

**CITY OF FLORENCE
ORDINANCE NO. 8 SERIES 2014**

AN ORDINANCE APPROVING ANNEXATION OF THE WEST ½ OF LOT 4, ALL OF LOTS 5, 6, 7, 8, 9, AND 10, OF BLOCK 68, OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AND THE SOUTH ½ OF THE VACATED ALLEY ABUTTING ON THE NORTH AND THE NORTH ½ OF VACATED 11TH STREET ABUTTING ON THE SOUTH TO THE CITY OF FLORENCE.

WHEREAS, on July 30, 2014 in conjunction with an application for zoning assignment (Ordinance No. 9, Series 2014) Tim and Patricia Sapp submitted an application to the City for annexation of territory to the City said territory being described in Exhibit A; and

WHEREAS, the City Council is authorized by Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act on annexations to the City; and

WHEREAS, the annexation was initiated by petition to the City from owners of more than half of the land as required by ORS 222.170 (2); and

WHEREAS, ORS 222.170 (2) requires consent from the majority of electors residing on the affected properties and the subject land is undeveloped and thus includes no electors; and

WHEREAS, the annexation was initiated by petition to the City from owners of 100% of the land and is therefore not required to be considered by hearing as outlined in ORS 222.125; and

WHEREAS, 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); and

WHEREAS, the Planning Commission met on October 14, 2014 after giving the required notice per FCC 10-1-1-5 to consider the proposal, evidence in the record and testimony received; and

WHEREAS, the Planning Commission on October 14, 2014 determined, after review of the proposal, testimony and evidence in the record, that the proposal was consistent with Realization 2020, the city's acknowledged Comprehensive Plan and adopted findings of fact in support of the zoning assignment; and

WHEREAS, a staff report was presented to the City Council with the Planning Commission's recommendation to annex the property to the City; and

WHEREAS, the City Council met on November 17, 2014 after giving the required notice per FCC 10-1-1-5 to consider the proposal, evidence in the record, and testimony received; and

WHEREAS, the City Council deliberated on November 17, 2014 and revised the application as requested by the applicant from its original request that included 05467 11th St. and subsequently left the written record open for seven additional days to permit additional testimony and set December 1st as the day to reconsider the application; and

WHEREAS, the City Council deliberated on December 1, 2014 and found that the request met the applicable criteria and that the property could adequately be served;

WHEREAS, 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. 9. Series 2014 zoning the annexed property to Single Family Residential District consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

NOW THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1. The annexation of the territory as shown in the map in Exhibit A and described in the legal description attached to Exhibit A of this Ordinance is hereby approved.

Section 2. This annexation is based on the Findings of Fact in Exhibits B and evidence in the record.

Section 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).

Section 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.

Passed by the Florence City Council this 1st day of December 2014.

AYES	5	-	Councilor Roberts, Jagoe, Greene, Henry and Mayor Xavier
NAYS	0		
ABSTAIN	0		
ABSENT	0		

APPROVED BY THE MAYOR, this 1st day of December, 2014.



Nola Xavier, MAYOR

ATTEST:



Kelli Weese, CITY RECORDER

**ORDINANCE 8, SERIES 2014
EXHIBIT A**



ORDINANCE 8, SERIES 2014
EXHIBIT A

MAP 18-12-26-31 TL 00102

The following described real property situated in Lane County, Oregon, free of encumbrances except as specifically set forth herein, to-wit:

The West ½ of Lot 4, all of Lots 5, 6, 7, 8, 9, and 10, Block 68, GALLAGHER'S PART OF THE CITY OF FLORENCE, as platted and recorded in Volume 30, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

TOGETHER WITH: That portion of the South ½ of the Vacated Alley abutting on the North inuring to said lots on the North.

ALSO TOGETHER WITH: That portion of the North ½ of vacated 11th Street inuring to said lots on the South.

RESERVING unto the Grantor, his heirs, successors and assigns an easement for an existing waterline from a well located on Lot 10, Block 68, said subdivision, for the benefit of Lots 1-3 and the East ½ of Lot 4, Block 68, GALLAGHER'S PART OF THE CITY OF FLORENCE, as platted and recorded in Volume 30, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

**EXHIBIT B
FINDINGS OF FACT
CITY OF FLORENCE ORDINANCES 8 AND 9, SERIES 2014**

I. PROPOSAL DESCRIPTION

Proposal:

Annexation

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

Rezoning

Upon annexation, the property will be zoned with a city zoning district. The corresponding zoning district matching its plan designation of Medium Density is Single Family Residential District

Applicants: Patricia and Tim Sapp

Property Owners: Patricia and Tim Sapp

Location: West ½ of Lot 4, all of Lots 5, 6, 7, 8, 9, and 10, of Block 68, of GALLAGHER'S PART OF THE CITY OF FLORENCE, and the South ½ of the Vacated Alley abutting on the North and the North ½ of vacated 11th Street abutting on the south
MR 18-12-26-31 TL 102

Comprehensive Plan Map Designation: Medium Density

Surrounding Land Use/Zoning:

Site: Vacant / County

North: Vacant / County

South: Single family residences / Multi-Family Residential

East: Single family residence / County

West: Single family residences / Multi-Family Residential & Mobile Home
Manufactured Home Residential

Streets/ Classification: 11th St. & Vine St. / Local

II. NARRATIVE

The applicants request annexation of their property into the City of Florence. The lot abuts the intersection of 11th and Vine Sts. is vacant and is located in the Urban Growth Boundary. The lot provides access for the eastern abutting lot and the three southern abutting lots. Tim and Patricia Sapp are preparing to develop

the vacant lot and would like city services. Water and sewer are available to them in 11th and Vine Sts. The site includes a well that serves the developed abutting eastern lot via an easement. The property is within the Siuslaw Rural Fire Protection District and will remain there since the city no longer contracts fire services for its residents. The property is not located within Heceta Water Public Utility District.

The applicants petitioned for annexation on July 30, 2014 and after the city received additional requested information their application was deemed complete as of August 29, 2014. State law requires signatures from at least 50% of the property owners and electors of the subject property to petition for annexation. The city received signed petitions from 100% of the property owners. The property is vacant and thus there are no electors. Therefore, they can initiate the annexation. Historically the city used ORS 222.120, regardless of the fact that petitioners met the opportunities afforded by ORS 222.125. Because the applicants met the criteria in ORS 122.125 the annexation portion of this request was processed as an action item rather than a hearing. The zoning assignment was processed as a quasi-judicial land use application.

On October 14, 2014 Planning Commission reviewed a request for annexation and zone assignment for 05467 11th St. and the western abutting property as described in the staff report. The PC recommended approval after holding their public hearing on the zone assignment and deliberation on the annexation. The City Council opened their hearing November 17th on the same request. At 5pm November 17th Nancy Johnson, owner of 5467 11th St., withdrew her petition. She was the sole elector. The Council left the written record open for seven days to accept testimony on the revised application and directed staff to revise the ordinances, findings and exhibits. December 1st Council continued deliberations and adopted Ordinances 8 and 9 as revised.

III. PUBLIC NOTICE

Notice of the Planning Commission and City Council meetings and public hearings were mailed on September 23, 2014 and October 27, 2014, respectively, to property owners within 300 feet of the proposed annexation area. Notice was published in the Siuslaw News on October 1st and 8th and November 5th and 12th. On October 6, 2014 and November 6, 2014 notices were posted at City Hall, the Florence Post Office, the Justice Center, and the Siuslaw Public Library.

Public Comments:

No public comments were received.

IV. REFERRALS

On September 25, 2014 and October 27, 2014 referrals were sent to Florence Public Works and Police; Lane County Transportation, Surveyor, Land Management and Environmental Health; and Siuslaw Valley Fire and Rescue.

Referral Comments:

Daniel Ingram, Lane County Transportation, October 1, 2014

“All of the roads adjacent to the proposed annexation area are under the jurisdiction of the City of Florence. Transportation, access, and permitting issues should be directed to the City of Florence. Lane County Transportation Planning has no further comment on this proposal.”

Lynn Lamm, Florence Police Chief, September 26, 2014

“No problems....”

V. APPLICABLE REVIEW CRITERIA

Annexation

- Oregon Revised Statutes (ORS) 222.111, 222.120, 222.125 and 222.170 (2)
- Realization 2020 Comprehensive Plan for the City of Florence, Chapter 14, Urbanization, Policy 1

Rezoning

- Realization 2020 Comprehensive Plan for the City of Florence, Chapter 2, Section on Residential Plan Designation
- Florence City Code (FCC), Title 10, Chapter 1, Zoning Regulations; Sections 10-1-1-5-E-3 and 10-1-2-3 and 10-1-3-B-4

VI. FINDINGS OF FACT

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

“Goal

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

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

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

The proposal is the subject of public hearings before both the Planning Commission and the City Council. This annexation proposal was considered by the Florence Planning Commission on October 14, 2014 and by Florence City Council on November 17, 2014 and December 1, 2014. The public hearings for the zoning assignment were noticed in accordance with Florence City Code 10-1-1-5 as a quasi-judicial land use decision before the Planning Commission and City Council. The City notified property owners within 300 feet of the site 20 days prior to the public hearings. The City also published the required notice of the public hearings four times in the Siuslaw News. Finally, the City posted notice at four public places within the City: City Hall, Justice Center, Siuslaw Public Library, and Post Office.

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

Chapter 2: Land Use

Policies

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

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

Residential Plan Designation Categories and Background

Medium Density Residential

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

The land considered for annexation is approximately a quarter city block. This area would typically enable a density of two single family residences. The property is currently vacant. The applicant proposes to develop a residence upon annexation. The site is situated upon a hill and would have geographical challenges to increase the density and add another residence. The applicant has the ability under the code to increase the density should engineering and stabilization methods prove reasonable.

Chapter 14: Urbanization

“Goal

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

This proposal is consistent with the 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 11th St.; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area. The annexation will allow the provision of City sewer and water service to the property being annexed. All connections to the sewer line will be funded through system development charges and connection fees. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the property to develop to urban densities as required by the comprehensive plan and will result in an economic and efficient provision city utility services.

Policies

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

- a) Orderly, economic provision for public facilities and services;**
- b) Availability of sufficient land for various uses to insure choices in the market place;**
- c) Conformance with the acknowledged City of Florence Comprehensive Plan;**
- d) Encouragement of development within urban areas before conversion of urbanizable lands; and**
- e) Consistency with state law.”**

The proposed annexation is consistent with this policy because the annexation area is within the UGB, is contiguous to existing City limits, and the annexation is based on consideration of factors “a” through “e” as described in detail below.

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

The proposed annexation is consistent with Policy #1.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 proposed development area and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed single family residence without negatively affecting existing customers.

Water: The Florence Public Works Department has evaluated the impact of the proposed development area and has concluded that there is sufficient excess in the City's water treatment facilities to serve the proposed single family residence without negatively affecting existing customers.

Stormwater: There will be no change in the handling of stormwater upon annexation. The property is located on a hill and thus has not indicated any problems with the standing water. The site is not located within in a problem flooding area in the stormwater management plan.

Streets: The site is accessed by Vine and 11th Sts., which are in the City of Florence jurisdiction. They are designated local streets in the 2012 Transportation System Plan. Vine and 11th Sts. have the capacity in their present development design for an additional two residences or 24 additional trips.

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

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

Power: Central Lincoln People's Utility District currently provides electricity in the area and will extend services to the annexation area.

Communications: Century Link currently provides phone service to the area and will continue to do so following the annexation. In addition, there are a number of cell phone companies that provide service in the area.

b) Availability of sufficient land for the various uses to insure choices in the market place:

The proposal is consistent with this policy because the annexation of this residential property will not significantly affect the availability of vacant land in the City limits or urban growth boundary because only one property is vacant. In addition, as demonstrated in the City's adopted "Buildable Residential Lands Inventory," there is a sufficient supply of land in all residential land categories, including High Density Residential, to meet future needs.

c) Conformance with the acknowledged City of Florence Comprehensive Plan:

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

d) Encouragement of development within urban areas before conversion of urbanizable areas.

The proposal is consistent with this policy since the City encourages development within urban areas by adopting Medium and High Density Residential Plan designations and applying these designations and associated zoning to numerous properties within and annexing to the City within the UGB. This annexation and the resulting connection to City sewer service will further encourage development within urban areas before the conversion of urbanizable areas.

The annexation area is contiguous to the existing City limits via 11th Street. As a result of this annexation the property will be provided City sewer and water services.

This policy is not a requirement that all areas inside the City must be developed prior to annexation. The policy “encourages” urban development within the City over conversion of lands outside the City to urban land uses. Annexation is the appropriate and orderly method for encouraging infill development within the City over allowing rural development to occur at rural densities outside the City. This policy now provides guidance on the orderly and efficient transition from rural land uses to urban land uses.

This annexation will encourage the development of urban areas prior to urbanizable areas. By adding the annexing area to the City limits, the easterly adjacent neighborhood, and the City as a whole, will benefit from the extension of the city limits boundary and utility services. Therefore, the annexation request is consistent with this policy.

e) Consistency with state law.

The annexation proposal is consistent with this policy because the proposal is consistent with state law, as presented below.

“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 annexation is contiguous to the City at the intersection of 11th Street and the properties to the south and west.

(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 owners of real property in the territory to be annexed. Written consents were received from both owners within the annexation area.

(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 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 the Fire District.

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

Resolution No. 8, Series 2008, adopted by the City Council, the legislative body of the City, on April 21, 2008, expresses the City’s intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

The City received written consents from 100% of the owners and there are no electors 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. 8, Services 2008 expresses the City’s intent to dispense

with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

Resolution No. 8, Series 2008 expresses the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222. ORS 222.125 reviewed below permits a dismissal of the hearing required under this subsection when 100% of the owners and 50% of the electors consent by petition to the annexation. The Planning Commission considered the request and submitted recommendation to the City Council.

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

The public meetings were noticed as required. Notice of the public meetings were published in the Siuslaw News on October 1st and 8th and November 5th and 12th of 2014. Notices were posted in four public places in the City at City Hall, Justice Center, Siuslaw Public Library, and Post Office on October 6th and November 6th of 2014.

(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 at the intersection of 11th St, and properties to the west and south. The City Council held meetings on the annexation request on November 17, 2014 and December 1, 2014 and

approved Ordinance 8, Series 2014 as required under (b) showing that the landowners consented in writing to the annexation consistent with ORS 222.170. There are no electors for this property.

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

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

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

Ordinance 8, Series 2014 passed by City Council is subject to referendum.

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

The written consents from property owners were received by the City on a petition requesting annexation to the City. The City received written consent from both property owners.

“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 used ORS 222.120 and never included this section of the statute in the criteria nor ever used the reduced process it outlines even though past applications have met the criteria. This application meets the criteria of this statute. There is no policy in city code requiring a hearing for processing an annexation. Policy does require a state process be used that requires a majority of consents. For these reasons the annexation portion of this application does not include a hearing but did provide a comment period for written testimony.

**“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 are no electors in the annexation area. The City received written consents from both property owners. Therefore, the City received consents from a majority of the owners. The written consents were all signed prior to July 29, 2014, and received before the City Council held their meeting. A hearing is not required by ORS 222.125.

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. The annexed vacant property will be assessed system development charges once an application for a building permit is made.

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-5-E-3

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

The applicants requested annexation of their property within the UGB. This process included the assignment of the zoning district corresponding to their property's Medium Density comprehensive plan designation. The property upon annexation will be rezoned from its current county zone to the city's Single Family Residential District zone. So, the rezone is necessary to finalize annexation. The public need and good of annexation has been reviewed elsewhere in this report. The selected zoning is appropriate and corresponds to the Medium Density residential plan designation.

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 Medium Density comprehensive plan designation is Single Family Residential District. The zone is assigned upon City Council approval and finalization of the annexation process with the county.

The property meets the minimum lot sizes for the Florence City Code Title 10 Chapter 11 Single Family Residential District. The vacant lot has frontage along Vine Street and thus meets the legal lot definition.

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 October 14, 2014 the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of property within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

VI. CONCLUSION

The annexation and zone assignment is consistent with the policies set forth in state statutes and the Florence Realization 2020 Comprehensive Plan, based on the findings.