium Density) assigned to the single-family residences in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

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

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

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

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

[...]

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

[...]

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

The City's Residential Buildable Lands Inventory (BLI) was updated in late 2018. In compliance with Goal 10 and applicable administrative rules implementing Goal 10, the inventory looks at acreage available for development within the City's residential areas. While residential uses are permitted or conditionally permitted in areas with non-residential designations, the residential BLI only inventories acreage within residential zoning districts. (See *Housing Needs Analysis and Economic Opportunity Analysis, 2018*, Appendix I, found at the following link: <https://www.ci.florence.or.us/planning/buildable-land-inventories> ).

The zoning assignment for this annexation request certainly provides for increased housing opportunities and diversity in residential uses should the zoning be approved by City Council. The addition of land to the City limits will impact the City's residential inventory in the City's BLI in a positive way by adding more buildable land to the inventory to support additional housing and in support of State Planning Goal 10 alike.

The Housing Needs Analysis, 2017 Exhibit IV.6. identifies a forecasted need under Scenario A of 858 single family dwelling units with an estimated land need of 164 acres. The proposed zoning assignment to Medium Density Residential for the 4.53-acre property creates a positive impact on the supply of residential land base as the density can be increased by allowing for conversion to a duplex, subdivision/lot splitting to allow for duet or townhome and simply offering the opportunity to add accessory dwelling unit to lots with primary residential structures. Furthermore, a zoning of Medium Designation will provide the opportunity to develop this irregularly shaped property to its highest and best potential as the applicant intent is to subdivide the property and develop multiple residential lots on the property once annexed (Exhibit C).

## **B. IMPLEMENTATION**

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

**Finding:** The proposal is consistent with this rule because it includes proposed zoning that supports implementation of the adopted HNA, including needed housing types such as single family residential, duplex, duet, townhome and accessory dwelling units providing the opportunity for housing units as identified above. Florence also works with non-profit housing organizations to provide affordable housing options, where a developer could apply for the same. The City has added to its 2021-2023 work plan tasks to consider implementation of policies such as tax incentives to encourage affordable housing. The City has a Building Official and Code Enforcement officer locally that provide effective enforcement of health and safety codes.

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## **VII. CONCLUSION AND RECOMMENDATION**

The evidence in the record demonstrated that the proposed annexation and zone assignment is consistent with the policies set forth in state statutes, Florence City Code, and the Florence Realization 2020 Comprehensive Plan, based on the findings. The Planning Commission unanimously recommended approval of the annexation and zoning assignment to the Florence City Council on April 27, 2021.

**VIII. EXHIBITS:**

Ordinance 5, 2021

Exhibit A: Annxation Area Map & Legal Description

Exhibit B: Findings of Fact

Exhibit C: Petition for Annexation

Ordinance. 6, 2021

Exhibit A: Map of Rezoning Area

Exhibit B: Findings of Fact