

**CITY OF FLORENCE  
PLANNING COMMISSION  
(PROPOSED) RESOLUTION PC 22 14 ZC 02**

**A RESOLUTION RECOMMENDING APPROVAL OF MEDIUM DENSITY RESIDENTIAL ZONING TO ASSESSOR'S MAP 18-12-14-44 TAX LOT 04101, 88265 RHODODENDRON DRIVE, CONTAINING APPROXIMATELY 2.6 ACRES AS PART OF A PROPOSED ANNEXATION, TO THE FLORENCE CITY COUNCIL.**

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

**WHEREAS**, the Planning Commission met in a public hearing on November 8, 2022 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 Florence Realization 2020 Comprehensive Plan, the City's acknowledged Comprehensive Plan, and adopted Findings of Fact in support of the zoning assignment; and

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission recommends assigning zoning of Medium Density Residential to Assessor's Map 18-12-14-44 Tax Lot 04101, containing approximately 2.6 acres, as presented in Exhibit A, and based on the Findings of Fact in Exhibit B.

**APPROVED BY THE FLORENCE PLANNING COMMISSION** this 8th day of November 2022.

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Sandra Young, Chairperson  
Florence Planning Commission

**CITY OF FLORENCE  
PLANNING COMMISSION  
(PROPOSED) RESOLUTION PC 22 13 ANN 02**

**A RESOLUTION RECOMMENDING APPROVAL TO THE FLORENCE CITY COUNCIL OF ANNEXATION OF PROPERTY WITHIN THE UGB, ASSESSOR'S MAP 18-12-04-44 TAX LOT 04104 CONTAINING APPROXIMATELY 2.60 ACRES.**

**WHEREAS**, the owners initiated the annexation with 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 more than half of 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 November 8, 2022, 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 Florence 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 Florence Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes (Exhibit B).

**APPROVED BY THE FLORENCE PLANNING COMMISSION** this 8th day of November 2022.

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Sandra Young, Chairperson  
Florence Planning Commission

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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO: 5**

Meeting Date: November 8, 2022

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**ITEM TITLE:** Resolutions PC 22 13 ANN 02 & PC 22 14 ZC 02  
Heceta Investments, LLC Annexation and Zone Assignment

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**OVERVIEW:**

Application: The petitioners request annexation and zone assignment to Medium Density of approximately 2.6-acres of property described as Assessor's Map 18-12-04-44, Tax Lot 04101 at 88265 Rhododendron Dr. The property is located approximately 739 feet SW of the intersection at Heceta Beach Rd and Rhododendron Dr. The applicant is requesting annexation into the City of Florence for future residential development and connect this development to city sewer services. Sewer services are available in Rhododendron Drive to provide services to properties along the roadway as they annex.

After the applications were received, the petitioners' property was cleared and Lane County permitted (and inspected) the removal of structures and capping of the septic system. The property is proposed to receive an assignment of Medium Density Residential

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 November 8, 2022. The Planning Commission will deliberate and forward their recommendation to the City Council either on that date, or 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.

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**ISSUES/DECISION POINTS:** None

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**ALTERNATIVES:** 1. Recommend approval of the annexation and zoning assignment by approving Resolutions PC 22 13 ANN 02 & PC 22 14 ZC 02 as presented or with modifications, or.

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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 statutes 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.

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**AIS PREPARED BY:**

Roxanne Johnston, Planner

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**ATTACHMENTS:**

Resolution PC 22 13 ANN 02 — Annexation Request

Exhibit A	Preliminary Annexation Map & Description
Exhibit B	Findings of Fact
Exhibit C	Application and Petitions
Exhibit D	Vicinity Map
Exhibit E	Referral by Lane County
Exhibit F	Site Conditions Email

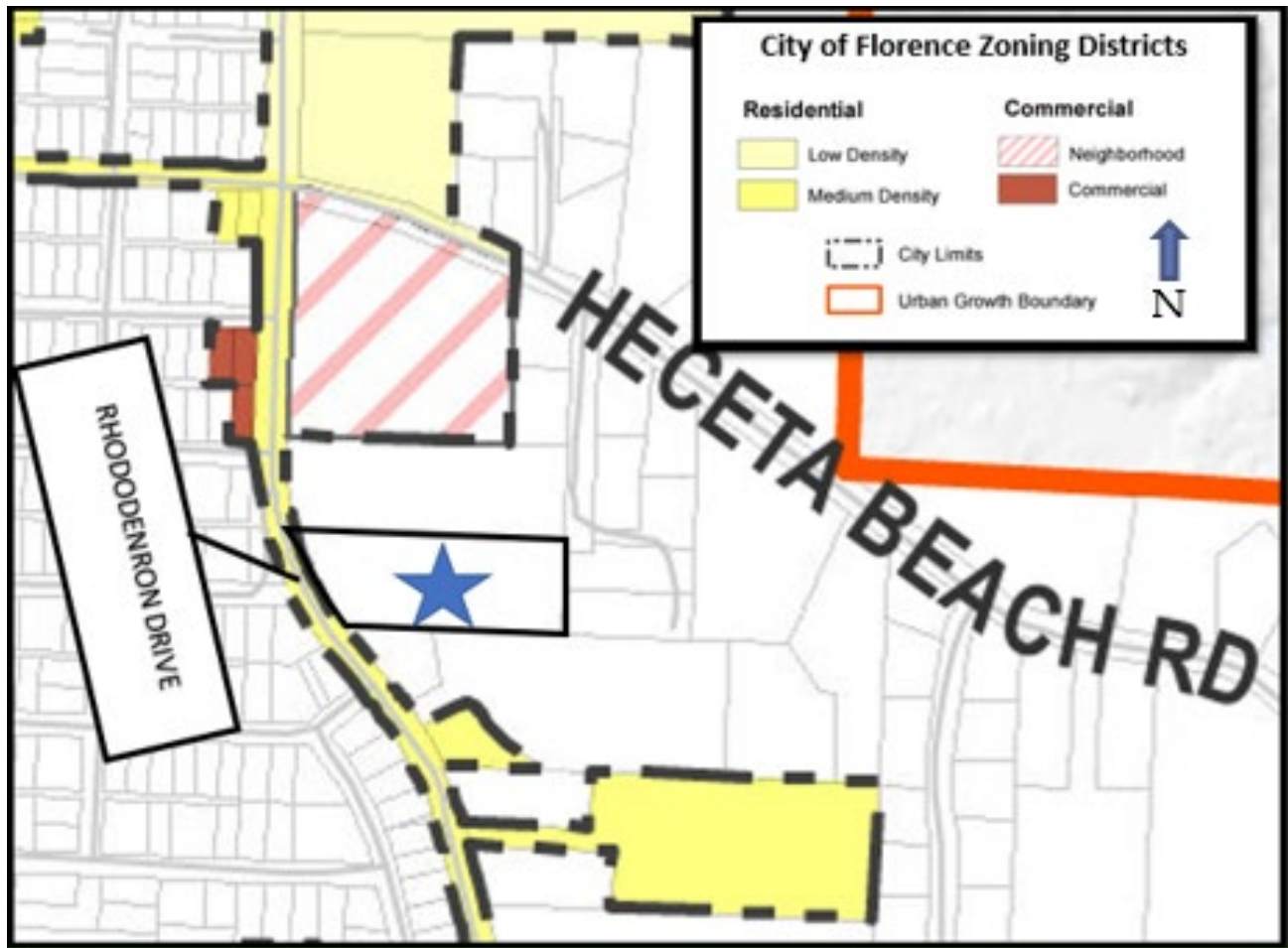
Resolution PC 22 14 ZC 02 — Zone Assignment Application

Exhibit A	Preliminary Rezoning Map
Exhibit B	Findings of Fact

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## REZONING MAP



**Proposal:** Rezone a 2.6-acre parcel as shown on the map (above), from Lane County Suburban Residential/Mobile Home (RA/MH) zoning district with an Interim Urban Combining (U) District (white lot, blue star), to the City of Florence, Medium Density Residential (MDR) zoning district (darker yellow).

**Location:** 88265 Rhododendron Drive, Florence, Oregon  
Assessor's Map No. 18-12-04-44 , Tax Lot 04101

## Property Legal Description

Beginning at a point which is on the Easterly right of way of Rhododendron Drive and being North 911.70 feet and West 1102.85 feet from the Southeast corner of Section 4, Township 18 South, Range 12 West of the Willamette Meridian; run thence South 89° 23' 40" East 484.41 feet; thence North 0° 01' 15" East 207.01 feet; thence North 89° 23' 40" West 589.33 feet to said right of way line; thence along said right of way line on a 686.20 foot radius curve left (the chord of which bears South 26° 44' 08" East 233.03 feet) to the point of beginning, in Lane County, Oregon.

## ANNEXATION MAP



**Proposal:** Annex a 2.6-acre parcel shown on the map (blue star), from Lane County to the City of Florence and assign the Medium Density Residential zoning district to the annexed parcel.

**Location:** 88265 Rhododendron Drive, Florence, Oregon  
Assessor Map No. 18-12-04-44 and Tax Lot 04101

## Property Legal Description

Beginning at a point which is on the Easterly right of way of Rhododendron Drive and being North 911.70 feet and West 1102.85 feet from the Southeast corner of Section 4, Township 18 South, Range 12 West of the Willamette Meridian; run thence South 89° 23' 40" East 484.41 feet; thence North 0° 01' 15" East 207.01 feet; thence North 89° 23' 40" West 589.33 feet to said right of way line; thence along said right of way line on a 686.20 foot radius curve left (the chord of which bears South 26° 44' 08" East 233.03 feet) to the point of beginning, in Lane County, Oregon.

**FINDINGS OF FACT (PROPOSED)**  
**FLORENCE PLANNING COMMISSION**  
**Exhibit “A”**

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**Public Hearing Date:** November 8, 2022      **Planner:** Roxanne Johnston  
**Date of Report:** November 3, 2022  
**Applications:** PC 22 13 ANN 02      Annexation- Heceta Investments, LLC  
PC 22 14 ZC 02      Zoning – Heceta Investments, LLC

**I. PROPOSAL DESCRIPTION**

**Proposal:** Annexation  
A request for the City of Florence to annex a 2.60 - acre property from Lane County into the City.

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

**Petitioner/Property Owner:** Alan Smoke and Greg Johnson, representing Heceta Investments, LLC.

**Associated Property:** Assessor’s Map 18-12-04-44, Tax Lot 04101

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

**Surrounding Land Use / Zoning:**

**Site:** Vacant | Suburban Residential /Mobile Home District; (Interim Urban Combining District Overlay)  
**North:** Storage shed | Suburban Residential /Mobile Home District (Interim Urban Combining District Overlay)  
**South:** Single-family residences | Suburban Residential /Mobile Home District (Interim Urban Combining District Overlay)  
**East:** Single-family residences & vacant | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)  
**West:** Single-family residences | Suburban Residential / Mobile Home District (Interim Urban Combining District Overlay)

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

**II. NARRATIVE**

The applicants have petitioned for the annexation of a 2.6-acre vacant property from Lane County jurisdiction to City of Florence jurisdiction. The property was recently cleared, and the applicants/petitioners received a permit for removing the former residential single-wide

manufactured home and accessory use buildings. Additionally, they received permits for capping off the septic system. These activities are explained in Exhibit F. Although not a condition of this request, the applicants explain in their application (Exhibit C) that in the future, they want to create lots there for single-family development. The subject property is located within an area where homes are primarily located on medium-sized to large-sized tracts of property outside of the City limits.

The property abuts City limits along its most western boundary where it adjoins the Rhododendron St. right-of-way. A petition for annexation and a legal property description and map conforming to the requirements of ORS 308.225 were received with the application on July 7, 2022. After receiving an updated property deed, the application was deemed complete on September 23, 2022.

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 two property owners who make up the Heceta Investments, LLC company, and will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). No residents nor electors live on the property. Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV legislative application which means that the Planning Commission will make a recommendation to the City Council and the City Council will make the final decision in this legislative matter.

The zoning assignment procedure applies to the 2.6-acre property only, as the Rhododendron right-of-way is already annexed into City limits, under City maintenance jurisdiction, and zoned. In accordance with 10-1-1-5 B, the two actions (the annexation and zoning designation), will be processed through consolidated proceedings.

The property is currently served by Heceta Water PUD and within the Siuslaw Rural Fire Protection District. The property will continue to be served by all districts by which it is currently served. After annexation, the property will receive City sewer services and police protection.

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### **III. PUBLIC NOTICE**

Notice of the Planning Commission’s public hearing was mailed on October 19, 2022, to property owners within 300 feet of the proposed annexation area. On October 19, 2022, notices were posted at Florence City Hall, the Florence Post Office, Florence Justice Center, and the Siuslaw Public Library and signage posted on the property site. Notice was published in the Siuslaw News on October 19, 2022.

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on October 4, 2022, not less than 35 days prior to the proposed first evidentiary hearing of November 8, 2022, as required by State law and the Florence City Code.

#### **Public Comments:**



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

#### **IV. REFERRALS**

On October 14, 2022, referrals were sent to Florence Public Works (Utilities and Airport), Building, and Police Departments; Lane County, Charter Communications; Century Link; Central Lincoln PUD; and Heceta Water PUD.

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

At the time of this report, Lane County Public Works is the only agency who provided a referral comment on these applications, as shown in Exhibit E:

*After review – Lane County has no comment on this proposal. The development takes access off Rhododendron Rd, a section that's under the City's jurisdiction. The closest county facility is Agate St, and at this point we have no concerns with the function of the intersection in relation to a 15 single family home lot development. However, Lane County transportation may have concerns in the future with the intersection's level of service if more development is planning to occur.*

#### **V. APPLICABLE REVIEW CRITERIA**

##### Annexation

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

222.111; 222.120; 222.125; and 222.170 (2)

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

1: Citizen Involvement, Policy 4

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

14: Urbanization, Policies 1 and 3 through 7

##### Zoning Assignment

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

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

##### **Florence City Code (FCC)**

##### **Title 10: Zoning Regulations**

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

Chapter 10: Residential Districts, Section 1

##### **Oregon Land Use Planning Goals**

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

## VI. FINDINGS OF FACT

The following Findings support Resolution Nos. PC 22 13 ANN 02 & PC 22 14 ZC 02 and address approval criteria within the Florence Realization 2020 Comprehensive Plan, Florence City Code, and State Statutes.

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

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### FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

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#### Chapter 1: Citizen Involvement

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##### Policies

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

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

Florence Planning Commission meetings occur in person and virtually via video conference call. The public could attend the meeting and provide verbal testimony during the public hearing in person, via the internet, or via a landline phone. Those wishing to simply attend the hearing could 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 November 8, 2022. 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 November 8, 2022.

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#### Chapter 2: Land Use

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##### 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 (actually, with regard to the City's sewer system, in excess) to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

7. **“The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.”**

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, as discussed above, has an excess in sewerage system capacity to serve the area without affecting service to existing City residents. This is consistent with the direction in Policy 7, above. Previous Public Works testimony also provided information on water service and how City service is available in the event Heceta Water is unable to serve them.

## **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.**

Currently, this formerly developed property is zoned Suburban Residential/Mobile Home District by Lane County. The implementing City zoning for this area which is plan designated Medium Density is Medium Density Residential. As such, the proposed Medium Density Residential zoning is consistent with the City of Florence zoning of properties located approximately 500 feet of the subject property. This includes a 0.46 acre lot located approximately 285 feet SE of the subject property (Assessor's Map 18-12-04-44, Lot 04003) which contains a residence, and a 4.54-acre lot located approximately 500 feet SE of the subject property which received residential subdivision-related variances from the Planning Commission within this past year.

In addition to single-family detached dwellings and accessory structures, the proposed zoning allows for duplex/dwellings, and the placement of a manufactured homes on the subject acreage. Single-family attached dwellings would be allowed through a Type II Site Review per FCC Title 10, Chapter 10, Table 10-10-2-A which further demonstrates the flexibility for increased density options. Additionally, accessory dwelling units (ADU) could be allowed

through Type 1 permit approvals. These uses are also reflected in these Findings, below. Florence City Code therefore implements this policy and provides the framework for future residential development of this property.

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

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

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

Currently, this property is zoned Suburban Residential/Mobile Home by Lane County, is within the Urban Growth Boundary, was formerly developed as residential. The Florence Realization 2020 Comprehensive Plan projected zoning for this property is Medium Density Residential. Any future development will be in accordance with the approved zoning district and Policy 10 of the Florence Realization 2020 Comprehensive Plan.

### **Medium Density Residential**

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

The applicant has proposed the annexation and zone assignment of Medium Density Residential in concert with the Florence Realization 2020 Comprehensive Plan. The property contains 2.6 acres, which is the equivalent to 113,256 square feet. This property meets the requirements of this zoning such as minimum lot size and width, therefore allowing for single-family, detached, and duet, as outlined in FCC Title 10 Chapter 10. Once annexed, the applicant proposes to construct multiple residences on the property. Future development will require additional Land Use application reviews in line with Florence City Codes, including individual future lot sizes within the subject property as the property will need to be formally

subdivided to begin realizing the goal of supporting the projected density. Although not proposed with this application, accessory dwelling units could also be allowable per FCC Title 10-10-6.

## **Chapter 12: Transportation**

- 8. The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques. •**
  - Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility.**

The functional classification of Rhododendron Drive as an arterial street will not change with the annexation of this property or when residential re-development of the property is proposed in the future. The zoning is changing from the Lane County Suburban Residential/Mobile Home by Lane County, with an urban overlay district and is within the Urban Growth Boundary, with the new zoning district to the City of Florence to be Medium Density Residential. The current County zoning is similar to the proposed City zoning district. The new zone allows development of residential and their accessory uses on both small and large tracts of land. Anticipated growth rates were factored in the contents of the Florence Realization 2020 Comprehensive Plan and Rhododendron is expected to handle additional traffic (upon subsequent traffic impact studies depending on the development) as out lined in the Transportation System Plan (TSP), a component of the Comp Plan. In the event development exceeds any anticipated development projections in the TSP, 3a of OAR 660-012-0060 offers relief of the requirement if the roadways were not adequate to achieve consistency by the end of the planning period in the adopted TSP, which is 2037.

As explained elsewhere, although Lane County Public Works submitted a referral (Exhibit E) concerning future traffic concerns regarding area development as a whole, Lane County is not concerned with the ability of Rhododendron Drive supporting the proposed development. Again, proposed development is not a criterion for approving an annexation and zoning change:

*After review – Lane County has no comment on this proposal. The development takes access off Rhododendron Rd, a section that's under the City's jurisdiction. The closest county facility is Agate St, and at this point we have no concerns with the function of the intersection in relation to a 15 single family home lot development. However, Lane County transportation may have concerns in the future with the intersection's level of service if more development is planning to occur.*

This criterion is met.

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## **Chapter 14: Urbanization**

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### **Goal**

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

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

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

**Annexation Policies**

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

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

The City of Florence has utilized for this proposed annexation a method allowable by state law that requires a majority of consents and did not utilize an “island annexation” because the territory to be annexed is contiguous with the Florence city limits located along Rhododendron Dr. This policy criterion is met.

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

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

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

Sewer: The existing septic system has been capped off and inspected (Exhibit F), The Florence Public Works Department previously evaluated the impact of the possible future

residential development in the Rhododendron Drive area and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed uses without negatively affecting existing customers. Currently the wastewater treatment plant has an excess capacity of .55 million gallons daily. This information is evidenced in earlier, yet recent, numerous annexation requests within the past two years.

Water: The property is served by a connection to Heceta Water People's Utility District services within the Rhododendron Dr. right-of-way. The nearest fire hydrant to the property is on the west side of Rhododendron St., between Arago St. and Heceta St.

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

Streets: The property will be accessed via Rhododendron Drive, which has been annexed into the City. Within the last year, the County Commissioners approved to turn over the street's jurisdiction and maintenance responsibilities to the City at the City's request. The existing and any future usage (vehicular trips) made available by annexation and zone change can be accommodated by the surrounding street availability. Vehicular and pedestrian improvements to the adjacent streets will be accomplished in conjunction with improvements to the property.

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

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

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

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

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

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

**c) consistency with state law.**

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

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

Staff sent referral requests to Lane County on October 14, 2022. No comments were received back by this agency.

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

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

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

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

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**OREGON REVISED STATUTES**

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

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

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



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

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

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

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

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

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

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

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

The City received written consent from the sole owners within the proposed annexation area (Exhibit C), as allowed in ORS 222.170; and no electors reside on the property, therefore, an election is not required.

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

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

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

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

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

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

The Planning Commission public hearing was noticed as required by Florence City Code. Notice of the public hearing was published in the Siuslaw News on October 19. Notices were posted in four public places: Florence City Hall, Justice Center, Siuslaw Public Library, and Post Office on October 19, 2022. Noticing for the City Council public hearing—the City legislative body—will also be published in the Siuslaw News on two dates prior to that hearing.

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

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

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

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

The proposed annexation is contiguous to the City limits on the western side property line where the property meets the Rhododendron Drive right-of-way. Subsection “b” above is met. No finding related to this application was issued by the Department of Human Services. The City received a signed petition (Exhibit C) requesting annexation from a majority of the property owners and no electors reside on-site in accordance with ORS 222.125. This criterion 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.**

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

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

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

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

The written consent from the property owners were received by the City on a petition requesting annexation to the City, (Exhibit C).

**ORS 222.125      Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land**

in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

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

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

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

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

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

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

There are no electors within the proposed annexation area as there are no residents. Heceta Investments, LLC, owned by Greg Johnson and Alan Smoke, are the property owners and represented for the LLC, Criteria not applicable.

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

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

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

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

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

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**FLORENCE CITY CODE**

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

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**10-1-1-4: APPLICATION:**

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- C. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:**
  - 1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**
  - 2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**
  - 3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**
  - 4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**
  - 5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.**
  - 6. Shall be accompanied by any other information deemed necessary by the City Planning Department.**
  - 7. Shall be accompanied by the required, non-refundable fee.**

The applicant provided a petition and application on the requisite forms, via the required method with the required fee. The application was deemed complete within 30 days of the receipt of the application. These criteria are met.

#### **10-1-1-5: GENERAL PROVISIONS**

- A. 120-Day Rule:** The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)
- B. Consolidation of proceedings:** When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
  - 1.** If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
  - 2.** When proceedings are consolidated:
    - a.** The notice shall identify each application to be decided
    - b.** The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.

The application has applied for annexation with an associated zone change. These proceedings have been consolidated. The Type IV annexation must be processed first, and the zoning applied second. The hearings process will be accomplished within the timeline specified. These criteria are met.

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

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

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

- 1.** At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the

case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

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

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

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

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

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

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

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

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

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

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

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

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

**regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).**

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

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

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

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

On November 8, 2022, the Planning Commission is duly scheduled to hold 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 and support the Florence Realization 2020 Comprehensive Plan and

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

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

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

The subject property's defining use is vacant currently. The applicant has received demolition permit from Lane County to remove existing structures, and has also cleared the property (Exhibit F). The proposed Medium Density Residential zoning is appropriate as it corresponds to the existing surrounding development pattern and comprehensive plan designation (Medium Density) assigned to the single-family residences in this area. No specific code criteria are applicable under this chapter for the annexation or zoning proposal.

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

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

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



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

[...]

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

[...]

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

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

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

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 2.60-acre property creates a positive impact on the supply of residential land base as the density can be increased by allowing for conversion to a duplex, subdivision/lot splitting to allow for duet or townhome and simply offering the opportunity to add accessory dwelling unit to lots with primary residential structures. Furthermore, a zoning of Medium Designation will provide the opportunity to develop this property to its highest and best potential as the applicant intent is to subdivide the property and develop multiple residential lots on the property once annexed (Exhibit C).

## **B. IMPLEMENTATION**

**5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition**

**techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.**

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

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## **VII. CONCLUSION AND RECOMMENDATION**

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

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## **VIII. ATTACHMENTS**

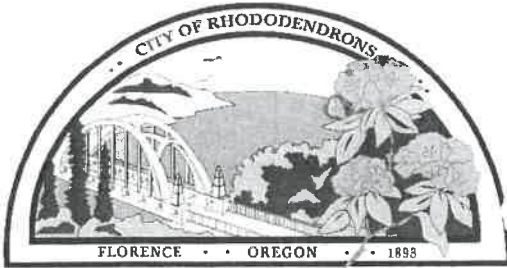
### **Resolution PC 22 13 ANN 02**

Exhibit A	Findings of Fact
Exhibit B	Prelim. Annexation Map & Legal Description
Exhibit C	Petition for Annexation
Exhibit D	Vicinity Map
Exhibit E	Referral by Lane County
Exhibit F	Site Conditions Email

### **Resolution PC 22 14 ZC 02**

Exhibit A	Findings of Fact
Exhibit B	Prelim. Rezoning Map

# Exhibit C



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

PC 2213 ANN 02  
PC 2214 ZC 02  
CC 2201 ANN 02  
CC 2205 ZC 02

## Type of Request

☐ Type I ☐ Type II ☒ Type III ☒ Type IV **THIS SECTION FOR OFFICE USE ONLY**  
Proposal: \_\_\_\_\_

## Applicant Information

Name: Alan Smoke Phone 1: [REDACTED]  
E-mail Address: [REDACTED] Phone 2: \_\_\_\_\_  
Address: [REDACTED]  
Signature: Alan Smoke Date: 7-7-22  
Applicant's Representative (if any): \_\_\_\_\_

## Property Owner Information

Name: Morning Fire Properties, LLC Phone 1: Same  
E-mail Address: Same Phone 2: \_\_\_\_\_  
Address: Same  
Signature: Alan Smoke Date: 7-7-22  
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:



Approved

Exhibit

### Property Description

Site Address: 88265 Rhododendron Dr Florence, OR 97439

General Description: See Attached

Assessor's Map No.: 18 - 12 - 04 - 44 Tax lot(s): 4101

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: 900 x 15 Square feet of existing: 0

Hours of operation: None Existing parking spaces: None

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

Timetable of proposed improvements: First homes within 2 year All by 3 years

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

If yes, please describe: Additional population and traffic

Normal construction processes.

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

Development of 15 lots with single family homes. See attached for tentative lot plan.

### For Office Use Only:

Date Submitted: 7/7/22 Fee: \_\_\_\_\_

Received by: [Signature]

Paid

ANNEXATION ZONING REQUEST

to the

City of Florence, Oregon

The undersigned hereby requests for the area described below to be annexed to the City of Florence with a zoning assignment of Medium Density Residential. 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.

Assessors Map Reference and Tax Lot: 18-12-04-44; Tax lot 4101

Property Address (if appropriate): 88265 Rhododendron Dr, Florence, OR 97439

Property Owner /Electors Name(s):

Alan Smoke

Greg Johnson

Signature(s):

Alan Smoke

Date:

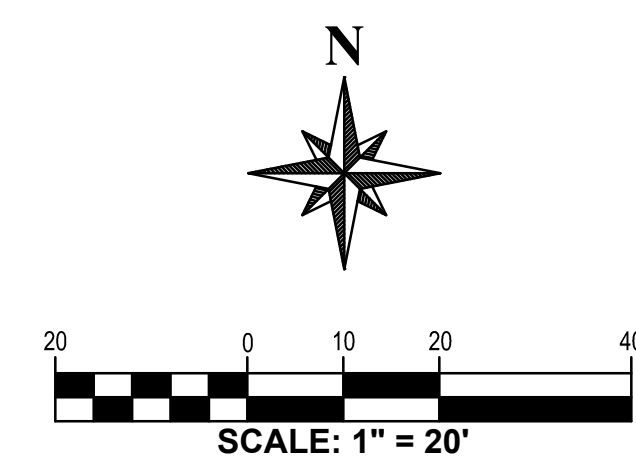
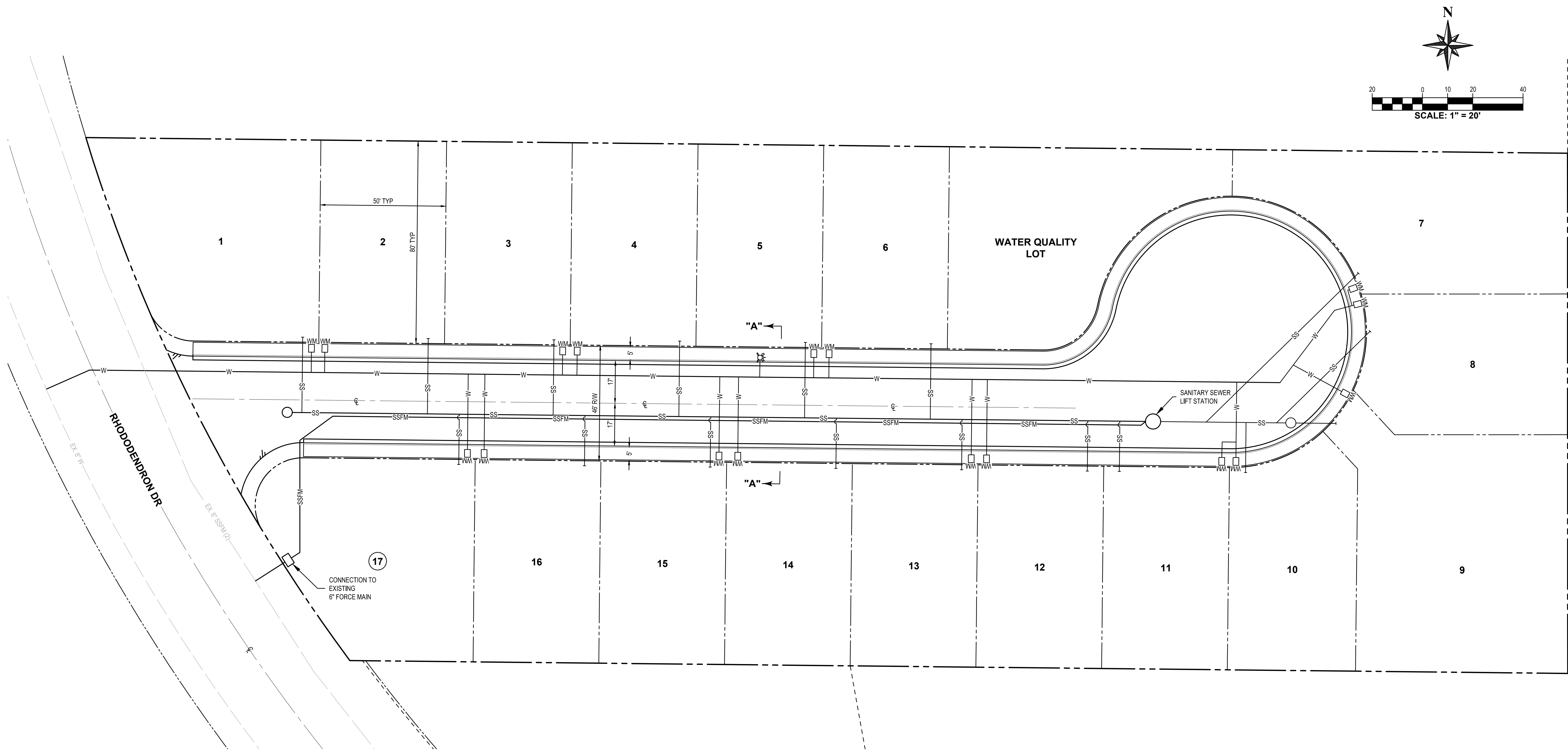
8-25-22

Greg Johnson

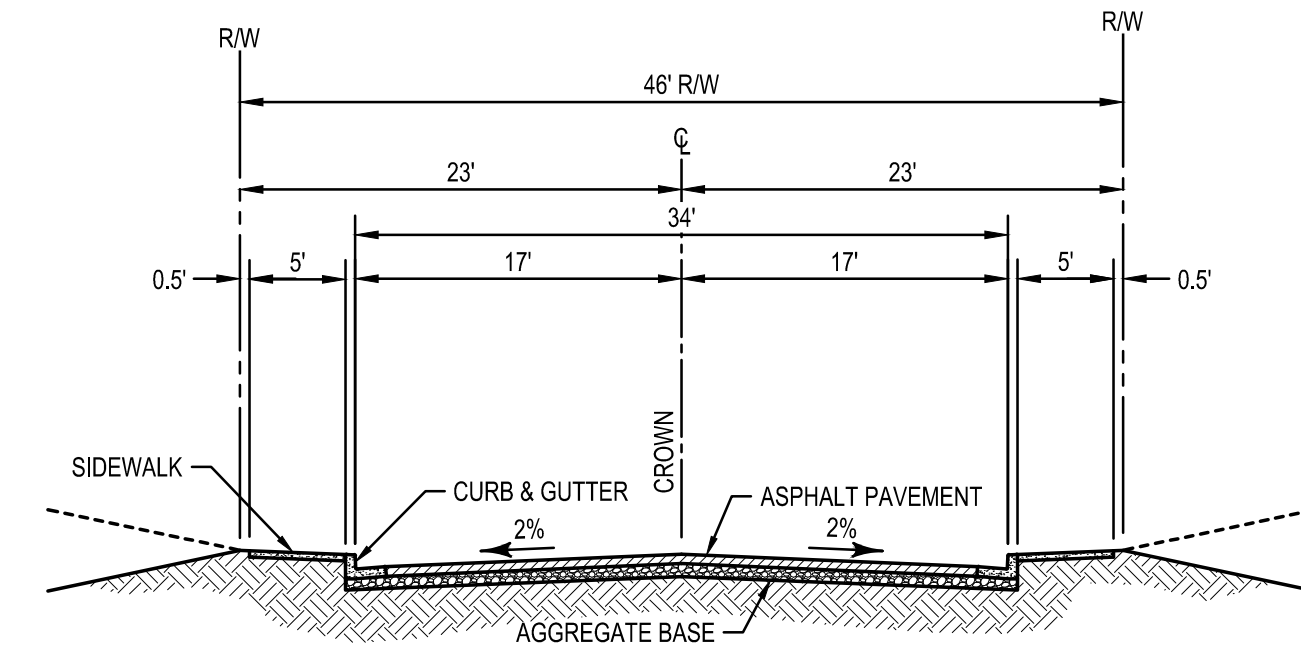
Date:

08/29/2022






**HECETA HEIGHTS SUBDIVISION**  
**SCALE: 1" = 20'**



2  
1 SECTION "A-A": STREET CROSS SECTION NTS

## Vicinity Map



**Proposal:** Annex a 2.6-acre parcel shown on the map (above) from Lane County to the City of Florence and assign the Medium Density Residential district to the annexed property.

**Location:** 88265 Rhododendron Dr., Florence, Oregon  
Assessor Map No. 18-12-04-44 and Tax Lot 04101

# Exhibit E

**From:** [Sharon Barker](#)  
**To:** [Roxanne Johnston](#)  
**Subject:** FW: Notice of Land Use Hearing  
**Date:** Wednesday, November 2, 2022 12:50:59 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello,

I am not sure if this was forwarded to you, so if this is a duplicated, sorry.  
Thank you  
Sharon

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**From:** LENZEN-HAMMEREL Alycia B <[Alycia.LENZEN-HAMMEREL@lanecountyor.gov](mailto:Alycia.LENZEN-HAMMEREL@lanecountyor.gov)>  
**Sent:** Monday, October 31, 2022 3:52 PM  
**To:** Sharon Barker <[sharon.barker@ci.florence.or.us](mailto:sharon.barker@ci.florence.or.us)>  
**Cc:** VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>  
**Subject:** RE: Notice of Land Use Hearing

Hi Sharon,

After review – Lane County has no comment on this proposal. The development takes access off Rhododendron Rd, a section that's under the City's jurisdiction. The closest county facility is Agate St, and at this point we have no concerns with the function of the intersection in relation to a 15 single family home lot development. However, Lane County transportation may have concerns in the future with the intersection's level of service if more development is planning to occur.

Thanks,

Alycia

**Alycia Lenzen-Hammerel, LSIT**  
Engineering Associate  
Transportation Engineering Services  
Lane County Public Works  
3040 N Delta Hwy, Eugene, OR 97408  
Office: 541.682.6955



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**From:** Sharon Barker <[sharon.barker@ci.florence.or.us](mailto:sharon.barker@ci.florence.or.us)>  
**Sent:** Friday, October 28, 2022 2:18 PM  
**To:** LENZEN-HAMMEREL Alycia B <[Alycia.LENZEN-HAMMEREL@lanecountyor.gov](mailto:Alycia.LENZEN-HAMMEREL@lanecountyor.gov)>  
**Cc:** VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>  
**Subject:** Re: Notice of Land Use Hearing

**EXTERNAL**

Hello Alycia;

Thank you for your email, please respond by November 1, 2022 so that we can include your comment in the staff report.

Thank you,

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**From:** LENZEN-HAMMEREL Alycia B <[Alycia.LENZEN-HAMMEREL@lanecountyor.gov](mailto:Alycia.LENZEN-HAMMEREL@lanecountyor.gov)>  
**Sent:** Thursday, October 27, 2022 3:58:52 PM  
**To:** Sharon Barker  
**Cc:** VARTANIAN Sasha L  
**Subject:** RE: Notice of Land Use Hearing

Hi Sharon,

Lane County Transportation Planning received this invite for the opportunity to comment on this proposal. I see that the hearing is on the 8<sup>th</sup> – but what day would you like comment by? Also do we send comments to you or another planner?

Let me know when you can, thanks!

Alycia

**Alycia Lenzen-Hammerel, LSIT**  
Engineering Associate



Transportation Engineering Services  
Lane County Public Works  
3040 N Delta Hwy, Eugene, OR 97408  
Office: 541.682.6955



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**From:** VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>  
**Sent:** Friday, October 14, 2022 8:38 AM  
**To:** LENZEN-HAMMEREL Alycia B <[Alycia.LENZEN-HAMMEREL@lanecountyor.gov](mailto:Alycia.LENZEN-HAMMEREL@lanecountyor.gov)>  
**Subject:** Fwd: Notice of Land Use Hearing

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**From:** Sharon Barker <[sharon.barker@ci.florence.or.us](mailto:sharon.barker@ci.florence.or.us)>  
**Sent:** Friday, October 14, 2022 8:02:28 AM  
**To:** [c.neville@hwpud.com](mailto:c.neville@hwpud.com) <[c.neville@hwpud.com](mailto:c.neville@hwpud.com)>; [mwagoneer@cencoast.com](mailto:mwagoneer@cencoast.com) <[mwagoneer@cencoast.com](mailto:mwagoneer@cencoast.com)>; [joshua.lightner@charter.com](mailto:joshua.lightner@charter.com) <[joshua.lightner@charter.com](mailto:joshua.lightner@charter.com)>; [pete@coastcom.net](mailto:pete@coastcom.net) <[pete@coastcom.net](mailto:pete@coastcom.net)>; [tiffany@oregonfast.net](mailto:tiffany@oregonfast.net) <[tiffany@oregonfast.net](mailto:tiffany@oregonfast.net)>; [centralcoastdisposal@gmail.com](mailto:centralcoastdisposal@gmail.com) <[centralcoastdisposal@gmail.com](mailto:centralcoastdisposal@gmail.com)>; [brian.enochian@wasteconnections.com](mailto:brian.enochian@wasteconnections.com) <[brian.enochian@wasteconnections.com](mailto:brian.enochian@wasteconnections.com)>; BELL Amber R <[amber.bell@lanecountyor.gov](mailto:amber.bell@lanecountyor.gov)>; VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>; Marissa Davis <[marissa.davis@ci.florence.or.us](mailto:marissa.davis@ci.florence.or.us)>; Phae Latta <[Phae.Latta@ci.florence.or.us](mailto:Phae.Latta@ci.florence.or.us)>; [shellilea.m.conley@usps.gov](mailto:shellilea.m.conley@usps.gov) <[shellilea.m.conley@usps.gov](mailto:shellilea.m.conley@usps.gov)>; [rebecca.L.Anderson2@usps.gov](mailto:rebecca.L.Anderson2@usps.gov) <[rebecca.L.Anderson2@usps.gov](mailto:rebecca.L.Anderson2@usps.gov)>; Mike Miller <[mike.miller@ci.florence.or.us](mailto:mike.miller@ci.florence.or.us)>; [chief@wlfea.org](mailto:chief@wlfea.org) <[chief@wlfea.org](mailto:chief@wlfea.org)>; [robbie@hyak.co](mailto:robbie@hyak.co) <[robbie@hyak.co](mailto:robbie@hyak.co)>; [ODOTR2PLANMGR@ODOT.STATE.OR.US](mailto:ODOTR2PLANMGR@ODOT.STATE.OR.US) <[ODOTR2PLANMGR@ODOT.STATE.OR.US](mailto:ODOTR2PLANMGR@ODOT.STATE.OR.US)>; [mwagoneer@cencoast.com](mailto:mwagoneer@cencoast.com) <[mwagoneer@cencoast.com](mailto:mwagoneer@cencoast.com)>  
**Cc:** Roxanne Johnston <[rjohnstonplanning@outlook.com](mailto:rjohnstonplanning@outlook.com)>; Wendy Farley-Campbell <[wendy.farleycampbell@ci.florence.or.us](mailto:wendy.farleycampbell@ci.florence.or.us)>; Clare Kurth <[clare.kurth@ci.florence.or.us](mailto:clare.kurth@ci.florence.or.us)>; Sharon Barker <[sharon.barker@ci.florence.or.us](mailto:sharon.barker@ci.florence.or.us)>  
**Subject:** Notice of Land Use Hearing

EXTERNAL

Good Morning,

Your agency has been selected to review this application prior to staff's administrative decision so that you may have an opportunity to respond.

**PC 22 13 ANN 02 & PC 22 14 ZC 02 – 88265 Rhododendron Dr. - Smoke- Heceta Investments, LLC Annexation and Zone Change**

Notice is hereby given that on November 8, 2022, at 5:30 p.m. in the City of Florence City Hall Council Chambers located at 250 Highway 101, the Planning Commission will deliberate petitions from Alan Smoke and Greg Johnson, for Heceta Investments, LLC to annex approximately 2.60 acres of property and apply a City of Florence zoning designation to annexed lands. The applicant's proposal consists of annexing property described as 88265 Rhododendron Drive Assessors Map No. 18-12-04-44, Tax Lot 04101 and assigning zoning of Medium Density Residential. The property is located approximately 739 feet SE of the intersection at Rhododendron Drive and Heceta Beach Rd.



Additional details, plans, and review criteria information are available on our website at <https://www.ci.florence.or.us/>

Thank you,

*Sharon R. Barker*

**Sharon R. Barker**  
Planning Technician  
City of Florence  
541-997-8237 ext 1320  
[sharon.barker@ci.florence.or.us](mailto:sharon.barker@ci.florence.or.us)  
250 Highway 101  
Florence, OR 97439

# Exhibit F

**From:** [Alan Smoke](#)  
**To:** [Roxanne Johnston](#)  
**Subject:** Re: Question about structures on Rhododendron  
**Date:** Thursday, October 20, 2022 1:32:44 PM  
**Attachments:** [image002.png](#)

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Hi Roxanne,

We cleared the entire property so it is bare ground now. We also capped the septic field. The county demo permit has been inspected and completed as well.

Thanks,  
Alan

On Wed, Oct 19, 2022 at 10:32 AM Roxanne Johnston <[johnstonplanning@outlook.com](mailto:johnstonplanning@outlook.com)> wrote:

Good morning, Alan,

It has been a while since we chatted. The County site only shows the trailer, but aren't there outbuildings? Are these structures still on the property, and if so, do you happen to know when they would be removed or even when they were last lived in? I will bet these will be questions asked during the hearings. I know we talked about this, so please excuse my memory lapse on this!

We scheduled the Planning Commission meeting for Nov. 8. And you should be getting a notice of the P & Z hearing if you haven't already gotten one.

Please feel free to let me know if you have questions.

Thanks and Best,

R



**Roxanne M. Johnston**

Johnston Planning  
Senior Consultant

(432) 213-4507 Mobile  
[johnstonplanning@outlook.com](mailto:johnstonplanning@outlook.com)

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Green Valley, AZ 85614