
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 4
Meeting Date: May 25, 2021

ITEM TITLE: Resolutions PC 21 09 ANN 03 & PC 21 10 ZC 03
Rannow Arch Street Annexation and Zone Assignment

OVERVIEW:

Application: The petitioner requests annexation of two lots totaling roughly .27 acres, identified as Assessor's Map Reference (MR) 18-12-04-13, Tax Lots 01303 & 01304, as well as portions of the rights-of-way of Arch St., Falcon St., and 2nd Ave. to allow access to the lots for access and sewer provision. They have also applied for City of Florence zone assignment to Medium Density Residential for the lots and a combination of Medium Density Residential, Open Space, and Commercial for the rights-of-way, in conformity with the Comprehensive Plan designation of the rights-of-way.

Process and Review: Annexation petitions and associated zone assignments are processes that include two public hearings: one with the Planning Commission (PC), which will make a recommendation to the City Council, and another public hearing with City Council, which will make the final decision. There are requirements for providing noticing to property owners, utility providers, a newspaper and to the Department of Land and Conservation and Development (DLCD) for the annexation and zoning assignment processes.

As required by Oregon statutes, notice of the requested zone change was filed with DLCD on 4/20/21 to accommodate the required 35-day notice period. On 5/18/21, public testimony was provided to the Planning Department which highlighted a discrepancy in the zoning map provided to DLCD, and a revised notice was filed that same day. To accommodate a new 35-day notice period, the applicant and Planning Department request to postpone the public hearing until June 22, 2021. The applicant has provided a waiver of the standard 120-day processing timeline.

The findings of fact and application materials are attached to this AIS. The applicable criteria are listed in the "Applicable Criteria" section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes, and administrative rules believed to apply may be considered in the decision-making process. Petition/application materials, public testimony, agency referrals and research that speak to the criteria may also be considered. The findings attached include a review of the petition/application against the applicable criteria and incorporate public testimony and agency referral comments or concerns where applicable.

Testimony/Agency Referrals: Testimony comments are included in Exhibit G, and Referrals are included in Exhibit H. Testimony received was in opposition, including concerns regarding development and zoning of rights-of-way. Information, comments, and concerns, where covered by applicable criteria are addressed in the Findings of Fact.

| | |
|--------------------------------|--|
| ISSUES/DECISION POINTS: | None |
| ALTERNATIVES: | <ol style="list-style-type: none"> 1. Recommend approval of the annexation and zoning assignment by approving Resolutions PC 21 09 ANN 03 and PC 21 10 ZC 03 as presented or with modifications, or 2. Recommend denial of the annexation based on the Commissions' findings to support denial of the annexation, or 3. Recommend approval of the annexation but recommend a different zoning district for the rezoning, or 4. Continue deliberations and defer recommendation. |
| RECOMMENDATION: | In light of the revised notice to DLCD, staff recommends that Planning Commission postpone the public hearing on the resolutions to a date certain to accommodate the 35-day notice period. The earliest available meeting date would be June 22, 2021. |
| AIS PREPARED BY: | Dylan Huber-Heidorn, Assistant Planner, AICP |
| ATTACHMENTS: | <p>Resolution PC 21 09 ANN 03—Annexation Request</p> <p>Exhibit A Map of Annexation Area & Legal Description</p> <p>Exhibit B Findings of Fact</p> <p>Resolution PC 21 10 ZC 03—Zone Assignment Application</p> <p>Exhibit A Map of Rezoning Area</p> <p>Exhibit B Findings of Fact</p> <p>Other Attachments</p> <p>Exhibit C: 2007-2020 Annexations</p> <p>Exhibit D: Plat of Heceta Beach</p> <p>Exhibit E: Comp Plan Map</p> <p>Exhibit F: Petition for Annexation</p> <p>Exhibit G: Public Testimony</p> <p>Exhibit H: Referral Comments</p> <p>Exhibit I: Sewer Provision</p> |

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 21 09 ANN 03

A RESOLUTION RECOMMENDING APPROVAL OF ANNEXATION OF PROPERTY WITHIN THE UGB, IDENTIFIED AS ASSESSOR'S MAP 18-12-04-13 TAX LOTS 03103 & 03104, AS WELL AS ARCH STREET AND FALCON STREET—EACH FROM RHODODENDRON DRIVE TO THE EASTERN BOUNDARY OF 2ND AVENUE—AS WELL AS 2ND AVENUE—FROM FALCON STREET TO ARCH STREET—TO THE FLORENCE CITY COUNCIL.

WHEREAS, the owner initiated the annexation with a petition to the city as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4; and

WHEREAS, consent was achieved in accordance with ORS 222.170(1) with all owners of land owning a majority of the contiguous land and a majority of the assessed value of all real property; and

WHEREAS, the proposed annexation is within the Florence Urban Growth Boundary and contiguous to the city boundaries as required by ORS 222.111(1); and

WHEREAS, the Planning Commission met in a public hearing on May 25, 2021, after giving the required notice per FCC 10-1-1-6 to consider the proposal, evidence in the record, and testimony received; and

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

NOW THEREFORE BE IT RESOLVED that the Florence Planning Commission:

- Section 1. Recommends approval of the annexation as depicted and described in Exhibit A; and
- Section 2. Bases its recommendation for approval on the findings of fact showing consistency with the Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes (Exhibit B).

APPROVED BY THE FLORENCE PLANNING COMMISSION this 25th day of May, 2021.

Phil Tarvin, Chairperson
Florence Planning Commission

Date



After recording, return to
(File No. 16402001)

Theresa M. Wade
Garrett Hemann Robertson PC
PO Box 749
Salem OR 97308-0749

Until a change is requested, all tax statements
shall be sent to the following address:

NO CHANGE

STATUTORY BARGAIN AND SALE DEED

(ORS 93.860)

John F. Culpepper, Grantor, conveys to Grantees, **John F. Culpepper, Trustee of the John F. Culpepper Trust dated June 8, 2010**, an undivided one-half interest, and **Meredith A. Benton, Trustee of the Meredith A. Benton Trust dated June 8, 2010**, an undivided one-half interest, the following described real property located in Lane County, Oregon:

See Exhibit A appended hereto and by reference made a part hereof.

SUBJECT TO: all easements, rights of way, restrictions, covenants, liens and encumbrances of public record.

The true consideration for this conveyance is \$0.00 (transfer to Grantor Trust).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,

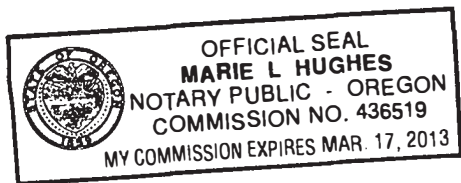
CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009.

DATED this 8th day of June, 2010.


John F. Culpepper

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on June 8, 2010, by **John F. Culpepper**.




NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-17-2013

EXHIBIT A
(Legal Description)

PARCEL 1: (Tax Account No. 0979482; Parcel No. 18 12 04 13 03103 000)

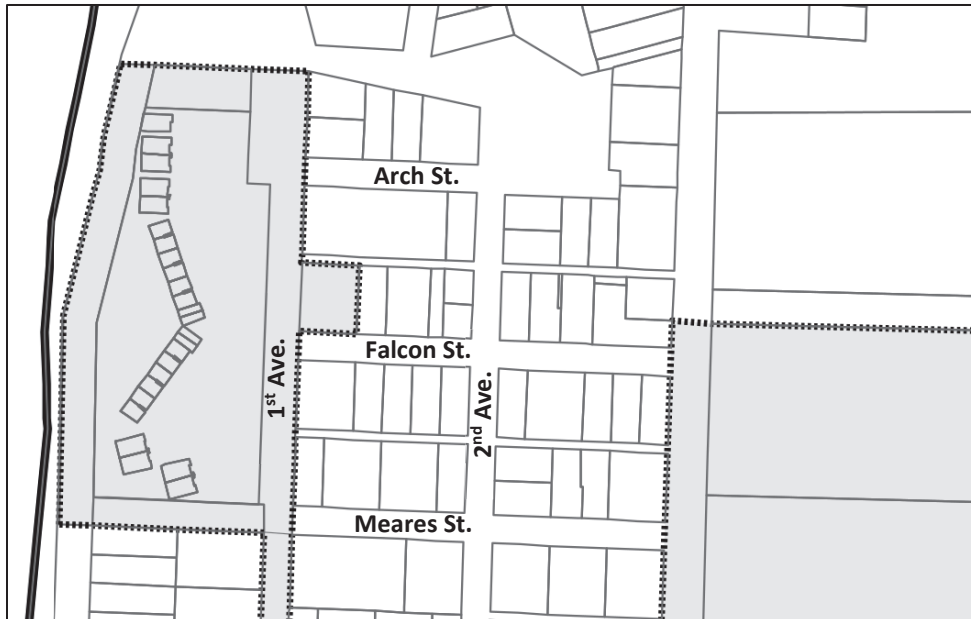
The North half being the North 60 feet of lots 7 and 8, Block 26, HECETA BEACH, as platted and recorded at Volume 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

PARCEL 2: (Tax Account No. 0979490; Parcel No. 18 12 04 13 03104 000)

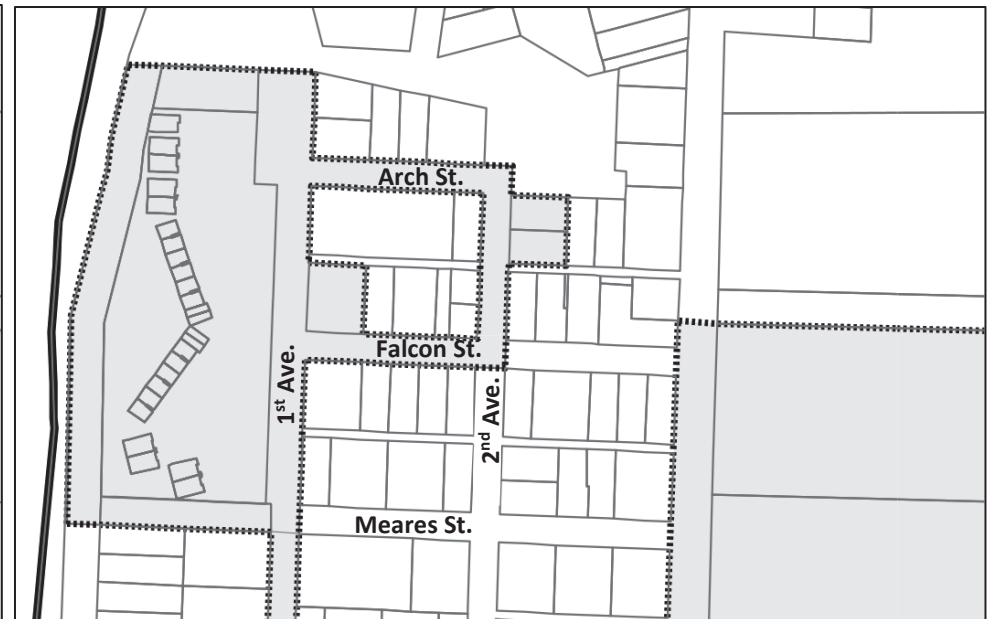
The South 60 feet of Lots 7 and 8, Block 26, HECETA BEACH, as platted and recorded at Volume 7, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

City of Florence Current and Proposed City Boundary
PC 21 09 ANN 03 – Rannow Arch St. Annexation

Before Proposed Annexation



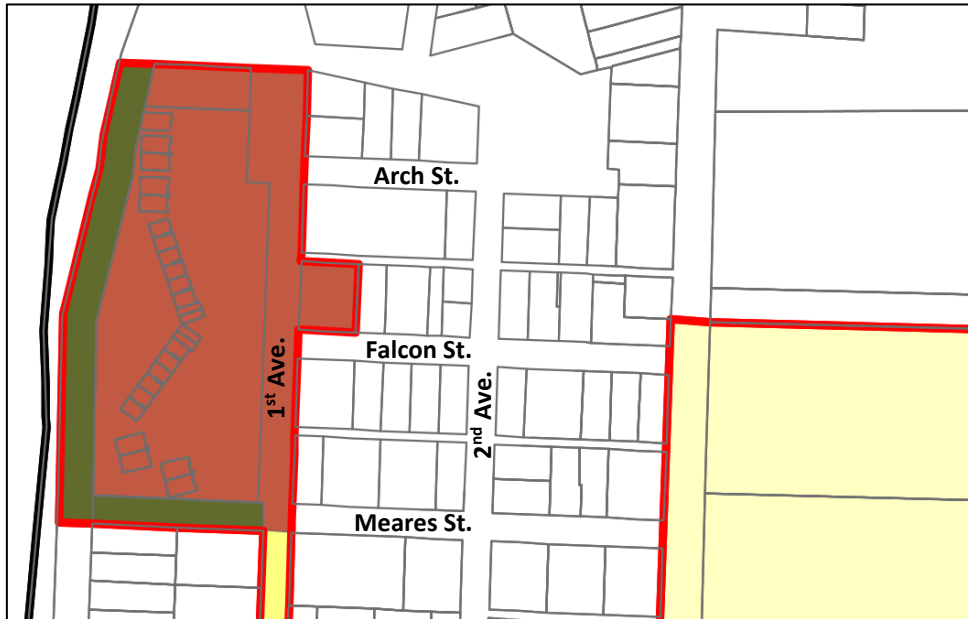
After Proposed Annexation



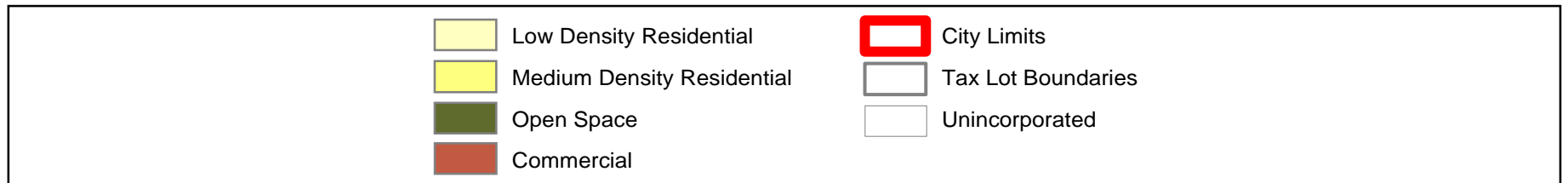
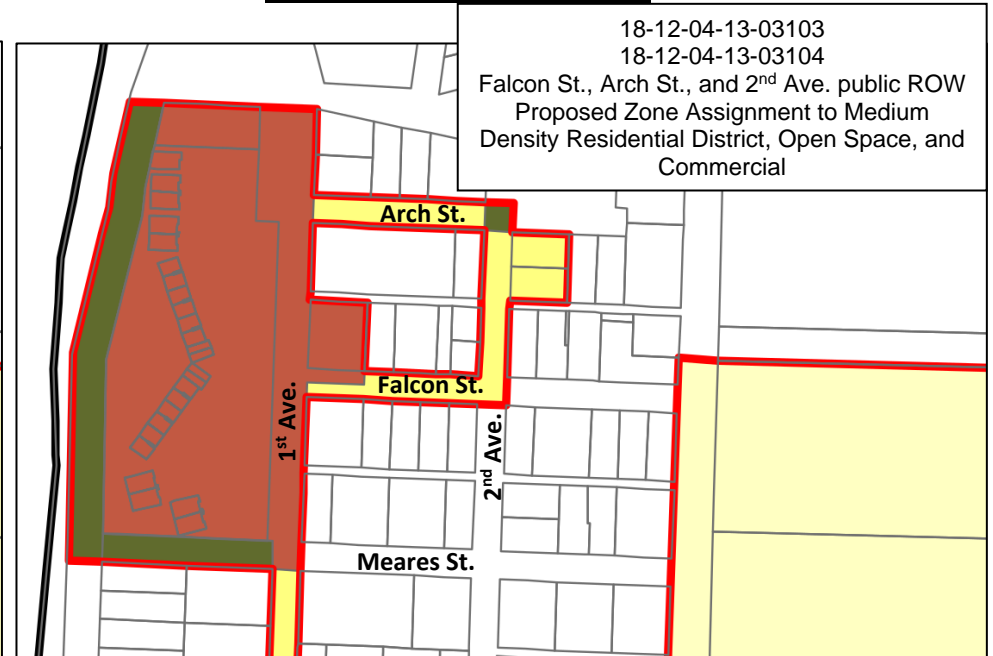
City of Florence Current and Proposed Zoning

PC 21 10 ZC 03 – Rannow Arch St. Zone Assignment

Before Proposed Rezoning



After Proposed Rezoning



CITY OF FLORENCE
Resolution PC 21 09 ANN 03
Resolution PC 21 10 ZC 03
FINDINGS OF FACT
Exhibit B
5/18/2021

Planning Commission Public Hearing Date: May 25, 2021
City Council Public Hearing Date: TBD
File Nos: PC 21 09 ANN 03, PC 21 10 ZC 03, CC 21 07 ANN 03, CC 21 08 ZC 03

I. PROPOSAL DESCRIPTION

Proposal: Annexation

A request from a property owner for the City of Florence to annex their property and portions of Arch St., Falcon St., and 2nd Ave. from Lane County into the City.

Zone Assignment

Upon annexation, the property requires zoning assignment. The corresponding zoning district matching the property's plan designation is Medium Density Residential District. Associated rights-of-way would be zoned a combination of Medium Density Residential, Commercial, and Open Space, in conformity with their Comp. Plan designation.

Petitioners/Applicants: Bob Rannow

General Property and Right-of-Way Description (Annexation boundary described in respective Exhibit A; Zoning areas described in respective Exhibit A):

Oceana Drive and Assessor's Map Reference (MR) 18-12-04-13, Tax Lots (TL) 3103 and 3104

Comprehensive Plan Map Designation: Medium Density Residential

Surrounding Land Use | Current Zoning:

Site: Vacant | All TL: Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay

North: Single-family residences and undeveloped right-of-way (ROW) and open space / Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay, Public Reserve District

South: Residences, vacant land | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay

East: Residences, vacant land | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay

West: Residences, vacant land, Driftwood Shores | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay, Commercial (City of Florence zone)

Streets | Classification: West of parcels – 2nd Ave. | Unclassified (Lane County TSP); West of Arch & Falcon St. – 1st Ave. | Local (CoF TSP); South of parcels – Falcon St. | Urban Local (LC TSP); East – None; North of parcels – Arch St. | Local (LC TSP)

II. NARRATIVE

The applicant petitioned for annexation of the combined property (“the Property”) from Lane County jurisdiction to City of Florence jurisdiction for the eventual purpose of constructing a single-family home on each lot with connection to City sewer service. There are no electors residing on the Property.

To access the property, provide city ROW for utilities, and allow contiguity of City boundaries, it is necessary to annex portions of Falcon St., Arch St., and 2nd Ave., all County roads classified as “urban local” (or unclassified, in the case of 2nd Avenue). Falcon and Arch Streets extend east from 1st Ave., a local street in City of Florence jurisdiction and municipal boundary. Access to the Property would be provided by the extension and improvement of 2nd Ave. from Falcon Street. However, Arch St. provides the best option for sewer service, which creates the need to annex several rights-of-way along with the Property.

The petition was received on March 15, 2021, and was deemed complete as of March 18, 2021. 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 property owner 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. The zoning assignment procedure applies to the Property as well as the rights-of-way of Arch St., Falcon St., and 2nd Ave. as illustrated in Exhibit A of either of the Resolutions. In accordance with 10-1-1-5-B, the two actions will be processed through consolidated proceedings.

The Property and most of the affected rights-of-way are designated in the Florence Realization 2020 Comprehensive Plan as Medium Density Residential, and these areas would be zoned Medium Density Residential upon annexation. The exceptions are a portion of the Falcon St. ROW which directly abuts the property at the northeast corner of the intersection of 1st Ave. and Falcon St.—which is designated Commercial—and the area in the intersection of Arch St. and 2nd Ave.—which is Comp. Plan designated Open Space. That portion of the Falcon St. ROW would be zoned Commercial and that portion of Arch St. would be zoned Open Space as a result, but no additional non-ROW property would be affected by these zonings.

The Property is not currently served by Heceta Water PUD, but as it resides in that district and services are available, any development on the Property will be served by Heceta Water PUD. After annexation, the Property will be provided City services such

as sewer and police protection. The Property is within the Siuslaw Rural Fire Protection and Western Lane Ambulance Districts. The Property will continue to be served by all districts presently providing public services.

III. PUBLIC NOTICE

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on April 20, 2021, not less than 35 days prior to the proposed first evidentiary hearing of May 25, 2021, as required by State law and the Florence City Code. On May 18, 2021, a revised notice was submitted to DLCD to clarify the intended zoning of two sections of right-of-way included in the proposal.

Notice of the Planning Commission's public hearing was mailed on May 4, 2021, to owners of property within 300' of the Property. Notice of the public hearing was sent on May 7, 2021, to owners of property within 300' of the rights-of-way proposed for annexation and zone assignment. Notice was published in the Siuslaw News on May 15. On May 4, 2021, notices were posted at the Florence Post Office and the Justice Center. Due to COVID facility closures, notices were posted on the exterior-facing glass window of City Hall, and inside the Siuslaw Public Library by their staff.

Public Comments:

At the time of this report, the City had received written public comment from Gregory and Arda Stober (see Exhibit G), who state that they represent multiple property owners on Arch St. Written public comment was also received from Jennifer Bradford (see Exhibit G). The objections to the proposed annexation and zone assignment are summarized below:

1. The Property is not contiguous with the current city boundary.
2. Development of Arch St. is unnecessary, as 2nd Avenue is available.
3. The intersection of Arch St. and 2nd Ave. is designated Open Space.
4. The map on the Notice of Hearing does not accurately show the Open Space.
5. The Open Space area is part of Heceta Beach Park and was not intended to be extended as a street.
6. The applicant's property does not border Arch St., and other residents are opposed.
7. The area proposed for annexation and zone assignment has traditionally been residential. Rezoning to MDR would allow new commercial activity.
8. Zoning Falcon St. to Commercial has no connection to the applicant's property.
9. Developing nearby ROW's to City standards would harm adjacent properties.
10. Street development would adversely impact the North Dunal Aquifer.
11. The wetlands in the Open Space area would be adversely impacted.
12. Developing Arch St. would lead to traffic hazards.

Where the testimony impacts approval criteria, those points have been incorporated in the findings of fact.

Staff response:

1. Annexation of existing rights-of-way is the accepted strategy for ensuring the contiguity of city boundaries. This annexation request is unusual in that serving the property with access and sewer requires two distinct “routes” to be annexed into the city boundary. In any case, the City of Florence boundary will be contiguous if the annexation is approved as evidenced in 1915 Heceta Beach shown in Exhibit D.
2. The applicant and the City of Florence are not proposing to develop Arch St. for transportation purposes, only for the purposes of supplying a sewer connection to the Property. The property would be accessed via 2nd Avenue and Falcon St.
3. A piece of land can be a public right-of-way (ROW) AND be designated Open Space by the Comprehensive Plan (or designated residential, or commercial, or any other designation). Any park or other area in the City which is zoned Open Space will have adjacent rights-of-way that are similarly zoned Open Space. The zoning or Comprehensive Plan designation of a ROW does not significantly impact what can be done with the ROW itself. As a counter-example, a ROW zoned Medium Density Residential is not eligible to have homes built on it, but it can be developed as a street if needed. The Arch St. ROW continues all the way to the eastern boundary of the area designated as Open Space on the Comprehensive Plan Map.
4. The map in question was based on the Regional Land Information Database provided by Lane Council of Governments. It is a useful but imperfect mapping tool. In this case, though, the area shaded in green seems to match the boundaries of Heceta Beach Park as it appears in other Lane County maps. As platted in the 1915 Heceta Beach plat (see Exhibit D), Arch St. and 2nd Ave. do intersect at this location.
5. How much of Arch St. has been developed in the past does not change how it could be developed in the future. Like other platted, undeveloped rights-of-way, it's simply waiting for someone to need it for something. Again, however, no extension of Arch St. as a street for transportation is proposed. The ROW does provide a route between the Property and the nearest available sewer connection.
6. The Property is bordered by 2nd Ave. on the west and Arch St. on the north.
7. When a property is annexed into an incorporated city, the zoning changes from the county's zoning scheme to a zone that corresponds with the city's Comprehensive Plan designation. Most of the Heceta Beach area is Comp. Plan designated Medium Density Residential. Any property with that designation that annexes into the City of Florence will have the default zoning of Medium Density Residential District. The applicant has not stated any desire to develop the property with any non-residential uses. While the MDR zone does allow Neighborhood Commercial as a conditional use, it's very unlikely any commercial use could be approved on the Property.
8. Zoning a portion of Falcon St. as Commercial is simply a result of the Commercial-zoned property to the north, where Driftwood Shores Resort and Conference Center has built a new maintenance building. The zoning of the Falcon St. ROW does not impact allowed uses on any of the nearby private property. Zoning of any annexed rights-of-way is processed at the time of annexation and zone assignment, however, so it is an inseparable aspect of this proposal.
9. Public right-of-way exists to be developed as it is needed over time, and almost every street that exists anywhere started out simpler and smaller than it is. In this

case, no change to Arch St. is proposed other than installation of a sewer line. To access the property, 2nd Ave. must be improved, and Florence Public Works has expressed a preference for a street standard that roughly matches the current local County roads in the area, such as Falcon Street.

10. Stormwater runoff from streets is addressed by City codes and construction standards which have been developed to reduce polluted runoff to local aquifers.
11. No wetlands appear in this area in the state-approved Local Wetland Inventory. However, a Site Investigation Report will be needed before the Property can be developed, and staff will make a point of exploring the possible presence of wetlands during that process.
12. Arch St. is not proposed for development as a street for vehicular traffic, so there will be no changes to traffic flow at this intersection.

IV. REFERRALS

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; Heceta Water PUD; CTCLUSI; Western Lane Ambulance; and Siuslaw Valley Fire and Rescue.

Referral Comments:

At the time of this report, the City had received the following comments:

- Mike Miller, Florence Public Works Department Director, provided a tentative sewer plan which would provide a sewer connection to the Property via Arch Street (see Exhibit I)

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; 222.170 (2); 373.270

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; Annexation section, Policies 1 through 7

Florence City Code (FCC), Chapters

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

Proposed Zone Assignment—Medium Density Residential District, Open Space District, Commercial District

Florence Realization 2020 Comprehensive Plan

- 1: Citizen Involvement, Policy 4
- 2: Land Use, Policy 6; Residential Policies 2, 7, 8 & 10; and Section on Residential Plan Designations

Florence City Code (FCC), Chapters

- 1: Zoning Regulations; Sections 10-1-1-6-4, 10-1-2-3, and 10-1-3
- 10: Residential Districts; Section 1

Oregon Land Use Planning Goals

- Goal 10 Housing

VI. FINDINGS OF FACT

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

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

Policies

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

This proposal is consistent with this policy because the process used by the City to approve 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 were conducted virtually with no opportunity for in-person attendance, the public could attend the meeting virtually and provide verbal testimony during the public hearing via the internet or via a landline phone. Those wishing to view the hearing could do so through the GoToWebinar platform, 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 were also available up to May 18th.

Chapter 2: Land Use

Policies

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

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

Residential

Goal

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

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

In December 2019, the City adopted new housing codes that increased the density of residential districts through the use of small lots. The revised Medium Density Residential District (formerly Single-family Residential) implements this policy and provides the framework for the future development of this property.

- 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.**

Currently, this land is zoned Suburban Residential/Mobile Home with an Interim Urban Combining District Overlay within Lane County and is undeveloped. The implementing zone for this area is Medium Density. The City has established policy in the Comprehensive Plan

and City code regulating development in these land use classifications. Residential development on the Property would not constitute a threat to the public health or welfare or create excessive public expense any more than the development that is typical to the area, and development regulations are in place to abate any potential issues.

The property includes soils (Waldport fine sand 12-30% slopes) that require a Phase 1 Site Investigation Report (SIR). In accordance with Title 10 Chapter 7, these are performed in conjunction with development or platting to identify areas of hazard and ensure the development is proposed in a manner to eliminate the risk associated with the hazard.

The adjacent street infrastructure is designated either Urban Local or Local Access Roads serving local residences. 1st Avenue is designated Local in the City of Florence Transportation Systems Plan and serves Driftwood Shores and public beach access points, and it is not adjacent to the Property. Thus, the Property is away from high concentrations of vehicular traffic. The surrounding area is residential and away from uses that produce noise, odor and glare. Any proposed development on this Property will be subject to City code related to traffic impact studies and resulting improvements and also be subject to nuisance code and land use codes.

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

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.

There is no existing use on the proposed annexation site. Any future development will be in accordance with the implementing zoning district, Medium Density Residential. The properties surrounding this Property have County zoning consistent with the City's Medium Density Residential 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 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 applicant has proposed the annexation and zone assignment of Medium Density Residential. Residential development on the Property would meet the requirements of this zone, such as minimum lot size and width outlined in Title 10 Chapter 10.

Chapter 14: Urbanization

Goal

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

This proposal is consistent with this Urbanization goal 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 public right-of-way, and the proposal meets the applicable city code and Comprehensive Plan policies; it is, therefore, an orderly transition from rural to urban land uses.
- The existing public infrastructure is an orderly and efficient mechanism for providing urban services to this geographic area. The annexation will allow the provision of City sewer to the Property. All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the adjacent property owners to eliminate the need for septic systems and their maintenance and repair in this high ground water area should their systems fail and are unable to be replaced with similar systems.

Annexation Policies

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

The proposed annexation has been initiated by the property owners in order to receive City services and has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

For this proposed annexation, the City of Florence has utilized a method allowable by state law that requires a majority of consents and did not utilize an “island annexation.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence City limits. The City has received a signed petition from the property owner. This criterion is met.

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

The property is located within the UGB and the North Florence Dunal Aquifer and thus not eligible for land division until annexed.

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

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

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

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve potential Medium Density residential uses without negatively affecting existing customers. Recent annexations found the Waste Water Treatment Plant has an excess capacity of .555 million gallons daily. The City has parallel 6-inch diameter pressure sewer mains in Rhododendron Dr. with only one in use. There is excess capacity in this system, and the system was sized to accommodate this area. The owner will need to extend a sewer line from the Property through the Arch St. ROW to existing facilities at Rhododendron Drive, necessitating the annexation of Arch Street (see Exhibit I). Regarding providing sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners that desire sanitary sewer service from the City. 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, property owners are to pay for sewer main extension, manholes, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for their project. Title 10 Chapter 36 and Title 11 Chapters 2 and 3 both require the applicant to install sewer service in conjunction with development and platting, respectively.

Water: The properties are currently undeveloped. The properties will eventually be served by a connection to Heceta Water People's Utility District services.

Stormwater: There will be no change in the requirements of handling of stormwater upon annexation. Upon development, the property will be expected to meet City Code, retaining all pre-development stormwater flows on-site. The associated policies reduce the risk of public impacts, including impacts on local natural resources.

Streets: The Property abuts the public rights-of-way of Arch St. and 2nd Avenue, which are under Lane County jurisdiction. These are Urban Local and local access streets, respectively, and are expected to serve traffic to residences and parks in the area. The existing usage and any future usage (vehicular trips) made possible by annexation and zone assignment can be accommodated by the surrounding platted street availability. Improvements to the adjacent streets will be accomplished as needed in conjunction with improvements to the property, when access would be proposed and reviewed with a development proposal. Additionally, adequacy of these rights-of-way would be considered and improvements required when there is a nexus to require their improvement. No vehicular trips are proposed with this application, and no improvements to existing streets are required with this application.

The City is not requesting maintenance transfer from Lane County of Falcon St., Arch St., or 2nd Ave. at this time.

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

Fire and Life Safety: Siuslaw Valley Fire and Rescue District currently provides protection services to the annexation area and will continue to do so following the annexation.

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

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

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

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

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

c) consistency with state law.

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

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

Referrals requests were sent to Lane County who had not provided testimony at the time of this report. Any comments from Lane County will be considered in the annexation and zoning assignment action. Lane County will be informed of all proposed developments occurring on the property in the future until jurisdictional transfer of the Property and rights-of-way is complete.

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

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

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

The applicants will be required to pay the costs to extend sewer services where they do not currently exist. Future development of the properties will necessitate payment of applicable systems development charges. Any undeveloped properties 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 development of the property, with the exception of maintenance and access from streets adjacent to the property, which are maintained by Lane County.

Chapter 8: Parks, Recreation and Open Space

- 3. Within the Florence urban growth boundary, the City and Lane County shall designate lands for possible park development purposes. Lands so designated shall be reserved for future park system expansion upon annexation.**

The area north of the Property, across the Arch St. ROW, is designated Heceta Beach Park in the Lane County Parks Master Plan. The Property is not specifically slated for contribution to the park's land base. The proposed annexation and zone assignment would not impact Heceta Beach Park or impact its availability for future park system expansion.

The City received public testimony regarding the boundaries of Heceta Beach Park. Despite the Comp. Plan designation of the Arch St. ROW, the park area itself does not include Arch Street.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The Property proposed for annexation area is located within the urban growth boundary of the City of Florence. The Property is contiguous to the City boundaries through the concurrent annexation of Arch St., Falcon St., and 2nd Ave. as proposed by the petitioner.

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

The annexation petition of the Property was initiated by the owner of the real property in the territory to be annexed. Pursuant to established practices, the County will consent to the annexation of public rights-of-way.

(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. The proposal for annexation did not include a tax differential schedule as allowed in this statutory section.

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

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

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

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

There are no electors within the Property to be annexed. The City received written petition from the owners of the Property within the annexation area, as allowed in ORS 222.170; therefore, an election is not required.

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

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

Chapter II Section 4 Item (2) (h) of the Charter for the City of Florence lists annexation as one of the City's powers, "to annex areas to the City in accordance with State law." The Charter does not expressly require the City to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. Therefore, the City will not be

holding an election on this annexation request. Resolution No. 10, Series 2010 expressed the City's intent to dispense with elections in the City and annexation area as permitted by ORS Chapter 222, when sufficient written consents are received.

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

Resolution No. 10, Series 2010, Section 2 specifically expressed the City Council's intent to dispense with any and all annexation elections both in the City and in the annexed territory whenever permitted by ORS Chapter 222 and instead hold a public hearing. A public hearing on this annexation and zoning assignment proposal will be held before both the Planning Commission and City Council (the legislative body) allowing City electors to be heard on the proposed annexation.

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

The Planning Commission public hearing was noticed as a Type 3 quasi-judicial land use proceeding, with notice of the public hearing published in the Siuslaw News on May 15th. On May 4, 2021, notices were posted in four public places: in the City of Florence Post Office, the Florence Justice Center and, due to COVID facility closures, on the outside glass of City Hall, and inside the Siuslaw Public Library by their staff. The Florence City Council, as the legislative body making the final decision on the request for annexation, will hold a public hearing fully noticed as listed in this criterion. At that time this criterion will have been satisfied.

(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 property line through the extension of City boundaries over 2nd Ave., Falcon St. and Arch Street. Subsection "b" above is met.

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

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

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

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

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

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

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

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

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

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

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

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

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

The area under consideration consists of the applicant's Property and portions of the rights-of-way of Arch St., Falcon St., and 2nd Avenue. Written consent from the property owners was signed and provided with the petition for annexation received by the City on March 15, 2021. The applicant owns property representing 100% of the assessed value of real property under consideration. This criterion is met.

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

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

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

There are no electors within the proposed annexation area. The written consent from the property owners was signed and provided with the petition for annexation received by the City on March 15, 2021.

(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 systems development charges. Systems development charges will be paid upon connection to City utilities and upon further development on the property.

ORS 373.270 Transferring jurisdiction over county roads within cities

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

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

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

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6: TYPES OF REVIEW PROCEDURES:**10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:****B. Notification of Hearing:**

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

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

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

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

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

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

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

Subsections 1c and 1e are not applicable. Notice was provided as required in subsections 1a, 1b, 1d, and 2. These criteria are met.

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

D. Notice of Hearing:

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

The applicants have proposed an annexation and zoning assignment for their property. There will be at least two public hearings as part of this process.

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 District will be assigned upon approval of the request from the City Council and finalization of the annexation process with the county and state. Review of the applicable code and Comp. Plan objectives and policies are contained within these findings.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On May 25, 2021, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

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

The vacant Property and most of the affected rights-of-way are proposed to be zoned Medium Density Residential District. This zone is appropriate, as it corresponds to Comp. Plan designation (Medium Density). The approximately .27-acre Property consists of two lots, each of which meets the minimum lot size of the district (5,000 sq. ft.). No specific policies are applicable under this annexation or zoning proposal since no development is applied for under this application.

Oregon Administrative Rules – 660-015-0000

OAR 660-015-0000 (Goal 10):

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

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

[...]

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

[...]

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

The City's Residential Buildable Lands Inventory was 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 BLI only inventories acreage within residential zoning districts (see Housing Needs Analysis Appendix I).

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

The Housing Needs Analysis 2017, Exhibit IV.6, identifies a forecasted need under Scenario A of 858 single family dwelling units with an estimated land need of 164 acres. The proposed zoning assignment to Medium Density Residential for the .27 acres creates a positive impact on the supply of residential land base.

B. IMPLEMENTATION

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

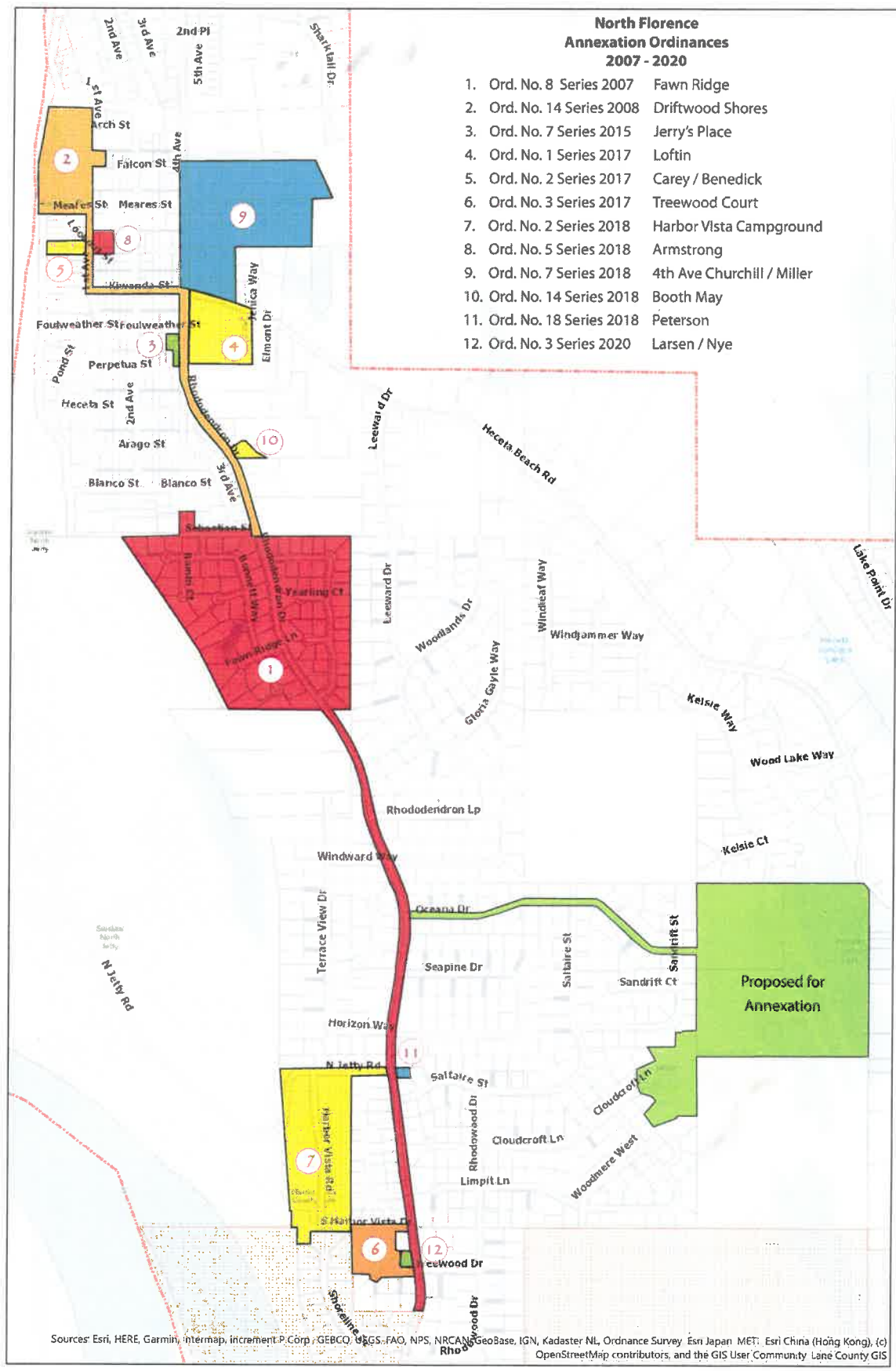
Finding: The proposal is consistent with this rule because it includes proposed zoning that supports implementation of the adopted HNA, including needed housing types such as single family residential and accessory dwelling units, providing the opportunity for housing units as identified above.

VII. CONCLUSION

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

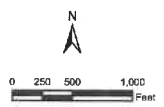
VIII. EXHIBITS

Resolution 20 22 ANN 01: Exhibit A Annexation – Legal Description and Annexation Map
Resolution 20 23 ZC 02: Exhibit A Zoning – Zoning Map
Exhibit B: Findings of Fact
Exhibit C: 2007-2020 Annexations
Exhibit D: Plat of Heceta Beach
Exhibit E: Comp Plan Map
Exhibit F: Petition for Annexation
Exhibit G: Testimony
Exhibit H: Referral Comments
Exhibit I: Sewer Provision



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City of Florence
JUL 30 2020
By: gdf

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



NORTH FLORENCE ANNEXATIONS
(2008 – 2020)

DRIFTWOOD SHORES (August 4, 2008)

ORD. 14 (Annexation), SER. 2008
ORD. 15 (Zoning), SER. 2008

JERRY'S PLACE (May 4, 2015)

ORD. 7 (Annexation), SER 2015
ORD. 8 (Zoning), SER 2015

COMBINED ANNEXATION/ZONE CHANGE PETITIONS (February 6, 2017)

ORD. 1 (Heceta Beach), SER. 2017
ORD. 2 (Lookout Street), SER 2017
ORD. 3 (Harbor Vista Drive/Treewood) SER. 2017
ORD. 4 (Zoning for Annexed Properties)

HARBOR VISTA ROAD (April 16, 2018)

ORD. 2 (Annexation), SER. 2018
ORD. 3 (Zoning), SER. 2018

AMRSTRONG LOOKOUT (May 21, 2018)

ORD. 5 (Annexation), SER. 2018
ORD. 6 (Zoning), SER. 2018

4TH AVENUE (May 21, 2018)

ORD. 7 (Annexation), SER. 2018
ORD. 8 (Zoning), SER. 2018

BOOTH-MAY (October 22, 2018)

ORD. 14 (Annexation), SER. 2018
ORD. 15 (Zoning), SER. 2018

PETERSON (December 10, 2018)

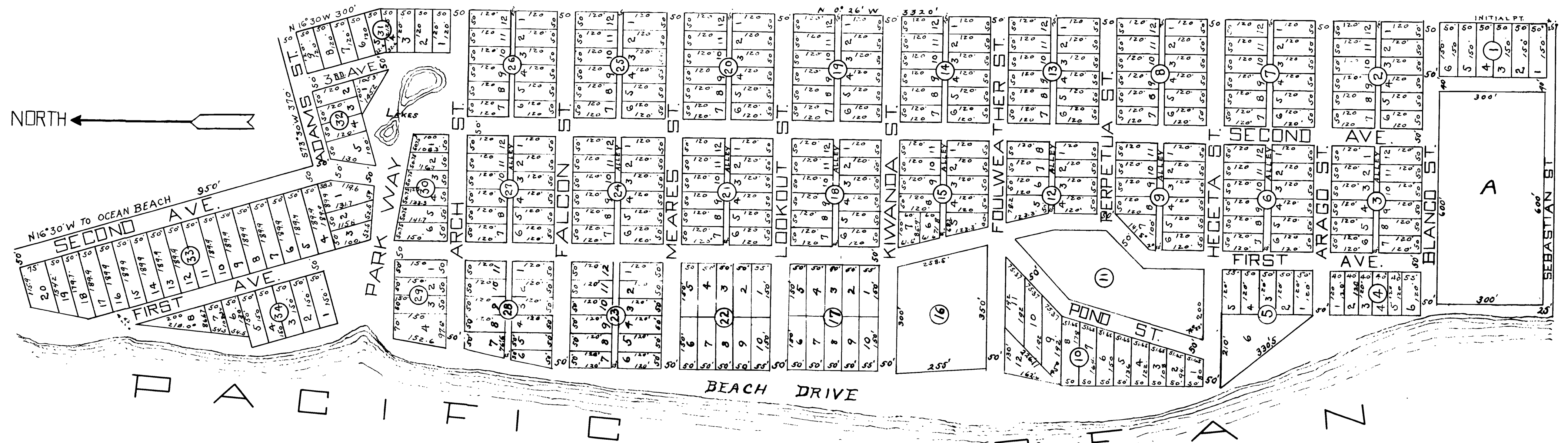
ORD. 18 (Annexation), SER. 2018
ORD. 19 (Zoning), SER. 2018

TREEWOOD COURT (April 20, 2020)

ORD. 3 (Annexation), SER. 2020
ORD. 4 (Zoning), SER. 2020

Exhibit D

HECETA BEACH



DESCRIPTION

BEGINNING AT THE INITIAL POINT, WHICH IS THE SOUTHEAST CORNER OF THE PLAT
 THENCE NORTH 0° 26' WEST 3320 FEET
 THENCE NORTH 16° 30' WEST 300 FEET
 THENCE SOUTH 73° 30' WEST 370 FEET
 THENCE NORTH 16° 30' WEST 950 FEET TO OCEAN BEACH
 THENCE SOUTHERLY ALONG OCEAN BEACH TO SECTION LINE BETWEEN SECTIONS 4 AND 9
 THENCE EAST TO INITIAL POINT.
 VAR. 21° EAST IN 1912

SCALE 1 INCH = 200 FEET

CERTIFICATE

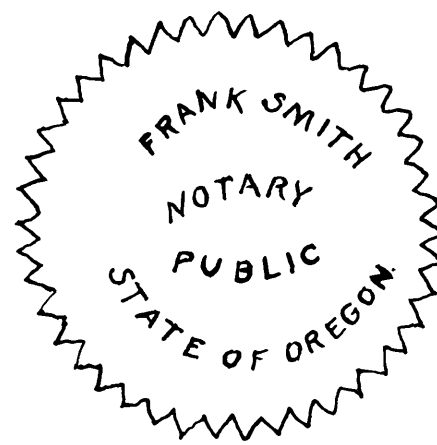
STATE OF OREGON } ss
 COUNTY OF LANE }
 I, James W. Libby, BEING FIRST JULY SWORN, DEPOSE AND SAY THAT I AM A SURVEYOR OF FLORENCE
 OREGON AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED
 ON THE PLAT OF HECETA BEACH LANE COUNTY, OREGON AND THAT I PLANTED FOR
 THE INITIAL POINT OF SUCH SURVEY A GALVANIZED IRON PIPE 2" IN DIAMETER AND 3' LONG
 DRIVEN 6" BELOW THE SURFACE OF THE GROUND, SAID POINT BEING 1320 FEET WEST OF THE CORNER TO
 SECTIONS 3, 4, 9 AND 10. TWP. 18 S. R. 6 E. 12 W. OF W. M.

SUBSCRIBED AND SWORN BEFORE ME THIS

21st DAY OF August 1914

Frank Smith

NOTARY PUBLIC



W. H. O'Kelly
 Co. 1

APPROVED

Geo. W. Hawley

COUNTY JUDGE

W. H. O'Kelly

COUNTY COMMISSIONER

Benjamin F. Libby

COUNTY COMMISSIONER

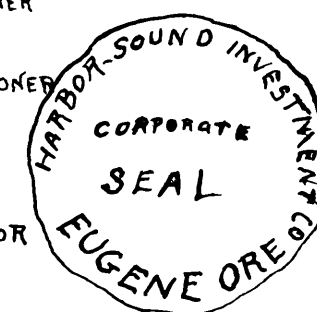
Hollis W. Libby

COUNTY ASSESSOR

COUNTY SURVEYOR

DEDICATION

WE THE HARBOR-SOUND INVESTMENT COMPANY
 OWNERS IN FEE SIMPLE, HEREBY LAY OUT AND ESTABLISH THE BLOCKS
 AND LOTS SHOWN ON THE PLAT OF HECETA BEACH
 LANE COUNTY, OREGON AND DEDICATE TO THE PUBLIC THE PARKS, STREETS AND ALLEYS
 INDICATED THEREON TO BE USED AS SUCH FOREVER
 WITNESS OUR HANDS AND SEALS THIS 27th DAY OF April 1915



Harbor-Sound Investment Co. SEAL

John M. Williams SEAL

Verna Dorman.

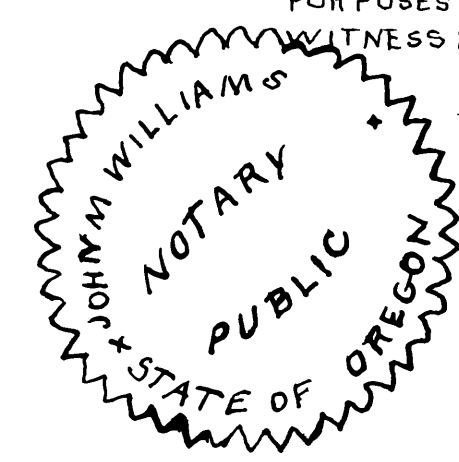
ACKNOWLEDGMENT

STATE OF OREGON } ss
 COUNTY OF LANE }
 ON THIS 27th DAY OF April 1915, PERSONALLY CAME BEFORE ME THE UNDERSIGNED
 A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE THE ABOVE MENTIONED
 E. J. ADAMS AND W. H. O'KELLY
 TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO
 EXECUTED THE ABOVE INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY
 EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND THE
 PURPOSES THEREIN NAMED.

WITNESS MY HAND AND SEAL THIS 27th DAY OF April 1915

John M. Williams

NOTARY PUBLIC
 My Commission Expires Nov 11, 1916.



Florence Realization 2020 Comprehensive Plan Map



City Limits

Urban Growth Boundary

Comprehensive Plan Designations

Residential

- Low Density
- Medium Density
- Heceta Beach Neighborhood Cluster
- High Density

Open Space

- Public
- Private Open Space

Other

- Downtown
- W 9th Street Area

Commercial

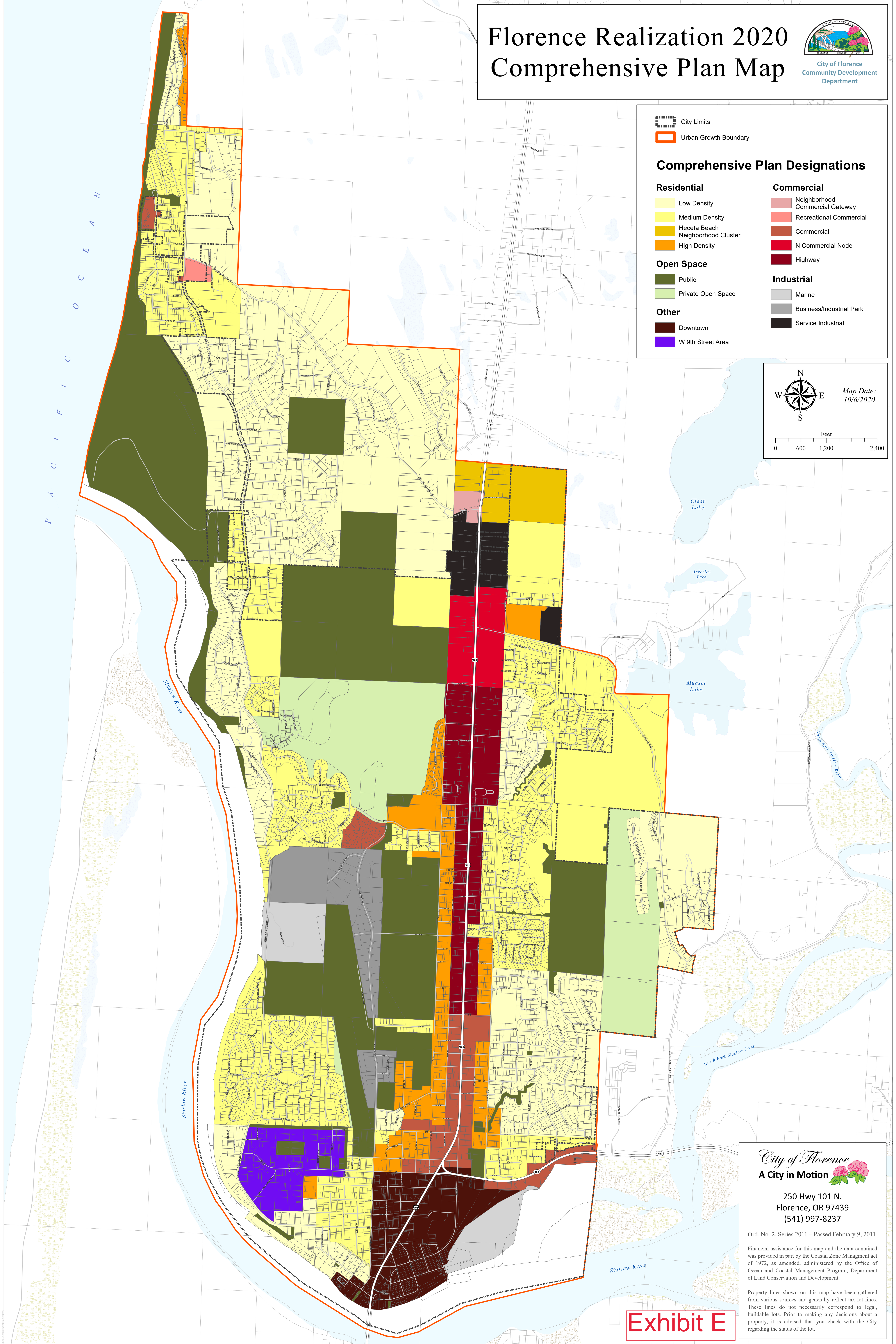
- Neighborhood Commercial Gateway
- Recreational Commercial
- Commercial
- N Commercial Node
- Highway

Industrial

- Marine
- Business/Industrial Park
- Service Industrial

Map Date:
10/6/2020

0 600 1,200 2,400
Feet



City of Florence
A City in Motion

250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237

Ord. No. 2, Series 2011 – Passed February 9, 2011

Financial assistance for this map and the data contained was provided in part by the Coastal Zone Management act of 1972, as amended, administered by the Office of Ocean and Coastal Management Program, Department of Land Conservation and Development.

Property lines shown on this map have been gathered from various sources and generally reflect tax lot lines. These lines do not necessarily correspond to legal, buildable lots. Prior to making any decisions about a property, it is advised that you check with the City regarding the status of the lot.

Exhibit E



PETITION FOR ANNEXATION

to the

City of Florence, Oregon

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

The property to be annexed is as follows:

Assessors Map Reference and Tax Lot:

Property Address (if appropriate):

Property Owner /Electors Name(s):

18-12-04-13

03103 & 03104

Signature(s):

Bb Rann

541-991-7262

Date:

3/15/21

Exhibit F

From: Solar Harvest <solarharvestllc@yahoo.com>
Sent: Tuesday, May 18, 2021 5:33 PM
To: planningdepartment; Arda Stober; JoLynn Dillion; Solar Harvest
Subject: PC 21 09 ANN 03 & PC 21 10 ZC 03 -Rannow Arch St Annexation and Zone Changes

To The City of Florence,

Could you kindly email me an acknowledgement affirming that the City of Florence has received this correspondence concerning matter subjected above.

This notice is from Ms. Jennifer Bradford property owner of 4572 Arch St, and the empty lot bordering Second Ave, Florence OR 97439. Map & Tax Lot 18-12-04-13-04300 and 18-12-04-13-04500, respectively.

Regarding Notice of Public Hearing:

1. Arch St Annexation for Mr. Bob Rannow: I am **OPPOSED** to the annexation of Arch St for Mr. Rannow's annexation of his property on 2nd Ave. Mr. Rannow's property is not contiguous with Arch St. According to the City of Florence Realization 2020 Comprehensive Plan Zoning Map 2020 and Lane County maps, Arch St does not intersect with 2nd Ave. The current property owners have been maintaining this area for over 40 years. Even if the maps were incorrect, and Arch St and 2nd Ave joined, Arch St would still not be contiguous with his property. Mr. Rannow can FULLY achieve his legal request for annexation via 2nd Ave. Arch St is not a right of way that separates Mr Rannow's property for his purpose of annexation. Arch St. annexation is completely unnecessary and illegal in accordance with ORS 222.170.

ALL PROPERTY OWNERS who's property completely encapsulates 100% of Arch St. are OPPOSED to the Annexation

2. Medium Density Residential Zoning(MDR) for Arch St, Second Ave, and Falcon St: I am **OPPOSED** to the re-zoning of that area and the respective streets as MDR. There have been no legitimate professional engineering studies or traffic engineering surveys that would support the need for MDR zoning. This request for MDR rezoning is proposed at the whim of ONE resident. The MDR request is just to be able to build higher structures. These higher structures would standout and be an eyesore for the entire neighborhood and negatively impact our property values.

3. Commercial Zone a portion of Falcon Street: I am **OPPOSED** to this re-zoning. Falcon St. is not properly surveyed and engineered and not as-built to permit commercial activity. 1st Avenue is properly engineered and traffic/street markings, road width, traffic signage, to permit commercial traffic and associated activities. Commercial activities should be kept on First Ave where the road is built specifically for commercial

activity. To allow Commercial Zoning on Falcon St. would be a safety/traffic hazard and for all residents in the neighborhood, particularly for all the visiting children that run around the pool building. The pool building is a "kiddie magnet." To make that entire intersection where Falcon St meets First St commercial zoned, is an accident waiting to happen.

Finally, individually or collectively, the cost/benefit of all the proposals in this hearing would be a net negative to the City of Florence. The use of taxpayers funds, as would be required to properly incorporate these changes, for the selective benefit of ONE person, does not provide for the greater benefit of all the City of Florence residents and taxpayers as a whole.

All of us who have lived in the neighborhood, some of whom for over 40 years, respectfully request that the City of Florence respect our collective wishes and not make the changes as opposed to in this correspondence.

Thank you very much,

Jennifer Bradford

May 18, 2021 / 8:37 PM

Gregory C Stober
Arda R Stober
C/O Barnaby Bielskis
1089 Cedar Ct
Creswell, Oregon 97426

May 16, 2021

City of Florence
Attn: Planning Department
250 Hwy 101
Florence, Oregon 97439

Dear City of Florence Planning Director and members,

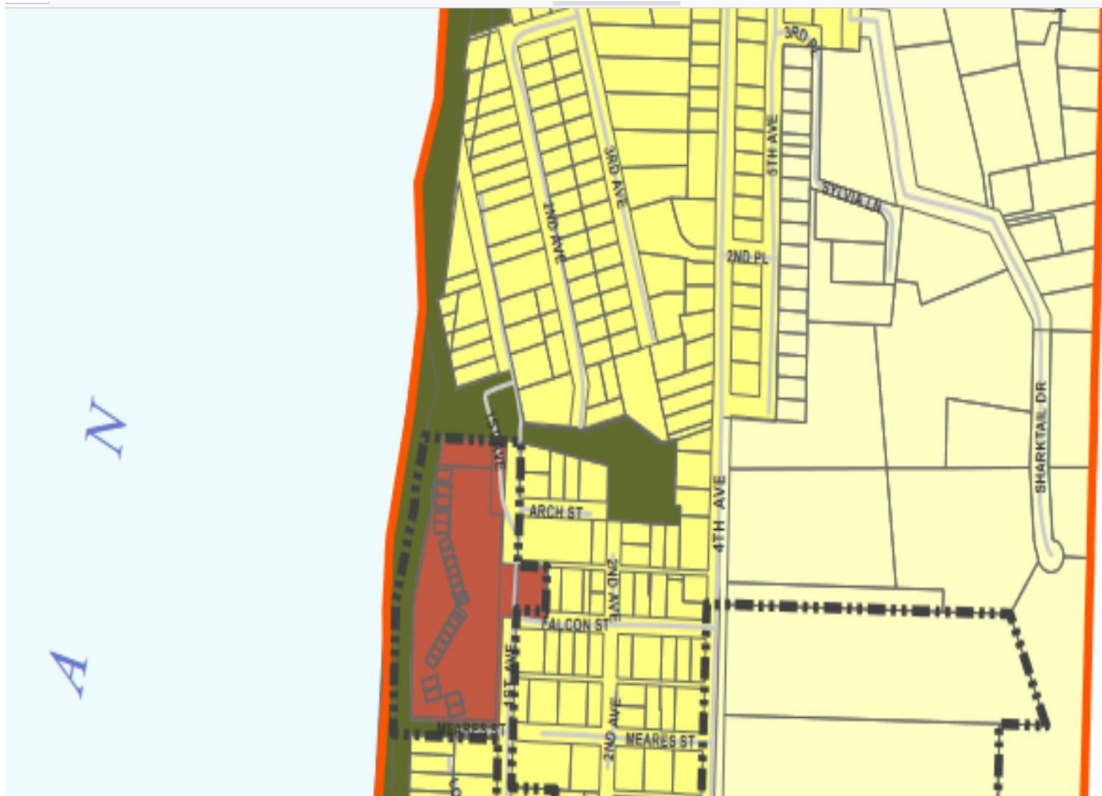
My wife and I have called Florence our home for decades and have been active members of the community since 1979 and earlier. This letter represents our opposition to the proposal PC 21 09 ANN 03 & PC 21 10 ZC 03—Rannow Arch Street Annexation and Zone Change as proposed by the City of Florence Planning Commission on behalf of Bob Rannow. Our opposition is shared by the other three property owners on Arch Street. Together, we own all of the available property on Arch Street as a whole. The facts detailing our opposition are identified and supported throughout this letter.

The property is not contiguous to the current Florence City boundary.

- In reference to the following document found at <https://www.ci.florence.or.us/planning/annexation-frequently-asked-questions>, the plots on Arch Street may not actually be eligible for annexation. Under the header “Who is eligible for annexation” it states the property(s) in question must be *contiguous* to the city boundary. Now, while these plots for consideration are in the Urban Growth Boundary, they are not contiguous to the current city boundary.
- Piecemeal annexation of Arch Street to facilitate the development of the applicant’s property is opposed to by all property owners on Arch Street. The expense of developing Arch Street to provide access is unnecessary. Access to the applicant’s property exists via Second Avenue.

There are irregularities in the map being provided for the considered annexation and rezoning for the Rannow project.

- The area between Arch Street and 2nd Ave, according to this map found on the Realization 2020 Florence Comprehensive Plan pages, shows the designation of public open space at the end of the proposed Arch St extension. It does NOT connect with Second Avenue. *See map below.*



- The map submitted with the notice of public hearing for the PROPOSED annexation of Arch Street is inaccurate. It *should* show the green shading area to be adjacent to applicant's property on the north side. The way in which the map is shaded for the proposal makes Arch Street APPEAR to be extendable to adjoin Second Avenue. It is omitting the section that is considered public open space. Thereby Arch Street and Second Avenue would not join at that corner. See picture below of the yellow circled area for reference.



- According to the Lane County plot map and Florence maps, this is Heceta Beach Park. It shares the northern border of the applicant's property and was never intended for development. Arch Street was never intended to extend past its current ending point as shown. *See picture below.*



- The properties of the 4 property owners contesting this proposal border the entire perimeter of Arch Street. The applicant's property does not touch Arch Street. The 4 property owners of Arch Street oppose the annexation overall and specifically the annexation of Arch Street as included in this proposal.

Zoning changes for the residential neighborhood will have a negative impact on the residential nature of this area.

- Having lived at and owned two lots on Arch Street since 1979, it clearly has always been a residential area. The four property owners of Arch Street agree that there is no need for changing the current zoning. The available property on Arch Street is owned by neighbors who do not support the annexation or zoning change. They purchased the properties as residential and have maintained them as such.
- Changing the zoning to MDR could allow commercial businesses to develop in a completely residential district. The lots that appear vacant on Arch Street are completely owned by the 4 homeowners who are all in opposition of this zoning change. This area in question is a residential district historically and currently.
- Zoning a portion of Falcon Street to a Commercial Zoning does not appear to have any connection to the development of the applicant's property. It is a great distance from his

proposed development and appears to be in the street easement of Falcon Street. It seems that this zoning change should be covered in a separate proposal as a separate issue. If the applicant needs this zoning for signage for a pending business, we are definitely opposed to this rezoning as this is a residential neighborhood. It needs to remain as such. We feel that this should be addressed.

The environmental impact and the residential character of the properties of Arch Street would be compromised by the approval of such an annexation and rezoning.

- The designs of these *small roads* leading to the older homes in the Heceta Beach area are not as platted. Narrow curving streets would fall under city code regulations for development, increasing in size. Property owners could lose parking, driveway easement space with existing homes becoming too close to the standard setbacks required for the city code if Arch Street is annexed.
- The *North Dunal Aquifer* may be impacted by development of a through street and should be addressed. What input on these environmental impacts has Lane County provided in partnership with City of Florence as outlined in Florence 2020 Chapter 14 plans?
- The *wetlands* known as Heceta Beach Park to the north of the proposed development may be impacted by development of a through street as well as this land development. This should be addressed.
- *Hazardous traffic flow* will increase if the ROW of Arch Street is allowed. There is an existing hazard at First Avenue and Arch Street with one way traffic entering the Heceta Beach Park. Visitors to the area often ignore the one-way direction looping traffic north and through the park. This would be intensified and increase the already dangerous blind exit for those heading southbound from the Lane County parkland. During the summer season, Arch Street experiences significant parking issues with visitors for an overcrowded park with limited parking. Expanding Arch Street would exacerbate this issue during the summer months and increase the dangers of those exiting to the west and leaving the Lane County Park southbound.

We, as property owners on Arch Street, stand in opposition of both proposed zoning changes listed as a change to commercial zoning in the public right-of-way at the northwest ending of Falcon Street and First Avenue and the Medium Density Residential District zoning for the applicant's proposed development. Additionally, we oppose the annexation of Arch Street with the proposed extension of the right-of-way as described. We feel that the concerns we have specified in this letter warrant resolution. Our opposition is based on facts that reflect accurate concerns of us and the property owners of Arch Street. We look forward to hearing from you regarding the identified areas of concern.

Respectfully submitted,

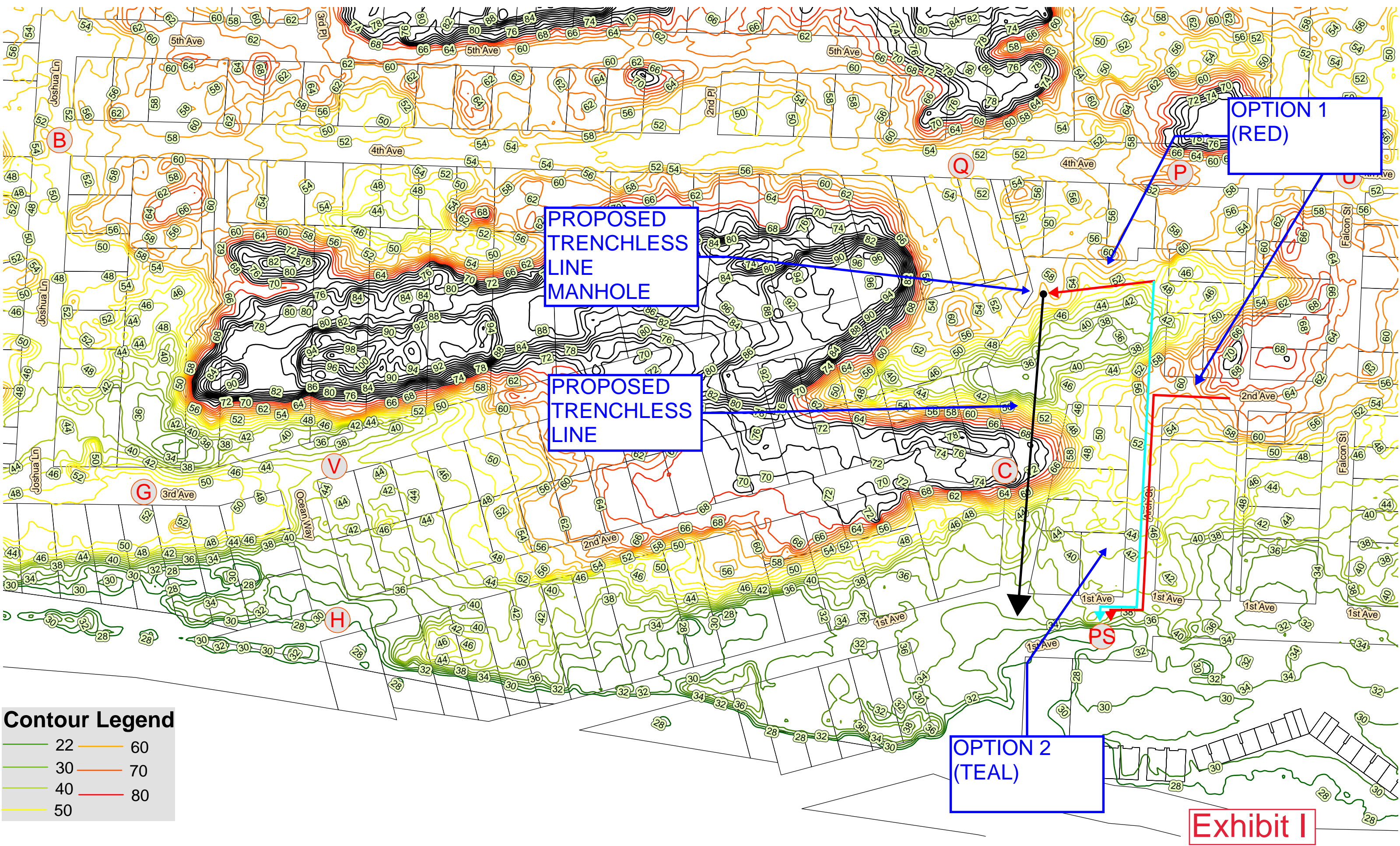
Gregory C Stober
Arda R Stober

PC 21 09 ANN 03

PC 21 10 ZC 03

Exhibit H

(Placeholder for Referral Comments)



Contour Legend

| | |
|----|----|
| 22 | 60 |
| 30 | 70 |
| 40 | 80 |
| 50 | |