
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 5
Meeting Date: 2/28/23

ITEM TITLE: Resolutions PC 22 19 ANN 03 & PC 22 20 ZC 03
Myers Annexation and Zone Assignment

OVERVIEW:

Application: The petitioner requests annexation of an approximately 0.15 acre lot, identified as Assessor’s Map Reference (MR) 18-12-04-42, Tax Lot 05900 and located approximately 150 feet south of the intersection of Kiwanda Street and 1st Avenue. City staff are also initiating annexation of a 0.30-acre right-of-way portion of 1st Avenue located between Kiwanda Street and Foul Weather Street. Access to the property is available from 1st Avenue and also Foul Weather Street; however, there are no plans at this time to annex Foul Weather Street. The property and 1st Avenue street segment are proposed to receive an assignment of Medium Density Residential zoning district in concert with the Florence Realization 2020 Comprehensive Plan. The applicant is requesting annexation into the City of Florence to connect to city sewer services.

Process and Review: Annexation petitions and associated zone assignments are Type IV and Type III land use processes, respectively, that include two public hearings, one with the Planning Commission (PC) who makes a recommendation to the City Council; and another public hearing with City Council who makes 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 for the annexation and zoning assignment processes.

The Planning Commission will open and possibly close the first evidentiary public hearing on February 28, 2023. The Planning Commission will deliberate and forward their recommendation to the City Council either on that date, or at a later date, depending on the outcome of their deliberations. A City Council date is yet to be scheduled.

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, if any, agency referrals and research that speak to the criteria may also be considered.

ISSUES/DECISION POINTS: 1. None

ALTERNATIVES:

1. Recommend approval of the annexation and zoning assignment by approving Resolutions PC 22 19 ANN 03 and PC 22 20 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.
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RECOMMENDATION:

The evidence in the record demonstrates that the proposed annexation and zone assignment is consistent with the policies set forth in state statues and administrative rules, Florence City Code, and the Florence Realization 2020 Comprehensive Plan, based on the findings. Staff recommends Planning Commission recommend approval of the annexation and zoning assignment to the Florence City Council, Alternative 1 above.

AIS PREPARED BY:

Roxanne Johnston, Planner

ATTACHMENTS:

Resolution PC 22 19 ANN 03—Annexation Request
Exhibit A: Preliminary Map & Description
Exhibit B: Findings of Fact

Resolution PC 22 20 ZC 03—Zone Assignment Application
Exhibit A: Map of Rezoning Area
Exhibit B: Findings of Fact

Other Attachments

Exhibit B: Findings of Fact
Exhibit C: Heceta Beach Plat
Exhibit D: Annexation Petition & Zoning Request
Exhibit E: Public Works Referral Comments

**CITY OF FLORENCE
PLANNING COMMISSION**

(PROPOSED) RESOLUTION PC 22 19 ANN 03

A RESOLUTION RECOMMENDING APPROVAL OF ANNEXATION OF PROPERTY WITHIN THE UGB, IDENTIFIED AS ASSESSOR’S MAP 18-12-04-42 TAX LOT 05900, AND 1ST AVENUE RIGHT-OF-WAY LOCATED BETWEEN THE INTERSECTIONS OF KIWANDA STREET AND FOUL WEATHER 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 February 28, 2023, 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 and Oregon Administrative Rules (Exhibit B).

APPROVED BY THE FLORENCE PLANNING COMMISSION this 28th day of February, 2023.

Sandra Young, Chairperson
Florence Planning Commission

Date

**CITY OF FLORENCE
PLANNING COMMISSION**

(PROPOSED) RESOLUTION PC 22 20 ZC 03

A RESOLUTION RECOMMENDING APPROVAL TO THE FLORENCE CITY COUNCIL OF THE ASSIGNMENT OF MEDIUM DENSITY RESIDENTIAL ZONING AS PART OF A PROPOSED ANNEXATION TO PROPERTY IDENTIFIED AS ASSESSOR’S MAP 18-12-04-42 TAX LOT 05900 AND 1ST AVENUE RIGHT-OF-WAY BETWEEN KIWANDA STREET AND FOUL WEATHER STREET INTERSECTIONS

WHEREAS, the property owners submitted petition for annexation of their property as required by FCC 10-1-1-4, 10-1-1-6 and 10-1-2-3; and

WHEREAS, under FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of annexation; and

WHEREAS, the Planning Commission met in a public hearing on February 28, 2023, after giving the required notice per FCC 10-1-1-6 to consider the proposal, evidence in the record, and testimony received; and

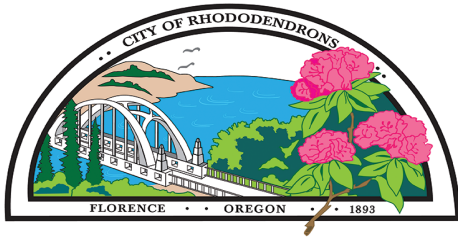
WHEREAS, the Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Realization 2020, the city’s acknowledged Comprehensive Plan and adopted Findings of Fact in support of the zoning assignment;

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends assigning zoning of Medium Density Residential to Assessor’s Map 18-12-04-42 Tax Lot 05900 and 1st Avenue between the intersections of Kiwanda Street and Foul Weather Street as presented in Exhibit A and based on the Findings of Fact in Exhibit B.

APPROVED BY THE FLORENCE PLANNING COMMISSION this 28th day of February, 2023.

Sandra Young, Chairperson
Florence Planning Commission

Date



City of Florence

250 Hwy 101, Florence, OR 97439
www.ci.florence.or.us

February 8, 2023

NOTICE OF PUBLIC HEARING

Notice is hereby given that on February 28, 2023, at 5:30 p.m. the Planning Commission will hold a public hearing on a petition from Alison Myers to annex approximately 0.15 acres of property and apply a City of Florence zoning designation to annexed lands. The property is described on Assessors Map No. 18-12-04-42, Tax Lot 05900 and located in Block 15, Lot 5 of the Heceta Beach subdivision at the northeast corner of the intersection of Foul Weather St. and 1st Avenue. Public rights-of-way of approx..30 ac. is also proposed to be annexed and zoned MDR and is at located at 1st Avenue from Kiwanda St. to the intersection of 1st Avenue and Foul Weather St. **The Planning Commission decision will be a recommendation to City Council for consideration at a hearing on a date to be determined.**

PC 22 19 ANN 03 and PC 22 20 ZC 03 – Alison Myers 1st Ave. Street Annexation and Zone Change

Criteria Applying to this application include:

Florence City Code, Title 10:

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

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

Chapter 10: Residential Districts; Section 1

ORS 222.111, 222.120, 222.125 and 222.170

Oregon Administrative Rules – 660-015-0000, Goal 10 Housing

Realization 2020 Florence Comprehensive Plan:

(found at <http://www.ci.florence.or.us/planning/comprehensive-plan>)

Chapter 1: Citizen Involvement, Policy 4

Chapter 2: Land Use, Policy 6; Residential Policy 10; and Residential Plan Designation

Chapter 14: Urbanization; Annexation section, Policies 1 through 7

Florence Planning Commission meetings are accessible in person at City Hall, and via teleconference call, and air live on Cable Channel 191, or the 'GoToWebinar' platform link made available on the meeting's agenda, and streamed live and for playback at www.ci.florence.or.us/citymanager/public-meetings-live. Testimony shall be given in person at the meeting or in writing through a request to participate in the conference call. Those testifying via a conference call must complete and submit a speaker's card by 3:30 PM the day of the hearing. For additional information on how to provide verbal or in person testimony at the hearing visit the City of Florence website at <https://www.ci.florence.or.us/bc-pc/request-address-planning-commission-speakers-card>, or contact the City of Florence Planning Department at (541) 997-8237, or visit the meeting calendar page at <https://www.ci.florence.or.us/calendar>.

Testimony and evidence must be directed toward the criteria described above or other criteria in the land use regulations which are believed to apply to the decision. Written testimony may be


Public Works
2675 Kingwood St.
(541) 997-4106

City Manager /
City Recorder
250 Highway 101
(541) 997-3437

Community Development/
Planning & Building
250 Highway 101
(541) 997-8237

Finance /
Utility Billing
250 Highway 101
(541) 997-3436

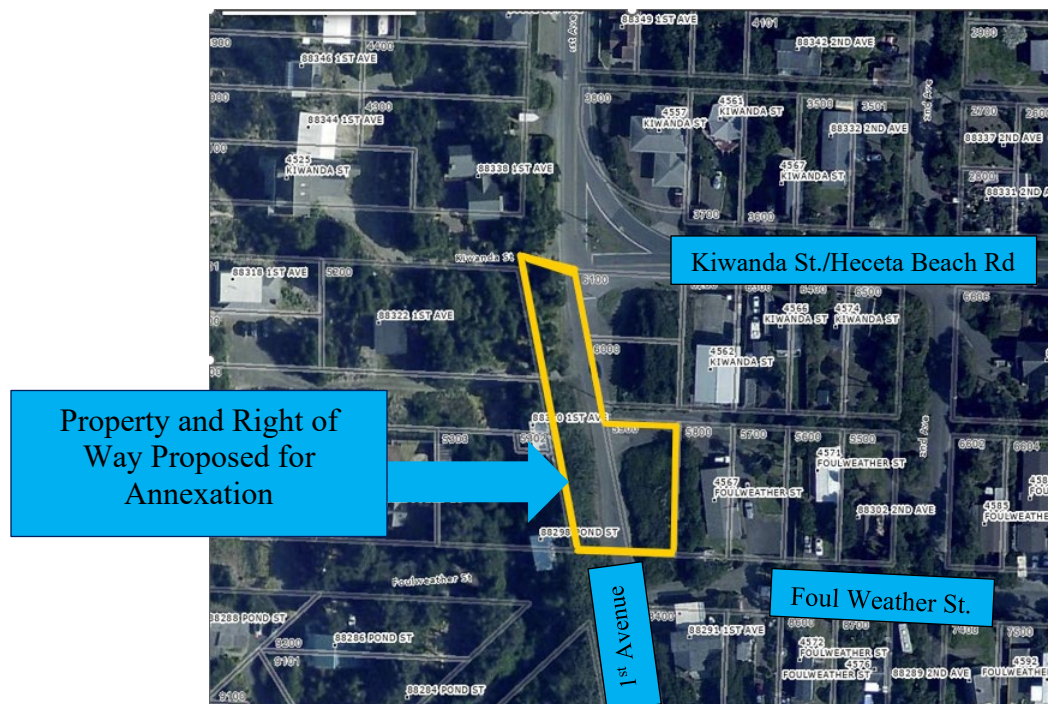
Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



submitted to the Florence Planning Department, 250 Highway 101, Florence, OR 97439, or e-mailed to planning planningdepartment@ci.florence.or.us. Written testimony received prior to February 21, 2023 can be addressed within the staff report. Written testimony will be accepted until 3:30 p.m. on February 28, 2023. Comments should include a return mailing address. Failure to raise an issue in person or in writing or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond appeal based on that issue. The hearing will be conducted in accordance with Florence City Code Title 2, Chapter 10. Applicable criteria, a copy of the application, documents and evidence submitted by or on behalf of the applicant, and other related materials are available for inspection or for purchase at the City of Florence Planning Department, located at 250 Highway 101, Florence, Oregon or may be found on the City's website under "Planning Zoning". The staff report is available for inspection 7 days prior to the hearing and will be provided at reasonable cost.

Proposed Annexation and Zoning Assignment at Assessor's Map # 18-12-04-42 Tax Lot 05900 – Foul Weather Street

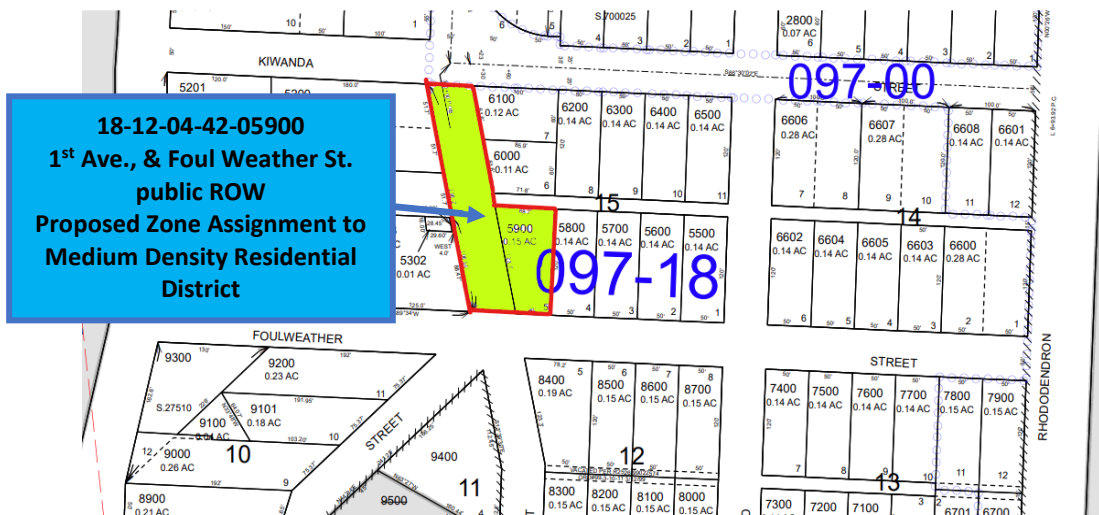
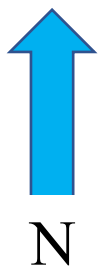


Property and Right of Way Proposed for Annexation

Kiwanda St./Heceta Beach Rd

1st Avenue

Foul Weather St.



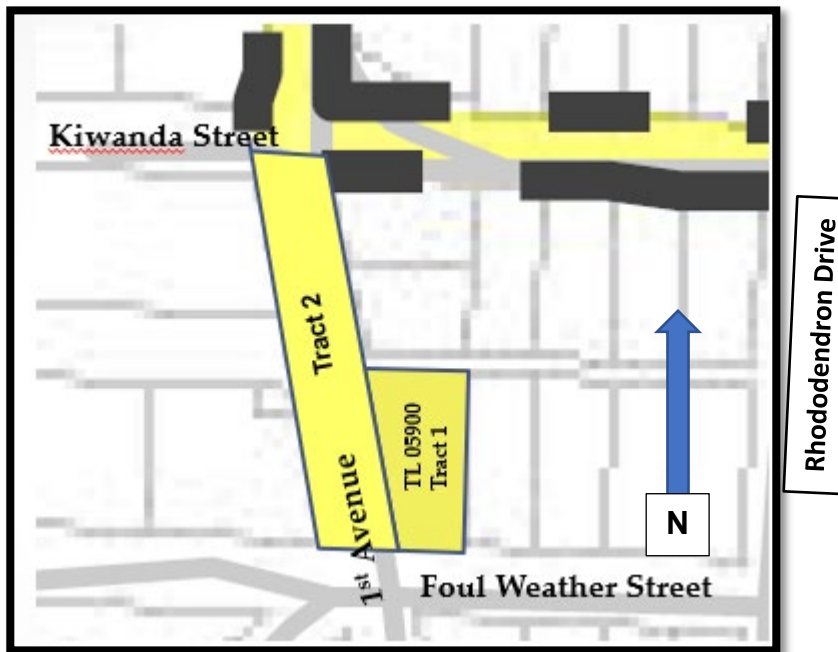
**18-12-04-42-05900
1st Ave., & Foul Weather St.
public ROW
Proposed Zone Assignment to
Medium Density Residential
District**

097-00

097-18

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ZONING MAP



Proposal: Rezone a 0.15-acre lot (Tract 1) and a 0.30-acre portion of 1st Avenue right-of-way (Tract 2) as shown on the map (above), from the Lane County Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay zoning district to the City of Florence "Medium Density Residential" (MDR) zoning district (medium yellow).

Location: Florence, Oregon, Assessor Map No. 18-12-04-42, Tax Lot (TL) 05900, near SE corner of 1st Avenue and Foul Weather Street.

Descriptions:

Tract 1: Lot 5, Block 15 Heceta Beach, as platted and recorded in Book 7, page 25, Lane County Plat Records, in Lane County, Oregon.

Tract 2: Beginning at the most southwestern corner at a point where Lot 5, Block 15, Heceta Beach adjoins the eastern boundary line of 1st Avenue, as platted and recorded in Book 7, page 25, Lane County Plat Records, in Lane County, Oregon, in a northwestern direction for a distance of 123.3 feet to the most northwestern corner of said Lot. Thence, continuing northwesterly for a distance of 15 feet along the western boundary line of alleyway located in Block 15 Heceta Beach to the most southwestern corner of Lot 6, Block 15, Heceta Beach. Thence, traveling a distance of 61.6 feet in a northwesterly direction along the west side of Lot 6, Block 15 Heceta Beach to a point where the most northwestern corner of Lot 6 adjoins the most southwestern corner of Lot 7, Block 15. Thence continuing along a northwestern direction along the western boundary line of Lot 7 to the northwest corner where said Lot adjoins the southern boundary line of Kiwanda Street right-of-way, Heceta Beach as platted and recorded in Book 7, page 25, Lane County Plat Records, in Lane County, Oregon. Thence travelling westwardly for a distance of 50 feet to the most northeastern corner of Block 16, Heceta Beach thence traveling in a southeasterly direction along said Block for a distance of 258.5 feet along the west boundary of 1st Avenue right-of-way and most eastern boundary of said Block to the most southeast corner of Block 16 to western boundary point of 1st Avenue right-of-way and the northern boundary line of Foul Weather Street right-of-way. Thence, traveling 50 feet in an easterly

direction along the northern boundary line of Foul Weather Street right-of-way between Blocks 15 and 16, Heceta Beach, to the Point of Beginning.

CITY OF FLORENCE
Resolution PC 22 19 ANN 03
Resolution PC 22 20 ZC 03
(Proposed) FINDINGS OF FACT
Exhibit B
2/28/23

Planning Commission Public Hearing Date: February 28, 2023
City Council Public Hearing Date: TBD
File Nos: PC 22 19 ANN 03, PC 22 20 ZC 03

I. PROPOSAL DESCRIPTION

Proposal: Annexation

A request from a property owner for the City of Florence to annex their 0.15-acre property from Lane County to the City. Approximately 0.30 - acre of 1st Avenue right-of-way located between the intersections of Kiwanda Street and Foul Weather Street is also included in this request.

Zone Assignment

Upon annexation, the subject property and a section of 1st Avenue right-of-way between its intersections with Kiwanda Street and Foul Weather Street requires zoning assignment by the Florence City Council. The corresponding zoning district matching the property's plan designation and that of the 1st Avenue right-of-way segment is Medium Density Residential District.

Petitioners/Applicants: Alison Myers

Property Owner: Myers Revocable Living Trust

General Property Description (Annexation boundary described in respective Exhibit A; Zoning areas described in respective Exhibit A):

Assessor's Map Reference (MR) 18-12-04-42, Tax Lot (TL) 05900

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: Vacant land | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay

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

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

West: Residences | Suburban Residential/Mobile Home District with Interim Urban Combining District Overlay

Streets | Classification: North: None; South: Foul Weather St. - Local; East: None; West: 1st Ave - Local

II. NARRATIVE

The applicant petitioned for annexation of their property from Lane County jurisdiction to City of Florence jurisdiction. There are no electors residing on the property. If the property is annexed, the City of Florence City Council may use its authority to assign a City zoning designation, preferably to that of Medium Density Residential (MDR) as that is the designation planned within the Florence Realization 2020 Comprehensive Plan. To apply any other zoning would first require a change to the Plan, which requires state involvement. To this end, a zoning assignment of MDR is being proposed as requested by the applicant and is being processed concurrently with the annexation request.

The reason for the annexation and subsequent zoning request is because the applicant seeks to connect to the subject property to the City sanitary sewer system. The nearest sewer main is located within the Kiwanda Street right of way, approximately 150 feet north of the subject property. In order to access this sewer main, an additional main section will need to be placed within the 1st Avenue right of way. 1st Avenue has not yet been annexed, so staff is advocating annexing this street and in doing so, would also align the property with the nearest City limit boundary on the south side of Kiwanda Street. MDR zoning of 1st Avenue is also supported by the Plan and staff is seeking this future zoning upon annexation. Should the annexation and zone change be approved by City Council, the property owner will be responsible for much of the costs associated with extending the sewer main which would also include participation in the cost of installing a small package pump station as noted by the Public Works Director in Exhibit E.

The signed petition was received on November 4, 2022, and was deemed complete as of January 9, 2023. 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 since the property is undeveloped and there are no electors will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV application which requires a hearing by the Planning Commission who then makes and forwards their recommendation by resolution to the City Council. The City Council then makes their decision by passing ordinances supporting the requests. Thus, the zoning assignment procedure applies to the property as illustrated in Exhibit A of the zone assignment Resolution. In accordance with 10-1-1-5-B, the two actions will be processed through consolidated proceedings.

The subject property would be served by Heceta Water PUD, which maintains water infrastructure directly adjacent to the property. 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 and 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 January 25, 2023, not less than 34 days prior to the proposed first evidentiary hearing of February 28, 2023.

Notice of the Planning Commission's public hearing was mailed on February 8, 2023, to owners of property within 300' of the property and the section of 1st Avenue included in this application. Notice was published in the Siuslaw News on February 17th.

Public Comments:

At the time of this report, the City had not received any written public comments.

IV. REFERRALS

On February 3, 2023, referrals were sent to the Florence Public Works, Building, Utility Billing, and Police Departments; Lane County Transportation and Land Management Divisions; Charter Communications; Century Link; Central Lincoln PUD; Heceta Water PUD; US Postal Service; Western Lane Ambulance; and Siuslaw Valley Fire and Rescue.

Referral Comments:

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

Florence Public Works Department

Public Works commented on the City's available sewer, streets, stormwater, and water provision (see Exhibit D). Their comments have been incorporated into these findings where appropriate.

V. APPLICABLE REVIEW CRITERIA

Annexation:

Oregon Revised Statutes (ORS)
222.111; 222.120; 222.125; 222.170

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:

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 (OAR 660-015-0000)

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.

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

To further illustrate the opportunity for citizen involvement in this proposal process, Florence Planning Commission meetings occur in person and virtually via video conference call as do City Council hearings. The public may attend these meetings and provide verbal testimony during the public hearings in person, via the internet or via a landline phone. Those wishing to simply attend the hearing are encouraged to do so in person, through the Go-to-Webinar platform application, or they could watch the hearing live and playback offered by the videographer through an internet stream and Channel 191 on Charter Cable. Opportunity for written participation to be included in these Findings for the Planning Commission was available up to February 20, 2023. All public comments received both before and after that date by the Planning Department will be posted online and distributed to the Planning Commission up to 4:00 PM February 28, 2023.

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. Previous Public Works testimony provided during earlier area annexation proposals relied on analysis from the documentation within these recent study results which 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 with 0 to 12% slopes) that typically do not require a Phase 1 Site Investigation Report (SIR) prior to development or clearing. Furthermore, the property does not lie within an area identified in the City's Local Wetland and Riparian Inventory Map nor Significant Riparian Reaches Map. If it had been identified within these maps, then in accordance with Title 10 Chapter 7, a Phase 1 SIR would be performed in conjunction with development or replatting to identify areas of hazard and ensure the development is proposed in a manner to eliminate the risk associated with the hazard; yet again, this property does not require soil mitigation measures of this nature. Grading and stormwater drainage for future development will be evaluated at a later date through the development process and are not associated with the requirements for annexation zoning application approvals as explained later in these Findings of Fact.

The adjacent street infrastructure is designated Local serving local residences as well as connecting to public beach access points, Rhododendron Drive to the East via Foul Weather Street, the Driftwood Shores resort to the north via Kiwanda Street, and other similar destinations. Located at an intersection that experiences low volumes of vehicular traffic, the property will not require consideration for traffic impacts when it is developed, such as applying relevant City Code and other criteria to reduce conflicts between driveways and the intersection of 1st Avenue and Foul Weather Street to the southeast.

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.

The property was platted as Lot 5, Block 15 of the Heceta Beach subdivision and recorded in 1915. 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 as outlined in FCC 10-10. All uses surrounding the property are compatible with the character of the area as they are either vacant or contain residences. The properties surrounding the subject property enjoy 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.

Upon annexation, the City Council may assign City of Florence zoning to the property. Zone assignment of Medium Density Residential would match the property's underlying Comprehensive Plan Designation. 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 as the subject lot contains 0.15 acre, or 6,534 square feet. Since the Plan was adopted, the zoning code (Florence City Code, Title 10, Chapter 10) was amended to reflect that duplexes were allowed outright in Medium Density Residential and therefore no longer require a conditional use permit. Details on minimum requirements for lot size in the MDR zoning district are outlined under FCC 10-10, later in these findings.

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, 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.

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 would be contiguous with the Florence City limits with the annexation of the 1st Avenue right-of-way portion discussed earlier. 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 further land division until annexed. No further land division has been proposed.

- 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:**

Throughout findings of fact of several annexation requests within the past six years, Public Works testified using analysis from the documentation within recent study results, confirmed that the City has the capacity (actually, with regard to the City’s sewer system, in excess) to serve the area without affecting service to existing City residents. This is consistent with the direction in Policy 7, above. Public Works testimony also provided information on water service and how city service is available if Heceta Water is unable to serve them.

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: With this particular annexation/zoning request, Public Works provided a referral email (Exhibit X) which outlines the avenue to get connected to the wastewater system:

“The property is within 300 feet of the public sewer system and can be connected. The cost is \$12,000 for the sewer connection and that will include the extension of the sewer line from the existing sewer at 1st Avenue/Kiwanda Street.

Since the connection will be to the City pressure sewer line, there needs to be a small package pump station for the new home. The cost of the pump station is \$7,068 (current price). This does not include the electrical or plumbing costs necessary to connect the pump station to the proposed sewer line.

In addition, there is a sewer System Development Charge that will need to be paid. Not knowing how large of a home that is being proposed, the full sewer SDC is \$5,506.52. The City is providing an exemption based on square footage of the home, so having the proposed square footage of the home would be helpful to provide a better estimate of the costs. Also, since this would be new construction, the property would also be subject to our Stormwater and Transportation SDC’s. Again, these can be reduced depending on the size of the proposed home.

Currently the full Stormwater and Transportation SDC’s are \$2,532.62 (Stormwater) and \$1,063.29 (Transportation).”

Water would be provided by the Heceta Water PUD and they have their own fees. To recap: The City can provide sanitary sewer service to the property.”

Costs:

Connection to pressure sewer \$12,000 (the City will provide the line from the pressure line to the SAM-8 location)

SAM-8 pump station \$7,068 (current price as of today)

Wastewater SDC \$5,506.52 (can be reduced depending on size of home)

Stormwater SDC \$2,532.62 (can be reduced depending on size of home)

Transportation SDC \$1,063.29 (can be reduced depending on size of home)

Total costs \$28,170.43

Finally, since this property is in the UGB (Urban Growth Boundary), it will need to be annexed in order for the City to provide service.”

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 property is currently undeveloped and will eventually be served by a connection to Heceta Water People's Utility District services. It will be the responsibility of the developer to work with Heceta PUD to connect to water.

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, maintaining post-development stormwater flows from the property at pre-development levels. The associated policies reduce the risk of public impacts, including impacts on local natural resources.

Streets: The Property abuts partially improved sections of 1st Avenue and Foul Weather Street, which are part of the City of Florence but are under Lane County maintenance jurisdiction. These streets serve traffic to residences, parks, and other attractions 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 1st Avenue at this time.

FCC 10-1-4-E-2 requires performance of a Traffic Impact Study (TIS) 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, zoning 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, which has not replied with comments on this proposal. 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 sent 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.**

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 relevant infrastructure 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.

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. Upon final approval by the City Council to annex the 1st Avenue right-of-way section between the Kiwanda Street and Foul Weather Street intersection, the Property will be directly contiguous to the City boundaries.

(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.

(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 subject property to be annexed. The City received written petition from the owner 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 February 17, 2023. 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 be addressed.

(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 of 1st Avenue right-of-way is contiguous to the City limits on its northern connection to the most southern portion of the Kiwanda Street right-of-way intersection. Concurrent annexation of this right of way and the subject property will ensure a seamless expansion of City limits. Subsection "b" above is met. The Florence Planning Commission is not the city legislative body and will not be making these declarations.

(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 owner 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 a portion of 1st Avenue right-of-way located between the intersections of Kiwanda Street and Foul Weather Street. Written consent from the property owner was signed and provided with the petition for annexation received by the City on December 28, 2022. 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 owner was signed and provided with the petition for annexation received by the City on October 20, 2022.

(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 applicant have proposed annexation of 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. This zoning 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 (Residential) and Comprehensive 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.**

A public hearing by the Planning Commission was scheduled for February 28, 2023 on this annexation request and quasi-judicial zone assignment. The findings of fact and associated materials 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 section of 1st Avenue right-of-way discussed earlier is proposed to be zoned Medium Density Residential District. This zone is appropriate, as it corresponds to the Comprehensive Plan designation (Medium Density). The approximately .15-acre/6,534 sq. ft subject property consists of one lot meeting the minimum lot size of the district (5,000 sq. ft. for a single detached family dwelling and 3,000 square feet for a single-family detached dwelling). No specific policies are applicable under this annexation or zoning proposal since no development is proposed or approved 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 0.15- acre lot creates a positive impact on the supply of residential land base. Related to the Housing Needs Analysis is the City's Housing Implementation Plan. This plan is currently being updated and once adopted could impact current zoning and subdivision codes. It is doubtful that there will be a recommendation to facilitate a less dense residential zoning to the property.

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 residences, attached housing, and accessory dwelling units, providing the opportunity for housing units as identified above. The proposed city code assignment includes more housing types than the current county assignment making more housing available under this application.

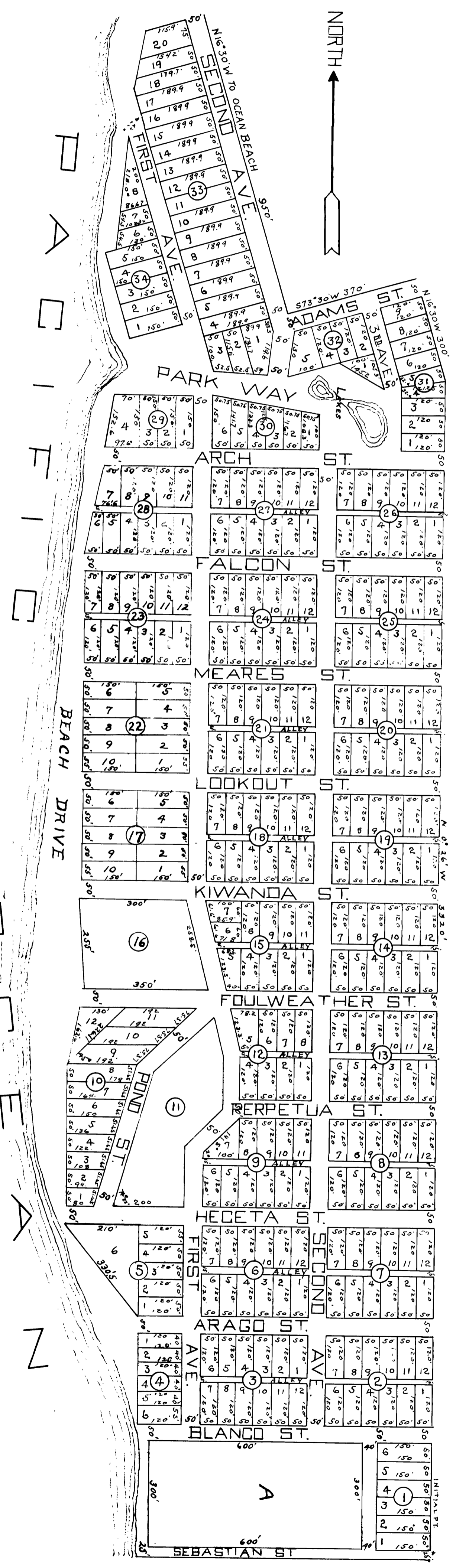
VII. CONCLUSION

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 and rules, Florence City Code, and the Florence Realization 2020 Comprehensive Plan.

VIII. EXHIBITS

Resolution PC 22 19 ANN 03: Exhibit A Annexation – Legal Description and Annexation Map
Resolution PC 22 20 ZC 03: Exhibit A Zoning – Zoning Map
Exhibit B: Findings of Fact
Exhibit C: Heceta Beach Plat
Exhibit D: Annexation Petition and Zoning Request
Exhibit E: Public Works Referral Comments

HECETA BEACH



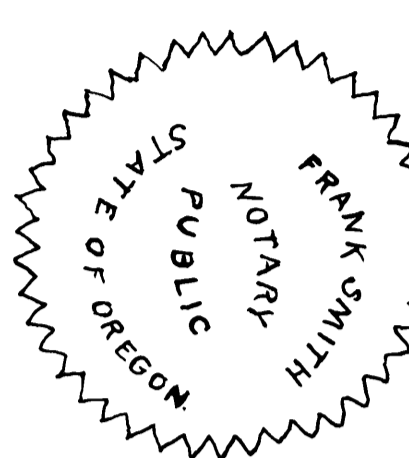
DESCRIPTION

BEGINNING AT THE INITIAL POINT, WHICH IS THE SOUTHEAST CORNER OF THE PLAT
 THENCE NORTH 0°26' WEST 332.0 FEET
 THENCE NORTH 15°30' WEST 300 FEET
 THENCE SOUTH 73°30' WEST 310 FEET
 THENCE NORTH 16°30' WEST 950 FEET TO OCEAN BEACH
 THENCE SOUTHERLY ALONG OCEAN BEACH TO SECTION LINE 4 AND 9
 THENCE EAST TO INITIAL POINT.
 VAR. 21 FEET IN 1912
 SCALE 1 INCH = 200 FEET

CERTIFICATE

STATE OF OREGON)
 COUNTY OF LANE)
 I, Frank Smith, BEING FIRST duly sworn, depose and say that I am a surveyor of the State of 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 have planted for the initial point of such survey a galvanized iron pipe 2 inches in diameter and 3 feet long, driven 6 inches below the surface of the ground, said point being 132.0 feet west of the corner to sections 3, 4, 9 and 10, Twp. 18 S., R. 12 W., of W. M.

SUBSCRIBED AND SWORN BEFORE ME THIS 21st DAY OF April 1916



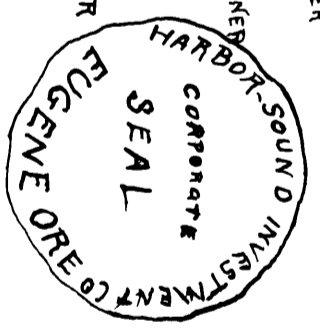
Frank Smith
 NOTARY PUBLIC

APPROVED

John M. Williams COUNTY JUDGE
John M. Williams COUNTY COMMISSIONER
John M. Williams COUNTY ASSESSOR
John M. Williams COUNTY SURVEYOR

DEDICATION

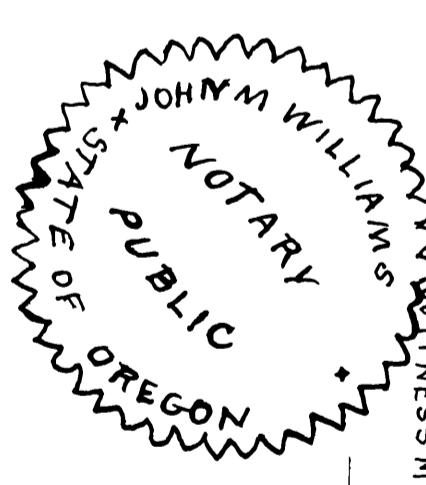
THE HARBOR-SOUND INVESTMENT COMPANY
 OWNERS IN THE SIMPLE HEREBY LAY OUT AND STABLISH THE BLOCKS AND LOTS SHOWN ON THE PLAT OF HECETA BEACH, LANE COUNTY, OREGON, AND DEDICATE TO THE PUBLIC THE PARKS, STREETS AND ALLEYS INDICATED THEREON TO BE USED AS SUCH FOREVER.
 WITNESS OUR HANDS AND SEALS THIS 27th DAY OF April 1916



John M. Williams SEAL
John M. Williams SEAL
John M. Williams SEAL

ACKNOWLEDGMENT

ON THIS 27th DAY OF April 1916, PERSONALLY CAME BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE THE ABOVE MENTIONED John M. Williams 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 1916



John M. Williams
 NOTARY PUBLIC
 My Commission Expires Nov 11, 1916.



EXHIBIT D

City of Florence

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

Type of Request

THIS SECTION FOR OFFICE USE ONLY

Type I Type II Type III Type IV

Proposal: _____

Applicant Information

Name: Alison Myers Phone 1: [REDACTED]

E-mail Address: [REDACTED] Phone 2: [REDACTED]

Signature: Alison Myers Date: Oct 20th 2012

Applicant's Representative (if any): _____

Property Owner Information

Name: Alison Myers Phone 1: [REDACTED]

[REDACTED]

Signature: Alison Myers Date: 10.20.2012

Applicant's Representative (if any): _____

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

For Office Use Only:

Received	Approved	Exhibit
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Property Description

Site Address: _____

General Description: lot 5900 - Four Weather

Assessor's Map No.: 18 - 12 - 04 - 42 Tax lot(s): 05900

Zoning District: _____

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

(FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: _____ Square feet of existing: _____

Hours of operation: _____ Existing parking spaces: _____

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

Timetable of proposed improvements: _____

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

If yes, please describe: _____

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

For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid

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: ~~18-12-04-42~~ 18-12-04-42 Tax lot 05900
Property Address (if appropriate):

Property Owner /Elector(s) Name(s): Myers Revocable Living Trust

Signature(s):

Alison Myers

October 20th 2022

Date:

From: [Mike Miller](#)
To: [Planning Department](#)
Cc: [Wendy Farley-Campbell](#)
Subject: FW: DeMuth- 1812044205900
Date: Monday, October 3, 2022 1:30:04 PM
Attachments: [image001.png](#)
[image002.png](#)

Please send Alison the application material to annex into the City.

Thanks!

Mike

From: alisonmyersrealty@gmail.com <alisonmyersrealty@gmail.com>
Sent: Monday, October 3, 2022 12:52 PM
To: Mike Miller <mike.miller@ci.florence.or.us>
Subject: RE: DeMuth- 1812044205900

Hi Mike,

Could you send me the packet to start the annexation process?

Thank you,
Alison

alison myers
broker, hybrid real estate
541-515-1751

***please note the new e-mail address**

From: Mike Miller <mike.miller@ci.florence.or.us>
Sent: Tuesday, August 30, 2022 11:06 AM
To: alison myers <alisonmyersrealty@gmail.com>
Subject: RE: DeMuth- 1812044205900

What I mention below is just the annexation costs (\$1,750 plus actual costs) which can be shared if others join the application.

The \$28,170.43 is the cost to hook up to the City sewer plus System Development Charges (SDC's). As I mentioned, the SDC's are based on the size of the home and can be reduced depending on the size of the home. These are not shared.

Mike

From: alison myers <alisonmyersrealty@gmail.com>

Sent: Tuesday, August 30, 2022 10:55 AM
To: Mike Miller <mike.miller@ci.florence.or.us>
Cc: Planning Department <PlanningDepartment@ci.florence.or.us>
Subject: Re: DeMuth- 1812044205900

that shared cost be for the city hook ups not annexation correct?

alison myers
broker, hybrid real estate
541-515-1751

From: Mike Miller <mike.miller@ci.florence.or.us>
Sent: Tuesday, August 30, 2022 10:49:09 AM
To: alison myers <alisonmyersrealty@gmail.com>
Cc: Planning Department <PlanningDepartment@ci.florence.or.us>
Subject: RE: DeMuth- 1812044205900

I would reach out to our Planning Department and ask for a cost estimate. Also, if you time it correctly and either join another application or have other properties join your application then the costs can be shared and reduced. In the City fee schedule the additional costs are a range of 25% to 60% of the actual costs. These annexations are pretty straight forward, so the total cost should be less than \$2500 for the annexation. Again, I would reach out to the Planning Department for a firm estimate.

Mike

From: alison myers <alisonmyersrealty@gmail.com>
Sent: Tuesday, August 30, 2022 10:24 AM
To: Mike Miller <mike.miller@ci.florence.or.us>
Subject: Re: DeMuth- 1812044205900

Just rough range- what do you expect that additional cost tk add up to? Could we estimate \$2000-3000 total for the filing and any additional costs?

alison myers
broker, hybrid real estate
541-515-1751

From: Mike Miller <mike.miller@ci.florence.or.us>
Sent: Tuesday, August 30, 2022 10:10:40 AM
To: alisonmyersrealty@gmail.com <alisonmyersrealty@gmail.com>

Subject: RE: DeMuth- 1812044205900

Hi Alison,

The filing fee is \$1750 to initiate the process. Then it is an additional cost associated with the actual costs (Planning uses a percentage of the costs) incurred for staff time, materials, publication notices, and other expenses billed monthly. It should be pretty straight forward process with minimal costs.

Thank you,

Mike

From: alisonmyersrealty@gmail.com <alisonmyersrealty@gmail.com>

Sent: Monday, August 29, 2022 5:00 PM

To: Mike Miller <mike.miller@ci.florence.or.us>

Subject: RE: DeMuth- 1812044205900

Can you tell me how much the annexation fees are?

Thanks!

alison myers
broker, hybrid real estate
541-515-1751

From: Mike Miller <mike.miller@ci.florence.or.us>

Sent: Thursday, August 25, 2022 12:00 PM

To: alisonmyersrealty@gmail.com

Cc: Planning Department <PlanningDepartment@ci.florence.or.us>; Eric Rines <eric.rines@ci.florence.or.us>

Subject: RE: DeMuth- 1812044205900

Hi Alison,

The property is within 300 feet of the public sewer system and can be connected.

The cost is \$12,000 for the sewer connection and that will include the extension of the sewer line from the existing sewer at 1st Avenue/Kiwanda Street.

Since the connection will be to the City pressure sewer line, there needs to be a small package pump station for the new home. The cost of the pump station is \$7,068 (current price). This does not include the electrical or plumbing costs necessary to connect the pump station to the proposed sewer line.

In addition, there is a sewer System Development Charge that will need to be paid. Not knowing how large of a home that is being proposed, the full sewer SDC is \$5,506.52. The City is providing an

exemption based on square footage of the home, so having the proposed square footage of the home would be helpful to provide a better estimate of the costs.

Also, since this would be new construction, the property would also be subject to our Stormwater and Transportation SDC's. Again, these can be reduced depending on the size of the proposed home. Currently the full Stormwater and Transportation SDC's are \$2,532.62 (Stormwater) and \$1,063.29 (Transportation).

Water would be provided by the Heceta Water PUD and they have their own fees.

To recap:

Yes, the City can provide sanitary sewer service to the property.

Costs:

Connection to pressure sewer	\$12,000 (the City will provide the line from the pressure line to the SAM-8 location)
SAM-8 pump station	\$7,068 (current price as of today)
Wastewater SDC	\$5,506.52 (can be reduced depending on size of home)
Stormwater SDC	\$2,532.62 (can be reduced depending on size of home)
Transportation SDC	\$1,063.29 (can be reduced depending on size of home)
Total costs	\$28,170.43

Finally, since this property is in the UGB (Urban Growth Boundary), it will need to be annexed in order for the City to provide service.

Thank you,

Mike

Mike Miller

Public Works Director

mike.miller@ci.florence.or.us

(541) 997-4106

Mailing Address:

City of Florence
250 Hwy 101
Florence, OR 97439

Physical Address:

2675 Kingwood Street
Florence, OR 97439

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From: alisonmyersrealty@gmail.com <alisonmyersrealty@gmail.com>

Sent: Saturday, August 20, 2022 12:58 PM

To: Eric Rines <eric.rines@ci.florence.or.us>; Mike Miller <mike.miller@ci.florence.or.us>

Cc: Planning Department <PlanningDepartment@ci.florence.or.us>

Subject: RE: DeMuth- 1812044205900

Hello,

I just wanted to check in on this...

Thanks,
Alison

alison myers
broker, hybrid real estate
541-515-1751

From: Eric Rines <eric.rines@ci.florence.or.us>

Sent: Tuesday, August 16, 2022 7:21 AM

To: Mike Miller <mike.miller@ci.florence.or.us>

Cc: alisonmyersrealty@gmail.com; Planning Department <PlanningDepartment@ci.florence.or.us>

Subject: FW: DeMuth- 1812044205900

Good morning Mike,

I believe this one is for you.

I measured the property distance in the jpg above to save you a little time.

Eric



Eric Rines

Senior Building Analyst

City of Florence Building Department

Phone: (541) 997-2141 Ext. 1



Email: eric.rines@ci.florence.or.us

250 Highway 101, Florence, OR 97439

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From: alisonmyersrealty@gmail.com <alisonmyersrealty@gmail.com>

Sent: Monday, August 15, 2022 5:52 PM

To: Planning Department <PlanningDepartment@ci.florence.or.us>

Cc: alisonmyersrealty@gmail.com

Subject: re: DeMuth- 1812044205900

Hello,

I spoke with Sharon today and she suggested I email my questions.

I went to the county today to see if this was a buildable lot and what requirements would be for septic etc. They told me I needed to check with the city to see if there were services within 300 ft and if city hookups would be required. I don't have that form attached, but will send it in the next couple days.

Can you tell me if the owner would be required to hook up to city sewer, or if they are eligible for septic?

If they are required to hook up to sewer, are there any exemptions that would allow them to hook up to septic if they wanted?

What are estimated (rough range is ok) to hook up to city including SDC charges and annexation charges?

The attached property just sold on 1st- are they hooking up to city services?

Any info you can provide as to what would be required would be greatly appreciated.

Thanks,
Alison

alison myers
broker, hybrid real estate
541-515-1751

