



City of Florence
A City in Motion

City of Florence Council Regular Session

Videoconference &
Florence City Hall
250 Hwy 101
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

February 1, 2021

AGENDA

5:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President	Sally Wantz, Council Vice-President
Bill Meyer, Councilor	Maggie Wisniewski, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired. Meeting is wheelchair accessible.

Proceedings will be shown live and for rebroadcast on Cable Channel 191 and online at www.ci.florence.or.us/citymanager/public-meetings-live and will be available after the meeting on the City's Vimeo Site.

COVID-19 UPDATE

Due to federal and state restrictions on public gatherings, the Florence City Council meetings shall be held via videoconference. Members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link <https://attendee.gotowebinar.com/register/1476607145296935948>,

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

In person attendance is not allowed at City Council meetings.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the City of Florence website at www.ci.florence.or.us/council/request-address-city-council-speakers-card.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

PUBLIC HEARING & ACTION ITEMS

Please see the end of this agenda for methods to provide comments on action items.

2. BENEDICK HOLDINGS, LLC ANNEXATION & ZONE ASSIGNMENT

A. PUBLIC HEARING ON ANNEXATION AND ZONE ASSIGNMENT

Hear and consider written and oral testimony regarding the annexation and zone assignment of 48.82 acres of property and right-of-way, including Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and Assessors Map No. 18-12-10-34 Tax Lot 801. Oceana Drive is located east of Rhododendron Drive, within the Idylewood subdivision, and the property is located south and west of Heceta Beach Road, and south of Kelsie Way and Kelsie Court within the Heceta South subdivision, and east and south of Sandrift Street, and also east of the eastern terminus of Cludcroft lane within Idylewood and Idylewood 1st and 2nd Additions.

Wendy
FarleyCampbell
Planning Director

B. BENEDICK ANNEXATION REQUEST

Consider approval of Ordinance No. 1, Series 2021, an ordinance approving the annexation of approximately 48.82 acres of property and right-of-way as applied for by Michael Farthing, on behalf of Benedick Holdings, LLC..

C. BENEDICK ZONING ASSIGNMENT

Consider approval of Ordinance No. 2, Series 2021, an ordinance establishing Low Density Residential with a Prime Wildlife Shorelands Management Unit Overlay zoning district to the properties applied for by Benedict Holdings, LLC. as part of the proposed annexation.

Wendy
FarleyCampbell
Planning Director

**** NOTE:** *Should the City receive more than 10 speaker's cards for verbal public testimony regarding the Benedick Annexation item, the City may choose to continue the public hearing until February 2, 2021 at 5:30 p.m. to consider the additional verbal testimony.*

REPORT & DISCUSSION ITEMS

3. CITY MANAGER REPORT & DISCUSSION ITEMS

- Travel Oregon Rapid Response Grant

Erin Reynolds
City Manager

4. CITY COUNCIL REPORTS & DISCUSSION ITEMS

City Council

COUNCIL CALENDAR

All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
February 2, 2021	5:30 p.m.	City Council Special Meeting <i>Benedick Annexation Public Hearing Continuation Tentative – If Necessary</i>
February 4, 2021	9:00 a.m.	City Council Special Work Session
February 10, 2021	10:00 a.m.	City Council Special Work Session
February 15, 2021	- - -	President's Day Holiday <i>City Offices Closed</i>
February 22, 2021	10:30 a.m.	City Council Work Session <i>Tentative</i>
	5:30 p.m.	City Council Meeting
February 25, 2021	9:00 a.m.	City Council Special Work Session
March 1, 2021	10:30 a.m.	City Council Work Session <i>Tentative</i>
	5:30 p.m.	City Council Meeting
March 4, 2021	9:00 a.m.	City Council Special Work Session
March 15, 2021	10:30 a.m.	City Council Work Session <i>Tentative</i>
	5:30 p.m.	City Council Meeting

UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19

Given executive orders from Governor Brown concerning COVID-19 and social distancing requirements, the City of Florence has established temporary procedures for public meetings in order to protect our volunteers, public and staff.

In person attendance is not allowed at City Council meetings.

Expressing Views to the City Council: Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

1. **Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:
 - a. Submit written comments via email to City Recorder at kelli.weese@ci.florence.or.us;
 - b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
 - c. Drop off written comments to the City of Florence drop box located at Florence City Hall (250 Hwy 101) to the right of the main entrance.

**** Note:** Written comments received at least 2 hours prior to the meeting (February 1, 2021 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.
2. **Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting via GotoWebinar. To do so, please complete a speaker's card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 1 hour prior to the meeting (February 1, 2021 at 4:30 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
 - a. **Public Comments on items not on the agenda:** General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
 - b. **Public Hearing Testimony:** Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
 - **** BENEDICK ANNEXATION NOTE:** Given the anticipated number of commenters for the Benedick Annexation & Zone Assignment public hearing, the first 10 parties who sign up to speak via a speaker's card will be assigned to speak at the Monday February 1, 2021 City Council meeting. Should the City receive more than 10 speaker's cards for the Benedick Annexation item, the City may choose to continue the public hearing until a Special City Council meeting on Tuesday February 2, 2021 to allow the additional parties to speak.
 - c. **Public Comments on Action Items:** Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

For more information on the City of Florence's Temporary Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/em/public-meeting-during-covid-19>.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: February 1, 2021
Department: Mayor & Council

ITEM TITLE: PUBLIC COMMENTS – *Items Not on the Agenda*

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: February 1, 2021

ITEM TITLE: Ordinances 1 & 2, Series 2021
Benedick Holdings LLC Annexation and Zone Assignment

OVERVIEW:

Application: The petitioner, Benedick Holdings, LLC, requests annexation of Oceana Drive east of Rhododendron Drive and Assessor’s Map Reference (MR) 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801. They have also applied for City of Florence zone assignment to Low Density Residential for all lands and a Coastal Shoreland Management Unit Overlay of Prime Wildlife for areas so designated in the comprehensive plan that are also included in the petition for annexation.

Process and Review: Annexation petitions and associated zone assignments are processes 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, newspaper and to the Department of Land and Conservation and Development for the annexation and zoning assignment processes.

The Planning Commission opened and closed the first evidentiary public hearing on November 10, 2020. At the request of a testifier and the applicant’s representative they kept the written record open for 14 days (closing Nov. 24th), and continued the meeting to December 8th when the PC deliberated and made a recommendation to City Council.

The findings of fact and application materials are attached to this AIS. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes and administrative rules believed to apply may be considered in the decision-making process. Petition/application materials, public testimony, agency referrals and research that speak to the criteria may also be considered. The findings attached to this Ordinance are slightly different from the set reviewed and made an exhibit to the PC recommendation. Modifications include updating for testimony and referral responses.

As per ORS 222.170, after a public hearing is held in accordance with ORS 222.120, properties may be annexed without an election if consent is submitted in writing before the date of the hearing from parties who represent more than half of the owners of land in the territory, who own more than half of the land in the contiguous territory and of real property therein, and who represent more than half of the assessed value of all real property in the contiguous territory. This is also called the triple majority method. In this case, 100% of the property owners owning all of the land and all of the assessed value consented to annexation prior to the Council hearing date. The proposed zone

assignment implements the Comprehensive Plan designation assigned in 2002 to these properties and right-of-way.

Testimony/Agency Referrals: Public testimony comments provided for the Planning Commission are included in Exhibit K and those for City Council in Exhibit M roughly in the order received. Agency/Utility referral comments are included in Exhibit L. A letter from the applicant to the Council about their criteria compliance is included as Exhibit N.

Testimony from the public received included comments about the wetland areas and associated habitat and flooding, stormwater drainage, conflicts with previous development promises, additional traffic on the local roads, insufficient noticing, lack of support from surrounding property owners, perceived costs and forced annexation requirements to surrounding property owners, rushed process, use of virtual rather than in-person meetings, tsunami evacuation, previous development denials by Lane County, and lack of pedestrian facilities. Many of these concerns while important are not directly applicable to processing a request for annexation and zoning property. Information, comments, and concerns, where covered by applicable criteria are addressed in the Findings of Fact. These important issues would be addressed when an application for development is proposed such as land division. This review considers criteria related to moving municipal boundary lines such as whether services are available and utility providers have the capacity.

ISSUES/DECISION POINTS: None (this is where project elements requiring interpretation would be discussed)

ALTERNATIVES:

1. Continue the public hearing or leave the written record open
2. Approve Ordinance Nos. 1 & 2, Series 2021, as presented or with modifications; or,
3. Deny the annexation and zone assignment based on the Council's findings to support denial, or
4. Approve the annexation but apply a different zoning district for the rezoning

RECOMMENDATION: Planning Commission: On December 8th, the Planning Commission recommended approval of the annexation and zone assignments as presented in Ordinances 1 & 2, Series 2021.

Staff: Concurs with the Planning Commission's recommendation.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director, AICP

ATTACHMENTS:

- **Ordinance 1, Series 2021:** Annexation Request
 - **Exhibit A:** Map of Annexation Area & Legal Description
 - **Exhibit B:** Findings of Fact
- **Ordinance No. 2, Series 2021:** Zone Assignment Application
 - **Exhibit A:** Map of Rezoning Area
 - **Exhibit B:** Findings of Fact

- **Other Attachments—**

*** Note: Exhibits C thru K were contained as part of the Planning Commission approval.*

- **Exhibit C:** 2007-2020 Annexations & DWS
(note: these are Exhibits B & C in applicant's statement of support)
- **Exhibit D:** Vicinity Map
- **Exhibit E:** Comp Plan Map
- **Exhibit F:** Zoning Map
- **Exhibit G:** Aerial Map
- **Exhibit H:** Shoreland Map
- **Exhibit I:** Application and Petition
- **Exhibit J:** Statement of Support
- **Exhibit K:** Testimony (Planning Commission Hearing)
- **Exhibit L:** Referral Comments
 - ***Note: Exhibits L1-5 were contained within the Planning Commission materials, Exhibits L6-8 are new material received since the record closed for the Planning Commission hearing.*

*** Note: Exhibits M - O are new material received since the record closed for PC's hearing.*

- **Exhibit M:** Testimony (City Council Hearing)
- **Exhibit N:** Statement of Compliance-Applicant's Letter to Council
- **Exhibit O:** Siuslaw News Articles

**CITY OF FLORENCE
ORDINANCE NO. 1 SERIES 2021**

**AN ORDINANCE APPROVING THE ANNEXATION OF ASSESSOR'S MAP 18-12-10-40,
TAX LOTS 400 AND 401 AND ASSESSOR'S MAP 18-12-10-34 TAX LOT 801, AS WELL
AS OCEANA DRIVE FROM THE CITY LIMITS IN RHODODENDRON DRIVE EAST TO TAX
LOT 400 AS PART OF A PROPOSED ANNEXATION**

RECITALS:

1. The City of Florence was petitioned by the property owner, Benedick Holdings LLC, on July 30, 2020, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The signed petition to annex was received constituting more than half of the owners of land in the territory consenting in writing to the annexation, the owners consenting to annex own more than half of the land in the contiguous territory, and the owners consenting to annex represent more than half of the assessed value of property in the territory in accordance with ORS 222.170(1);
3. The territory proposed to be annexed is within the Florence Urban Growth Boundary of the Florence Realization 2020 Comprehensive Plan and is contiguous to the City limits as required by ORS 222.111 (1).
4. The Planning Commission determined, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with Realization 2020—the city's acknowledged Comprehensive Plan—and they adopted findings of fact in support of the annexation.
5. The City Council met in a public hearing on February 1, 2021, after giving the required notice per FCC 10-1-1-6 and ORS 222.120 to consider the proposal, evidence in the record, and testimony received.
6. The City Council on February 1, 2021 found that the request met the applicable criteria and that the property could adequately be served.
7. Per FCC 10-1-2-3, the City Council may establish zoning and land use regulations that become effective on the date of the annexation, and the City Council adopted Ordinance No. 2, Series 2021 zoning the annexed property as Low Density Residential, consistent with the Florence Realization 2020 Comprehensive Plan text and map and the Florence Zoning Code.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence approves the annexation of Oceana Drive and territory owned by the petitioner into the City of Florence as described in **Exhibit A**.
2. This annexation is based on the Findings of Fact in **Exhibit B** and evidence in the record.
3. The City Recorder is hereby directed to file certified copies of this Ordinance with the Oregon Secretary of State's Office consistent with the requirements of that office 90 days prior to the general election in order for the annexation to be effective upon filing pursuant to ORS 222.040(1) and 222.180(1).
4. The City Recorder is also hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office, Lane County Chief Deputy Clerk and Oregon Department of Revenue pursuant to state law.

ADOPTION:

First Reading on the XX day of February, 2021.

Second Reading on the XX day of February, 2021.

This Ordinance is passed and adopted on the XX day of February, 2021.

Councilors:

AYES

NAYS

ABSTAIN

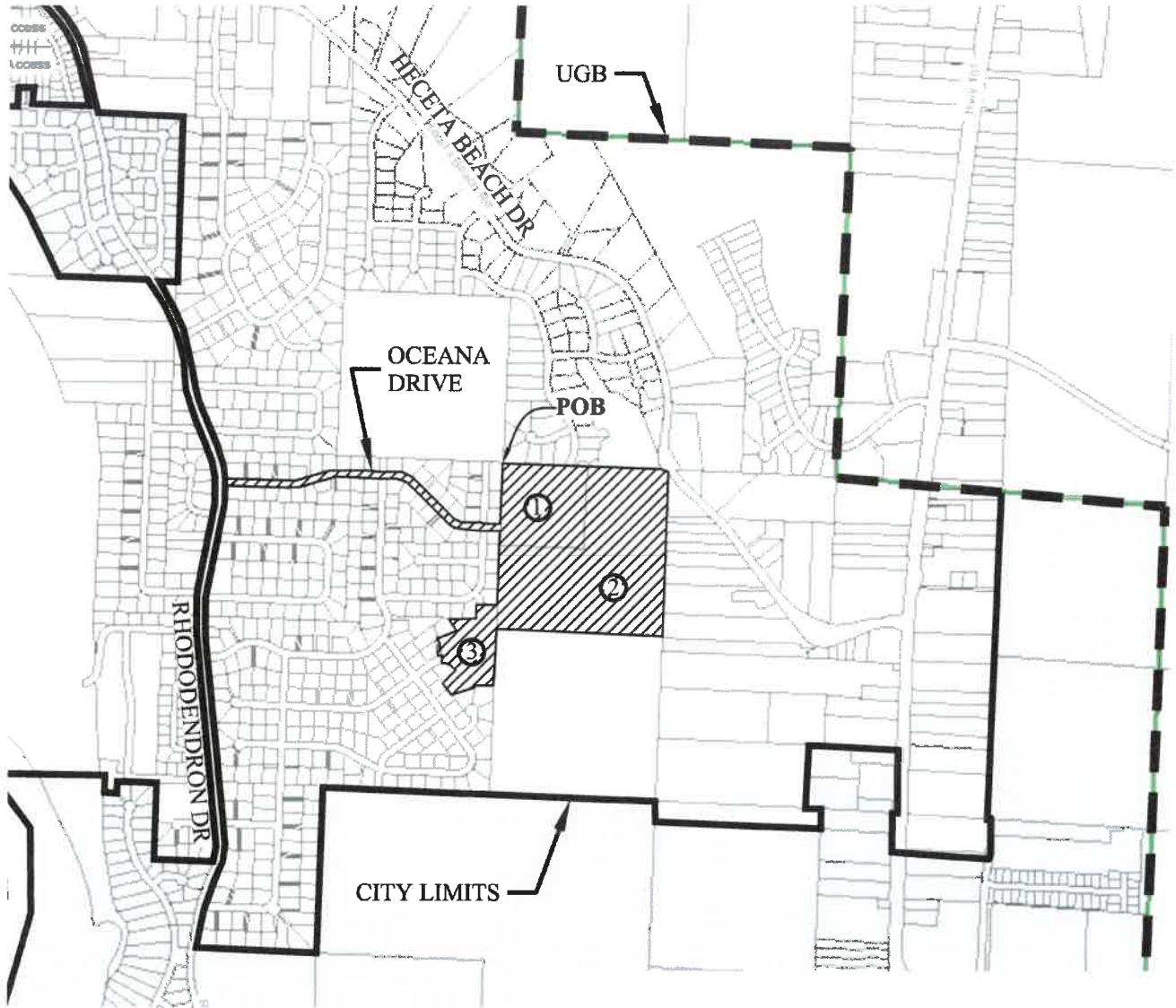
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

S:\Projects\2020\Benedick_07-0256\101\lewood 4 Add\Task 7 Annexation Application\2020 Application\2020 Annexation Exhibit 200345.dwg Mar 06, 2020 - 9:20am LAV(OUT)=2020 Annexation Exhibit



RECEIVED
City of Florence
JUL 30 2020
By: *gok*



0 1/4
SCALE: 1" = 1/4 MILE

/// ANNEXATION AREA

	TAX MAP	TAX LOT	AREA (ACRES)
①	18-12-10-40	400	10.13
②	18-12-10-40	401	30.08
③	18-12-10-34	801	5.44
OCEANA DRIVE			3.17
TOTAL AREA			48.82

EXHIBIT A
MARCH 5, 2020
PROPOSED ANNEXATION AREA
FLORENCE, OREGON

 **EGR & Associates, Inc.**
Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

Idylewood 4th Addition Annexation Legal Description

A tract of land in Section 10, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County Oregon being more particularly described as follows:

Beginning at the Center Quarter Corner of said Section 10 the same being the Northeast corner of Idylewood as platted and recorded in File 73, Slide 488, Lane County Oregon Plat Records; thence southerly along the East line of Idylewood and the North-South Center of Section Line of said Section 10, South 1°47'28" West 484.23 feet to the northerly right-of-way of Oceana Drive; thence westerly along said northerly right-of-way, 2,300 feet, more or less, to the easterly right-of-way of Rhododendron Drive, County Road Number 65; thence southerly along said easterly right-of-way 60 feet, more or less, to the southerly right-of-way of Oceana Drive; thence easterly along said southerly right-of-way, 2,300 feet, more or less, to the East line of Idylewood and said Center of Section Line; thence southerly along said Center of Section Line, South 1°47'28" West 588.00 feet to the Southeast corner of Idylewood 1st Addition as platted and recorded in File 73, Slide 744, Lane County Oregon Plat Records; thence along the Southerly Boundary of Idylewood 1st Addition the following four courses: North 88°12'32" West 164.62 feet; along a 70.00 foot radius curve right, the chord of which bears South 3°19'49" East 12.50 feet, an arc distance of 12.51 feet; South 1°47'28" West 107.08 feet; and North 88°12'32" West 221.67 feet to the most northerly Northeast Corner of Idylewood 2nd Addition, as platted and recorded in File 75, Slide 194, Lane County Oregon Plat Records; thence along the Easterly Boundary of Idylewood 2nd Addition the following seven courses: South 31°46'42" East 126.38 feet; South 68°57'42" West 153.02 feet; South 9°36'38" East 145.69 feet; South 4°49'49" East 60.00 feet; along a 120.00 foot radius curve right, the chord of which bears South 65°58'12" East 115.84 feet, an arc distance of 120.89 feet; South 44°45'37" West 141.42 feet; and South 37°06'35" East 122.50 feet to the northwest corner of the lands that were conveyed to Mary H. Lehman and William F. Durst in the Property Line Adjustment Deed that was recorded May 15, 2015 at Reception Number 2015-021305 in Lane County Oregon Deed Records; thence , northeasterly along the north line of said lands of Lehman and Durst, North 71°51'37" East 188.34 feet to the west line of Parcel 1 of Land Partition Plat Number 2001-P1501 as filed October 9, 2001 in Lane County Oregon Partition Plat Records and assigned Reception Number 2001-066548 in Lane County Oregon Deed Records; thence , northerly and easterly, along the west and north boundaries of said Land Partition Plat Number 2001-P1501, the following two courses: North 6°21'44" East 18.00 feet, and South 88°13'57" East 154.56 feet to the afore-called North-South Center of Section Line; thence northerly along said Center of Section Line, North 1°47'28" East 458.24 feet to the Southwest Corner of the Northwest Quarter of the Southeast Quarter of said Section 10; thence easterly along the South Line of the Northwest Quarter of the Southeast Quarter 1,320 feet, more or less, to the Southeast Corner thereof; thence northerly along the East Line of said Northwest Quarter of the Southeast Quarter 1,280 feet, more or less, to the westerly right-of-way of Heceta Beach Road, County Road Number 856; thence northwesterly along said westerly right-of-way 40 feet, more or less, to the North Line of said Northwest Quarter of the Southeast Quarter the same being the South Line of Heceta South, as platted and recorded in File 74, Slide 57, Lane County Oregon Plat Records; thence westerly along the North Line of said Northwest Quarter of the Southeast Quarter and the South Line of Heceta South, North 89°36'38" West 1,300 feet, more or less returning to the Point of Beginning.



CITY OF FLORENCE
Ordinance Nos. 1 & 2 Series 2021
FINDINGS OF FACT
Exhibit B
February 1, 2021

Public Hearing Date: February 1, 2021
File Nos: CC 20 06 ANN 01 and CC 20 07 ZC 02

I. PROPOSAL DESCRIPTION

Proposal: Annexation
A request from a property owner for the City of Florence to annex their property and Oceana Drive from Lane County into the City.

Zone Assignment
Upon annexation, the property requires zoning assignment. The corresponding zoning district matching the property’s plan designation is Low Density Residential. Portions of the property in the area of the South Heceta Junction Seasonal Lakes will also assume the coastal shoreland management unit overlay of Prime Wildlife.

Applicant Representatives: Michael Farthing, attorney for the owner

Petitioners/Applicants: Benedick Holdings, LLC.

General Property and Right-of-Way Description (Annexation--described associated Exhibit A; Zoning--illustrated in associated Exhibit A):

Oceana Drive and Assessor’s Map Reference (MR) 18-12-10-40, Tax Lots (TL) 400 and 401 and MR 18-12-10-34 Tax Lot 801

Comprehensive Plan Map Designation: Low Density Residential and Prime Wildlife Coastal Shoreland Management Unit Overlay

Surrounding Land Use | Current Zoning:

Site: Vacant | All TL: Suburban Residential with Interim Urban Combining District Overlay & TL 401: Prime Wildlife Shoreland Overlay
North: Single-family residences / Suburban Residential with Interim Urban Combining District Overlay
South: Vacant | Natural Resources
East: Single-family residences/Vacant/South Heceta Junction Seasonal Lakes | Suburban Residential with Interim Urban Combining District Overlay and Prime Wildlife Overlay
West: Single-family residences | Suburban Residential with Interim Urban Combining District Overlay

Streets | Classification: West – Cloudcroft Lane, Gullsettle Ct., Sandrift St. | Local (Lane County TSP); West of Oceana Dr. – Rhododendron Dr. | Minor Arterial (CoF TSP); South of Oceana Dr. – Saltaire St. | Local (Lane County TSP); East – None; North – Kelsie Ct. & Kelsie Way | Local (Lane County TSP)

II. NARRATIVE

The applicant petitioned for the annexation of combined property (“the Property”) from Lane County jurisdiction to City of Florence jurisdiction for the eventual purpose of subdividing it into single-family lots with connection to City sewer service. There are no electors residing on the Property. The petition also requests annexation of Oceana Drive, a County road designated “local”. Oceana Dr. extends east to the Property from Rhododendron Dr. a minor arterial in the City of Florence jurisdiction and municipal boundary. The petition was received on July 30, 2020. The application was deemed complete on August 28, 2020. On October 9, 2020 the City received a letter from Mr. Farthing requesting postponement of the hearing to accommodate a 35-day noticing period with DLCD addressing a procedural objection based on ORS 197.610(1). In the same letter they granted a 90-day extension to the 120-day statutory deadline.

State law requires signatures from at least 50% of the property owners and electors of the Property to petition for annexation without an election. This type of annexation is known as a “Double Majority” annexation (ORS 222.125). The City received a signed petition from the property owner and will process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV application. The zoning assignment procedure applies to the Property and Oceana Dr. In accordance with 10-1-1-5 B the two actions will be processed through consolidated proceedings.

The Property is not currently served by Heceta Water PUD, but as it resides in that district and services are available will continue to be served by Heceta Water PUD. After annexation, the Property will be provided City services such as sewer and police protection. The Property is within the Siuslaw Rural Fire Protection and Western Lane Ambulance Districts. The Property will continue to be served by all districts presently providing public services.

III. PUBLIC NOTICE

Notice of the proposed zone change was sent to the Department of Land, Conservation and Development (DLCD) on October 6, 2020, not less than 35 days prior to the proposed first evidentiary hearing of November 10, 2020, as required by State law and the Florence City Code. An update was loaded on the DLCD website on October 28th to change the first hearing date to November 10th.

Notice of the Planning Commission’s public hearing was mailed on October 14, 2020 to property owners within 300 feet of the proposed annexation/zone assignment areas. Notice was published in the Siuslaw News on October 28th and November 4th, 2020. On October 14th notices were posted at the Florence Post Office, and due

to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

Notice of the City Council public hearing was mailed on December 28, 2021 to property owners within 300 feet of the proposed annexation/zone assignment areas. Notice was published in the Siuslaw News on January 16, 23, & 30, 2021. On December 28th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

Public Comments:

At the time of this report, the City received approximately 165 sets of comments/concerns on this application. These are provided under separate cover as Exhibits K, M & N. In summary these comments included concerns for the wetland areas and associated habitat and flooding concerns, stormwater drainage, conflicts with previous development promises, additional traffic on the local roads, insufficient noticing, lack of support from surrounding property owners, perceived costs and forced annexation requirements to surrounding property owners, rushed process, use of virtual rather than in-person meetings, tsunami evacuation, previous development denials by Lane County, and lack of pedestrian facilities. Many of these concerns while important are not directly applicable to processing a request for annexation and zoning property. Concerns raised will be addressed during development of the property. Once the property is annexed and a subdivision or platting application is received most of the concerns mentioned will be addressed at that time. Those concerns that did apply are addressed within the findings of fact.

IV. REFERRALS

Referrals were sent to Florence Public Works (Utilities and Airport), Building, and Police Departments; Lane County Transportation and Land Management Divisions, Charter Communications; Century Link; Central Lincoln PUD; Heceta Water PUD; Western Lane Ambulance and Siuslaw Valley Fire and Rescue.

Referral Comments:

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

- Tom Turner, Chief of Florence Police Dept. dated October 6, 2020
“We do have capacity. We have been policing all around the area. This incorporation should not create any problems for us.”
- Mike Miller, Florence Public Works Department, submitted comments on Sewer, Streets, Stormwater, and Water on October 6, 2020 and comments on Traffic on January 17, 2021. Below is a summary of his written referral comments.

Sewer: Total sewer system capacity is currently 1.3 million gallons per day (mgd) dry weather flow. Our current average dry weather flow is 0.745 mgd, which equates to 0.555 mgd of excess flow capacity.

The City has parallel 6-inch diameter pressure sewer mains in Rhododendron Dr. with only one in use. There is excess capacity in this system and the system was sized to accommodate this area. The developer will need to extend a pressure sewer line from Rhododendron Drive along Oceana Drive to the development where a neighborhood sewer pumping station will be constructed as part of the development. Regarding providing sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners that desire sanitary sewer service from the City. It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the 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 the project.

Streets: Oceana Drive is currently classified as an urban local road which is maintained by Lane County and not automatically transferred to the City upon annexation. The City will need to evaluate whether or not the street is in an acceptable condition to transfer maintenance (Jurisdictional Transfer) of the roadway to the City. Annexation of local access roads, such as Gullsettle Court and Cloudcroft Lane, would automatically include jurisdictional transfer to the City.

Stormwater: Stormwater for the proposed Idylewood 4th Addition will need to consider not only management of the surface water runoff, but also groundwater. stormwater runoff from private property cannot be directed to Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. According to Lane County, ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated by the roadways themselves (Lane Manual Chapter 15.515).

Water: The proposed subdivision is within Heceta Water People's Utility District (HWPUD) service territory and HWPUD will remain the water service provider for this area. Please contact HWPUD for specific fire flow capacities for this area.

Traffic: Provided the 2019 Speed Order for Rhododendron Dr. from the State of Oregon, a document explaining how speed zones are established and changed, and a press release dated 2/20/19 when the speed limit on Rhody was lowered from 45 to 40 via the speed order #J9333. In summary the state has responsibility to set the speed zones within a community. In December 2020, the city downloaded the data from the radar speed signs on Rhododendron Drive. According to the data, the 85th percentile speed along Rhody south bound near Shelter Cover was 43 mph (posted speed is 40 mph) with 1,639 average daily trips (ADT). The radar speed sign at 12th and Rhody (north bond) recorded the 85th percentile speed at 35 mph (posted at 30) with 1,445 ADT. This data snap shot was from September 1, 2020 to December 7, 2020. The results of the study and

data from a 12/20 download of the radar speed signs indicate Rhododendron Dr. is safe and has the capacity.

- Luke Pilon, Century Link, dated October 5, 2020. *“I have no issues with this expansion.”*
- Lane County Public Works Dept., Transportation Planning, dated October 5, 2020. Below is a summary of their written comments.

Streets: *They recommend the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way, the three Local Access Roads that are adjacent to the subject properties, as well as Oceana Drive. Lane County does not maintain, but may regulate the use of Local Access Roads [Lane Code (15.010(35)(e)(v) & (vii)].*

In order for Lane County to provide jurisdictional transfer of Oceana Drive, Gullsettle Court, Cloudcroft Lane, and Kelsie Way, annexation must occur; however, annexation of the right-of-way means that jurisdictional transfer has been completed for Local Access Roads. Jurisdictional transfer of County Roads requires an additional public process that may take many years to complete.

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

- Siuslaw Valley Fire and Rescue and Western Lane Ambulance, dated Nov. 5, 2020. *Stated the annexation and zone change would not affect the service provided and would be considered as part of their response protocols. Development will need to meet all the required fire codes for access, egress and water supply.*
- Heceta Water PUD, Carl Neville, dated December 10, 2020, *“Heceta Water Is planning on serving this development and has the resources to do so.”*

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 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

8: Parks, Recreation and Open Space; Parks and Recreation section, Policy 3

14: Urbanization; Annexation section, Policies 1 through 7

17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands, Policies 11 & 17
Prime Wildlife

Florence City Code (FCC), Chapters

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

Proposed Zone Assignment—Low Density with Prime Wildlife Overlay

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

17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands, Policies 11 & 17
Prime Wildlife

Florence City Code (FCC), Chapters

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

10: Residential Districts; Section 1

19: Estuary, Shorelands, and Beaches and Dunes; Sections 5—Administration & 9-
Prime Wildlife Overlay District

Oregon Land Use Planning Goals

- Goal 10 Housing

VI. FINDINGS OF FACT

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

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

FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

Policies

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

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

Florence City Code pertaining to zone assignment and annexation with their respective land use processes.

While the public hearings were conducted virtually with no opportunity for in-person attendance the public could attend the meeting virtually and provide verbal testimony during the public hearing via the internet or via a landline phone. Those wishing to just attend the hearing could do so through the go-to-webinar platform application, or they could watch the hearing live and playback offered by the videographer through an internet stream and Channel 191 on Charter Cable. Opportunities for written participation were also available. All persons requesting to participate in person virtually were accommodated and either they participated, their pre-recorded message made available to the decision body prior to the decision being made (Talbot-PC), or their comments relayed to the decision body to the satisfaction of the testifier (Farthing-PC).

Chapter 2: Land Use

Policies

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

The annexation proposal is consistent with this policy because the provision of city utility services to the annexation area is based on the most up-to-date assessment of the projected capacity of these systems, assuming a 3 percent growth rate. This policy directs that the City conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including annexed properties. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Most recently the City updated its Stormwater Management Plan and Public Facilities Master Plan. Public Works testimony using analysis from the documentation within these recent study results confirm that the City has the capacity to serve the annexation area without affecting service to existing City residents; consistent with the direction in this policy.

Residential

Goal

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

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

In December 2019 the City adopted new housing codes that increased the density of residential districts through the use of small lots. The revised Low Density Residential District (formerly Restricted 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/Interim Urban Combining District Overlay /Prime Wildlife within Lane County and is undeveloped. The implementing zone for this area is Low Density with some of the land receiving a Prime Wildlife Overlay due to the proximity and location of the South Heceta Junction Seasonal Lakes. The City has established policy in the Comprehensive Plan and city code regulating development adjacent to these natural resources and land use classifications. The City's Chapter 19 of Title 10 includes development criteria more restrictive than presently established by the county, namely within Chapter 19 where 100' setbacks are required from the intermittent lakes which are a coastal shorelands resource (Goal 17 as identified in the Lane County Coastal Resources Inventory) rather than a "Significant Wetland" (Goal 5 which are illustrated in Sheet 2 of the Local Wetlands Inventory). There is also a 5-acre minimum lot size in the Prime Wildlife District. Thus, development in the city vice the county will do more to reduce the threat to public health and welfare and the threat of excessive public expense. Upon a development request such as platting land the extent of the wetlands and location of the average highwater line will be inventoried by a professional for the purpose of evaluating the applicable development criteria such as setback buffer and lot size.

Additionally, the area is located near but outside of the Tsunami Inundation Zone (TIZ) and thus not subject to the risk of a tsunami a natural hazard. Residents along Rhododendron Drive and outside the TIZ are to shelter in place so as to not create congestion on the roads to those within the TIZ and attempting to evacuate.

The property includes soils (Waldport fine sand 12-30% slopes and Yaquina loamy fine sand) that require a Phase 1 Site Investigation Report (SIR) and likely a Phase 2 SIR. In accordance with Title 10 Chapter 7 these are performed in conjunction with development or platting to identify areas of hazard and ensure the development is proposed in a manner to eliminate the risk associated with the hazard.

The adjacent street infrastructure is designated either Urban Local or Local Access Roads serving just the Idylewood and Sea Pine Subdivisions and thus away from high concentrations of vehicular traffic. The surrounding area is residential and away from uses that produce noise, odor and glare. Any proposed development on this Property will be subject to city code related to traffic impact studies and resulting improvements and also be subject to nuisance and land use codes.

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

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

There is no existing use on the proposed annexation site. Any future development will be in accordance with the implementing zoning district, Low Density Residential and the Prime Wildlife Overlay district. The properties to the north and west of this Property have County zoning consistent with the City's Low Density Residential district. This Property's location adjacent to the similar density zone and planned for single family residences meets the policy.

Low Density Residential

The Low Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 9,000 square feet or larger and newly platted lots are 7,500 sq. ft., and for areas where environmental constraints preclude smaller lots. The corresponding zoning district is Low Density Residential. This designation provides primarily for single family homes and for manufactured homes meeting certain minimum standards.

The applicants have proposed the annexation and zone assignment of Low Density Residential. This proposal meets all the requirements of this zone such as minimum lot size and width outlined in Title 10 Chapter 10, which is 50 x 80 and 10-19-9-H which is 5 acres for the land having a Prime Wildlife designation.

Chapter 14: Urbanization

Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via public right-of-way, Oceana Drive to the west

and the proposal meets the city code and comp plan policies; it is, therefore, an orderly transition from rural to urban land uses.

- The existing public infrastructure in Rhododendron Drive and the adjacent streets is an orderly and efficient mechanism for providing urban services to this abutting geographic area. The annexation will allow the provision of City sewer to the properties being annexed. All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will allow the adjacent property owners to eliminate the need for their septic systems and their maintenance and repair in this high ground water area.
- Additionally, bringing sewer into the initial Idylewood development, the oldest of the plats, will provide the opportunity for additional sewer connections from adjoining developed properties.

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 sole property owners in order to receive City services and public services has not been initiated in order to abate a health hazard. 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.” The proposed annexation is not an island annexation because the territory to be annexed is contiguous with the Florence city limits in Rhododendron Drive. The City has received a signed petition from the property owner. This criterion is met.

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

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

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

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

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

Sewer: The Florence Public Works Department has evaluated the impact of the possible future residential development and has concluded that there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed Low Density residential uses without negatively affecting existing customers. Recent annexations found the Waste Water Treatment Plant has an excess capacity of .555 million gallons daily. The City has parallel 6-inch diameter pressure sewer mains in Rhododendron Dr. with only one in use. There is excess capacity in this system and the system was sized to accommodate this area. The developer will need to extend a pressure sewer line from Rhododendron Drive along Oceana Drive to the development where a neighborhood sewer pumping station will be constructed as part of the development. Regarding providing sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners that desire sanitary sewer service from the City. It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the 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 the project. Titles 10 Chapter 36 and Title 11 Chapters 2 and 3 both require the applicant to install sewer service in conjunction with development and platting, respectively.

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

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

Streets: The Property abuts the public rights-of-way of Oceana Dr., Cloudcroft Lane, Gullsettle Ct. and Kelsie Way which are under Lane County jurisdiction. These are all urban local or local access streets, and are expected to serve traffic to residences and parks in the area. The existing and any future usage (vehicular trips) made available by annexation and zone assignment can be accommodated by the surrounding platted street availability. Improvements to the adjacent streets will be accomplished 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 thus no improvements to existing streets is required with this application.

The City is not requesting maintenance transfer of Oceana Drive at this time. The County has submitted testimony requesting the above-mentioned streets be annexed concurrently with this proposal. Neither the applicant nor the City seeks annexation of these streets at this time. Their annexation may be required for future development.

FCC 10-1-4-E-2 requires performance of a Traffic Impact Study upon “A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.” The County zoning district currently permits lot sizes similar to the minimum required by the Low Density District. Additionally, the City’s greater setback from the Prime Wildlife District overlay areas makes up for any additional lots that would be made available through this zone change. A TIS is not required for this application, but will be required in accordance with subsection “2c”. It is for these same reasons that the Transportation Planning Rule does not apply--density is not changing, zone is not impacted, development may impact the street network and will be evaluated via a TIA/TIS when an impact is proposed. An existing public street network is available to serve this property. Planning Commission recommended a restriction be placed on allowable density to that permitted under conventional platting methods rather than any increase offered under the Planned Unit Development code to meet the requirements under the City and TPR criteria.

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. They provided comment that they could continue to serve the property.

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 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. They provided comment that they have no concerns with the proposal. 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 (DLCDD) 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. Lane County Transportation Planning provided testimony, dated Oct. 6, 2020. They requested that in addition to Oceana Drive the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way, the three Local Access Roads that are adjacent to the subject properties. This recommendation does not include annexation of these streets at this time. Lane County's comments will be considered in the annexation and zoning assignment action.

The City expects that any future development proposals for the property will need to remain consistent with the development requirements of Lane Code Chapter 15 until jurisdictional transfer of the subject property and right-of-way occur. Lane County will be informed of all proposed developments occurring on the property in the future.

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

The Water District was provided notice and time to comment on the proposed annexation. As of this report writing no testimony had been received.

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

The applicants will be required to pay the project costs to extend sewer services where they do not currently exist. Future development of the properties will necessitate payment of applicable systems development charges. Any undeveloped properties and expansions to developed properties will be charged systems development charges commensurate with their impacts on the systems.

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

Lane County provides services and administers jurisdiction to all properties outside of the City of Florence and within the Urban Growth Boundary. After the completion of annexation, the City of Florence will be the responsible jurisdiction for development of the property, with the exception of maintenance and access off of streets adjacent to the property, which are maintained by Lane County.

Chapter 8: Parks, Recreation and Open Space

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

The lands to the south and east of the Property is designated Three Mile Prairie in Lane County Parks Master Plan. Map 8-1 illustrates the City's contribution to this park with its 40-acre parcel south of the county's lands. The Property while including habitat and resources consistent with the adjoining public park lands is not specifically slated for contribution to the park's land base.

Of note city code does require access to these public resources upon land division. The development of this Property will require provision of this access at a point of reasonable pedestrian and vehicular thru-access. At that time the developer may wish to engage with the County and City to determine if dedication of undevelopable lands to Three Mile Prairie is of mutual interest.

Chapter 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands

Policies

11. Coastal Shorelands in the Florence UGB shall be all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal lakes, and North Jetty Lake. The following Management Unit designations, as described in this Chapter of the Comprehensive Plan, shall apply to Shorelands within the Florence UGB: Shoreland Dredged Material Disposal Sites, Natural Resources Conservation, Mixed Development, Residential Development, and Prime Wildlife Area. Application of these MUs to specific areas is shown on "Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB," in this chapter of this Comprehensive Plan.

Implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply to these MUs within the Florence UGB, outside city limits, and Florence City Code Title 10, Chapter 19, shall apply within Florence city limits.

The Property is contiguous with the Heceta Junction Lake area and thus the policies of the Coastal Shorelands are applicable. These lands are presently subject to Chapter 10 of Lane County Code. Upon annexation these lands will be subject to Chapter 19 of City Code and the policies of Chapter 16 of the Florence Realization Comprehensive Plan. Chapter 19 is discussed later in the report.

17. In Prime Wildlife Management Units, the following additional policies shall apply:

a. For Shorelands in the Prime Wildlife MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Prime Wildlife Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.

b. Uses shall fall within Priority 1 of the General Priority Statement (Policy 12). No use shall be permitted within a Prime Wildlife Shorelands MU unless that use is determined to be consistent with protection of natural values identified in the description of the MU.

c. For any approved development in this MU, a minimum 100' horizontal buffer zone from the coastal lakes is required.

d. Outside of the buffer zone, development shall not result in the clearance of native vegetation in excess of that which is necessary for the actual structure's required access and fire safety requirements. Areas of excessive vegetation removal shall be replanted as soon as possible.

e. State Fish and Wildlife Biologists shall have a 14-day "review and comment" period to evaluate the impact of any development on critical habitats and to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

f. Filling in of freshwater marshes or coastal lakes adjacent to this MU is prohibited.

g. Development on lots less than five acres in size shall be prohibited. Where lots less than five acres existed on July 24, 1980, development may occur if in conformance with the requirements of the base zoning district and this management unit.

h. No dredge spoils deposition shall be allowed in the Prime Wildlife management unit.

These policies do not directly apply to this proposal since it is not a development application. They will apply at the time a development application is received once annexed.

OREGON REVISED STATUTES

ORS 222.111 Authority and procedure for annexation.

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

The Property proposed for annexation area is located within the urban growth boundary of the City of Florence. The Property is contiguous to the City boundaries through the concurrent annexation of Oceana Dr. as proposed by the petitioner.

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

The annexation petition of the Property was initiated by the sole owner of the real property in the territory to be annexed. Pursuant to established practices, the County will consent to the annexation of Oceana Dr.

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

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

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

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

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

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

There are no electors within the Property to be annexed. The City received written petition from the sole 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. 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, 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 listed in this criterion. Notice of the public hearing was published in the Siuslaw News on October 28th and November 4th, 2020. On October 13, 2020 notices were posted in four public places in the City Florence Post Office, and due to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

The City Council public hearing was mailed on December 28, 2021 to property owners within 300 feet of the proposed annexation/zone assignment areas. Notice was published in the Siuslaw News on January 16, 23, & 30, 2021. On December 28th notices were posted at the Florence Post Office, and due to COVID facility closures on the outside glass of City Hall, the Florence Justice Center, and the Siuslaw Public Library.

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

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

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

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

The proposed annexation is contiguous to the City limits on the western property line through the extension of City boundaries over Oceana Drive. Subsection “b” above is met.

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

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

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

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

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

territory proposed to be annexed, the corporation shall be considered the individual owner of that land.”

The written consent from the sole 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 Oceana Drive. The written consent from the sole property owner of the applicant's property was signed and provided with the petition for annexation received by the City on July 30, 2020. Lane County has requested annexation of other streets in addition to Oceana Dr. 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 sole property owner was signed and provided with the petition for annexation received by the City on July 30, 2020.

(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.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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

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

B. Notification of Hearing:

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

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

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

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

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

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

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

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

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

D. Notice of Hearing:

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

The applicants have proposed an annexation and zoning assignment for their properties. 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 Low Density Residential. The Low Density District will be assigned upon approval of the request from Council and finalization of the annexation process with the county and state. Review of the applicable code and comp plan objectives and policies are contained within these findings.

10-1-3: AMENDMENTS AND CHANGES

B. Quasi-Judicial Changes:

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

On November 10, 2020, the Planning Commission held a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact were available in advance of the hearing and were reviewed against the applicable city and state policies. Annexation of properties within the UGB is permitted if the request meets the applicable ORS and the city's urbanization policies. These have been reviewed earlier with supporting findings.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

A. Low Density Residential (LDR): The Low Density Residential District is intended to provide a quality environment for low density, urban residential uses and other Planned Unit Development as determined to be necessary and/or desirable.

The vacant Property and Oceana Dr. are proposed to be zoned Low Density Residential District with portions of the Property receiving a Prime Wildlife shorelands management unit overlay. This zone and overlay are appropriate as they correspond to plan designation (Low Density) and overlay assigned to property and served by Oceana Drive a local road. The approximate 43-acre Property meets the minimum lot size of the district (7000 sq. ft.). The presence of the coastal shoreland designation on the majority of this property makes the Low Density residential designation (rather than Medium or High Density) with the opportunity for a Planned Unit Development scenario an appropriate zoning choice to reduce the risk of impact on the natural resource area found within the eastern portion of the site. No specific policies are applicable under this annexation or zoning proposal since no development is applied for under this application.

TITLE 10: CHAPTER 19 SECTIONS 5 & 9: Prime Wildlife Overlay District (/PW)

This overlay and the associated administrative polices will apply to the areas so designated in the comprehensive plan that are also included in the petition for annexation. These areas are generally illustrated on Exhibit H which is the overlay map from the Florence Realization 2020 Comprehensive Plan.

The City's PW criterion include policies that will apply with a land use/development application. Portions of the property are presently zoned Prime Wildlife under the County code. The associated property is automatically assigned this overlay with annexation but is included in this review for clarity of the assignment. Staff has performed a Preliminary Investigation of the property to ascertain the location of the resources identified in the Lane

Coastal Resources Management Plan. The applicant has performed analysis of the resources on this property and will be required to delineate wetlands and identify the average highwater line upon which to establish the buffer and resource protections concurrent with a development land use 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 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 Low Density Residential for the 43+ acres creates a positive impact on the supply of residential land base.

B. IMPLEMENTATION

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

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

VII. CONCLUSION

The evidence in the record demonstrates and based on findings herein, that the proposed annexation and zone assignment is consistent with the policies set forth in state statues, Florence City Code, and the Florence Realization 2020 Comprehensive Plan. To meet the requirements under the City TIA and state TPR criteria it is recommended the maximum density for the property be limited to that allowed under conventional platting as opposed to a greater permitted under a Planned Unit Development or where streets are platted as tracts.

VIII. EXHIBITS

To the approval:

Ordinance 1, Series 2021: Exhibit A Annexation – Legal Description

Ordinance 2, Series 2021: Exhibit A Zoning – Zoning Map

Exhibit B: Findings of Fact

To the record:

Exhibit C: 2007-2020 Annexations & DWS (note: these are Exhibits B & C in applicant's statement of support)

Exhibit D: Vicinity Map

Exhibit E: Comp Plan Map

Exhibit F: Zoning Map

Exhibit G: Aerial Map

Exhibit H: Shoreland Map

Exhibit I & I2: Application, Petition, and Supplemental

Exhibit J: Statement of Support

Exhibit K: Testimony (Planning Commission)

Exhibit L: Referral Comments (Updated from PC recommendation)

Exhibit M: Testimony (City Council)

Exhibit N: Applicant Statement of Compliance

**CITY OF FLORENCE
ORDINANCE NO. 2, SERIES 2021**

AN ORDINANCE ESTABLISHING LOW DENSITY RESIDENTIAL ZONING DISTRICT TO OCEANA DRIVE AND ASSESSOR'S MAP REFERENCE (MR) 18-12-10-40, TAX LOTS 400 AND 401, AND MR 18-12-10-34, TAX LOT 801 AND PRIME WILDLIFE COASTAL SHORELANDS OVERLAY DISTRICT TO MR 18-12-10-40, TAX LOTS 400 AND 401, AS PART OF A PROPOSED ANNEXATION OF APPROXIMATELY 48.82 ACRES.

RECITALS:

1. Florence City Code (FCC) Title 10, Chapter 1, Section 2-3 provides that Council may establish zoning and land use regulations that become effective on the date of annexation.
1. The City of Florence was petitioned by the property owner, Benedick Holdings LLC, on July 30, 2020, as required by Oregon Revised Statutes (ORS) 222.111(2) and Florence City Code (FCC) 10-1-1-4.
2. The Planning Commission met on November 10, 2020, at a properly noticed public hearing to consider the proposal, evidence in the record, and testimony received.
3. The Planning Commission determined on December 8, 2020, after review of the proposal, testimony, and evidence in the record, that the proposal was consistent with the City's acknowledged Realization 2020 Comprehensive Plan and adopted findings of fact in support of the annexation and zoning assignment.
4. The City Council met in a public hearing on February 1, 2021, after giving the required notice per FCC 10-1-1-6, to consider the proposal, evidence in the record, and testimony received.
5. The City Council deliberated on February 1, 2021, and found that the subject property is plan designated Low Density Residential in the Realization 2020 Plan, and the City Council supported the establishment of zoning as Low Density Residential consistent with Florence Comprehensive Plan and Zoning Code objectives.
6. The City Council adopted Ordinance No. 1, Series 2021, annexing the property as described in the Ordinance title above.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The City of Florence approves the zoning of the property as Low Density Residential as shown on the attached map **Exhibit A** and Prime Wildlife Coastal Shorelands Overlay District to MR 18-12-10-40, tax lots 400 and 401 as illustrated in Comprehensive Plan Map 17-1 and described in Chapter 17.
2. To meet the requirements under the City and TPR criteria allowable density is limited to that permitted under conventional platting methods rather than any increase offered under the Planned Unit Development code or where streets are platted as tracts.
3. This zoning is based on the Findings of Fact in **Exhibit B** and evidence in the record.
4. The City shall produce an updated Zoning Map that is filed with the City Recorder and bear the signature of the Planning Commission chairperson as required by FCC 10-1-2-2.
5. The City Recorder is hereby directed to file certified copies of this Ordinance with the Lane County Assessment and Taxation Office and the Lane Council of Governments.
6. Pursuant to FCC 10-1-2-3, the zoning established by this Ordinance will take effect on the effective date of the annexation approved in Ordinance No. 1, Series 2021.

ADOPTION:

First Reading on the ____ day of _____, 2021

Second Reading on the ____ day of _____, 2021

This Ordinance is passed and adopted on the _____ day of _____, 2021.

AYES
 NAYS
 ABSTAIN
 ABSENT

Councilors:

 Joe Henry, Mayor

Attest:

 Kelli Weese, City Recorder

City of Florence Current and Proposed Zoning
CC 20 07 ZC 02 – Benedick Holdings, LLC Zone Assignment
Ordinance No. 2, Series 2021
Exhibit A - Zoning Map

Before Proposed Rezoning



After Proposed Rezoning

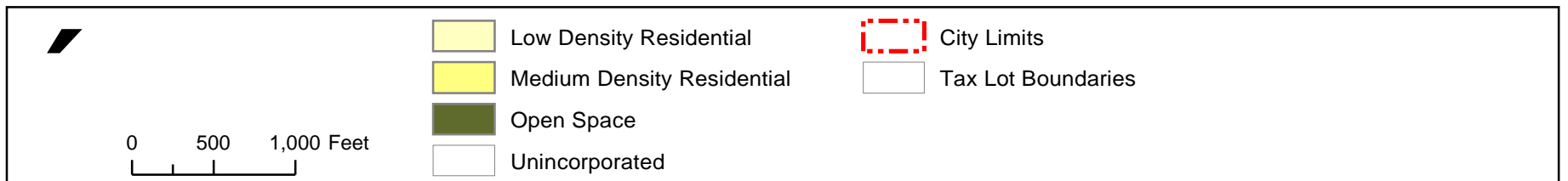
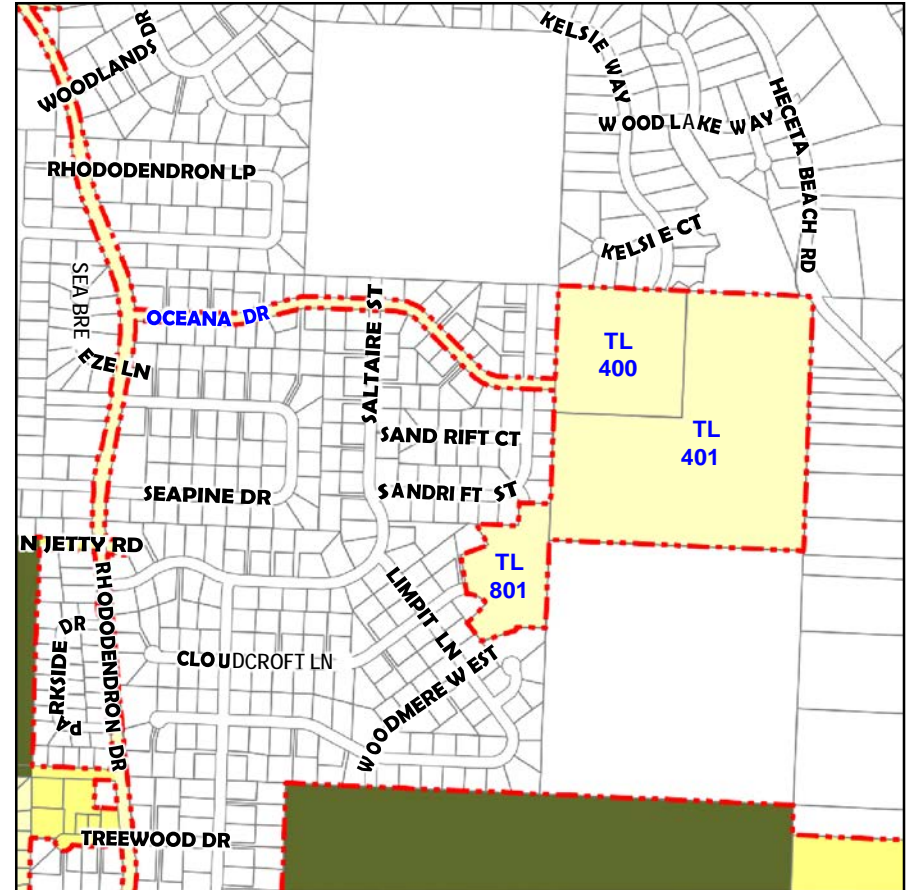


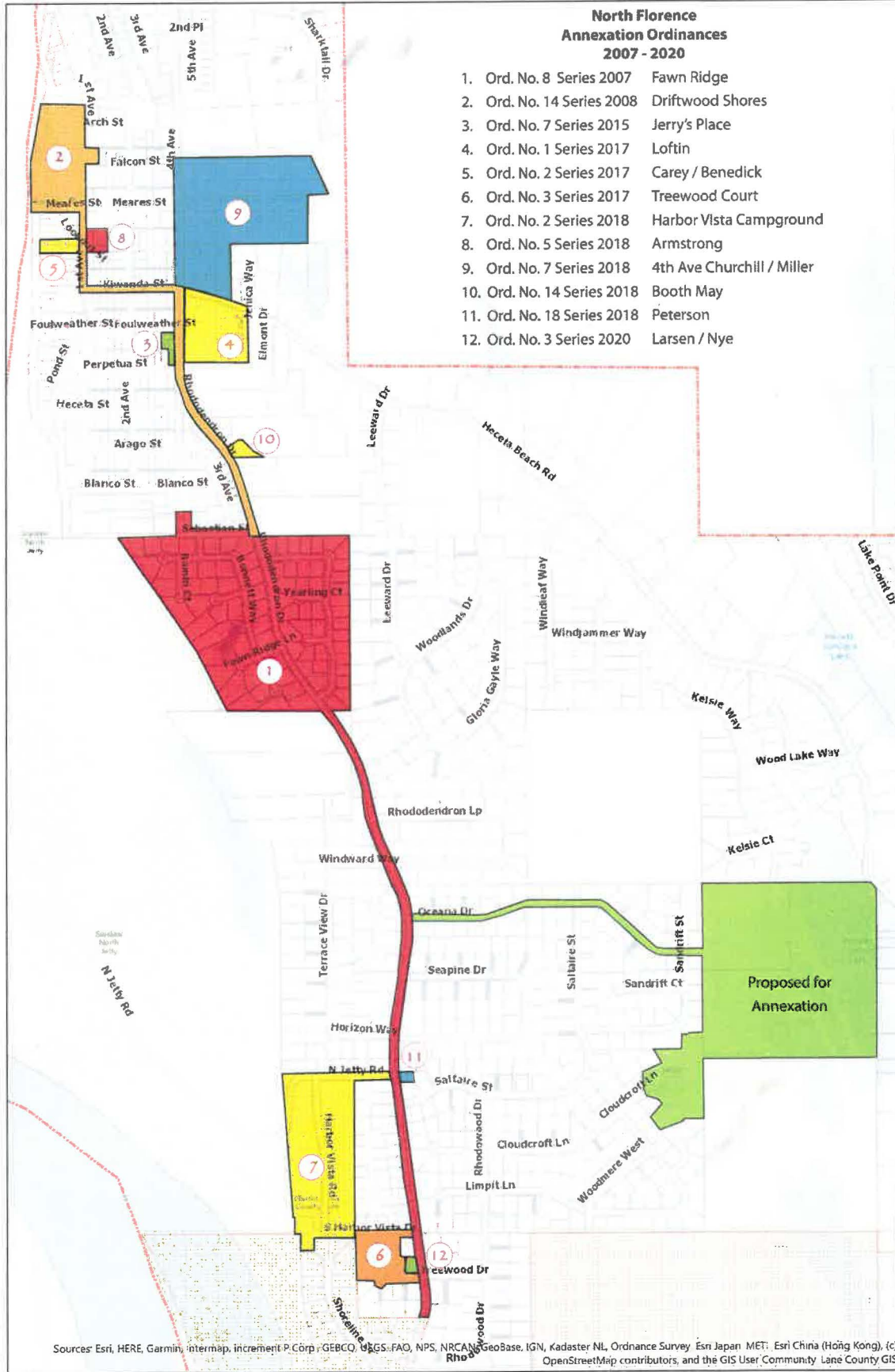
Exhibit B

Findings of Fact

The Findings of Fact are available as Exhibit B
of Ordinance No. 1, Series 2021

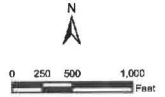
**North Florence
Annexation Ordinances
2007 - 2020**

1. Ord. No. 8 Series 2007 Fawn Ridge
2. Ord. No. 14 Series 2008 Driftwood Shores
3. Ord. No. 7 Series 2015 Jerry's Place
4. Ord. No. 1 Series 2017 Loftin
5. Ord. No. 2 Series 2017 Carey / Benedick
6. Ord. No. 3 Series 2017 Treewood Court
7. Ord. No. 2 Series 2018 Harbor Vista Campground
8. Ord. No. 5 Series 2018 Armstrong
9. Ord. No. 7 Series 2018 4th Ave Churchill / Miller
10. Ord. No. 14 Series 2018 Booth May
11. Ord. No. 18 Series 2018 Peterson
12. Ord. No. 3 Series 2020 Larsen / Nye



Sources: Esri, HERE, Garmin, Intermap, increment P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community Lane County GIS

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North Florence Annexations
2007-2020

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City of Florence
JUL 30 2020
By: gdf

NORTH FLORENCE ANNEXATIONS
(2008 – Present)

DRIFTWOOD SHORES (August 4, 2008)

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

JERRY’S PLACE (May 4, 2015)

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

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

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

HARBOR VISTA ROAD (April 16, 2018)

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

AMRSTRONG LOOKOUT (May 21, 2018)

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

4TH AVENUE (May 21, 2018)

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

BOOTH-MAY (October 22, 2018)

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

PETERSON (December 10, 2018)

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

TREEWOOD COURT (April 20, 2020)

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

Exhibit A to Ordinance No. 14, Series 2008
Driftwood Shores Annexation Area
(Legal Description Attached)



Driftwood Shores
Annexation Area

UGB

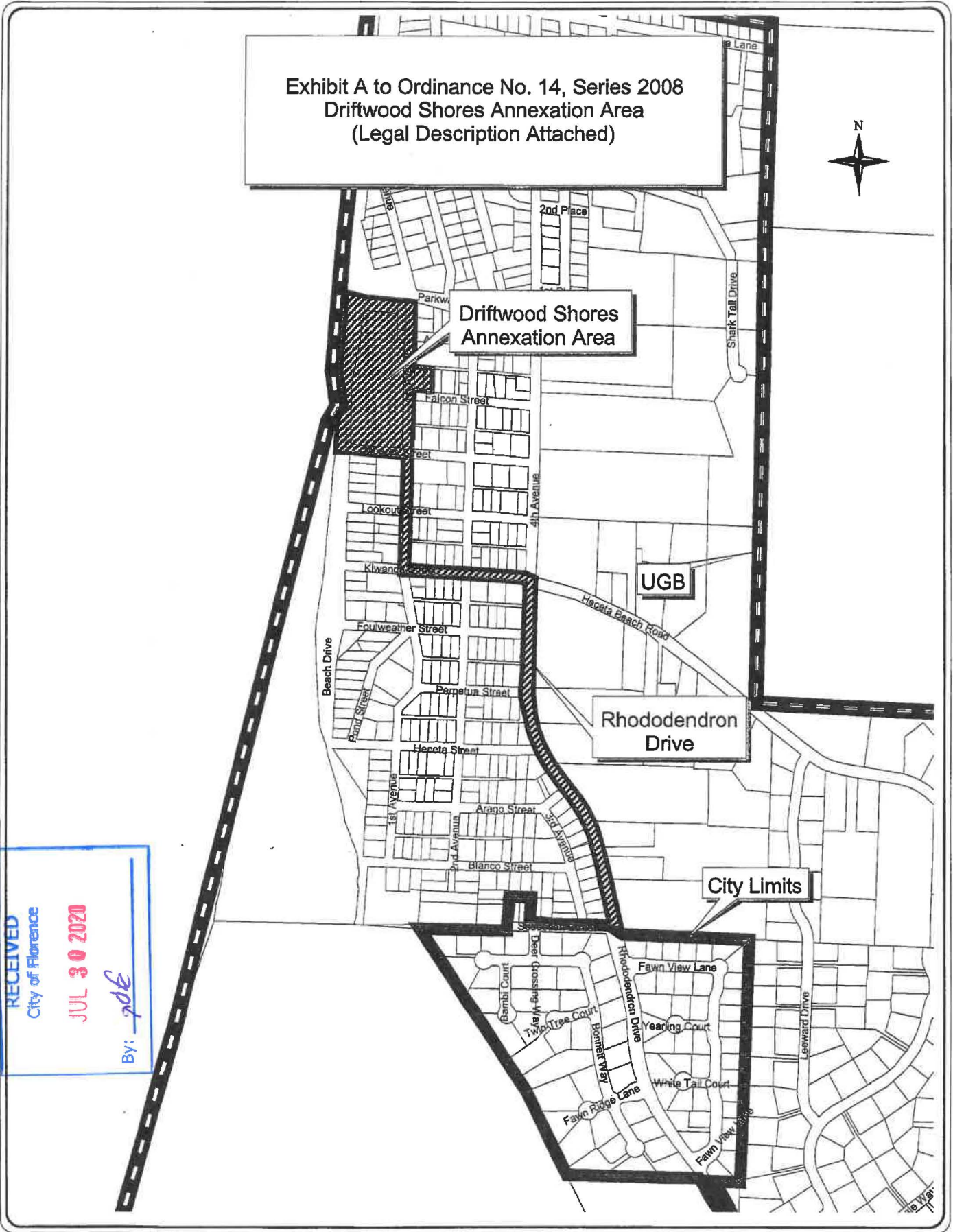
Rhododendron
Drive

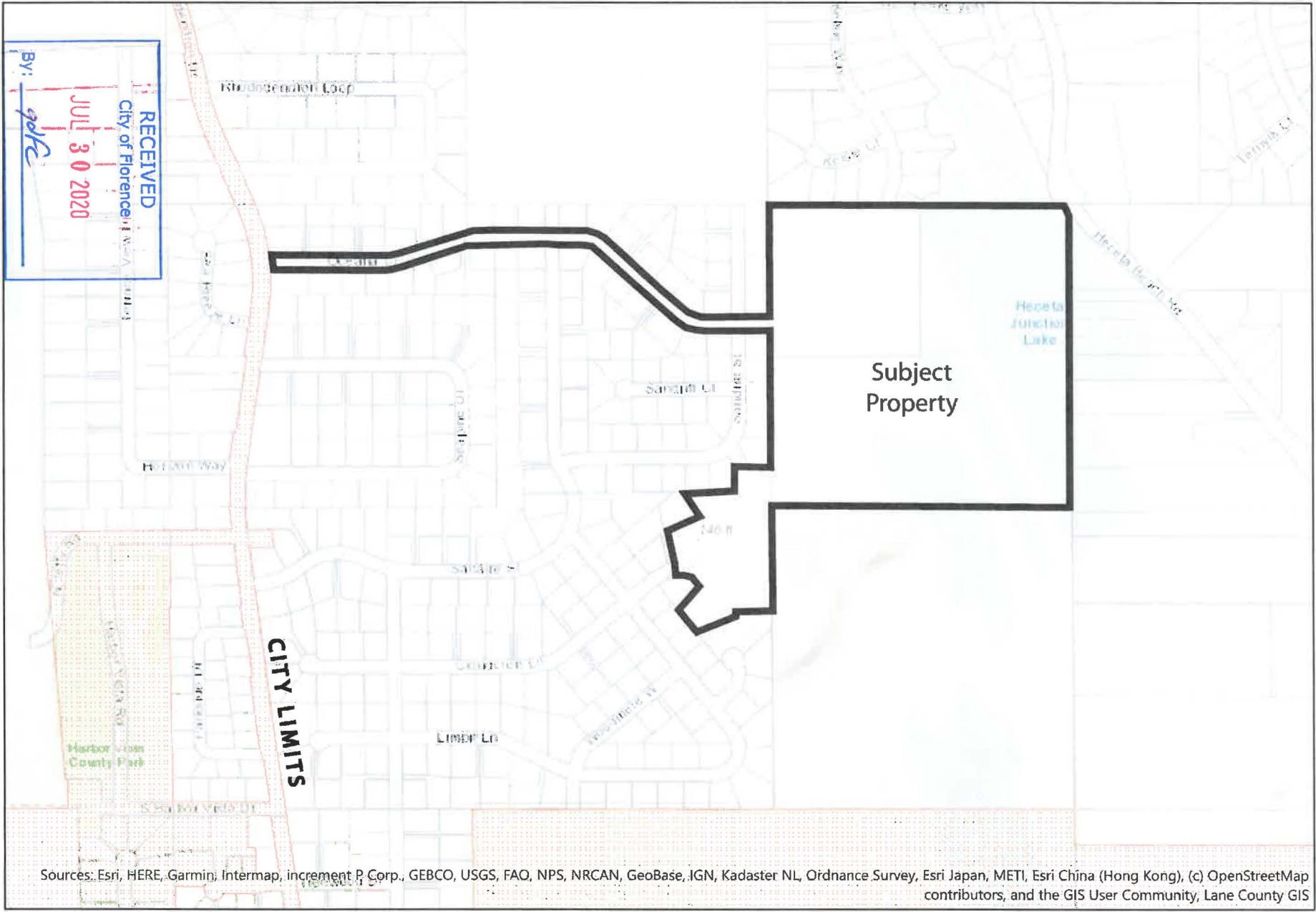
City Limits

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City of Florence

JUL 30 2020

By: *pde*

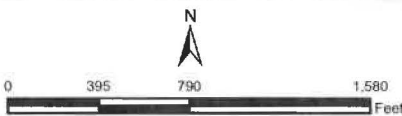




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Lane County GIS

Exhibit "D"

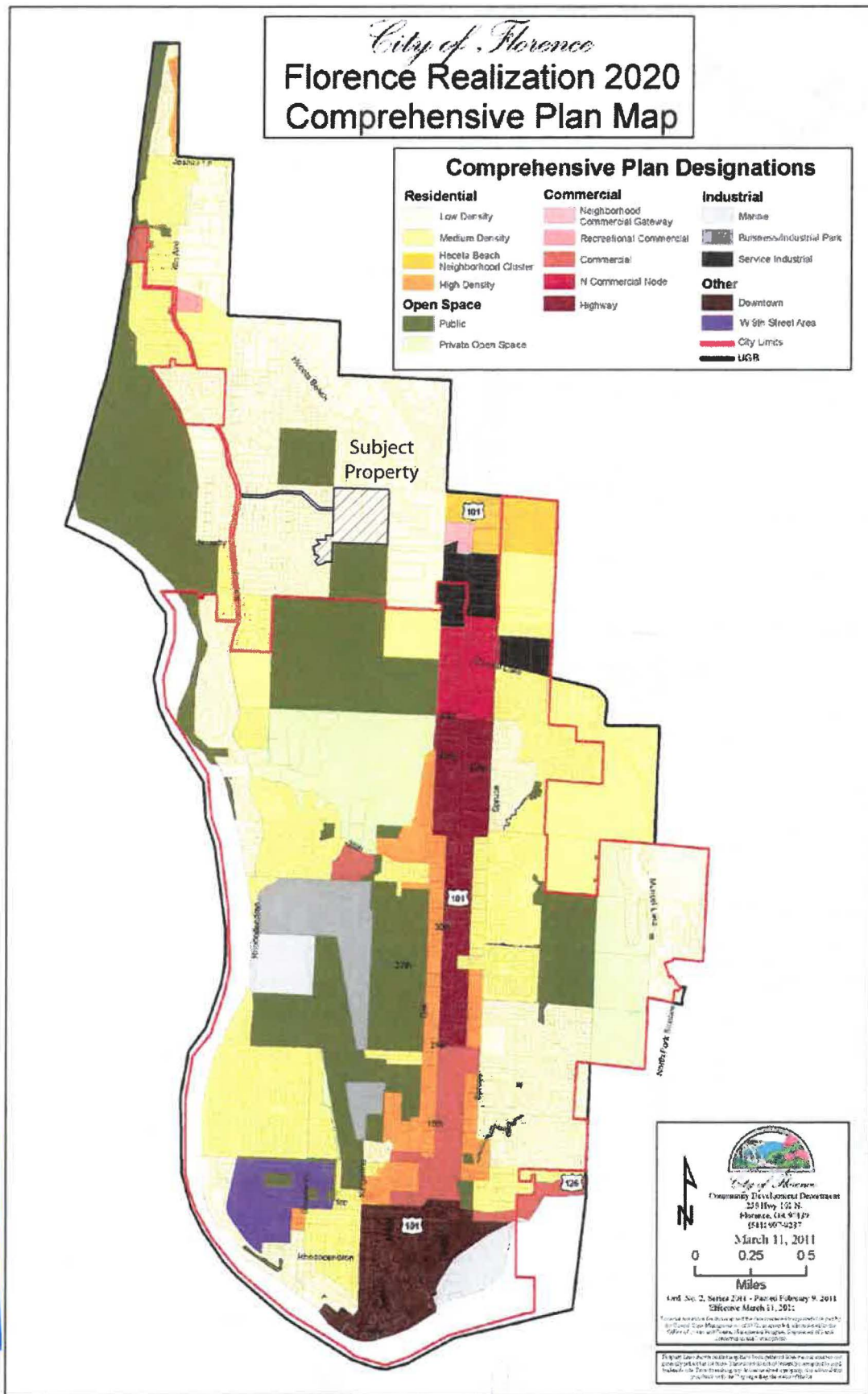
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Lane County, Oregon

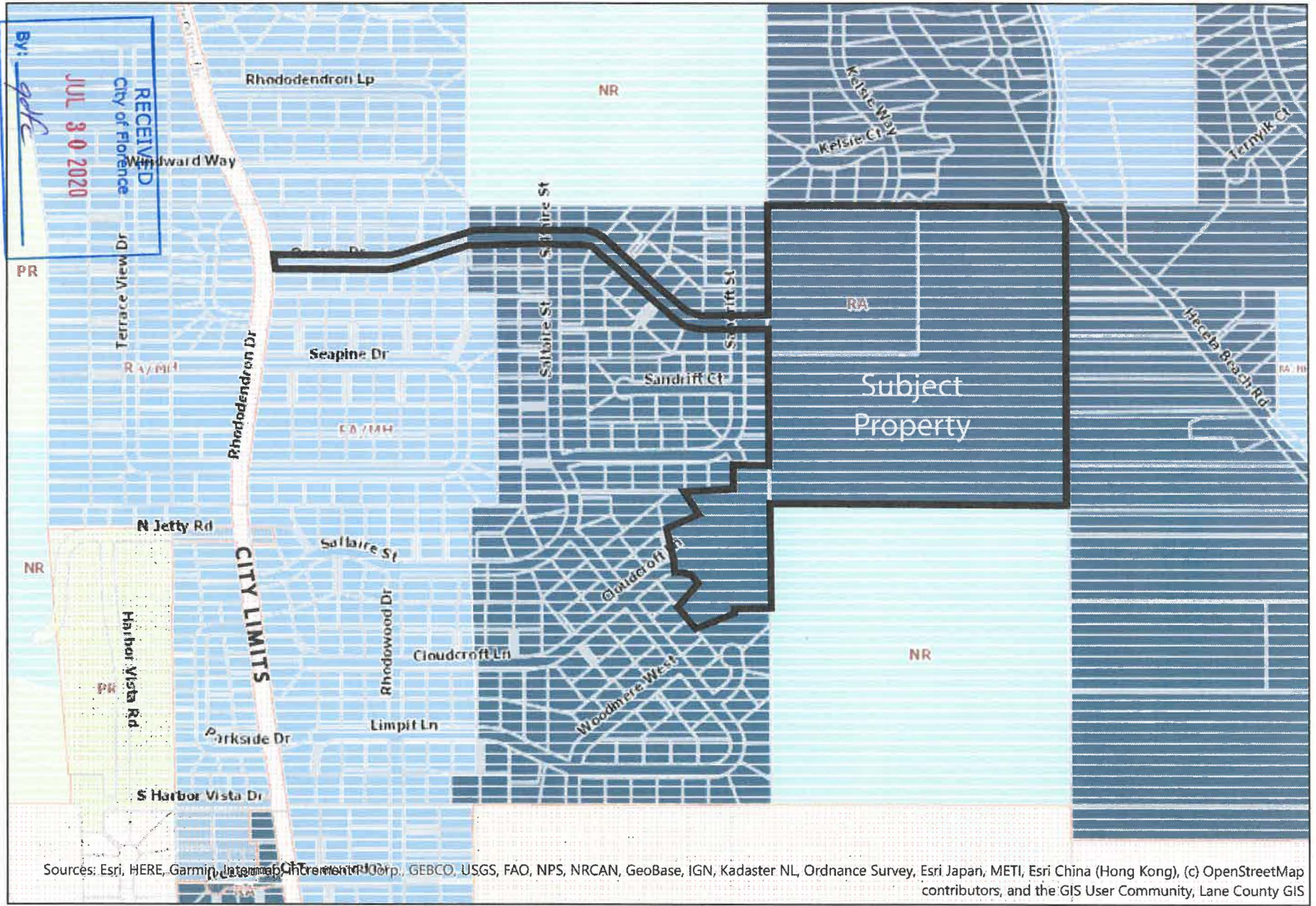
Vicinity Map

Exhibit "D"



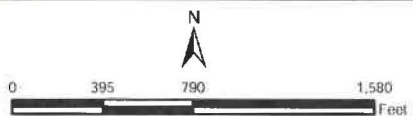
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City of Florence
JUL 30 2020
By: *gdfc*


 City of Florence
 Community Development Department
 259 Hwy 101 N
 Florence, SC 29502
 803.669.5237
 March 11, 2011
 0 0.25 0.5
 Miles
 Ord. No. 2, Series 2011 - Passed February 9, 2011
 Effective March 11, 2011
This map is for informational purposes only and does not constitute a contract or any other legal instrument. It is subject to change without notice. The City of Florence is not responsible for any errors or omissions on this map. For more information, please contact the City of Florence at 803.669.5237.



Sources: Esri, HERE, Garmin, Intermap, DeLorme, GeoEye, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Lane County GIS

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Zoning Map
Exhibit "F"

Exhibit "F"

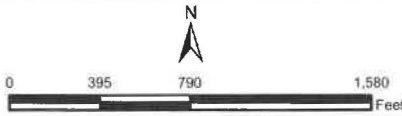
BY: *gaf*



Subject Property

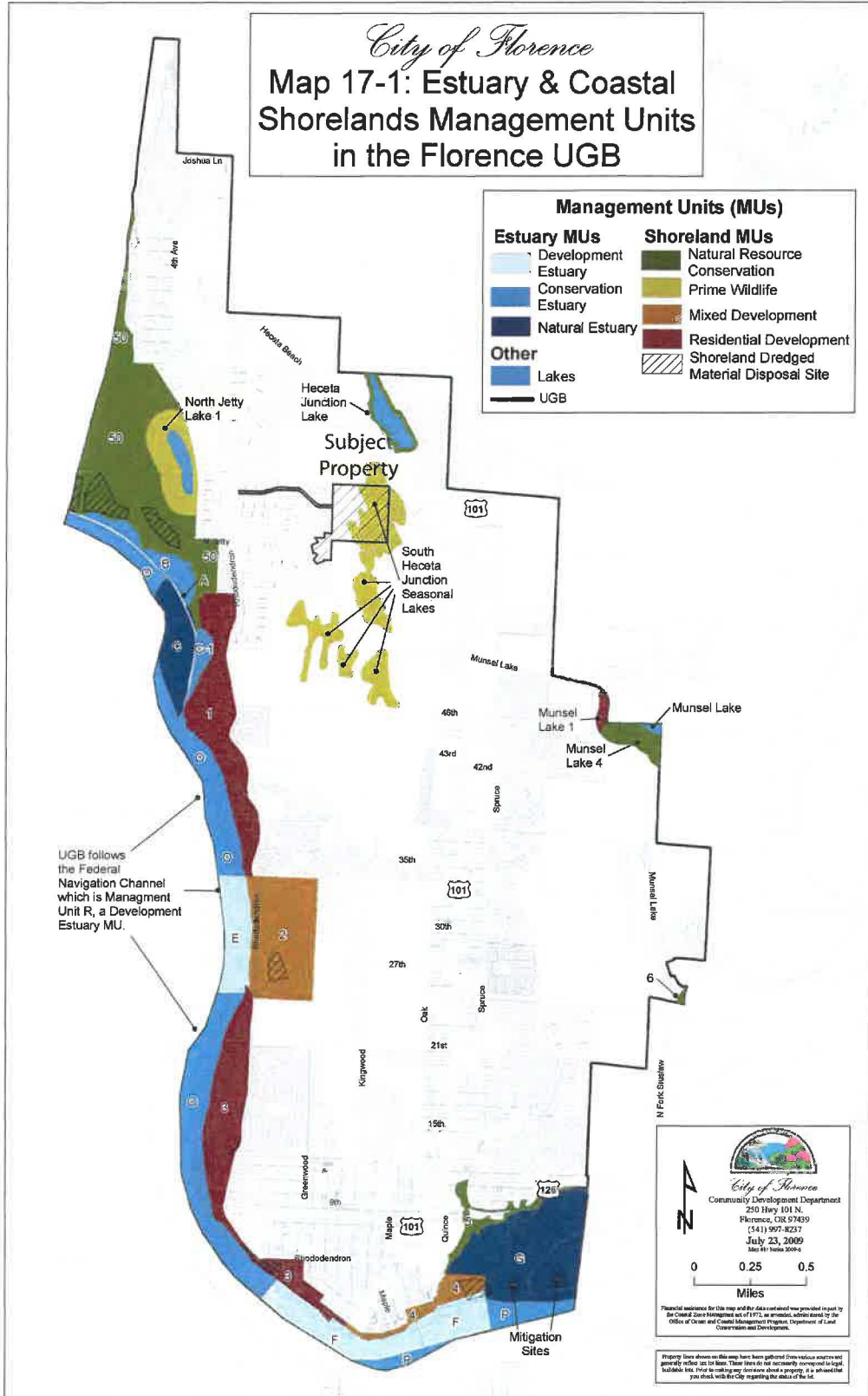
Sources: Esri, HERE, Garmin, DeLorme, GeoEye, IGN, Kartegora, NLS, OpenStreetMap contributors, and the GIS User Community, Lane County GIS

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2017 Aerial Photo
Exhibit "G"

Exhibit "G"



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 City of Florence
 JUL 30 2020
 By: *gdfc*

Michael E. Farthing

Attorney at Law

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Eugene, Oregon 97401

Office: [REDACTED]

[REDACTED]
Eugene, Oregon 97440

email: [REDACTED]

July 27, 2020

Mailed: Certified Mail Return Receipt

via email: planningdepartment@ci.florence.or.usvia email: wendy.farleycampbell@ci.florence.or.us

Mayor Henry and City Council
c/o Wendy Farley-Campbell, Planning Director
City of Florence
250 Highway 101
Florence, OR 97439

Re: Petition to Annex Property and Zone Application (LDR/PW)
18-12-10-34, Tax Lot 801
18-12-10-40, Tax Lots 400 and 401
Owner/Petitioner: Benedick Holdings, LLC

Mayor Henry and Councilors:

This firm together with Clint Beecroft, a licensed engineer with EGR & Associates, and Thom Lanfear, former Senior Planner with Lane County and now a private land use consultant, represent Benedick Holdings, LLC and its Members Sharla Whitten and Gene Benedick, in their desire to annex real property into the City of Florence for eventual subdivision and residential development. *See Exhibit "A"* (Proposed Annexation Area and Legal Description ("the Property")). Attached with this letter are the City's general land use application and zoning checklist forms that have been completed for the Property together with an executed owner Authorization. Also enclosed is a check for \$1750 which we understand is the fee for the initial hearing process. Following that is the Petition for Annexation together with draft findings in the form of our Applicant's Statement. At the end of the Petition and findings are all the map exhibits referenced in this letter, the Petition and the draft findings.

Before getting into the details of our Petition for annexation and zone change application, I want to thank City staff and especially Ms. Farley-Campbell and Mr. Miller for their suggestions and guidance in preparation of this request. The other thing I would note in the introduction is that the City has, over the last

decade and longer, considered and approved several annexation requests in the North Florence area, particularly several recent approvals during the last three years. *See Exhibit "B"* (List of North Florence Annexations and Map).

We believe these more recent annexations were substantially influenced by the two earlier annexations that took place in 2007 and in 2008. The 2007 annexation, included the Fawn Ridge Subdivision together with a third property (Ures) and is located on both sides of Rhododendron. The Fawn Ridge annexation was large and included platted subdivisions that had been approved but plan policy required annexation for sewer service. The area annexed is depicted on the annexation map (Property 1, **Exhibit "B"** (List of North Florence annexations and Map)). It is a cherry stem shaped configuration as was the annexation that followed in 2008.

The Driftwood Shores annexation, the following year, also involved a lengthy portion of Rhododendron Drive extending north to and including the Driftwood Shores Properties ("the Driftwood Shores Annexation"). (*See* Property 2, **Exhibit "B"** (List of North Florence annexations and Map)) *See* also **Exhibit "C"** (Map of Driftwood Shores Annexation). At the time, 2008, it involved another significant extension by the City of sewer service to the northern and northwest edge of Florence's urban growth boundary.

Both annexations occurred at the same approximate time that the City and County were making planning policy changes that now provide the criteria by which this petition for annexation and concurrent zone change request will be evaluated. One of the primary changes was to make clear two points: (1) Sewer service from the City was required for all future development, and (2) sewer service was only available from the City and then only after annexation to the City was completed.

The City's approval of these two annexation requests in 2007 and 2008 was significant because it provided City sewer service to the North Florence area. Coupled with the change in policy requiring annexation to the City to obtain sewer service, there followed, after a pause for the Country's recession, a number of North Florence annexations that were approved beginning with the Jerry's Place annexation in 2015 (Property 3, **Exhibit "B"** (List of North Florence annexations and Map)) followed by a combination of three separate annexation and zone change requests that were approved simultaneously on February 6, 2017. (Ordinance Nos. 1, 2, 3, and 4, Series 2017). This was followed by several more

annexation approvals in 2018 for nearby properties including one that is planned for a 20 plus lot residential subdivision. *See* Property 9, **Exhibit “B”** (List of North Florence annexations and Map). These sites are identified on a map attached as **Exhibit “B”**, (List of North Florence annexations and Map).

Including the Fawn Ridge and Driftwood Shores annexation, a diverse assortment of properties have been annexed in the North Florence area by the City since 2007. All of the annexed properties have or will be provided sewer service from the City as a direct result of the Fawn Ridge and Driftwood Shores annexation approvals that extended a primary sewer line within the Rhododendron right-of-way to the northern edge of the City’s UGB. As discussed later, the City’s approval of the Driftwood Shores annexation was appealed to LUBA who affirmed in its entirety, the City’s annexation approval.

The Driftwood Shores Annexation approval by the Florence City Council on February 6, 2008 was very important for the City’s future growth, and in particular, that approval was also very important for our clients and their present annexation petition for at least two reasons. First, and as described previously, the City’s approval of both the 2007 and 2008 annexations together allowed the extension of a main line sewer north to Driftwood Shores, thereby making it accessible to the Property from Rhododendron east within the platted right-of-way of Oceana Drive. *See* **Exhibit “A”** (Proposed Annexation Area and Legal Description (“the Property”)). The first IDYLEWOOD plat was recorded in 1981 by the Benedick family and they are now requesting annexation of the final part of their Idylewood property. *See* **Exhibit “A”** (Proposed Annexation Area and Legal Description (“the Property”)) Map.

The second reason why both the Fawn Ridge and Driftwood Shores annexations are particularly important for the present annexation petition is their scope, magnitude and geographical shape which was in the form of a cherry stem. *See* **Exhibit “B”** (List of North Florence annexations and Map). This term describes annexation of a street, i.e. the stem being Rhododendron Drive that then connects to the larger, developable property, i.e. the cherry, which was the Driftwood Shores property in 2008 and is Oceana Drive as it extends to our client’s property for this proposed annexation. The reason for annexing the street is to establish contiguity with the existing municipal boundaries. Since the Fawn Ridge annexation in 2007 and the Driftwood Shores annexation in 2008, many more annexations have been approved in the North Florence UGB and all in some form or another, were annexing to receive City sewer service from the main line in

Rhododendron. See **Exhibit “B”** (List of North Florence annexations and Map).

After the City’s approval of the Driftwood Shores annexation (**Exhibit “C”**) (Driftwood Shores Annexation), that final decision was appealed to the Land Use Board of Appeal (LUBA) by two different petitioners. In its decision, (*Link v City of Florence*, LUBA Nos. 2008-145, 2008-146 and 2008-147, decided 02-13-09), LUBA issued a lengthy opinion that responded to and denied all of the various assignment of errors asserted by the opponents and affirmed the City’s annexation approval. This case serves as strong precedent for how the City can and should address the various State and City criteria that all annexations must satisfy including the present petition.

One of the most important parts of LUBA’s decision was its affirmation of the lengthy extension of the City boundaries within the Rhododendron right-of-way. LUBA found such a cherry-stem extension of the City’s boundaries and services was reasonable given the benefits that occurred for both the City and the North Florence property owners from having municipal sewer service readily available. I urge you to review the decision especially as it analyzes and affirms the City’s findings addressing the 2020 Realization Comprehensive Plan which, with some changes, is still the City’s acknowledged comprehensive plan. The annexations that have been approved since Fawn Ridge and Driftwood Shores have all been found to be consistent with the 2020 Plan.

Please excuse all the paperwork, maps and other documents that comprise our annexation petition and the accompanying zone change application which address much of the same criteria. Annexations are more involved than most land use applications because of the State statutes that are directly applicable. The statutes are primarily directed at providing residents, whether they be “electors” or “owners”, with certain participatory rights in the annexation process. For the present annexation proposal, the statutes are not particularly relevant because there is only one “owner”, that being our client, Benedick Holdings, LLC., and no “electors”.

With State statutes not being a factor for this particular application, the primary focus is on the Florence Realization, 2020 Comprehensive Plan and, in particular, the “Annexation Policies” set forth in Chapter 14, “Urbanization”. Those policies are addressed in more detail in the draft findings that are attached to our annexation petition. Of the seven policies listed, Policy 3 requires the most direct look at the property proposed to be annexed with respect to three


“considerations”:

- “(a) orderly, economic provision of public facilities and services;
- (b) conformance with the acknowledged City of Florence Comprehensive Plan;
- (c) consistency with State Law.”

Based on the Property’s location, the availability of public services and facilities, and particularly sewer service, as well as its designation as suitable for low density residential development, as planned for in the City’s 2020 Plan, we believe this proposal satisfies and is consistent with all of the City’s Annexation Policies.

Moreover, we believe this annexation follows a series of annexations that have occurred in the North Florence area that were a direct result of the annexation of Fawn Ridge in 2007 and Driftwood Shores in 2008 together with the concurrent extension of the City’s main line sewer within the right-of-way for Rhododendron Drive. The present annexation is made possible by the presence of that sewer line and is supported by the recent annexations in the general area. This is what is supposed to occur when there is an acknowledged comprehensive plan that provides the standards for when properties should be annexed and what zoning should be applied.

With that, we are ready and willing to respond to any questions and direction you might offer. We are prepared to adjust to new procedural requirements as will be required by the COVID-19 crisis. Please let us know how to proceed.

Sincerely,


Michael E. Farthing

Enclosures:

- Application Fee check \$1,750.00
- Authorization Form
- City of Florence Type of Request Form

City of Florence Zoning Checklist Form
Petition for Annexation
Applicant's Statement in Support of Petition

Exhibits:

- "A" Proposed Annexation Area and Legal Description ("the Property")
- "B" List of North Florence Annexations and Map
- "C" Driftwood Shores Annexation
- "D" Vicinity Map
- "E" Florence Realization 2020 Comprehensive Plan Map
- "F" Zoning Map
- "G" 2017 Aerial Photo
- "H" Estuary & Coastal Shorelands Management Units Map

- c: Benedick Holdings, LLC (via email)
Clint Beecroft (via email)
Thom Lanfear (via email)

AUTHORIZATION

I authorize Michael Farthing, Clint Beecroft and Thom Lanfear to represent Benedick Holdings, LLC and its members with regard to all matters pertaining to a Petition for Annexation and concurrent Zone Change that the aforementioned is concurrently filing with the City of Florence.

BENEDICK HOLDINGS, LLC

Sharla A Whitten

Sharla Whitten, Manager

7/27/20

Date



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: Annex a 46 acre parcel and Oceana Drive to the City and concurrently rezone it Low Density Residential/Prime Wildlife (LDR/PW)

Applicant Information

Name: Michael Farthing, attorney for property owner Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: [REDACTED]
Address: [REDACTED]
Signature: *Michael Farthing* Date: 07-27-20
Applicant's Representative (if any): n/a

Property Owner Information

Name: Benedick Holdings, LLC, an Oregon Limited Liability Company Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: _____
Address: [REDACTED]
Signature: *Shara A. Whitten* Date: 7/27/20
Shara Whitten, Managing Member
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: none
General Description: vacant 46+ acre parcel with Coastal Shorelands on eastern portion

Assessor's Map No.: 18 12 - 10 - 40 Tax lot(s): 400 and 401
Assessor's Map No: 18-12- 10- 34 Tax Lot: 801

Zoning District: Suburban Residential/Urbanizing/Prime Wildlife
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): The western and northern boundaries are developed with single family residential subdivisions. Coastal shorelands are on the eastern and southern borders.

Project Description

Square feet of new: n/a Square feet of existing: n/a
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)

No development is authorized by approval of either the annexation or the change of zone.

For Office Use Only:

Date Submitted: 7-30-20 Fee: \$1750
Received by: gdfc



FOR OFFICE USE ONLY

Received



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



Zoning Checklist

Applicant Information

Name: Benedick Holdings, LLC, Sharla Whitten, Manager Phone 1: [REDACTED] Phone 2: [REDACTED]
Address: [REDACTED] Email Address: [REDACTED]
Signature: Sharla A. Whitten Date: 7/27/20

Property Owner Information

Name: Same as above Phone 1: _____ Phone 2: _____
Address: _____ Email Address: _____
Signature: _____ Date: _____

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.

Property Information

Site Address: None
General Description of Proposal & Existing Conditions: vacant property with some Coastal Shorelands
Assessor's Map No: 18 -12 -10 -34 Tax lot(s): 801
Assessor's Map No.: 18 -12 -10 -40 / Prime Wildlife Tax lot(s): 400 and 401
Zoning District: Suburban Residential/Urbanizing/ Overlay: _____

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): The western and northern boundaries are developed with single family residential subdivisions. Coastal shorelands are on the eastern and souther borders.

Checklist

	YES	NO	Detail
Property is properly zoned for proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are required setbacks/coverage met?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Height restrictions/other zoning restrictions met?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No development is authorized by either approval of the annexation or the zone change.
Previous land use approvals/conditions of approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pre-existing non-conforming conditions on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Site Plan provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Work in the right-of-way required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Change in location of access needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Historic building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Utilities needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Vegetation removal required? Tree removal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Landscaping Plan modifications?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wetlands/Riparian areas or buffer zones?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Erosion issues, tsunami zones or other hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Clearing, regrading, addition of impervious surface?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
New signs or modifications to existing sign?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See FCC 4-7
Meets architectural requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Home Occupation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building permits required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to Building Department
Other			

For Office Use Only

Type:

Approved: Yes / No | By: / Notes:

PETITION FOR ANNEXATION

to

City of Florence, Oregon

The undersigned hereby petitions for and gives its consent for the area described below to be the sole subject of this petition for annexation to the City of Florence, Oregon. With this signature, I am verifying that I have the authority to consent to annexation as the property owner on behalf of our limited liability company.

The property to be annexed is as follows:

Three parcels consisting of 46.06 acres together with a portion of Oceana Drive and more particularly depicted and described on attached **Exhibit "A"** (Proposed Annexation Area and Legal Description ("the Property")).

Assessor's Map References and Tax Lots:

Map No. 18-12-10-34 Tax Lot 801, Map No. 18-12-10-40 Tax Lots 400 and 401 (Proposed Annexation Area and Legal Description ("the Property")).
See **Exhibit "D"**, (Vicinity Map).

Property Address : N/A

Property Owner/Elector's Name(s):

Benedick Holdings, LLC
Sharla Whitten, Managing Member

Signature:

Sharla A Whitten

Sharla Whitten, Managing Member

Date:

7/27/20

Michael E. Farthing

Attorney at Law

462 Kodiak Street
Eugene, Oregon 97401

Office: 541-683-1950

PO Box 10126
Eugene, Oregon 97440

email: mefarthing@yahoo.com

November 24, 2020

Mailed: Certified Mail Return Receipt
via email: planningdepartment@ci.florence.or.us
via email: wendy.farleycampbell@ci.florence.or.us



Florence Planning Commission
c/o Wendy Farley-Campbell, Planning Director
City of Florence
250 Highway 101
Florence, OR 97439

Re: Petition to Annex Property and Zone Application (LDR/PW)
PC 20 22 Ann 01
PC 20 23 ZC 02
18-12-10-34, Tax Lot 801
18-12-10-40, Tax Lots 400 and 401
Owner/Petitioner: Benedick Holdings, LLC

Chair Murphey and Commissioners:

This letter responds to the large number of letters and other evidence that was submitted in opposition to our petition for annexation and accompanying zone change applications, but in particular to Mr. Mittge's November 10, 2020, 27-page letter that was submitted on behalf of the Heceta South Homeowners Association, Inc. ("Heceta South"). I did "attend" your November 10 meeting for our annexation request but I had technical difficulties that prevented me from testifying at the hearing. My remarks would have been brief and have not changed since I was able to review Mr. Mittge's letters.

The fundamental problem with almost all of the opposition's comments, and that includes Mr. Mittge, is that they do not address the annexation and zone change criteria set forth in State law and the Florence Code. Instead, the opponents, with Heceta South being a primary example, assume that our applications are proposing some kind of residential subdivision that involves the creation of single-family residential lots, like the rest of Idylewood. That is not

Exhibit I-2

true and it distorts what we are seeking with these applications.

There is no development proposed at this time. We are simply moving municipal boundary lines on a map pursuant to established agreements in the form of the Florence Realization 2020 Comprehensive Plan (the “2020 Plan”) and numerous other planning documents that have been adopted as part of the 2020 Plan. These planning efforts, included reaching agreement with Lane County, confirm that future urban development in the North Florence Duval Aquifer, which includes the subject property, will be required to have municipal sewer service from the City of Florence. Annexation Policy 2 states that “no land divisions shall be allowed prior to annexation to the City”. This means that properties that are presently undeveloped or need sewer service in the North Florence Duval Aquifer area, must first be annexed to the City of order to receive that service and also to apply for development of their property in accordance with the appropriate City zoning.

This distinctive characteristic of the annexation process as not being an act of development was recognized in *Link v City of Florence*, ___ Or LUBA ___ (LUBA Nos. 2008-145, 2008-146 and 2008-147, decided 02-13-09) (LUBA decision that affirmed the City’s annexation of the Driftwood Shores development and 3000 plus feet of Rhododendron Drive right-of-way for contiguity and sewer extension). Specifically, the *Link* opponents argued that the annexation would violate certain comprehensive plan urban service area policies (environmental protection, transportation, water/fire services) even though the site was already developed. In rejecting that argument, LUBA cited favorably to the City’s findings, about annexation not being a “development” of a property:

“ . . . Webster’s defines the term ‘develop’, in relevant part, to mean ‘to convert (as in rawland) into an area suitable for residential or business purposes. . . to alter raw land into (an area suitable for building).’ *Webster’s Third New International Dictionary, Unabridged* 618 (2002). This definition fits with the Council’s conclusion that the annexation proposal here is not an action that converts or alters, or proposes to convert or alter, the annexation territory. First, the proposal simply incorporates the territory into the City. Second, the

annexation territory is already built-up and occupied by a commercial development or set aside as open space. As a result, the annexation proposal is not one that proposes to develop the annexation territory.”

Link at 26 fn10. While the annexed properties are quite different, the conclusion is the same: “. . . the annexation proposal here is not an action that converts or alters, or proposes to convert or alter, the annexation territory.” Annexation is the condition precedent to development which, by itself, is not development of any sort.

This does not mean that issues pertaining to protection of natural areas, stormwater, traffic, sewer service, neighborhood impacts and all the other issues that have been raised by the opponents are not important. Rather, for the most part, these are the issues that will take center stage when a “development” is proposed which will most likely be a land division application of some sort. That is the point when it is our burden to demonstrate that our proposed “development”, whatever it might be, can and will be closely scrutinized by staff, neighbors, government agencies and other interested parties during that development process. We will address Florence Code and other relevant standards and criteria. There will be a specific development proposal for everyone to review and comment upon.

There were a few issues that were raised by Mr. Mittge that warrant specific comment. They include the “reasonableness” of the annexation, if approved, its cherry-stem configuration and the City’s decision to forego elections for annexations.

Annexation is Reasonable

Mr. Mittge (p 3-4) argues the cherry-stem shape of the proposed annexation is not “reasonable”. He cites to *Portland General Electric Co. V. City of Estacada*, 194 Or 145 (1952) (“*PGE*”) in which the Oregon Supreme Court voided a cherry-stem annexation of PGE’s facilities to the City of Estacada as being unreasonable. Although Mr. Mittge quotes the *PGE* case at length, its effectiveness and relevance has been significantly reduced due to intervening circumstances, legislation and case law which has effectively established a

measurement of the reasonableness of an annexation request as being the extent to which the annexed territory is consistent with the acknowledged comprehensive plan and implementing zoning ordinance.

This reasonableness measurement, based on compatibility with the acknowledged comprehensive plan, was first articulated in a 1995 case (forty-two years after *PGE*) in which approval of annexation of a property at the end of a 1500-foot road was found to be reasonable despite the irregular shape. *Department of Land Conservation & Development v. City of St. Helens*, 138 Or App 222, 227-228 (1995). In doing so, the Court found that annexations are now largely “controlled by specific legislative and regulatory criteria”. *City of St. Helens*, 138 Or App at 227-228. This standard was subsequently confirmed in *Morsman v. City of Madras*, 191 Or App 149 (2203). In that case, the Court remanded the annexation approval back to the city to determine whether the annexation met statutory land use criteria because as the Court concluded, compliance with local land use laws is the “largely controlling” component of the reasonableness test. *Morsman*, 191 Or App at 155.

Mr. Mittge made a similar argument (annexation is not reasonable) in his appeal of the cherry-stem shape of the Driftwood Shores annexation and it was also rejected by LUBA in *Link v. City of Florence*, __ Or LUBA ___, Sl Op 31-32, LUBA No. 2008-147, decided 02-13-09. After affirming the *City of St. Helens* holding that the “reasonableness” test is “implied in the current statutory criteria, LUBA went on to reject Mr. Mittge’s claim that the extended sewer line in Rhododendron somehow made the annexation unreasonable. LUBA found that the challenged sewer extension would benefit both the City and the annexed property. *Link* at 32.

This is exactly what the City staff has concluded for the present annexation. The subject property is inside the UGB. It is designated for Low Density Residential by the 2020 Plan. Upon annexation, it will be zoned Low Density Residential. Everything that is being proposed by these annexation and zone change applications is consistent with decades of planning by the City.

Annexation Resolutions

Mr. Mittge challenges the City’s reliance on “Resolution No. 8, Series

2008" which expressed the Council's desire to dispense with all annexation elections. Mr. Mittge is correct that Resolution No. 8, Series 2008 was repealed but what he didn't mention is that it was replaced soon after by Resolution No. 28, Series 2010, on July 6, 2010. I believe staff will provide a more complete response.

The point is that Mr. Mittge's challenge has no merit. The Council has elected "to dispense with any and all elections both in the City and the annexed territory whenever permitted to do so . . .". No election is required for this annexation.

Annexation Policies

The seven Annexation Policies set forth in Goal 14 of the 2020 Plan serve as the fundamental criteria for all petitions for annexation to the City of Florence. In the draft findings, the staff's initial response to Goal 14, Urbanization, ("orderly and efficient transition") provides a summary of the basic reasons supporting this particular annexation requests:

"Goal

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via public right-of-way, Oceana Drive to the west; 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 properties being annexed. All connections to the sewer line will

be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.

- The provision of sewer service will allow the property owners to eliminate the need for septic systems and their maintenance and repair.
- Additionally, bringing sewer into the initial Idylewood development, the oldest of the plats, will provide the opportunity for additional sewer connections from adjoining developed properties.”

This annexation benefits the City and our client. It fully implements the comprehensive plan. In looking at a map of the North Florence area, there really is no other way for this property to be developed in accordance with the Low Density Residential zoning and plan designation other than extending a sewer line from Rhododendron within public street right-of-way to the property. This is the “orderly and efficient” transition to urban uses as explained in more detail in the draft findings for each annexation standard.

In contrast, Mr. Mittge provides a one page list (Mittge at 25) of all the alleged failures of this particular annexation petition. Without exception, each of Mr. Mittge’s alleged shortcomings presumes some hypothetical “development” is being proposed. For example, item e. states the annexation application “fails to provide ‘decent, safe and sanitary’ housing” despite the fact that no housing is being proposed. His allegation of a failure to provide decent housing is based on a phantom development, whether it be one house or multiple lots. He and his clients know that whatever is eventually proposed, it won’t be “decent, safe and sanitary.”

Such an allegation, like the others in his summary of “failures”, is ridiculous on its face. This annexation is not providing housing, it is not increasing traffic on Oceana and it is not extending sewers. This request is to primarily verify that the City, pursuant to consideration of their seven Annexation Policies in Goal 14 of the 2020 Plan, can and is ready to accept jurisdiction for the future development of the property. That’s exactly what the 2020 Plan envisions and expects will occur over time.

Referrals

Mr. Mittge and others claim we and the City have failed to provide “an adequate factual base” for approval of the annexation and zone change applications. To the contrary the staff’s draft findings, especially with regard to the “orderly, economic provision of public facilities and services”, rely on referral comments from both City staff as well as outside providers of various services and facilities. There is no need to review each response because they universally indicate that the service they provide, whether it be sewer (the City) or water (Heceta Water PUD) is presently available to serve the property. That’s the fundamental factual statement that supports the annexation. How those services are provided is one of the primary issues that must be addressed when a “development” application is submitted which will occur only after annexation is approved.

In that regard, we know there is significant interest in certain facilities (stormwater and traffic) that could be affected when this property is developed. Mr. Miller in his referral from City’s Public Works Department noted some of the issues that will likely be addressed when a site plan or subdivision application is submitted. We know we have to address City Code as well as other applicable standards with our future application in addition to those past, unresolved circumstances. There will be a full airing of these matters in the context of the City’s Code requirements and a specific development application.

For now, it is important to note that the most relevant evidence, i.e. responses from service providers, is uncontradicted by Mr. Mittge and the other opponents. Instead, they make up development proposals in order to argue that the annexation should be denied because of the deleterious effect of the phantom development proposed. Staff’s findings are thorough and supported by substantial evidence.

Conclusion

Despite all the opposition, including Mr. Mittge’s tome, most of it was misdirected, speculative and lacked evidence. This annexation request is supported by the 2020 Plan and its predecessor plan, the 1988 City of Florence Comprehensive Plan. This is what is supposed to happen in 2020. Property

Chair Murphey and Commissioners

November 24, 2020

Page 8

cannot be divided without annexation. Sewer service is required. We are doing what the 2020 Plan directs and we ask that you recommend approval of both applications.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Farthing". The signature is written in a cursive style with a large, stylized initial "M".

Michael E. Farthing

cc: Benedick Holdings, LLC (via email)
Clint Beecroft (via email)
Thom Lanfear (via email)
Zack Mittge (via email)



APPLICANT’S STATEMENT IN SUPPORT OF PETITION FOR ANNEXATION AND CONCURRENT ZONE CHANGE

I. PROPOSAL DESCRIPTION

Proposal: Annexation

Request for the City of Florence (“the City”) to annex the Property and a portion of Oceana Drive (**Exhibit “A”**) (Proposed Annexation Area and Legal Description (“the Property”)) into the City of Florence’s municipal boundaries.

Rezoning

Upon annexation, the corresponding City zoning district matching the Property’s comprehensive plan designation is Low Density Residential with a Prime Wildlife Overlay Zone.

Applicant Representatives: Michael Farthing, Clint Beecroft and Thom Lanfear

Petitioner/Applicant: Benedick Holdings, LLC, an Oregon limited liability company

General Property Description (legal description and map set forth in Exhibit “A”) (Proposed Annexation Area and Legal Description (“the Property”)):

Assessor’s Map No. 18-12-10-40 Tax Lots 400 and 401

Assessor’s Map No. 18-12-10-34 Tax Lot 801

Oceana Drive

Comprehensive Plan Map Designation: Low Density Residential/ Coastal Shorelands. See **Exhibit “E”**, (Florence

Surrounding Land Use/Zoning: *See Exhibit “F”, (Existing Zoning)*

Sites: Low Density Residential subdivided lots on western and northern edge and no development on remaining boundaries. *See Exhibit “D” (Vicinity Map)*

North: Single family residences *See Exhibit “G”, (2017 Vicinity Aerial)*

South: Coastal Shorelands (Lane County) *See Exhibit “G”, (2017 Vicinity Aerial)*

East: Coastal Shorelands *See Exhibit “G”, (2017 Vicinity Aerial)*

West: Single family residences *See Exhibit “G”, (2017 Vicinity Aerial)*

Streets/Classification: local

II. NARRATIVE

The Applicant petitions for annexation of its property (“the Property”) from Lane County jurisdiction to City of Florence jurisdiction for the eventual purpose of subdividing it into single-family lots with connection to City sewer service. There are no electors residing on the Property. The petition also requests annexation of Oceana Drive, a local access road in the County, as it extends west from the Property to Rhododendron Drive which is Florence’s municipal boundary. *See Exhibit “A” (“the Property”)*.

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 signed petition from the single property owner, Benedick Holdings, LLC, allows the City to process the annexation under the “Triple Majority” methodology (ORS 222.170(1)). The annexation and zoning assignment will be processed as a Type

IV legislative zone change with a hearing before both the Planning Commission and City Council.

The Property is not currently served by Heceta Water PUD, but those services are available. After annexation, the Property will be provided City services such as sewer and police protection. The Property is within the Siuslaw Rural Fire Protection District. The Property will continue to be served by all service districts that presently provide public services.

III. PUBLIC NOTICE

Notice of the Planning Commission's public hearing will be mailed to property owners within 300 feet of the proposed annexation area. Notice will be published in the *Siuslaw News*.

IV. REFERRALS

Referrals will be sent to the City's Public Works, Building, and Police Departments; Lane County Transportation, Surveyor, Land Management and Environmental Health Departments; Department of Land Conservation and Development; the U.S. Post Office; Charter Communications; Century Link; Coastcom; Central Lincoln PUD; Heceta Water PUD; Central Coast Disposal; County Transfer and Recycling; and Siuslaw Valley Fire and Rescue.

V. APPLICABLE REVIEW CRITERIA

Annexation

Oregon Revised Statutes (ORS)

222.111; 222.120; 222.125; and 222.170(2)

Florence Realization 2020 Comprehensive Plan

Chapter 1: Citizen Involvement, Policy 4

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

Chapter 10: Housing Opportunities

Chapter 11: Utilities, Facilities and Services Public Utility Plan

Chapter 14: Urbanization, Annexation Policies 1 through 7

Chapter 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands,
Policies 11 and 17

Zone Assignment

Low Density Residential/Prime Wildlife Overlay

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: Low Density Residential District

Chapter 19: Estuary, Shorelands and Beaches and Dunes, Sections 10-19-5
and 10-19-9

VI. PROPOSED FINDINGS OF FACT

The following findings support the petition 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 proposed findings of consistency in plain text.

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 is located within the acknowledged urban growth boundary of the City. *See Exhibit “E”* (Florence Realization 2020 Comprehensive Plan Map). The Property is contiguous to the City boundaries through the concurrent annexation of Oceana Drive as proposed by the petition. *See Exhibit “A”* (“the Property”).

(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 legislature body of the city by the owners of real property in the territory to be annexed.

This petition for annexation of the Property was initiated by the sole owner of the real property in the territory to be annexed. Pursuant to established practices, the County will consent to the annexation of Oceana Drive.

(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 Property within the City consistent with Oregon laws governing taxation. This proposal for annexation does 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 and be provided fire protection service by the District.

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

Resolution No. 8, Series 2008, adopted by the City Council, the legislative body of the City, on April 21, 2008, 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 in the area to be considered. Because the City received a petition and consent from the sole owner of the Property within the proposed 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. 8, Series 2008 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. 8, Series 2008 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 to consider this annexation and rezoning proposal will be held before both the Planning Commission and City Council allowing City electors to be heard on the proposed annexation and zone change.

(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.

Legal notices will be provided as required by Code and State Statutes.

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

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

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

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

The proposed annexation is contiguous to the City limits on the western property line through the extension of City boundaries over Oceana Drive. *See Exhibit "A" ("the Property")*.

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

No property will be withdrawn from the Siuslaw Valley Fire and Rescue District 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 sole 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. Regardless, this application meets the criteria of this statute.

ORS 222.170 Annexation by consent before public hearing or order for election; proclamation of annexation.

(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 single property owner was signed and provided with this petition for annexation.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

Chapter 1: Citizen Involvement

Goal

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

Policy

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

This proposal is consistent with the citizen involvement goal and Policy 4 because the process used by the City to approve the Resolution 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 will be publicized and held at regular times and provide the opportunity for citizen comment.

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

Chapter 2: Land Use

- Policy 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 the City to conduct these internal reviews on a regular basis to ensure that the City continuously has the capacity to serve existing and new development, including the annexed Property. The City has actively studied the capacity of these systems and hired consultants to supplement these studies. Documentation of recent study results cited in recent annexation approvals in the general area confirm that the City has 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.

The City recently conducted an evaluation of its residential zones and made changes that address this policy's identified goals for future residential development, i.e. increasing densities with smaller lots, encouraging cluster development and density bonuses based on public benefit criteria. The new Low Density Residential zoning district implements these goals and provides options for the eventual development of the 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/Urbanizing/Prime Wildlife Overlay by Lane County and is undeveloped. *See Exhibit “F”*, (Existing Zoning). The City’s implementing zone for this area is the recently-adopted Low Density Residential zone together with the Prime Wildlife Overlay district by reason of the Property’s location in the Heceta Junction Seasonal Lakes Shorelands management unit. *See Exhibit “H”*, (Estuary & Coastal Shorelands Management Units Map). Development of the Property in accordance with standards and requirements of these City zones will not threaten public health or welfare and will not create excessive public expense.

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

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

There are no existing uses presently on the Property. Any future development will be in accordance with the implementing zoning district, Low Density Residential and the Prime Wildlife Overlay district. Such development will be entirely consistent with the existing Idylewood development located on the western edge of the Property. *See Exhibit “G”*, (Vicinity Aerial).

Low Density Residential

This zoning district was established by the recent Housing Code Update and is intended to provide a quality environment for low density, urban residential uses and other Planned Unit Development as determined to be necessary and/or desirable. It replaces the Restricted Residential district.

The Applicant has proposed the Low Density Residential zone, which was recently adopted by the City to replace the Restricted Residential zoning district. This proposal meets all the requirements of this new zone such as minimum lot

size and width outlined in Title 10 Chapter 10.

Chapter 10: Housing Opportunities

Goal: To provide opportunities and conditions to accommodate provision of varying housing types that are affordable, decent, safe and sanitary for people of all economic segments of the community.

While this goal and adopted policies are primarily directed toward the City and its council, it is fair to say that annexation of the Property will provide additional housing opportunities that will, in turn, maintain a competitive supply of housing sites, locations and opportunities. Further, the extension of sewer service could stimulate interest in the existing developed community for that urban service. *See Exhibit “A” (“the Property”).*

Chapter 11: Utilities, Facilities and Services

Goal: To help assure that urban development in the urban growth boundary is guided and supported by types and levels of public facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly, and efficient arrangement, as required by Statewide Planning Goal 11, Public Facilities and Services.

Although no policies or recommendations are directly applicable to this petition for annexation, it should be noted that the Background statement declares:

“The *Public Facilities Plan* finds that almost all areas within the city limits are served or can be served in the short-term (0-5 years) with water, wastewater, and stormwater. * * * Service to all areas within city limits are either in a capital improvement plan or can be extended with development. With the improvements specified in the *Public Facilities Plan* project lists, all urbanizable areas within the UGB can be served with water, wastewater, and stormwater service at the time those areas are developed.”

The Property can be served with a full range of public services including sewer service by the City. There are some services, most notably water and fire protection, that will be provided by authorized and operating service districts, specifically the Heceta Water PUD and Siuslaw Valley Fire and Rescue. These service providers function within the City boundaries pursuant to existing intergovernmental agreements.

Chapter 14: Urbanization

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

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

- The annexation area is within the Florence urban growth boundary (UGB) and is contiguous to existing City limits via public right-of-way, Oceana Drive, which travels through a developed, single-family neighborhood to the west; it is, therefore, an orderly transition from rural to urban land uses. See **Exhibits “A”** (“the Property”) and **“D”** (Vicinity Map).
- 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 being annexed through an extension that will be located in the existing public right-of-way (Oceana Drive). All connections to the sewer line will be funded through system development charges, connection fees, and property owner investment. This financing method allows for cost-effective service delivery to all users of the system.
- The provision of sewer service will eliminate the need to maintain and repair septic drain fields.
- The additional benefit that is provided by the City’s extension of sewer service to the Property is that it might stimulate additional connections from adjoining developed properties.

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 a single property owner in order to receive City and public services and has not been initiated in order to abate a health hazard. ORS 222.840 is not applicable to this specific proposal.

The City of Florence has utilized this proposed annexation method allowable by State law that requires a majority of consents and will not utilize an “island annexation.” The City has received a signed petition from single the property owner. This criterion is met.

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

- 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 boundaries of the North Florence Dunal Aquifer and therefore no subdivision of the Property can occur until annexation is completed.

- 3. Conversion of lands within the UGB outside City limits shall be based on consideration of:**
 - a) Orderly, economic provision for public facilities and services:**

The proposed annexation is consistent with Policy 3a. because the annexation area will be served through an orderly, economic provision of public facilities and services, including sewer, water, storm drainage, streets, fire and police protection, power, and communications. The existing utility and service providers 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: Based on recent annexation decisions in the area of the Property there is sufficient capacity in the City's wastewater treatment facilities to serve the proposed low density residential uses without negatively affecting existing customers. Currently the Waste Water Treatment Plant has an excess capacity.

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

Stormwater: There will be no change in the handling of stormwater upon annexation. Upon development, the property will be expected to meet City Code, retaining all stormwater on-site.

Streets: The Property is principally accessed by Oceana Drive although other public streets abut the western edge of this Property. As local streets, they will be expected to serve traffic to residences and parks within the area. The existing and any future usage (vehicular trips) made available by annexation and zone change can be accommodated by the surrounding platted street availability. 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.

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 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 because the Florence Realization 2020 Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) and is the acknowledged comprehensive 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 in the previous review of Oregon Revised Statutes (ORS).

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.

The City expects that any future development proposals for the Property will need to remain consistent with the development requirements of Lane Code Chapter 15 until jurisdictional transfer of the Property and right-of-way occurs. After that, Lane County will be informed of all proposed developments occurring on the Property in the future. Lane County will receive notice of this request for annexation.

5. The City will send a referral requesting comments on annexations to

the Heceta Water District, for annexation 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 will be provided notice and time to comment on the proposed annexation.

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

The Applicant will be required to pay the project costs to extend sewer services where they do not currently exist. Future development of the Property will necessitate payment of applicable systems development charges. Any undeveloped Property and expansions to developed Property 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 property 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 off of streets adjacent to the Property, which will still be maintained by Lane County.

Chapter 17: Coastal Shorelands: Ocean, Estuary and Lake Shorelands

Goals:

- 1. To conserve, protect, where appropriate, develop and, where appropriate, restore the resources and benefits of coastal shorelands, recognizing their value for protection and maintenance**

of water quality, fish and wildlife habitat, water-dependent uses, economic resources, cultural resources, and recreation and aesthetics.

- 2. To reduce the hazard to human life and property, the adverse effects on water quality, and the adverse effects on fish and wildlife habitat, resulting from the use and enjoyment of Florence’s coastal shorelands.**

There are Coastal Shorelands located on the eastern side of the Property. They have been mapped and inventoried as the “Heceta Junction Seasonal Lakes”. See Policy 11. General priorities for overall use of Coastal Shorelands are listed in Policy 12. See Exhibit “H”, (Estuary & Coastal Shorelands Management Units Map).

The Coastal Shorelands located on the Property is further inventoried as a “Prime Wildlife Management Unit” that is described and regulated by Policy 17. This includes a minimum 100 foot horizontal buffer zone from the edge of the coastal lake. All of this ensures that no development or land disturbance of any kind will be allowed in this management area.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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

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. rezonings and comprehensive plan amendments).**

The Applicant has proposed an annexation and zoning assignment for its Property and therefore Type IV procedures are applicable. 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 Property's Comprehensive Plan designation is Low Density Residential. The Low Density Residential zone will be assigned upon approval of the request from Council and finalization of the annexation process with the County and State. Also applied to the Property will be the Prime Wildlife Overlay district because of its location in the Heceta Junction Seasonal Lakes management unit.

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.

The Planning Commission will hold a public hearing on this annexation request and quasi-judicial zone assignment. The findings of fact will be available in advance of the hearing. Annexation of the Property within the UGB is permitted if the request meets the applicable ORS and the City's urbanization policies.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-1: RESIDENTIAL ZONES AND PURPOSE:

- A. Low Density Residential (LDR): The Low Density Residential District is intended to provide a quality environment for low density, urban single-family residential use and other single or multifamily Planned Unit Development as determined to be necessary and/or desirable.**

The vacant Property and a portion of Oceana Drive are proposed to be zoned Low Density Residential District. This zone is appropriate as it corresponds to the comprehensive plan designation (Low Density) assigned to property served by this local road. No specific policies are applicable under this annexation or zoning proposal since no development is applied for with this application.

10-19-9: Prime Wildlife Overlay District (/PW)

This overlay district will be applied to the areas so designated in the Comprehensive Plan.

VII. CONCLUSION

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

Exhibits:

- “A” Proposed Annexation Area and Legal Description (“the Property”)
- “B” List of North Florence Annexations and Map
- “C” Driftwood Shores Annexation
- “D” Vicinity Map
- “E” Florence Realization 2020 Comprehensive Plan Map
- “F” Zoning Map
- “G” 2017 Aerial Photo
- “H” Estuary & Coastal Shorelands Management Units Map

Exhibit K

Testimony (Planning Commission Hearing)

Due to size, the Testimony from the Planning Commission Hearing (Exhibit K) is available as a Separate Document

Benedick Holdings, LLC
Annexation and Zone Change

Exhibit L
Referrals
(Exhibits L1 - 8)

From: [Tom Turner](#)
To: [Wendy Farley-Campbell](#)
Subject: Re: Benedick Annexation Referral
Date: Tuesday, October 6, 2020 10:10:58 AM

Wendy, We do have capacity. We have been policing all around the area. This incorporation should not create any problems for us. Tom T.

Sent from my iPhone

From: Pilon, Luke <Luke.Pilon@centurylink.com>
Sent: Monday, October 05, 2020 3:00 PM
To: Aleia Bailey
Subject: RE: Referral for comment: Land Use Application PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change
Attachments: NOH - PC 20 06 ANN 01 & PC 20 07 ZC 02.pdf

Hi Aleia,

I have no issues with this expansion.



Luke Pilon
Network Implementation Engineer II
1762 W 2ND AVE EUGENE OR 97402
Office: 458-221-7430 Cell: 716-238-6610
luke.pilon@lumen.com



October 5, 2020

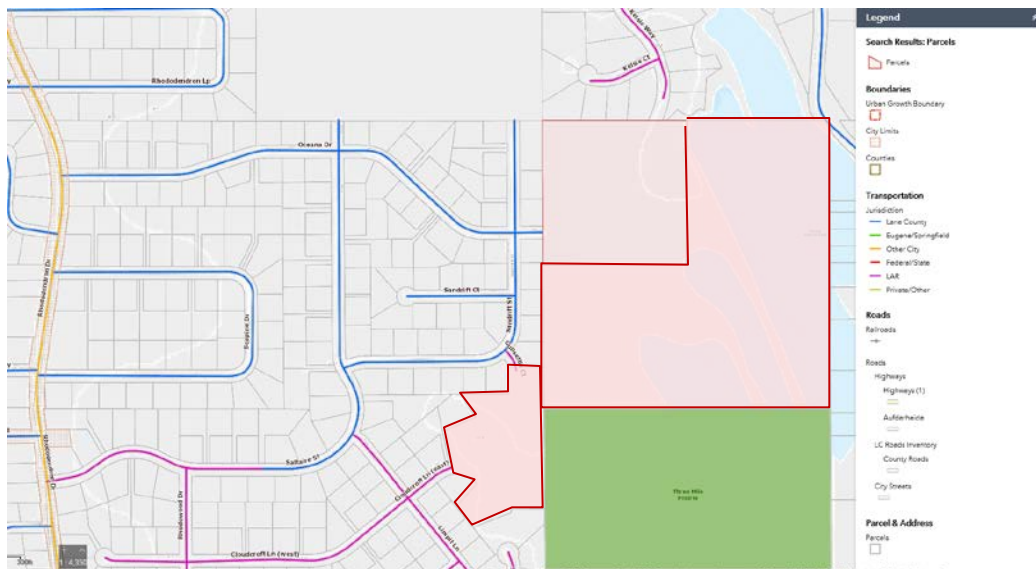
CITY FILE: PC 20 22 ANN 01 & PC 20 23 ZC 02
OWNER: Benedick Holdings, LLC
APPLICANT: Michael Farthing
MAP & TAX LOTS: 18-12-10-40-00400; 18-12-10-40-00401; 18-12-10-34-00801
PROPOSAL: **ANNEXATION OF APPROXIMATELY 48.82 ACRES INCLUDING THE PUBLIC RIGHT-OF-WAY OF OCEANA DRIVE AND THREE PROPERTIES**

Thank you for the opportunity to review and comment on this proposal. Please accept the following comments from Lane County Transportation Planning:

COMMENTS FROM LANE COUNTY TRANSPORTATION PLANNING

The subject properties (“properties”) are located within the City of Florence’s Urban Growth Boundary. The properties are located at the terminus of Oceana Drive, as shown in the figure below. Oceana Drive is a Lane County road functionally classified as an Urban Local road.

Lane County recommends the proposed annexation also include Gullsettle Court, Cloudcroft Lane, and Kelsie Way, the three Local Access Roads that are adjacent to the subject properties, as well as Oceana Drive. Lane County does not maintain, but may regulate the use of Local Access Roads [Lane Code (15.010(35)(e)(v) & (vii)].



In order for Lane County to provide jurisdictional transfer of Oceana Drive, Gullsettle Court, Cloudcroft Lane, and Kelsie Way, annexation must occur; however, annexation of the right-of-way means that jurisdictional transfer has been completed for Local Access Roads. Jurisdictional transfer of County Roads requires an additional public process that may take many years to complete.



Unless and until the jurisdictional transfer of Oceana Drive, Gullsettle Court, Cloudcroft Lane, and Kelsie Lane occurs, its current status as an Urban Local road or a Local Access Road requires that any redevelopment of new development of the property demonstrate compliance with Lane County's requirements for roads as applicable. Such requirements are at Lane Code (LC) Chapter 15 and include: **LC 15.070**: Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Roads or Highways; **LC 15.105**: Dedication and Improvement Requirements **LC 15.135**: General Access Requirements; **LC 15.137**: Access Management Requirements; and **LC 15.704**: Urban Local Street Standards. A full copy of LC Chapter 15 is available for review at:

<https://www.lanecounty.org/cms/one.aspx?portalId=3585881&pageId=4119453>

Improvement Requirements

At the time of development, Lane County may require half-street improvements that are proportional to the impacts of development pursuant to LC 15.105 (1).

Stormwater

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

From: [Mike Miller](#)
To: [Aleia Bailey](#)
Cc: [planningdepartment](#)
Subject: RE: Referral for comment: Land Use Application PC 20 22 ANN 01 & PC 20 23 ZC 02 - Benedick Holdings, LLC Annexation and Zone Change
Date: Tuesday, October 6, 2020 5:02:42 PM

Good afternoon Aleia,

Below are our comments related to the PC 20 22 ANN 01 & PC 20 23 ZC 02, Idylewood 4th Addition:

Sanitary Sewer

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

The City has pressure sanitary sewer collection system facilities located within Rhododendron Drive. The sewer pressure lines consist of parallel 6-inch diameter pressure sewer mains with only one in use. The dual 6-inch diameter pressure lines were designed and installed in anticipation of providing sewer service to this region of the City/Urban Growth Boundary. There is excess capacity in this system and the system was sized to accommodate this area. In order to provide service to the proposed development, the developer will need to extend a pressure sewer line from Rhododendron Drive along Oceana Drive to the development where a neighborhood sewer pumping station will be constructed as part of the development.

Additionally regarding sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners an opportunity to have City sanitary sewer service if they desire. City sanitary sewer service is currently only available to properties within the City limits. Properties outside of the City limits would need to annex prior to receiving sanitary sewer service from the City. It is the policy of the city of Florence to provide sanitary sewer service to any property within the City's wastewater service area. However, the property owners are to pay for sewer main extension, manholes, pump stations, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project.

Streets

The proposed streets within the Idylewood 4th Addition are proposed to be City streets and will need to meet City standards for construction. Oceana Drive is currently classified as a urban local road which is maintained by Lane County. Since it is a urban local roadway, Oceana would not automatically transfer to the City upon annexation. The City will need to evaluate whether or not the street is in an acceptable condition, including stormwater management, to transfer maintenance (Jurisdictional Transfer) of the roadway to the City. Oceana Drive was chip sealed by Lane County crews in 2014 and has some settlement/tree root heave issues (one area on Oceana Drive was addressed by the County about 2 years ago). The determination of long term maintenance of Oceana Drive needs additional analysis, considering maintenance history, stormwater management, Pavement Condition Index (PCI), current conditions of the roadway, and planned repairs prior to the

City requesting jurisdictional transfer of maintenance responsibilities after annexation. Jurisdictional transfer is a separate process whereby the City would petition the County to transfer maintenance responsibilities.

Annexation of local access roads, such as Gullsettle Court and Cloudcroft Lane, most likely would automatically include jurisdictional transfer to the City. This would need to be verified with Lane County.

Stormwater

There is a lot of history concerning stormwater in regards to the existing Idylewood 1st and 2nd Additions. The original developer of the Idylewood subdivision installed a stormwater conveyance system as a result of serious flooding that occurred in 1999 in the Sandrift, Saltaire, Oceana and Gullsettle Court areas. The developer installed an underground (piped) stormwater system from Gullsettle Court to Rhododendron Drive. According to County records there are deficiencies with the stormwater conveyance system, namely accessibility for maintenance. Existing cleanout locations between Saltaire Street and Rhododendron Drive are not large enough for maintenance activities and manholes need to be constructed in their place. Additionally, it is not clear if adequate easements have been established for the entire length of the stormwater system or if they have been dedicated to the County. Additionally, over the years since the stormwater system was installed, there are obstructions and encroachments to the system. These obstructions and encroachments include fences, trees, vegetation, and outbuildings (reported garages and sheds) constructed over the stormwater line. The County required a 10-foot wide travel way to be constructed with a grade and structure base sufficient to support the County's maintenance equipment, which has not been constructed. One last item regarding the existing stormwater system was that after all the items were completed, the developer was to maintain the entire stormwater system from Gullsettle Court to Rhododendron Drive for a period of five years. These items have never been completed and the 5 year warranty period has therefore never been established or started. Florence Public Works only brings this up since stormwater and stormwater management is a critical consideration of the new proposed Idylewood 4th Addition.

Stormwater for the proposed Idylewood 4th Addition will need to consider not only management of the surface water runoff, but also groundwater. During times of heavy and concentrated rain events, like the flooding in 1999 and most recently in 2017, the groundwater levels become so high that it prevents surface water runoff from infiltrating into the ground. Additionally, on the eastern boundary of the project, seasonal lakes can compound stormwater management and all elements of stormwater management will need to be analyzed and addressed in order to prevent localized flooding events. Conveyance of stormwater discharges from the subject property (emergency and overflow) will need to be thoroughly addressed in the stormwater management plan for the project. This includes an analysis of the downstream effects of discharges from their stormwater management system.

Please also note that stormwater runoff from private property cannot be directed to Lane County road right-of-way or into any Lane County drainage facility, including roadside ditches. According to Lane County, ditches adjacent to County roads are designed solely to accommodate stormwater runoff generated by the roadways themselves (Lane Manual Chapter 15.515).

Water

The proposed subdivision is within Heceta Water Peoples Utility District (HWPUD) service territory and HWPUD will remain the water service provider for this area. Please contact HWPUD for specific fire flow capacities for this area.

Please let me know if questions.

Thank you,

Mike



Siuslaw Valley Fire and Rescue

2625 Highway 101 North
Florence, OR 97439-9702

(541) 997-3212

11/05/2020

City of Florence

Land Use Application PC 20 22 ANN 01 and PC 20 23 ZC 02 – Benedick Holdings, LLC Annexation and Zone Change

On behalf of Western Lane Ambulance (WLA) & Siuslaw Valley Fire & Rescue (SVFR), the proposed annexation and zone change by Benedick Holdings, LLC does not affect the service we provide for Emergency Response. This project is inside both districts (WLA & SVFR) and will be considered as part of our response protocols. The project (if approved) will need to meet all required fire codes regarding access, egress, and water supply.

Any comments, questions, or concerns can be direct to:

Tony Miller

Fire Prevention Captain

Siuslaw Valley Fire & Rescue

2625 Hwy 101, Florence, OR 97439

(541) 997-3212

tony@svfr.org

From: [Carl Neville](#)
To: [Wendy Farley-Campbell](#)
Subject: Benedick Annexation
Date: Thursday, December 10, 2020 10:36:42 AM

Good morning, Heceta Water Is planning on serving this development and has the resources to do so. Thank you and happy holidays.

Carl Neville

c.neville@hwpud.com

Heceta Water People's Utility District

General Manager

Work: 541.997.2446

Cell: 541.999.4125

"Public Records Law: This is a public document. This e-mail is subject to the State Retention Schedule and may be made available to the Public."

From: [Carl Neville](#)
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General Manager

Work: 541.997.2446

Cell: 541.999.4125

"Public Records Law: This is a public document. This e-mail is subject to the State Retention Schedule and may be made available to the Public."

Aleia Bailey

From: Mike Miller
Sent: Sunday, January 17, 2021 1:31 PM
To: Wendy Farley-Campbell
Cc: planningdepartment; Tom Turner
Subject: Additional Comments for Benedick Holdings Annexation - Speeding on Rhododendron Drive
Attachments: How are speed zones established and can they be changed.pdf; 022019 Press Release - Speed Change on Rhody.docx; Rhody Speed Order J9333 2-14-2019.pdf; Speed Order Full Report - Rhododendron Dr.pdf

Good afternoon,

With some of the recent comments regarding traffic safety on Rhododendron Drive, I thought it would be beneficial to include in record the 2019 Speed Order (Speed Orders are what officially establishes the posted speed for a roadway) from the State of Oregon for Rhododendron Drive. Attached is a document on how speed zones are established and how they be changed. In addition, I have attached the City press release from February 20, 2019 when the 45 mph section of Rhododendron Drive was lowered to 40 mph per the Speed Order investigation by the State and the actual Speed Order #J9333 (both just the speed order and the full report).

Without going into a lot of detail, the State of Oregon through the Oregon Department of Transportation has the responsibility to investigate and establish the speeds for all roadways in Oregon. The City, while we can request review, do not set the speed for the roads within the community.

Recently, in December 2020, the City downloaded the data from the radar speed signs on Rhododendron Drive. According to the data, the 85th percentile speed along Rhody south bound near Shelter Cover was 43 mph (posted speed is 40 mph) with 1,639 average daily trips (ADT). The radar speed sign at 12th and Rhody (north bond) recorded the 85th percentile speed at 35 mph (posted at 30) with 1,445 ADT. This data snap shot was from September 1, 2020 to December 7, 2020.

Rhododendron Drive is safe and has capacity.

Please let me know if you need anything else.

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:

Florence Public Works
2675 Kingwood Street
Florence, OR 97439


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PUBLIC RECORDS LAW DISCLOSURE:

This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

Whereas, pursuant to ORS 810.180, the Oregon Department of Transportation has been requested to establish designated speed(s) for the below described section(s) of state, county, city or federal agency highway as defined by ORS 801.305; and



Speed Zone Order

Date **February 14, 2019** Order No **J9333**

Whereas, the State Traffic-Roadway Engineer has been authorized to act on behalf of the Oregon Transportation Commission in matters regarding speed, and

Jurisdiction(s)
Florence

Whereas, pursuant to ORS 810.180, an engineering and traffic investigation has been made; the data, facts, and information obtained in connection with said engineering and traffic investigation are on file in the office of the State Traffic-Roadway Engineer at the Oregon Department of Transportation in Salem,

Whereas, based upon said engineering and traffic investigation, the Traffic-Roadway Engineer has found that the speed designated in ORS 811.105 or ORS 811.111 is greater than is reasonable under the conditions found to exist upon the section(s) of highway for which a lesser speed is herein designated or that the speed designated in said statute is less than is reasonable under the conditions found to exist upon the section(s) of highway for which a greater speed is herein designated; and

Whereas, the provisions of ORS 810.180 respecting notice and hearing have been complied with:

It is **Therefore Ordered** that the designated speed for the following section(s) of highway be as follows:

Name Rhododendron Drive

LOCATION OF TERMINI

From	To	Designated Speed (Miles/Hour)
Oregon Coast Hwy (US 101)	250 feet west of Hemlock Street	25
250 feet west of Hemlock Street	0.47 miles north of Greentree Drive / Center Road	30
0.47 mile north of Greentree Drive /Center Road	Heceta Beach Road	40

School speed zones may be posted within the limits of this order as determined to be appropriate by the Road Authority based on ORS 811.111 and an engineering investigation as per the provisions of ORS 810.200.

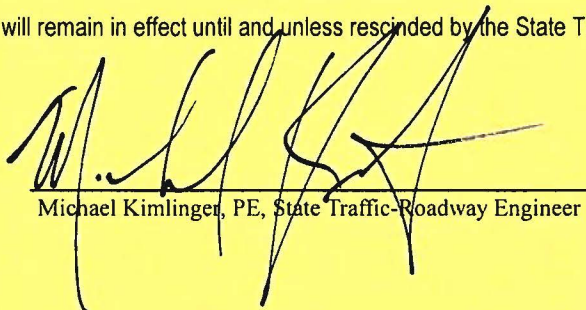
This rescinds SZRP Order 849D of 12/15/1992

Be it further ordered that the roadway authority or authorities responsible for the above section(s) of highway install appropriate signs giving notice of the designated speed(s) therefore as per ORS 810.180, Subsection 5(e).

Be it further ordered that signs installed pursuant to this order comply with the provisions of ORS 810.210 and 810.220.

Be it further ordered that any previous order made by the Department with respect to the designated speed for the above section(s) of highway which is in conflict with the provisions of this order is hereby rescinded.

Be it further ordered that this order will remain in effect until and unless rescinded by the State Traffic-Roadway Engineer of the Oregon Department of Transportation.



Michael Kimlinger, PE, State Traffic-Roadway Engineer

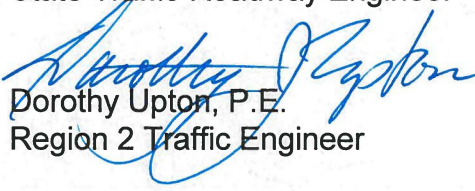


INTEROFFICE MEMO

DATE: November 30, 2018

TO: Michael Kimlinger, P.E.
State Traffic-Roadway Engineer

File Code: City of Florence

FROM: 
Dorothy Upton, P.E.
Region 2 Traffic Engineer

(503) 986-2990
Fax: (503) 986-2839

**SUBJECT: Speed Zone Investigation
RHODODENDRON DRIVE
Oregon Coast Highway (US 101) to Heceta Beach Road
City of Florence**

Attached is a speed zone investigation on Rhododendron Drive from Oregon Coast Highway (US 101) to Heceta Beach Road. The investigation was requested by Mike Miller, Public Works Director, City of Florence. The city is requesting a 35 mph in the current legal 45 mph zone (posted 40/45). While conducting this investigation it was determined that multiple areas were posted at a different speed than is listed in the speed zone order.

There are two investigated sections on this roadbed. The first investigated section (Section B) is 0.44 miles in length and moderate residential in density and culture with an ADT of 2980. This road is classified as a urban collector. A spot speed check showed the 85th percentile speed to be 40 mph. Seventy five percent of the cars are traveling within the pace limits of 30 - 39 mph. There were no reported crashes between 01/01/14 and 12/31/16. This section has been posted at 30 mph for an unknown number of years. The city has installed oversized, left and right hand side 30 mph speed signs with flag boards on the advance signage. They also have a NB speed feedback sign just south of this section in the legal 30 mph zone. There are no driveways in this section and one connecting road.

The second investigated section (Section C) is 3.32 miles in length and moderate residential in density and culture with an ADT of 2980. This road is classified as a urban collector. Four spot speed checks showed the average 85th percentile speed to be 44 mph. Seventy two percent of the cars are traveling within the pace limits of 35 - 44 mph. There were 17 reported crashes between 01/01/14 and 12/31/16 with 10 in 2016. The 2016 crash rate is 2.77.

After consideration of the 85% speed, pace limits, culture, roadside characteristics, posted speeds, and requested speed.; our recommendation is to rescind existing SSCB Order 849D dated December 15, 1992 to establish the speed zoning as described in the following report.

DU/WR

Traffic Engineering
RECOMMENDED FOR APPROVAL
 File No: 8256
 By: K. McConnell
 Date: 1/15/19

OREGON DEPARTMENT OF TRANSPORTATION
 Report of Speed Zone Investigation
RHODODENDRON DRIVE
 Oregon Coast Highway (US 101) to Heceta Beach Road
 City of Florence / Lane County
 November 30, 2018

[Signature]
 State Traffic-Roadway Engr.
 Approved: 1/17/19

Recommendation: Rescind existing SSCB Order 849D dated December 15, 1992 to establish the speed zoning as described below.

<u>Section</u>	<u>Existing</u>	<u>Recommended</u>
----------------	-----------------	--------------------

Not Investigated:

- | | | | |
|----------|--|--------|------------------|
| A | From: Oregon Coast Highway (US 101)
To: 250 feet west of Hemlock Street | 25 mph | 25 mph <u>1/</u> |
| B | From: 250 feet west of Hemlock Street
To: 200 feet north of Greentree Drive / Center Road | 30 mph | 30 mph <u>1/</u> |

Investigated:

- | | | | |
|----------|---|--------|---------------------|
| B | From: 200 feet north of Greentree Drive / Center Road
To: 0.47 mile north of Greentree Drive / Center Road | 45 mph | 30 mph <u>1/</u> |
| C | From: 0.47 mile north of Greentree Drive / Center Road
To: Sebastian Street | 45 mph | 40 mph <u>1/</u> |
| C | From: Sebastian Street
To: Heceta Beach Road | 45 mph | 40 mph <u>1/ 2/</u> |

1/ City of Florence – Road Authority
2/ Lane County – Interested Jurisdiction

Historical Background:

Investigation requested by: Mike Miller, Public Works Director, City of Florence.
 Requested Speed: The city is requesting a 35 mph in the current legal 45 mph zone (posted 40/45)
 Previous Action: SSCB Order 849D dated December 15, 1992

<u>Investigation:</u>	<u>Section A, Portion of B</u>	<u>Portion of Section B</u>	<u>Section C</u>
Section Length	Not Investigated	0.44 mile	3.32 mile
85% Speed		40 mph	44 mph
2016 Crash Rate*		0	2.77
2016 Average Daily Traffic		2980	2980
Culture Type & Density		Moderate Residential	Moderate Residential
Roadway Classification		Urban Collector	Urban Collector
Horizontal Alignment		0 Curves	15 Curves
Vertical Alignment		Mostly Level	Undulating
Curve Signs & Speed Rider		None	In Place
Existing Posted Speed		30 mph (Unestablished) <u>4/</u>	40/45 mph
Recommended Speed		30 mph	40 mph

* Crashes per Million Vehicle Miles

<u>Roadway Data:</u>	<u>Section A, Portion of B</u>	<u>Portion of Section B</u>	<u>Section C</u>
Surface	Not Investigated	Bituminous	Bituminous
Width		23'6" to 24' FL to FL	22' to 23'6" FL to FL
Lanes		2	2
Parking		Prohibited (Bike Lanes)	Not Prohibited
Shoulders		6' Paved Bike Lanes	1' – 4' Paved
Intersecting Streets		1	28
Paved		1	28
Stopped		1	28
Signalized		0	0
Pedestrian		1	4
Bikes		4	6

<u>Crash Data:</u>	<u>Section A, Portion of B</u>	<u>Portion of Section B</u>	<u>Section C</u>
Study Period	Not Investigated	01/01/14-12/31/16	01/01/14-12/31/16
Total Crashes		0	17
Injuries		0	7
Fatalities		0	0
2016 Crashes		0	10
2016 Crash Rate (R)		0	2.77
2016 State Rate (r) <u>1/</u>		-	-
Deviation (R-r)		-	-

<u>Spot Speed Data:</u>	<u>Section A, Portion of B</u>	<u>Portion of Section B</u>	<u>Section C</u>
85% Speed	Not Investigated	40 mph	44 mph
Pace Limits <u>2/</u>		30 - 39 mph	35 - 44 mph
% in Pace		75%	72%
Maximum Speed		51 mph	60 mph
Posted Speed		30 mph (Unestablished) <u>4/</u>	40 / 45 mph <u>5/</u>
% Exceeding Posted Speed		85%	9% @ 45 mph <u>5/</u>
Computed Speed <u>3/</u>		-	-
Recommended Speed		30 mph	40 mph

1/ No comparable state rate available

2/ Ten mile-per-hour range containing the largest number of sampled vehicles

3/ 85% Speed minus deviation

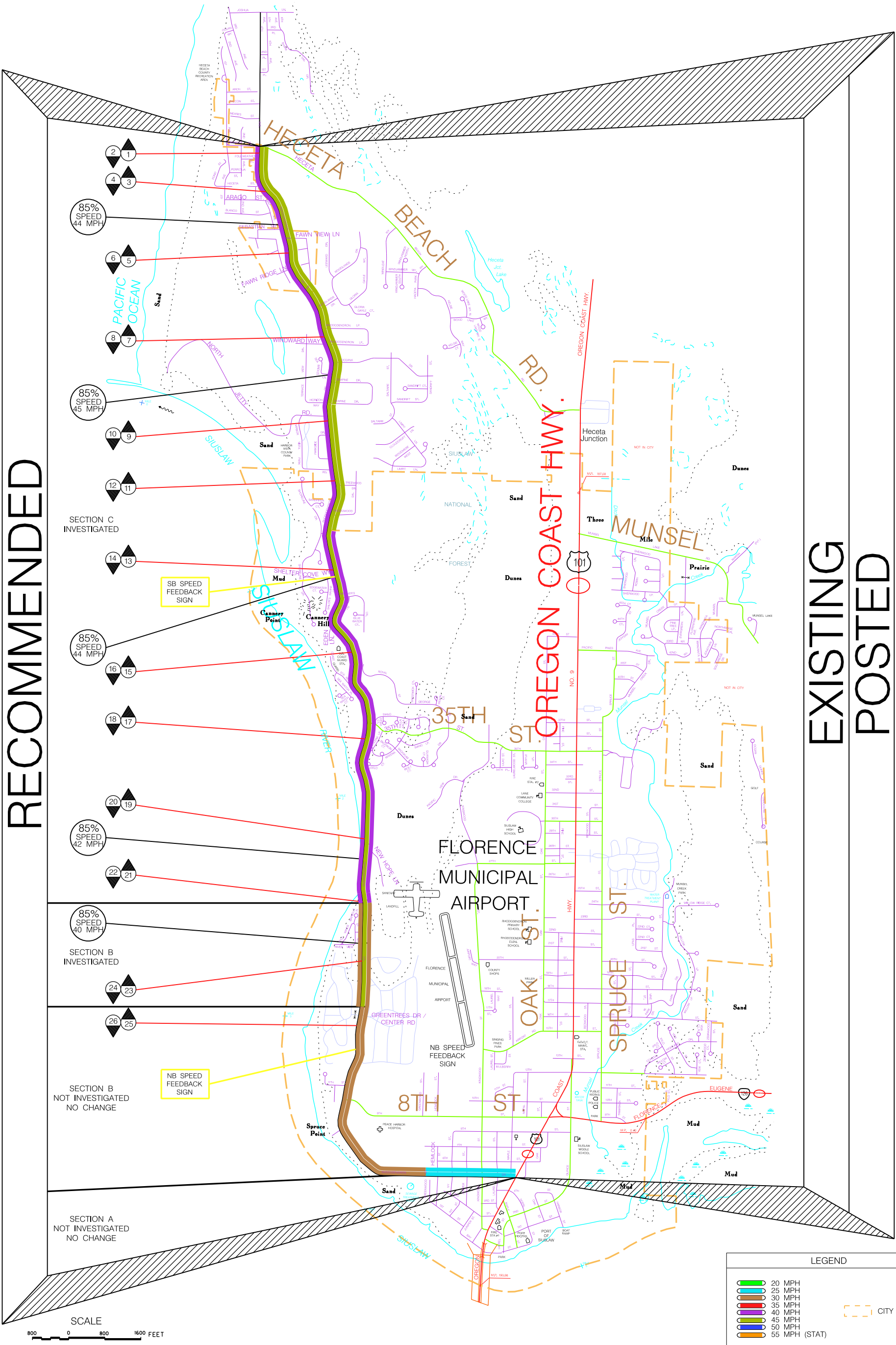
4/ Established 45 mph, Posted 30 mph

5/ Unestablished 40 mph signs removed during speed check

Factors Influencing Recommendation: **Section B:** culture, roadside characteristics, posted speeds, and requested speed.

Section C: 85% speed, pace limits, culture, roadside characteristics, posted speeds, and requested speed.

SPEED ZONE INVESTIGATION RHODODENDRON DRIVE CITY OF FLORENCE / LANE COUNTY



RECOMMENDED

**EXISTING
POSTED**

SECTION C INVESTIGATED

SECTION B INVESTIGATED

SECTION B NOT INVESTIGATED
NO CHANGE

SECTION A NOT INVESTIGATED
NO CHANGE

LEGEND

█	20 MPH
█	25 MPH
█	30 MPH
█	35 MPH
█	40 MPH
█	45 MPH
█	50 MPH
█	55 MPH (STAT)
	CITY LIMITS

SCALE
0 800 1600 FEET

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



1. Looking north from 150 feet south of Heceta Beach Road.



2. Looking south from 150 feet south of Heceta Beach Road.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



3. Looking north from 125 feet north of Arago Street.



4. Looking south from 125 feet north of Arago Street.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



5. Looking north from 350 feet north of Fawn Ridge Lane.



6. Looking south from 350 feet north of Fawn Ridge Lane.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



7. Looking north from 175 feet north of Windward Way.



8. Looking south from 175 feet north of Windward Way.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



9. Looking north from 100 feet south of Jetty Road.



10. Looking south from 100 feet south of Jetty Road.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



11. Looking north from 100 feet north of Treewood Drive.



12. Looking south from 100 feet north of Treewood Drive.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



13. Looking north from 150 feet north of Shelter Cove Way.



14. Looking south from 150 feet north of Shelter Cove Way.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



15. Looking north from 0.14 mile south of Eden Lane.



16. Looking south from 0.14 mile south of Eden Lane.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



17. Looking north from 350 feet south of 35th Street.



18. Looking south from 350 feet south of 35th Street.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



19. Looking north from 100 feet north of New Hope Lane.



20. Looking south from 100 feet north of New Hope Lane.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



21. Looking north from 0.25 mile south of New Hope Lane.



22. Looking south from 0.25 mile south of New Hope Lane.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



23. Looking north from 0.12 mile south of Wild Winds Street.



24. Looking south from 0.12 mile south of Wild Winds Street.

**TYPICAL VIEWS
RHODODENDRON DRIVE
CITY OF FLORENCE
JUNE 5, 2018**



25. Looking north from 225 feet south of Green Trees / Center Road.



26. Looking south from 225 feet south of Green Trees / Center Road..

MOTOR VEHICLE ACCIDENT LISTING

	COLLISION TYPE											ALL COLLISIONS	CLASSIF.			PERSONS KILLED	PERSONS INJURED		
	ANGLE	HEAD-ON	REAR-END	SIDESWIPE MEETING	SIDESWIPE OVERTAKING	TURNING	PARKING	NON-COLLISION	FIXED OBJECT	PEDESTRIAN	BACKING		MISCELLANEOUS	FATAL	NON-FATAL			PROPERTY DAMAGE	
City: <u>Florence</u> County: Street: <u>Rhododendron Dr</u>																			Compiled by: <u>Weldon Ryan</u> Date: 11/30/2018
REMARKS:																			
Section B																			
From : 200 ft n of Greentree Dr/	2014											0							
Center Road	2015											0							
	2016											0							
To : 0.47 mi n of Greentree Dr/	TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Center Road																			

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: 6/7/2018

City: Florence

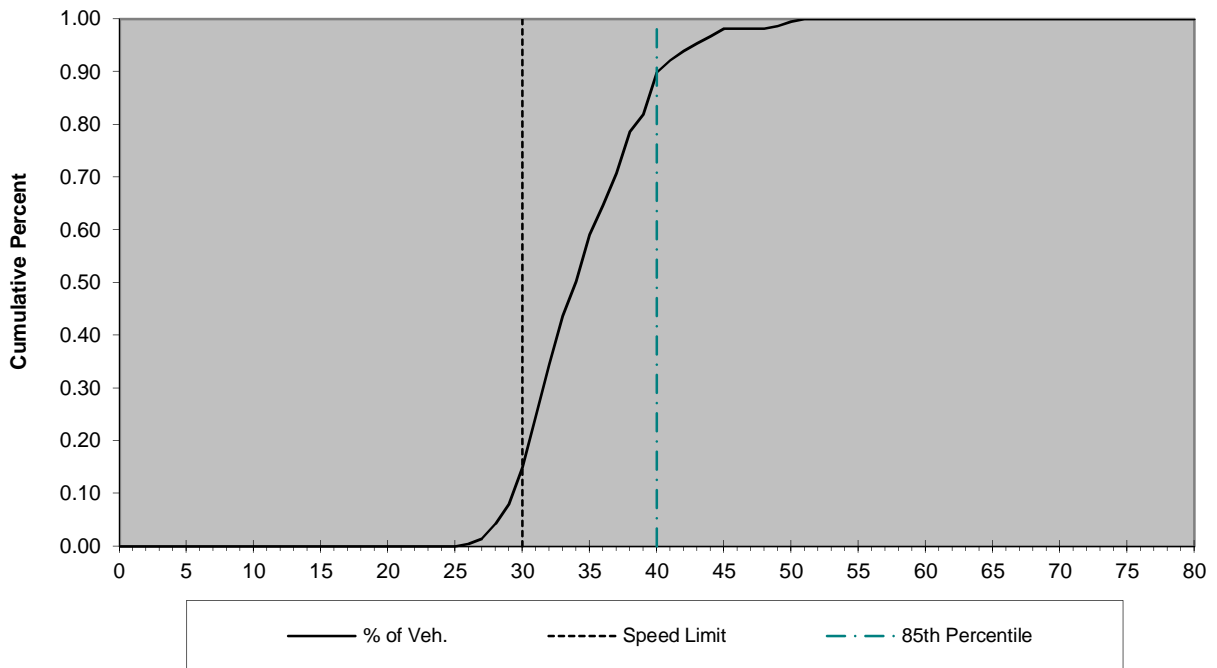
Time: 12:35 PM - 2:20 PM

County:

Location: 250 S WILDWINDS

Weather: OVERCAST

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	106	215	109
85th % Speed	40	40	40
Pace Limits	29 - 38	30 - 39	31 - 40
% In Pace	74%	75%	76%
Mean Speed	35.51	35.05	34.60
Median Speed	35	34.5	34
Std. Dev.	4.75	4.61	4.45
Max Speed	50	51	51
Posted Speed	30	30	30
% Exceeding Posted	88%	85%	83%

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: Various

City: Florence

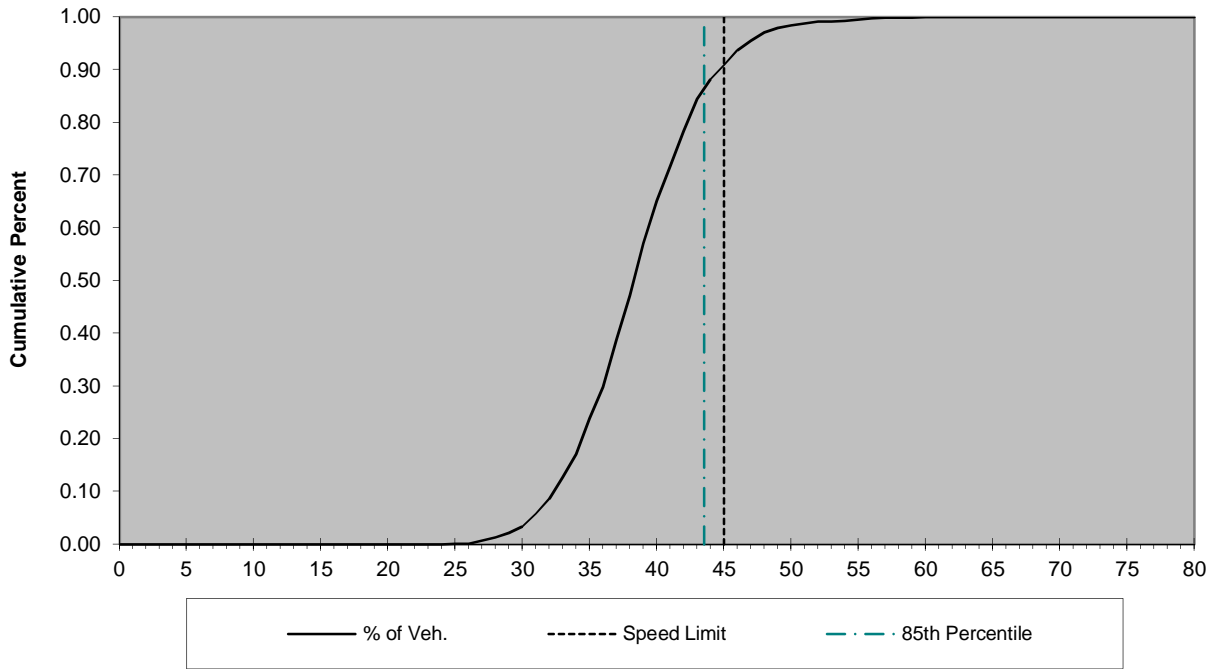
Time: Various

County:

Location: Section C

Weather: Combined

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	415	831	416
85th % Speed	44	44	43
Pace Limits	35 - 44	35 - 44	34 - 43
% In Pace	71%	72%	73%
Mean Speed	39.12	38.95	38.77
Median Speed	39	39	39
Std. Dev.	4.94	4.89	4.85
Max Speed	60	60	57
Posted Speed	45	45	45
% Exceeding Posted	10%	9%	8%

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: 6/6/2018

City: Florence

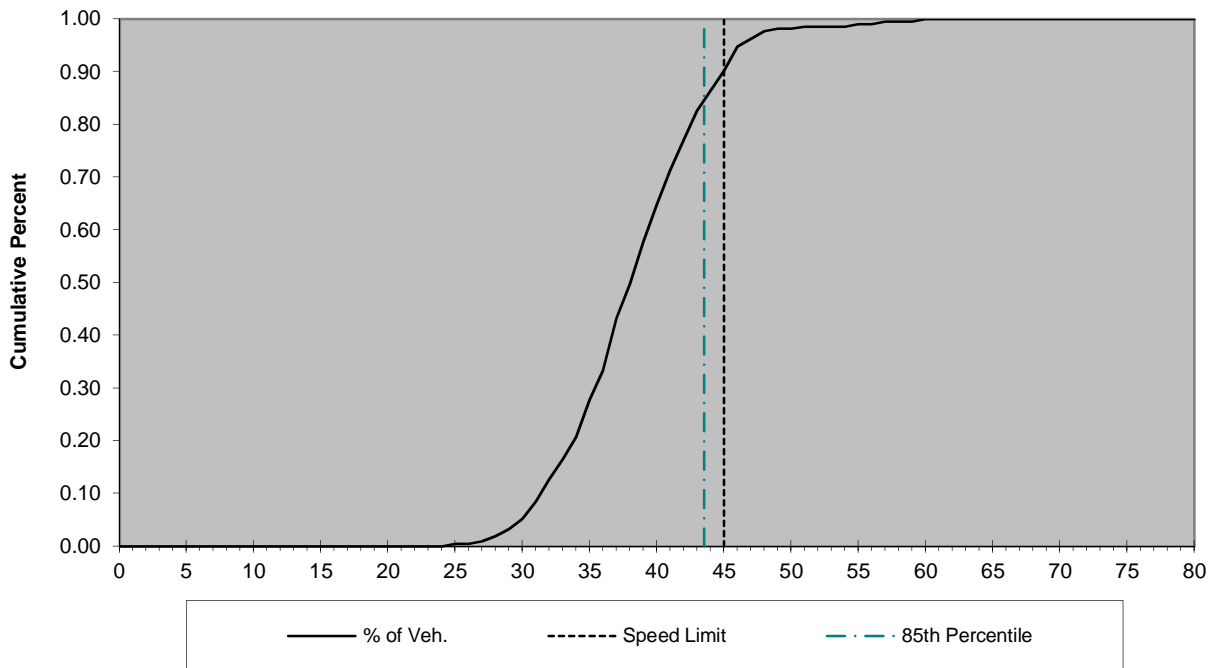
Time: 8:40 AM - 11:40 AM

County:

Location: 100 N SEBASTIAN

Weather: SUNNY

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	110	213	103
85th % Speed	46	44	41
Pace Limits	36 - 45	34 - 43	31 - 40
% In Pace	73%	72%	72%
Mean Speed	40.75	38.62	36.50
Median Speed	41	39	37
Std. Dev.	4.80	5.36	5.06
Max Speed	60	60	57
Posted Speed	45	45	45
% Exceeding Posted	16%	10%	3%

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: 6/6/2018

City: Florence

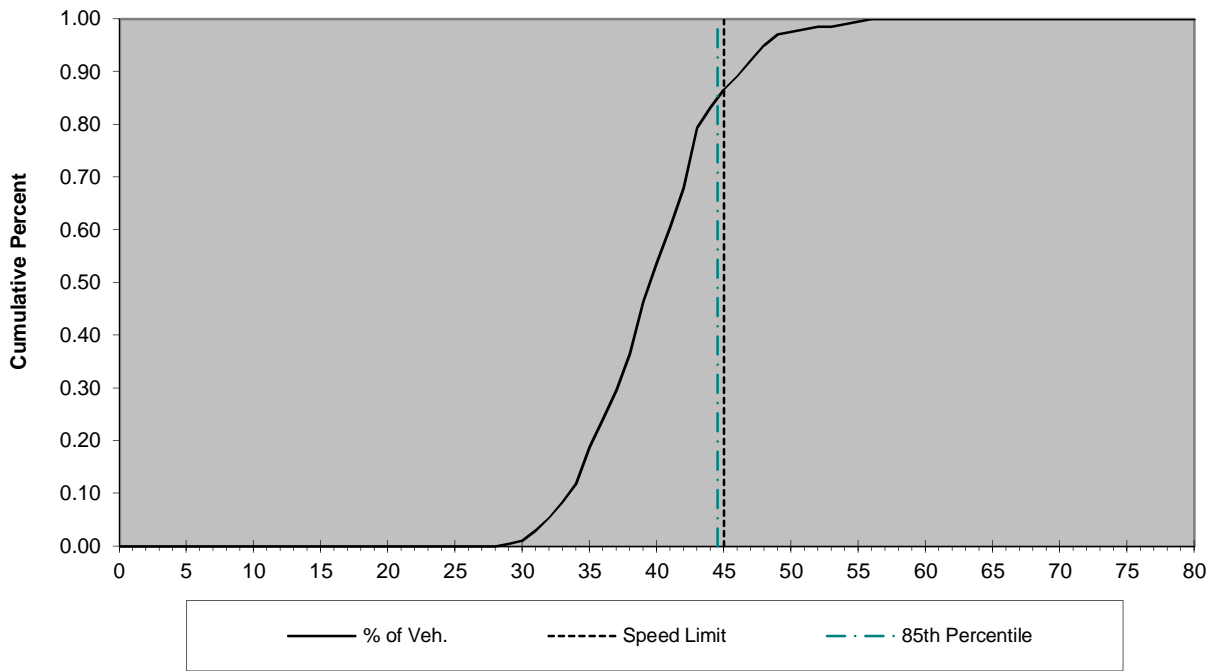
Time: 12:15 PM - 2:10 PM

County:

Location: @ SEABREEZE LN

Weather: SUNNY

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	100	203	103
85th % Speed	44	45	45
Pace Limits	35 - 44	35 - 44	34 - 43
% In Pace	70%	71%	73%
Mean Speed	39.53	40.18	40.83
Median Speed	39	40	41
Std. Dev.	5.00	4.93	4.80
Max Speed	54	56	56
Posted Speed	45	45	45
% Exceeding Posted	12%	13%	15%

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: 6/6/2018

City: Florence

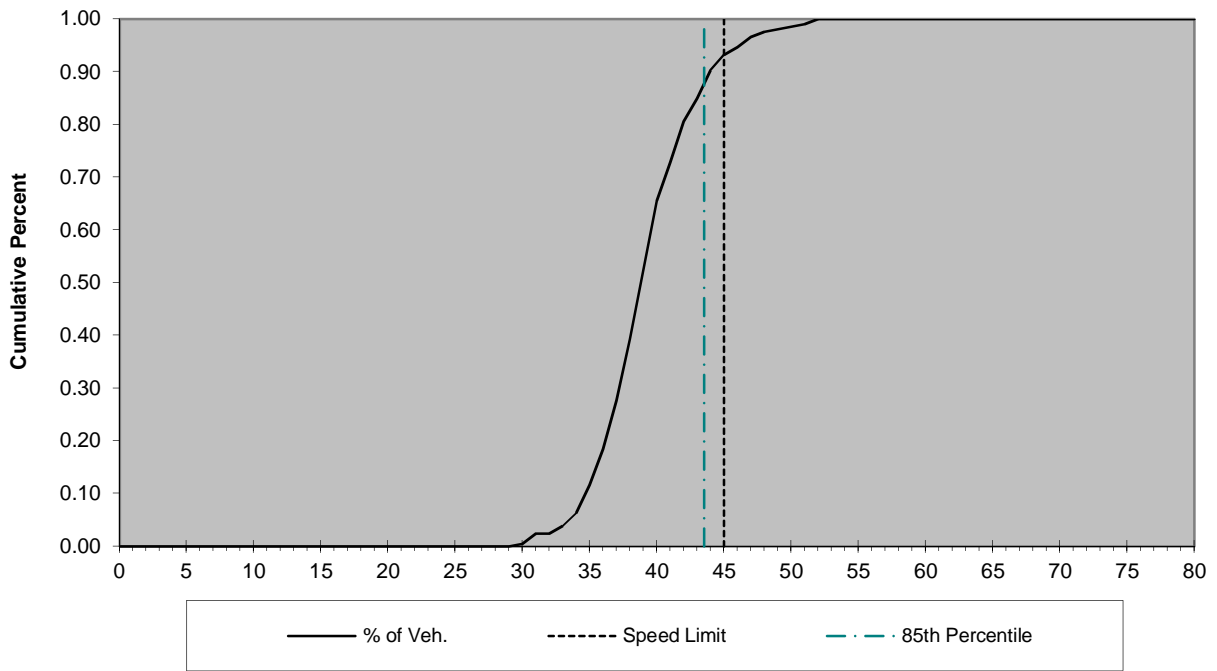
Time: 2:15 PM - 3:45 PM

County:

Location: @ SHELTER COVE WY

Weather: SUNNY

Direction of Travel: S-N



	MPH S	Averaged	MPH -N
# of Vehicles	100	206	106
85th % Speed	43	44	44
Pace Limits	34 - 43	35 - 44	35 - 44
% In Pace	81%	84%	87%
Mean Speed	39.56	39.63	39.70
Median Speed	39	39	39
Std. Dev.	3.91	3.84	3.79
Max Speed	51	52	52
Posted Speed	45	45	45
% Exceeding Posted	8%	7%	6%

Oregon Department of Transportation

Roadway: Rhododendron Dr

Date: 6/7/2018

City: Florence

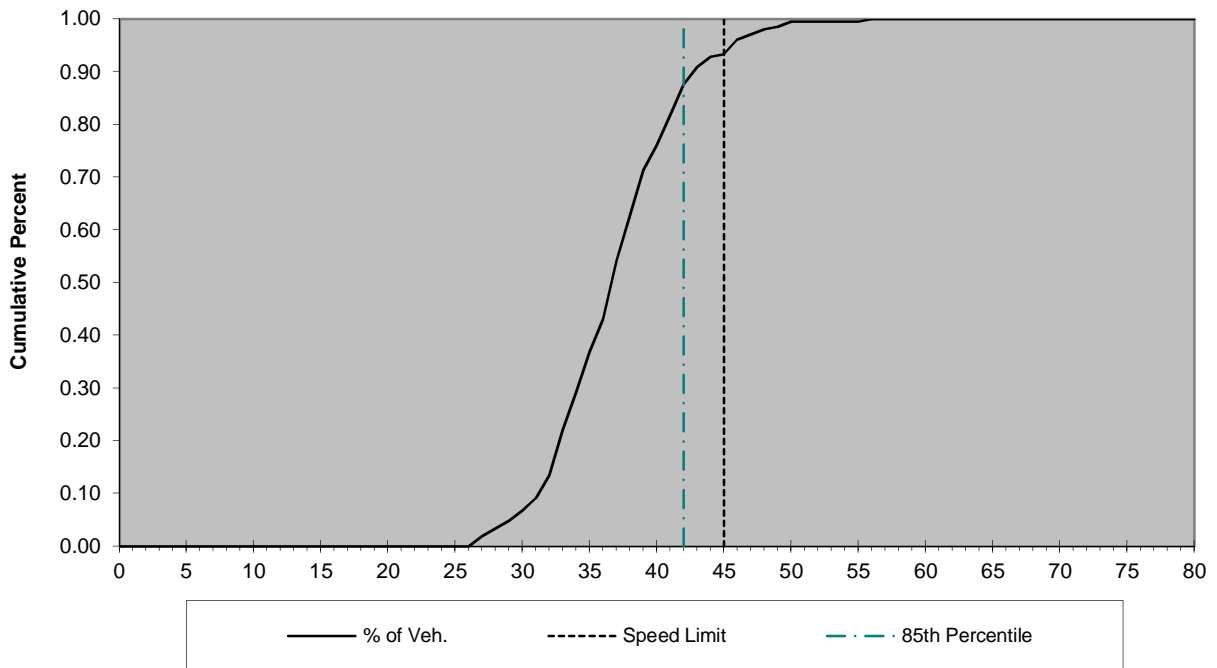
Time: 8:55 AM - 11:45

County:

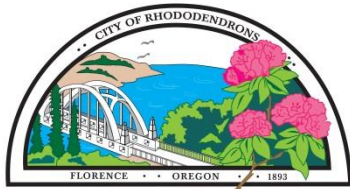
Location: 300 S NEW HOPE

Weather: OVERCAST

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	99	209	110
85th % Speed	41	42	43
Pace Limits	33 - 42	33 - 42	33 - 42
% In Pace	73%	74%	75%
Mean Speed	36.26	37.27	38.27
Median Speed	36	37	38
Std. Dev.	4.99	4.84	4.51
Max Speed	50	56	56
Posted Speed	45	45	45
% Exceeding Posted	6%	7%	7%



City of Florence
A City in Motion

PRESS RELEASE

FOR IMMEDIATE RELEASE:

February 20, 2019

CONTACT:

Megan Messmer
Project Manager/PIO
megan.messmer@ci.florence.or.us
(541) 997-3437

SPEED CHANGE ON RHODODENDRON DRIVE

FLORENCE, OR – Look for a lower speed limit on Rhododendron Drive between Lighthouse Way and Heceta Beach Road beginning Tuesday, February 26, 2019. Posted speed limit in this section of Rhododendron Drive will be reduced from 45 mph to 40 mph.

“Starting on February 26th, motorists will see a new ‘Speed Change Ahead’ sign and a new 40 mph sign on Rhododendron Drive in the area of Lighthouse Way as you travel north on Rhododendron. There will also be new signage traveling south after you turn onto Rhododendron Drive from Heceta Beach Road” stated Mike Miller, Florence Public Works Director. “The Oregon Department of Transportation (ODOT) recently completed a speed zone investigation as requested by the City and has established a new speed zone of 40 mph on Rhododendron Drive between Heceta Beach Road and Lighthouse Way,” Miller said.

Per the speed zone investigation report, this area of Rhododendron Drive has a moderate residential density and culture with an average daily trip (ADT) of 2,980. The survey, which was completed at the end of May and first of June 2018 (while school was still in session) found that the 85th percentile speed to be 44 mph. Seventy two percent of the vehicles were traveling within the pace limits of 35-44 mph. There were 17 reported crashes between January 1, 2014 and December 31, 2016 with 10 crashes occurring in 2016. The determining factor for reducing this area from 45 mph to 40 mph was the crash rate.

Does a speed limit set at the 85th percentile speed satisfy everyone?

Society expects behavioral consistency among those driving on our streets and highways. But drivers' skills, attitudes, and time pressures vary greatly, as does their perception of an appropriate speed limit. Whatever the speed limit, some will consider it too high; others, too low. What you should expect is that, within the latitude provided in Oregon law, engineers set the most appropriate speed limits on the basis of thorough study and the application of sound traffic engineering principles.

Is it always safe to drive at the speed limit?

Speed limits are set for ideal conditions. Drivers need to respond to adverse conditions. Oregon vehicle law requires that motorists drive at a reasonable and prudent speed and with a regard for danger. Motorists must adjust their speed according to the existing vehicle and pedestrian traffic, road surface, lighting, and weather conditions. You should always maintain a safe speed.

For more details about how speed zones are established, call City of Florence Public Works at 541-997-4106.

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How are speed zones established and can they be changed?

Setting speed zones on Oregon's highways and streets is often a controversial and emotional issue. Many citizens believe that lowering the speed will improve traffic safety on their street or in their community. On the other hand, speed zones that are unrealistic are often disregarded by a majority of motorists who are normally careful and law-abiding drivers.

The logic of speed zones

Extensive studies from around the U.S. show that traffic moving at a speed that is reasonable for the road and weather conditions results in fewer accidents. Drivers are more patient because a reasonably uniform speed allows progress with less passing, less delay and fewer rear-end collisions. Lowering the speed does not necessarily result in fewer crashes.

Speed zone standards

In the absence of posted speed limits, Oregon state law gives motorists the following designated speeds:

15 mph – Alleys, narrow residential streets

20 mph – Business districts, school zones

25 mph – Residential districts, public parks, ocean shores;

55 mph – Open and rural highways, trucks on interstate highways

65 mph – Autos on interstate highways

The basic rule

Designated and posted speeds are not the final word in Oregon, for all travel on public streets and highways is subject to the Basic Rule. The Basic Rule is both a safety valve and an acknowledgement that drivers are able to act independently, reasonably and with good judgment.

The Rule states that a motorist must drive at a speed that is reasonable and prudent at all times by considering other traffic, road and weather conditions, dangers at intersections and any other conditions that affect safety and speed.

The Basic Rule does not allow motorists to drive faster than the posted speed or designated speed. Instead, the Rule expects drivers to be responsible for their own actions.

What happens when a speed zone change is requested?

The Oregon Department of Transportation has the responsibility to investigate most public roads at the request of the road authority (in this case the City of Florence).

When a city or county asks the Department to review a speed zone, an engineering study is started. The road is surveyed for the following:

- Lane and shoulder widths
- Signals and stop signs
- Number of intersections and other accesses

- Roadside development
- Parking and bicycle lanes

Other analysis includes:

- Number and type of vehicles
- Number of pedestrians and cyclists
- Crash history
- Speed checks

Radar and laser are used in speed checks, recording free flow traffic. Recognizing that most motorists are generally safe, the speed at or below which 85 percent of the drivers travel is one nationally recognized factor proven by repeated studies as a fair and objective indication of safe and reasonable speeds.

When the investigation is completed, a report is prepared. All of the above considerations are evaluated in deciding whether to propose a change, or retain the existing posted speed. The report is then sent to the agency with road authority for review.

Who decides?

If the road authority (City) agrees with the recommendation, the speed zone is established. If not, ODOT reviews the road authority's objection and any additional information, and then if possible comes to a mutual agreement. If mutual agreement can't be reached, the case is referred to the Speed Zone Review Panel.

Speed zone review panel

The Speed Zone Review Panel hears contested speed zone cases. The panel reviews the speed zone recommendation and receives testimony from the local agency and interested parties.

The panel consists of representatives from the League of Oregon Cities, Association of Oregon Counties, Oregon Transportation Safety Committee, Oregon State Police and ODOT.

Speeding

Unlike other driver behaviors that can have a negative impact on safety, such as distracted driving, speed is also associated with positive benefits, including reduced travel times, greater mobility, and increased economic productivity due to lower transport and inventory costs and larger market areas. Thus, speed management involves balancing safety and efficiency in travel.



Specific advisory speeds are used in conjunction with warning signs like this one to indicate appropriate travel speeds at curves and intersections.

The effect posted speed limits have on actual traffic speeds

Posted speed has very little effect on actual traffic speeds. There is a common belief among citizens, and even by some officials, that the mere posting of speed limit signs will cause drivers to react accordingly. This is not true and is why posted speed limits must be realistic to receive compliance.

Unrealistically low speed limits will invite violation by responsible drivers. Enforcement of unreasonably low limits sets up the so-called "speed trap," which results in poor public relations. The posting of proper speed limits has the beneficial effects of smoothing traffic flow and aiding effective law enforcement.

The effect of installing lower speed limit signs

It is a common myth that posting slower speed signs forces drivers to slow down and will result in fewer traffic accidents. National research has shown that the prevailing traffic conditions and the type of street, not the posted speed limit, influence drivers. Generally, speed signs are typically installed at quarter-mile intervals on the major arterial streets and are posted at half-mile intervals on collector streets. Twenty-five mph speed signs are installed at the entrances to subdivisions where the speed zone changes from a higher posting (35 or 45 mph) to the residential speed (25-mph). It is not practical to install speed signs at the end of every residential street.

If an unreasonably low speed is posted, many drivers tend to ignore the signs. There are some drivers who, on the other hand, always try to stay within the posted speed. This can cause conflict between faster and slower drivers, resulting in more accidents. Traffic engineering studies help to determine the prevailing speed of most drivers using a certain street. Additionally, the studies take into account accident records and road conditions. An appropriate speed is then set based upon this data.

Installing stop signs to slow drivers down

Under the right conditions, STOP signs can play an important role in traffic safety. However, STOP signs installed in the wrong place usually create more problems than they solve. Many requests are received for STOP signs to interrupt traffic or slow traffic down. However, studies across the nation show that there are a high number of intentional violations when STOP signs are installed as nuisances or speed breakers.

STOP signs are installed at an intersection only after a careful engineering evaluation of the existing conditions indicates that their installation is appropriate. Four-way Stops are only helpful when traffic volumes are high and close to equal on all approaches to an intersection.

Slowing traffic down in neighborhoods

Speeding is typical of a large and diverse family of problems that has a complex set of human responses and reactions at its foundation. People tend to drive at the speed that they feel is safe and appropriate. They are also affected by the speeds that others are driving.

In many cases, the speeders are your neighbors (and possibly, you). Discussions among the neighbors can help to reduce the problem. The City has an educational program available, where citizens can call and request that the radar reader board be deployed to a specific area. The purpose of the program is to advise drivers of their speeds, call attention to inappropriate habits and involve the neighborhood in the process. The radar reader board deployment can be arranged for by contacting Florence Public Works at 541-997-4106.

Verification of a speeding problem will be forwarded to the Police Department so that they can schedule selective enforcement in the area as their resources allow. Under those circumstances, it is helpful to be able to advise the Police Department as to days and times of day when problem is most noticeable.

Last, and possibly most important, is our responsibility to drive safely and within the speed limit ourselves. Often, the most important part of the equation is YOU. When we drive safely and appropriately, it has a positive affect on the driving habits of others. The more of us that take that challenge seriously, the greater will be the positive impact on safety within our neighborhoods, and within our community, in general.

Memorandum



To: Wendy Farley-Campbell, Planning Director
From: Mike Miller, Public Works Director
Date: January 27, 2021
Re: Additional Referral Comments – Benedick Holdings Annexation

There have been several comments from concerned citizens. In particular, the written communication from Mr. Bruce Hadley dated January 14, 2021, regarding the original improvement agreement between JMB Enterprises, Inc (the developer of the Idylewood subdivision) and the City.

The improvement agreement was completed in February 1981. The improvement agreement contains three main principals:

- Improvements proposed prior to the sale of lots within the new development
- Sanitary sewer
- Urban street standards, including stormwater management

Regarding “Improvements proposed prior to sale of lots,” the agreement is basically memorializing that all of the streets within the Idylewood development would be paved 24 feet wide with roadside ditches and the street right-of-way would be 60 feet in width. Additionally, all water mains were to be 6-inches in diameter or larger; fire hydrant spacing to be not over 300 feet; all utilities to be underground; easements would be given as part of the Plat for future sanitary sewers; cul-de-sacs to have 50-foot wide right-of-way’s; and the cul-de-sac bulbs to have a 50-foot radii with 35-foot radii paving. Based upon my current understanding of the development, these provisions were all addressed during the original build-out of the development.

Before we discuss the details of the 1981 agreement in regards to sanitary sewer, we need to understand some of the history in regards to the City’s wastewater treatment, since this is one of the main concerns of the property owners that live along Oceana Drive in the Idylewood subdivision.

The original City wastewater treatment facility was constructed in the early 1960s (although I have seen sewer lines dating back to the 1940s) at its present location on Rhododendron Drive. The original facility consisted of a primary clarifier and anaerobic digester, with sludge drying beds and an aeration basin which was a large lagoon with seven mechanical mixers.

During the 1980's and through the 1990's there was a concern that the wastewater plant was at capacity. In fact, the concern was so great that alternative methods of waste disposal were instituted for an entire subdivision within the City limits in order to limit the amount of 'solids' being conveyed to the wastewater treatment plant at the time.

With limited 'solids' treatment capacity at the wastewater facility, the City allowed the Idylewood subdivision to be developed within the Urban Growth Boundary since the City did not at the time have sufficient wastewater treatment facilities to handle the additional customers.

With a major expansion and modernization of the City wastewater treatment facility in 1999 and completed/operational in 2000, the wastewater treatment plant capacity was increased to 1.3 million gallons per day (mgd) dry weather flow and 6.0 mgd peak flow. Our current dry weather flow is 0.745 mgd (this is pre-COVID-19) which equates to 0.555 mgd of excess capacity at the treatment plant.

With this background information, let's look at Mr. Hadley's letter dated January 14, 2021. The letter is factually incorrect. The improvement agreement between the Benedicks and the City states "Sanitary sewer lines shall be installed ... **when City sewage treatment facilities are available** to this site. Facilities and hook-ups shall be made at **the request of the City and in conjunction with sewerage of the neighboring properties** (emphasis added)".

Wastewater treatment facilities with the corresponding capacity became available in 2000, technically making sewer available for the entire city and Urban Growth Boundary area. In 2008, the City extended pressure sewer trunk lines from Lighthouse Way (north entrance to Shelter Cove) along Rhododendron Drive to Heceta Beach Road. The pressure sewer facilities were then extended along Kiwanda to 1st Avenue and then along 1st Avenue to Meares Street.

Sewer has been available to all properties along Rhododendron Drive north of Lighthouse Way since 2008, if the property is willing to be annexed. During my tenure at the City, it has been the City policy to only extend sewer service to properties that are annexed and within the City limits.

The City has had a long history of not forcing annexations upon any property. There are a number of recent examples of this policy. One of these is Lane County's Harbor Vista Park. Harbor Vista County Park and campground desired annexation in order to receive City sanitary sewer service. For that annexation, in order to make the County property contiguous to the City limits, a portion of North Jetty Road from Rhododendron Drive to the end of the County park property was annexed, as well as the entirety of South Harbor Vista Drive. The sewer for Harbor Vista campground extends along South Harbor Vista Drive and makes connection to the pressure sewer trunk line in Rhododendron Drive. The only other property to annex and receive sanitary sewer service (at their request) was the Jon DeRyk property. There are six additional properties that are adjacent to South Harbor Vista Drive that could, if they desired, make connection to the sanitary sewer line within the right-of-way. However, those properties have not requested annexation and are not connected to the City sanitary sewer system.

Likewise, a property at 4781 Treewood Court desired City sanitary sewer service. The right-of-way of Rhododendron Drive and Treewood Court were already annexed and part of the City. For this property a gravity sewer line was installed from the intersection of South Harbor Vista Drive to the intersection of Rhododendron Drive and Treewood. Sewer laterals were logically extended to several properties that fronted Rhododendron Drive in case they wanted to annex and receive sewer service. However, none of these additional properties desired connection at that time and have not been annexed. Again, this is just to illustrate that even though the right-of-way has been annexed and part of the City, the property was not annexed and did not receive sanitary sewer service until they requested said service.

Another recent example is the sewer extension along the east side of Hwy 101 from the City's 52nd Street sewer pump station to just south of Heceta Beach Road. Several properties requested annexation in order to receive sanitary sewer service. Along this section, there were also five properties that were outside the City limits, but inside the Urban Growth Boundary. For this area, the City formed a reimbursement district where the properties that wanted sanitary sewer service would pay for their pro-rata share of the costs of the sewer extension based on the amount of frontage they had along Hwy 101. The properties that did not annex, but had the sewer line extended across their frontage were included in the calculations, so that in the future when they wanted sanitary sewer service they would pay for their fair share of the costs at time of connection.

Additionally, since the sewer line had excess capacity, the City utilized wastewater System Development Charges (SDC's) to pay for the cost difference between what a single property needed for development and that of the total capacity of the sewer main line. This reduced the overall cost of the project to all of the properties that fronted the sewer extension.

Generally speaking, regarding sewer extensions, costs and payment of extending sanitary sewer is the responsibility of the person requesting the service. For the specific example of the future Idylewood development (the current annexation request) the developer will pay for not only the sewer in the proposed subdivision, but they will also be responsible for the pressure sewer line from their proposed sewer pump station to the existing pressure sewer trunk line in Rhododendron Drive. Since the discharge line will have additional capacity, the developer may be able to receive SDC credits or payment for the capacity difference between what is needed for their proposed subdivision and the additional capacity in the line. Property owners along Oceana would not be responsible for those construction costs.

The final principle in the 1981 improvement agreement between the Benedick's and the City is regarding future installation of curbs and gutters; stormwater infrastructure; and sidewalks to City standards "when the City of Florence deems it necessary ... at the sole discretion of the City Council". This portion of the agreement continues with the statement that the costs of these improvements will be by the "then lot owners, or applicant (at the time of the agreement would have been Benedick), for any individual lots not yet sold."

Again, there are a number of existing areas in the City that do not have sidewalks or even curbs and gutters. One such area is Spruce Street north of 42nd Street. This section of Spruce Street was annexed into the City as property developed to Lane County standards at the time. Spruce Street in this area is narrow, has no curbs and gutters, has no sidewalks and relies upon road side ditches for stormwater management. The City currently has no plans to improve this area by bringing it to typical City street standards.

Likewise, there are numerous areas throughout the City that do not have sidewalks. Typically, these conditions exist in older sections of the community. Would the City prefer to have sidewalks throughout the City? The answer is yes, however the cost of installing new sidewalks, especially where there are no curbs/gutters and modern stormwater management facilities are located is extremely expensive. The City does not have the resources to complete these types of improvements and is extremely strategic when we do make improvements.

A great example (being strategic) of this is Rhododendron Drive between Hwy 101 and 9th Street. The City leveraged a water main replacement project and installed stormwater improvements including some minor sanitary sewer repairs along this section of roadway. Due to the scope of the project, we were able to install curb/gutter and sidewalks along the north and east side of Rhododendron between Hemlock and 9th streets. Due to the water main replacement project, we were able to complete a total street rehabilitation project on Rhododendron that provided new pavement, bike lanes and sidewalks.

Conclusion

The act of annexation of the Benedick Holdings property does not trigger any other annexations or improvements to Oceana that would force the property owners along Oceana Drive to either annex into the City or pay for improvements. From the perspective of Public Works and our design and planning for public facilities, the 1981 improvement agreement referenced by concerned citizens does not relate to the current annexation proposal for the Benedick Holdings property.

IMPROVEMENT AGREEMENT

IN CONSIDERATION of the covenants herein recited, the City of Florence, hereinafter referred to as City, and JMB Enterprises, Inc. hereinafter referred to as Applicant, do covenant and agree as follows:

WHEREAS, the Applicant desires concurrence with a proposed subdivision to be known as Idylewood within the Florence Urban Growth Boundary; and

WHEREAS, the development of said subdivision will cause a long-term demand on the various public facilities of the City;

NOW THEREFORE, the Applicant and City agree to the following schedule of public facility improvements and respective cost assumption policy;

H 3 * 20-015590 00017.50

- (1) Improvements proposed prior to sale of lots:
All streets to be paved 24 foot wide with roadside ditches, with all streets having 60 foot wide Right-of-Ways. All waterlines will be 6-inch or larger. Fire hydrant spacing to be not over 300 feet. All utilities are to be underground. Easements will be given as part of Plat for future Sanitary Sewers.

All cul-de-sacs shall have 50 foot wide Right-of-Ways on the stems with 24 foot wide paving with roadside ditches, bulbs shall have 50 foot radii Right-of-Way with 35 foot radii paving.
- (2) Sanitary sewer lines shall be installed within said subdivision when City sewage treatment facilities are available to this site. Facilities and hook-ups shall be made at the request of the City and in conjunction with sewerage of the neighboring properties. The cost of installation of sanitary sewer lines within the subdivision shall be borne entirely by the then lot owners, or the Applicant for any individual lots not yet sold. The cost of major trunk lines to the subdivision shall be shared pro-rate with other benefited properties.
- (3) Paving with curb and gutters, storm sewers, and sidewalks to City standards shall be installed within said subdivision, after annexations, when the City of Florence deems it necessary that said improvements be made. The decision to have these improvements installed will be at the sole discretion of the City Council and it is acknowledged that these improvements will be generally required within one year of annexation. The cost of such improvements shall be borne entirely by the then lot owners, or the Applicant, for any individual lots not yet sold.

LEGAL DESCRIPTION

The first phase of Idylewood being a portion of the following described property, and being the first 62 to 64 lots platted upon said property as described per attached legal description, Exhibit "A" and incorporated by herein by reference.

8108897

The parties acknowledge that Applicant will prepare Declarations of Covenants and Restrictions for the subdivision which will recite the above agreements on improvements. In addition, Applicant agrees to put in said covenants a waiver of remonstrance for annexation to the City of Florence; a statement that when sewers become available, hookup will be made without remonstrance; and a statement that if the City chooses to initiate a local improvement project to finance the required improvements, said covenants will contain a waiver of remonstrance for such project.

For the purposes of a local improvement project, it is further understood that Applicant and future lot owners will agree to sign any and all waivers, petitions, consents, and all other documents necessary to obtain the above listed applicable improvements under any improvement act or proceeding of the State of Oregon, Lane County, or City of Florence as may be proposed or adopted and to waive all right to remonstrate against such improvements, but not the right to protest the amount or manner of spreading the assessment thereof, if the same shall appear to bear inequitably or unfairly upon said property of Applicant or other lot owner.

NOW THEREFORE, the City agrees that Applicant's execution and performance of the terms of this Agreement will be deemed to be in compliance with the City's policy pertaining to Improvement Requirements, and if Applicant complies in every respect with all other applicable laws of the State of Oregon, Lane County, and the City, the Applicant shall be entitled to the concurrence for the subdivision; and

IN ADDITION, it is the intention of the parties hereto that the covenants herein contained shall run with the land herein described, and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and a burden upon the property herein described. This agreement shall be recorded in the Lane County Deed Records. A copy of the Covenants and Restrictions for the subdivision shall be provided the City prior to their recording for review by the City.

WHEREFORE, the parties have set their hand and seal this 18th day of February, 1981.

CITY OF FLORENCE

JMB ENTERPRISES, INC.

BY *Roger W. McCorkle*
Roger W. McCorkle, Mayor

Julius E. Benedick
Julius E. Benedick, Secretary

BY *Alice M. Hunt*
Alice M. Hunt, City Recorder

E. Justine Benedick
E. Justine Benedick, President

STATE OF OREGON)
) ss.
COUNTY OF LANE)

On this 18th day of February, 1981, before me personally appeared Roger W. McCorkle and Alice Hunt who, being duly sworn, each for himself and not one for the other, did say that the former is the Mayor and the latter is the City Recorder of the City of Florence, an Oregon municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Council; and each of them acknowledged said instrument to be its voluntary act and deed.

Donja E. Henderson
Notary Public
My Commission Expires: 3-27-84



STATE OF OREGON)
) ss.
COUNTY OF LANE)

On this 10TH day of FEBRUARY, 1981, before me personally appeared Julius E. Benedick, and E. Justine Benedick who, being duly sworn, each for himself and not one for the other, did say that the former is the Secretary and the latter is the President of the JMB Enterprises, Inc. of Florence, an Oregon corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Council; and each of them acknowledged said instrument to be its voluntary act and deed.

David L. Brown
Notary Public
My Commission Expires: JUNE 4, 1983



EXHIBIT "A"
DESCRIPTION OF IDYLEWOOD
80-44

Beginning at the Center of Section 10, Township 18 South, Range 12 West, of the Willamette Meridian, thence running along the Center North-South 1/4 Section Line South 01° 47' 28" West 652.23 feet; thence leaving said Line and running North 88° 12' 32" West 419.62 feet; thence South 79° 42' 33" West 81.23 feet; thence North 88° 16' 35" West 300.00 feet; thence South 01° 43' 25" West 120.00 feet; thence North 88° 16' 35" West 180.00 feet; thence North 01° 43' 25" East 35.91 feet; thence North 88° 16' 35" West 225.00 feet to a Point on the East Boundary of Seapines as platted and recorded in File 73, Slide 76, Lane County Oregon Plat Records, said Boundary being East 120.00 feet and parallel to when measure at right angles to the West Line of the Northeast 1/4 of the Southwest 1/4 of said Section 10, thence running along said East Boundary North 01° 43' 25" East 370.00 feet to the Northeast corner of said Plat; said Corner being 930.00 feet from a Point on the South Line of said Northeast 1/4 of the Southwest 1/4; thence running along the North Boundary of said Plat, said Boundary being parallel to the Center East-West 1/4 Section Line of said Section 10, North 87° 52' 48" West 998.02 feet to the Northwest Corner of said Plat, said Corner being on the Easterly Margin of Rhododendron Drive; thence leaving said North Boundary and running along said Easterly Margin along the Arc of a 848.51 foot radius curve left (the long chord of which bears North 07° 42' 50" West 396.89 feet) a distance of 400.60 feet to a Point on the Center East-West 1/4 Section Line of said

8108807

Section 10; thence leaving said Margin and running along said Center East-West 1/4 Section Line South 87° 52' 48" East 2276.98 feet to the Point of Beginning, all in Lane County, Oregon.

Containing 28.47 acres more or less.

8108807

State of Oregon,
County of Lane—ss.

I, D.M. Penfold, Director of Records and Elections Division, in and for the said County, do hereby certify that the within instrument was received for record at

26 FEB 81 15: 23

1122R

Reel

Lane County OFFICIAL Records.

D.M. Penfold, Director of Records and Elections Division.

By Seward
Deputy

C30-53

Exhibit M

Testimony (City Council Hearing)

Due to size, the Testimony for the City Council Hearing (Exhibit M) is available as a Separate Document

Michael E. Farthing

Attorney at Law

Exhibit N

462 Kodiak Street
Eugene, Oregon 97401

Office: 541-683-1950

PO Box 10126
Eugene, Oregon 97440

email: mefarthing@yahoo.com

January 22, 2021

via email: planningdepartment@ci.florence.or.us

via email: wendy/farleycampbell@ci.florence.or.us

HARD COPY VIA US MAIL TO:

Mayor Henry and Councilors:

c/o Wendy Farley-Campbell, Planning Director

City of Florence

250 Highway 101

Florence, OR 97439

Re: Petition to Annex Property and Zone Application (LDR/PW)

PC 20 22 ANN 01

PC 20 23 ZC 02

18-12-10-34, Tax Lot 801

18-12-10-40, Tax Lots 400 and 401

Owner/Petitioner: Benedick Holdings, LLC

Mayor Henry and Councilors:

Please accept this letter that I am submitting as the Applicant's opening statement before your public hearing on February 1, 2021, when you will consider our combined annexation petition and zone change application.

The purpose of this letter is to respond to the significant amount of written testimony that has been submitted by nearby residents and their attorneys in opposition to our applications. In particular, I want to identify those issues that are pertinent to our applications and, in doing so, dismiss a significant amount of the opposition testimony for the simple reason that it is not relevant to the applications presently before you. While we will repeat ourselves continuously throughout this process, your approval of this annexation and zone change does not physically, legally or socially affect anyone other than the City, who will be paid taxes by the Applicant and assume primary land use authority over the property, and the Applicant, who will pay those taxes.

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January 22, 2021

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Nothing happens on the ground if you approve these applications. A taxing district boundary line is moved by the Assessor and your city boundaries are altered to include the Subject Property. My clients cannot do anything with their property until the City of Florence determines, through a land division process that will be open to all, what kind of “development” will be allowed. Nothing happens before annexation, and thereafter, nothing until a final approval is issued.

One last introductory note is to identify the evidence that we recommend you review in detail before making your decision. The starting point is our annexation petition and zone change application. I also submitted a letter to the Planning Commission, dated November 24, 2020, in which I respond in detail to the testimony submitted up to that point. In addition to our materials, your staff has submitted findings, reports and referrals, with updates, that provide the bulk of the evidence that supports the Planning Commission’s recommendation of approval and its findings dated December 8, 2020 (Exhibit “B”). These are the core materials that, together with the Florence Realization 2020 Comprehensive Plan (“the 2020 Plan”), provide the evidentiary and policy support for approving this application.

With that said, I want to address issues that have relevance. They will be under separate headings with reference to supportive evidence.

Reasonableness and the 2020 Plan

In his initial 27-page letter, dated November 10, 2020, Mr. Mittge, attorney for Heceta South Homeowner’s Association, Inc., spends considerable print claiming that approval of the annexation and zone change is “unreasonable” and thus violates a judicial criterion that was established in a 1952 Oregon Supreme Court case. *See Portland General Electric Co v. City of Estacade* (“PGE”), 194 Or 145 (1952). While the court did establish a reasonableness test for annexation applications in 1952, that is not the complete history of that test. As I pointed out in my November 24, 2020 letter to the Planning Commission (p3-4) that *PGE* test has been largely diluted and found by subsequent court decisions to be controlled by “specific legislative and regulatory criteria” which, in this case, are the 2020 Plan and implementing zoning ordinances in the Florence Code.

Simply put, the reasonableness of an annexation petition and implementing zone change application is measured primarily by the consistency of the proposal

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with applicable plan and zoning criteria. In his follow-up letter of November 24, 2020 (p2), Mr. Mittge first acknowledges the real state of the *PGE* reasonableness standard but then attempts to argue that our application is not consistent with the 2020 Plan when, in fact, both the staff and Planning Commission have adopted detailed findings that address all applicable provisions of the 2020 Plan.

Again, I refer you to the Planning Commission's December 8, 2020 "Findings of Fact" (Exhibit "B") and particularly the findings that address the 2020 Plan's seven Annexation Policies. These policies cover a wide range of topics ranging from the availability of public services to protection of coastal shorelands and the Planning Commission's findings address all of them in detail (Exhibit "B", p 9-13). Of particular importance are the findings describing availability of public services, both from the City of Florence and other service providers. The neighbors and Mr. Mittge have no response regarding the adequacy of the services or their availability. Obviously, for example, if sewer capacity was at a maximum level, annexation might be delayed or approved but development suspended pending resolution of the capacity problem. However, for this application, all public services and facilities are available without restriction. Where and how those services are "available" will depend on the development that is proposed.

While the Applicant filed a subdivision application with the County in 2010, there have been so many changes with the rules and requirements for development in the North Florence Dunal Aquifer area, the City of Florence has now been designated as the primary land use authority for all lands inside the Urban Growth Boundary of the 2020 Plan. Annexation Policy 2 prohibits land divisions in this area "prior to annexation" and, of course, the 2020 Plan requires all new development to be provided sewer service. The 2020 Plan designates a portion of the Subject Property as suitable for low density residential while the remainder will be protected as a coastal shoreland. These are the policies, land use designations and service requirements that were established over a long period of time but are now in place and dictate how and where future land use should occur in the undeveloped areas inside the Urban Growth Boundary, including the Subject Property.

A portion of our property can and should be developed with low density residential development as directed and determined by the 2020 Plan. We cannot develop those uses until we annex and extend sewer service to the property. This

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brings things back to the reasonableness standard because if you look at a map and identify where the closest public sewer is presently located (Rhododendron Drive), it becomes very obvious where the sewer needs to be placed in order to provide sewer to the Subject Property and that is Oceana Drive. There's no other way to get City sewer service to the Subject Property in an orderly and efficient manner. The Applicant is responsible for the cost of that extension and its design will be directed by the City. All of the talk about forced connection and potential additional costs to neighboring properties is completely beyond the scope of this annexation request and, as far as my client is concerned, not an issue if, and when, the sewer is extended. All of the adjacent properties along Oceana are presently outside the City and cannot obtain sewer service (without annexation) even if they wanted it.

Overall, the Applicant is doing exactly what the City has directed in its policies and ordinances in the 2020 Plan and zoning code. Annexation merely gives the Applicant the opportunity to submit a development application which must address all of the requirements of the City of Florence as well as all of the concerns of neighbors and others who have appeared in this process.

Again, we are right back where we started, i.e. annexation approval does not disturb a clod of dirt or a blade of grass. No traffic is generated, no sewage is produced and there is no additional stormwater. Our client is simply following the dictates of the 2020 Plan and seeking the right to propose a development that provides housing opportunities, protects wildlife and the environment, is a good neighbor and protects the North Dunal Aquifer by providing municipal sewer service.

The *Link* Legacy

In my November 24, 2020 letter to the Planning Commission, I addressed the most important appellate case regarding annexations to the City of Florence which is the 2008 *Link* case. It confirmed that annexation is not "development" but merely the condition precedent. That decision also approved a lengthy "cherry Stem" (Rhododendron Drive) annexation as a reasonable annexation. In fact it also confirmed that a cherry stem annexation of a street right-of-way is sometimes the only way to annex a particular property.

The *Link* decision, and the annexation it approved, was the start of a number

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of annexations in the North Florence area that have been continuing since 2008. Each of the applicants followed the plan and polices applicable to the specific application set forth in the 2020 Plan. The same criteria were used and all the annexation applications were approved. The only difference in this case is the intensity and number of opponents. Again, I urge you to review that case and especially the number of objections that were raised by the opponents and dismissed by LUBA. It has been a blueprint for the City's approval of all the subsequent North Florence annexations and also should be for approving this application. Also, look at the map for North Florence annexations that have occurred since the *Link* annexation. It represents how Florence will grow while new development is absorbed into the older subdivisions like Idylewood.

Hearing Process and More

There have been several people comment on the difficulties with participating in the virtual hearing process that we and all local governments used during 2020 and in 2021. I can empathize with those concerns since I share a limited technical capability. However, all written testimony is accepted and, at least for me, read and understood. Certainly, for evidentiary purposes, written testimony is preferable when technical and legal standards have to be addressed.

For these applications, the written testimony is quite significant and multi-faceted. However, as stated in the beginning of this letter, complaints about too much traffic, sewer construction, wildlife and environmental impacts and other alleged impacts that are based on something occurring on the property because of the annexation are simply irrelevant and do not address the annexation criteria. There is no development proposed at this time because we have no annexed property to develop.

There have also been suggestions that the application was submitted during the Pandemic because it would discourage participation. First, it is hard to imagine a more vigorous or organized campaign during better times. With that, I oversaw the drafting of the petition/application and I can attest that I started work on the annexation near the end of 2018 after spending considerable time looking at the options available to move forward with a subdivision development for the Subject Property. The Annexation Policy 2 confirmed that the best and only available process for developing the Subject Property was to first annex to the City of Florence and I moved forward from there.

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Needless to say, it took me considerable time to educate myself about the City's annexation process and history. This led to the identification of the recent annexations that have all been approved but beginning in 2007 with the Fawn Ridge annexation followed in 2008 by the Driftwood Shores annexation. Both were cherry-stem annexations that provided the basis for a primary sewer extension through North Florence. The *Link* decision confirmed the reasonableness of those cherry-stem annexations for the express purpose of extending the City's sewer service.

You all knew this but sometimes it helps to be reminded about the laws and policies that are in place and provide guidance as to how development of vacant parcels is to occur. This brings up the comments about Florence being more "lenient" than Lane County. Based on my experience, the City of Florence provides a far more experienced response to subdivision requests for the simple reason they process far more than the County who no longer processes subdivision because there are none within the County's jurisdiction. Just one example of the stricter nature of the Florence Code is the 100 foot setback from the coastal shorelands in comparison to the County's 50 foot standard. That one difference might have noticeable impacts on the size of any proposed development by reducing the developable area of the overall site.

Therefore, the annexation petition and zone change application were filed when I finally finished putting everything together. There was no design to inconvenience anyone and given the turnout to date, I can't imagine anyone not being able to write a letter to the Council. If you do, I will make every effort to read it.

Conclusion

You have a large amount of information before you which includes some letters from people who are quite upset at all the negative impacts that will occur if this annexation is approved. Others get into a more detailed response about potential impacts from what I call a phantom development. Of course, nothing happens to the ground in the real world when you approve this annexation other than the additional property tax burden that my client will incur.

I can only assume that some of the people who have written letters in opposition are acquaintances in some capacity. I sympathize but I believe your

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choice should be based on the 2020 Plan and its implementing zone ordinances. The subject property is inside the Urban Growth Boundary and therefore “urbanizable”. The property is designated Low Density Residential with a Prime Wildlife Overlay. When annexed it will be zoned Low Density Residential with a Prime Wildlife overlay. In order to subdivide, sewer is required and to get sewer, we must annex. The City has provided a roadmap for developing our property and we are asking you to annex our property so that we can continue forward on the development path the City has provided. Everyone will be welcome to participate in that development application process.

My testimony at the public hearing will be brief since I believe our record is substantial and persuasive. During my testimony, I encourage you to interrupt with any questions you might have regarding our applications or this letter. I would like at least 7 days after the record is closed to submit final written argument. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael Farthing". The signature is written in a cursive style with a large, stylized 'M' and 'F'.

Michael E. Farthing

c: Benedick Holdings, LLC (via email)
Clint Beecroft (via email)
Thom Lanfear (via email)

Exhibit O

Exhibit O

Siuslaw News

Articles, Letters to the Editor, and Opinions

(Bruce Hadley provided some as testimony on
1/28/21 and is included as Exhibit O to allow
readable text)

AN OPEN LETTER to the MAYOR & CITY COUNCIL

You and your staff have said, on many occasions, that "the City's current policy has been to only annex those who request and petition to be annexed."

However, "current" means today, and says nothing about tomorrow. And any "policy" may be changed, quickly and quietly, with no public input.

In any case, "current policy" fails with Idylewood homeowners, because we're staring down the loaded barrel of a unique, legally binding agreement: An "Improvement Agreement," signed by the City and the Benedicks in 1981.

To summarize, this agreement says that the owners of the 70 lots in the original Idylewood subdivision, which straddles Oceana Drive, shall:

- a) pay for the extension of the sewer line from Rhododendron Drive, and
- b) connect to the sewer, whether they want to or not, at their own expense, and
- c) pay for any road improvements the City wants: curbs, gutters, sidewalks, widening, etc.

The City's past annexations along Rhododendron Drive did not present this kind of predicament. The homeowners along Rhody had no legal obligation to connect to the sewer, and no financial responsibility for road improvements.

There is no precedent for the annexation of Oceana Drive.

So, here's a very simple solution that should satisfy all sides of the dispute: Amend the 1981 Improvement Agreement.

In that Agreement, section 2 would be rewritten to say that connection to the City's sewer is voluntary, except in the case of a health hazard, when a homeowner's septic system has failed beyond repair.

A revised section 3 would say that road maintenance is the task of the City, and major road improvements would need to be approved by a simple majority of the 70 homeowners within the original Idylewood subdivision.

10-27-21

SUSLOW NEWS

Finally, the top two paragraphs on page two should be deleted. As written 40 years ago, those paragraphs give homeowners no choice, no appeal. But since the subdivision is now complete, removing them hurts no one.

Now, I am not an attorney, but I know that all three of these changes *can* be made, legally and quickly. The City and the Benedick organization simply need to sign.

Without this revision, and upon annexation of Oceana Drive, we have new liens on our homes. Legally, I must divulge to prospective buyers that they could be obligated for tens of thousands of dollars in construction fees, at the sole discretion of the City Council.

With this revision, all parties should be satisfied:

Benedick Holdings LLC gets approval of its application for annexation and rezoning; the City of Florence gets to annex more land within its urban growth boundary; and the Idylewood homeowners have a written promise that they will not be forced to annex their own properties, they will not be forced to connect to the sewer, and they will not be asked to pay for road improvements.

What possible objection could you have?

Sincerely,

Bruce Hadley
Idylewood Owners LLC

www.idylewood.com

Moved here for quiet streets, not annexation – Published in the Siuslaw News on Jan. 23, 2021

As retired people, we recently bought and moved to Idylewood in Florence for the fresh ocean air and quiet streets for walking in order to maintain good health and hopefully prolong life.

We enjoy the pristine beauty of the beach and trees and the privacy the latter affords.

Thank you Bruce Hadley and others for presenting our situation so clearly. Does Florence really want to lose the unique beauty and quality afforded here and become like any other city?

I trust our mayor and city council will take heed and oppose annexation. If not, and we become part of the city, our friends and co-residents will certainly know how to vote in the next city election.

—*Warren and Nancy Stewart*

Florence

***By: Guest Viewpoint by Bruce Hadley -
Published by Siuslaw News Jan 16, 2021***

(Editor's Note: Viewpoint submissions on this and other topics are always welcome as part of our goal to encourage community discussion and exchange of perspectives.)

The Florence City Council will soon decide the fate of 70 homeowners in the original Idylewood subdivision, prompted by a Eugene developer's request that the City annex Oceana Drive — a 24-foot-wide public road that runs between Rhododendron Drive and the developer's property.

This developer, Benedick Holdings LLC, has been trying to develop their acreage between the Idylewood and Heceta South neighborhoods for more than 10 years. After failing to obtain subdivision approval from Lane County, they're now trying with the City — and they've found a willing audience.

That's where Oceana Drive comes in.

The Benedicks don't own Oceana, of course; it's a county road maintained by Lane County. But that meager 24 feet of asphalt where Oceana touches Rhododendron gives Benedick — whose property is a half-mile away from Rhody — the contiguity with the City that they need to argue for annexation.

And essentially, the City says, in applying its "triple majority" standard, only the Benedicks count.

Triple majority means the request comes from 1) a majority of owners, who 2) own a majority of the property area, and 3) own property whose value represents the majority of the total. Publicly owned property like Oceana Drive doesn't count toward triple majority requirements, so the Benedicks get a pass.

This is what's called a "cherry stem" annexation; we'll leave aside for the moment the fact that this kind of annexation is illegal in 16 U.S. states, and allowed only for government property in three or for others.

The City of Florence says they're OK, largely because they've done them before; notably, Driftwood Shores, where the "stem" was Rhododendron Drive.

However, Oceana (and a portion of Saltaire and Sandrift) have something that no previous annexation had: A poison pill.

When the City annexed Rhododendron Drive, none of the property owners alongside the road were under any obligation or requirement to connect to the sewer, nor to become part of the City.

In fact, almost none have.

But Idylewood and Oceana Drive are a very different case. You see, before the Benedicks began to develop Idylewood, they entered into an "Improvement Agreement" with the City of Florence. It was signed Feb. 18, 1981, by then-mayor Roger McCorkle, and Julius and Justine Benedick, doing business at that time as JMB Enterprises, Inc.

Then, on June 7, 1982, the Benedicks put in place the Covenants, Conditions and Restrictions (CCRs) for Idylewood. All of these documents are recorded by Lane County, and now govern the 70 lots of the original Idylewood subdivision.

They are self-renewing, forever.

Taken together, the Improvement Agreement and the CCRs say that "the cost of installation of sanitary sewer lines within the subdivision shall be borne entirely by the then lot owners." This isn't talking about individual hookups; the Agreement specifically says "the cost of major trunk lines" shall be shared pro-rata.

Also, note the use of the word "shall," meaning non-optional.

In addition, the Improvement Agreement and the CCRs say that those 70 owners are responsible for all road improvements: "paving with curb and gutters, storm sewers, and sidewalks," whenever the City requests it — "at the sole discretion of the city council."

And, the CCRs add a helpful timeline: “It being acknowledged that these improvements are generally required within one year following annexation.”

By the way, both of these documents are rigidly laid out as “non remonstrance.” That means we, the 70 homeowners, may not object to any of these events, and we may not complain. So, no matter what the City says about “voluntary” sewer hookups, that just isn’t so.

And, the true poison in this pill is that the 70 homeowners — mostly retired, fixed-income — have to pay for the sewer line construction and all improvements on our street. (Spoiler alert: One of those improvements will very likely be an attempt to fix our existing stormwater problem, which the City’s Storm Water Management Plan described in detail in October 2000.)

The result of all this, should Benedick’s petition be approved: We’ll pay for the infrastructure, right up to his figurative doorstep.

Once the property is annexed, the homeowners can be required to improve the street and install the sewer lines at any time. This is not just a financial burden; it is also a liability that will affect the marketability of our homes.

It is disingenuous at best — and deceitful at worst — to claim that this annexation petition affects only the Benedick property. This decision has significant financial ramifications for all properties along Oceana Drive, which will be on the hook for street improvements and sewer lines, and are much more likely to be forced to annex to the City.

The City keeps trying to sell this annexation as a public benefit. If that’s true, why doesn’t the city council put this up for a vote? Or, at a minimum, suspend its consideration until everyone can participate in a truly open and public hearing?

Annexation issues and flooding – Published by the Siuslaw News on Jan 16th, 2021

There was extreme flooding of Sandrift Street in Idylewood back in 1996 when the rainy season dropped 121 inches. The area was saturated with water and Sandrift Street had 3 to 4 inches of water above the blacktop.

Benedick had a 4-inch pump at the corner of Oceana and Sandrift Streets running day and night for weeks on end trying to keep up with the amount of water coming out of the area where Benedick Holdings LLC now wants to build 40-plus units.

Since 1996, the rain amounts have been 7 to 8 feet, which filled the ditches up to the blacktop but not the 10 feet that was recorded previously. More recently, the water was not pumped out and 2 to 3 feet of stagnant water stayed in the ditches for months until it was finally absorbed into the ground.

The east end of Oceana Street, Sandrift Street and Gullsettle Court are prone to flooding as this area is close to the seasonal lakes.

This is Oregon and there are many more extreme rainy seasons to come. Tampering with this sensitive wetlands area, especially when the current flooding issues have not been addressed by the developer, will cause further problems to the current homeowners for years to come.

Annexation of a wetlands/wildlife area is not something the City of Florence should *never* allow.

—*Ken Chipps*

Florence

Annexation not the ‘cherry stem’ but it is ‘the shaft’ – Published by the Siuslaw News on Jan 16th, 2021

I’m writing to express my opposition to the annexation of Oceana Drive, and my deep concern that the Planning Commission and the City Council appear to not care less about the people this annexation will adversely impact.

All they seem to care about is the roughly 49 acres that can be developed at the end of Oceana Drive, the income it could produce for the Eugene millionaire that owns it, additional tax revenue for the city, and possibly money for themselves and friends — knowing the line of work they are in.

When I watched on TV (terrible audio and video) of the Planning Commission go through the motions of recommending the annexation, they kept referring to it as a “cherry stem” annexation, the stem being Oceana Drive and the cherry being the 49 acres at the end of Oceana to be developed.

The owner, Benedick Holdings, LLC, will become richer, while the home owners on Oceana will become poorer. Their taxes will be higher, they have to pay for the road upgrades that will be needed and they will be losing some of their front yards with the widening of the road.

So, instead of calling Oceana Drive “the stem,” I think it should be called “the shaft” because that’s what the residents on Oceana Drive will be getting.

And it’s not just Oceana Drive. I think our Mayor and City Council have their eyes on the whole Idylewood area for future annexation, which nobody wants.

— *Brent Johnson*

Florence

Moved to Idylewood to enjoy tranquil beauty – Published by Siuslaw News on Jan 16th, 2021

• Annexation: *noun* — The act or an instance of annexing, or adding to something larger, especially the incorporation of new territory into the domain of a city, country or state.

Annexation is sought by the builder (Benedict Holdings) so it can continue Cloudcroft Lane through our tranquil, Idylewood community.

With this will come radically increased traffic through our community and will make walking in our private streets dangerous.

Included in this annexation plan will be:

The taking of your property to make room for sewers, sidewalks and light poles. Property easements will completely change our wonderfully private, green community, into an all-night lighted environment to invite outside foot traffic.

Crime will likely follow.

Think those sidewalks and lights are free? Think again, we will be billed for them. Some of us will lose all of our green privacy to give way to the easements.

The installation of sewer lines; we have septic tanks and allowing the city to charge us for sewer lines will cost over \$200 per foot to each homeowner. And thousands more dollars to have it connected to your home.

You get: Annexed by saying nothing.

Watch the greenery fade to stained concrete and the wildlife with it. Count on your property values declining instead of rapidly increasing as ours is the type of neighborhood people pay a ton for to get away from city zones.

The City gets: To take away a chunk of the property you paid for (or are paying for already) along your street. They also get to bring in heavy equipment for months, blocking driveways, creating noise and ruining the beautiful trees and landscape. They will also get to take away your green natural privacy walls and open our community to endless cross traffic as folks will start cutting through our neighborhood to get to and from Highway 101.

The City will also get to build sidewalks and install light poles in our wireless/no pole community.

And finally — the best part — the City will get to bill you thousands of dollars for doing it all. That money will not be well spent on home improvements, but it will help lower your property values.

If you are fortunate enough to have lived here your whole life, this may not sound serious enough. However, like so many others, I moved here from a large city in California. I moved to Idylewood to enjoy the green privacy, peace and tranquil beauty. Neighbors love to walk in the street together, to walk dogs and visit with neighbors, without fear of speeding cars racing for Rhododendron Drive.

This is the community I invested in like many others. I love the fact that there are no sidewalks here and the community is dark at night, discouraging unwanted behavior outside. We did not buy property here to watch it turn into another city atmosphere.

We have a beautifully unique community here that we share with the wildlife. People who do not live here want to change that forever.

I hope this gets your attention. Speak up for your property rights. The City Planning Commission and mayor are rushing this by in hopes no one will notice until it is too late. Once annexed into the city, you cannot de-annex.

—*Ken Vida*

Florence

**Inclusiveness, compassion and positivity – Published by the Siuslaw News
Jan 12th, 2021**

I'm sure that in Bruce Jarvis' letter ("Honest Debate Needed For Better Decisions," 1-9-21) he didn't really mean that if anyone wants "inclusiveness and positivity" that they need to leave Oregon or Florence.

He mentions that "our town" was built by loggers and fisherman. That is certainly true but this country was also built by robber barons who had little compassion or concern for those very loggers and fishermen — only for their own pockets and bottom line.

I don't know exactly which letters to the editor Mr. Jarvis is referring to, but I hope it's not those recent letters objecting to the annexation of Oceana Drive and certain parcels into the City of Florence.

If it is, then I don't see any strong debate that he mentions allowed by COF Planning Commission. In fact, any comments and evidence allowed in (virtual hearings and meetings) on that subject have been cut off in mid sentence or not audible to the hundreds of residents that have no say or vote in the matter and are being totally ignored.

So all, and especially the Florence City Council, let's have some inclusiveness, positivity and compassion for the hundreds of older citizens that are going to be so negatively impacted by this possible annexation that not one resident of the Oceana and adjoining streets and subdivisions wants.

Even though we do live north of Oregon's southern border, don't you think we're entitled to that ?

—Jeff Talbot

Florence

Sign removal code not consistent – Published by Siuslaw News Jan 9th, 2021

This afternoon, I saw a City of Florence van whose driver was uprooting our “Tell City Hall ‘No’ To Annexation” signs along Rhododendron Drive.

I stopped to talk with the guy, and he explained that he was removing all signs within the right-of-way, which extends eight feet off the pavement.

(Ignorance is no defense, I know, but our model was all of the “Elect Joe Henry” signs that were out there last fall.)

I’m not suggesting that the City turn a blind eye to code violations, but this is a very small town. The City knows who I am. There’s contact info on our signs.

Couldn’t someone have called or emailed to explain the violation, and to ask that the signs be moved or removed?

We certainly would have complied. It would have saved the Code Enforcement Officer’s time (and taxpayer money), and would have better served community relations.

—*Bruce Hadley*

Idylewood – Florence

**Council not listening to Idylewood residents – Published by the Siuslaw News
Jan 5, 2021**

When my husband and I were finally able to move to Oregon, we carefully evaluated different small towns and coastal communities. Among other desirable qualities, we loved the fact that the Florence area seemed to realize the value and importance of preserving green space in and around the community.

We were thrilled beyond measure to be able to purchase a modest house on the edge of forested acreage that had been set aside as a wetlands preserve or had been deemed unsuitable for development by Lane County.

It is a great disappointment to find that the city planning commission has agreed with a developer to annex many acres within our community of Idylewood. No one in the Idylewood area is in favor of annexation.

Annexation will increase taxes, increase traffic in the area, deprive homeowners on Oceana of much of their street frontage, and building in the area will destroy the green space and wildlife habitat.

Nobody will gain from this annexation except the developers and the city — the city by expanding its tax base, the developers by increasing their wealth.

The Florence City Council is considering the recommendation of the Planning Commission to approve the annexation. The residents of Idylewood are against annexation. The commission did not value the statements presented from residents of Idylewood. We demand that the city council listen to the concerns of citizens in this community.

—Cris Reep and Bill McDougle

Florence

Let's get this straight – Published by the Siuslaw News on Dec 29, 2020

The Dec. 8 favorable approval recommendation made by the City of Florence's Planning Department and Planning Commission to the city council for annexation of Oceana Drive and certain wetlands had absolutely nothing to do with being "reasonable and for the public good."

What this gross misrepresented justification for annexation, as stated by Planning Director Wendy FarleyCampbell, that evening leaves out the fact that none of the hundreds of existing homeowners and residents — i.e., the public —wants this annexation.

It will have future devastating financial, safety and quality-of-life impacts to so many older residents in adjacent areas, not just those along Oceana Drive.

The only "good" in this annexation will be for the benefit of a wealthy land developer (Benedick Holding LLC) and for the city's tax coffers at the direct expense of older, long-time existing residents that have been conveniently denied a say in this decision.

Keep in mind that there is no other reason for this annexation — none — other than for development of a wetland area that was previously shot down by Lane County.

If this annexation is passed by the Florence City Council, it will be a complete betrayal of the "for the public good principle" — let alone any democratic principle — and a total loss of trust and faith by citizens for whom the city council supposedly represents.

Not only that, the city can plan on years of expensive legal entanglements due to what will be solely for the benefit of a special interest.

—Jeff Gemutliche

Florence

Annexation being run through like a railroad – Published on Dec 26, 2020

I have asked Senator Merkley to join us in our quest to be heard by the city council of Florence in regards to the idlewood subdivision expansion that has been approved and railroaded by the Florence planning department.

Pandemic have you staying at home? It appears the Florence Planning Department just took total advantage of that. Not one single person that lives in the Idlewood Subdivision that I know of is for this annexation, which would annex all members of Idlewood into the city limits.

If you happen to be anywhere on Rhododendron or a side street, be aware: You are next. I guarantee they are looking to expand you, increase your taxes and services to the City and increase your traffic flow.

My main concern is for the seniors that cannot afford this, and for the wildlife.

—*Lori Davis*

Florence

Annexation is an act of City overreach

By Ken Chipps

Published by the Siuslaw News on Dec 19, 2020

(Editor's Note: Viewpoint submissions on this and other topics are always welcome as part of our goal to encourage community discussion and exchange of perspectives.)

How can one or two City officials make decisions that impact hundreds of homeowners without their approval? How is it that homeowners who will be impacted by the City's ideas aren't allowed the opportunity to even vote on the issue?

Why does the Planning Commission not react to the dozens and dozens of letters sent to it stating the many valid reasons why the Benedick Holdings LLC annexation project should be denied?

Why does the City wait for a pandemic to shove through a highly contested annexation project when the homeowners cannot face the Planning Commission in person to voice their objections?

This is exactly what members of the Florence Planning Commission did Dec. 8 from the comfort of their homes, on a Zoom meeting without anyone being able to attend the meeting in-person to protest.

It appeared Wendy FarleyCampbell and the Planning Commission already had their minds made up and it didn't matter how many dozens of letters of objection they received from the citizens who will be negatively impacted by this annexation project.

They have been trying to shove forced annexation on the homeowners in the Heceta South and Idylewood subdivisions for 20 years.

When it would come up on past agendas, the homeowners showed up in mass to meetings at the City so the Planning Commission could see the angry faces opposed to the project.

After months of heated exchanges with the Planning Commission in the past, it was publically stated they would not force annexation on anyone.

They lied.

Fast forward to our current pandemic.

The proposed project by Benedick Holdings LLC tried to get Lane County to approve a housing project behind the Heceta South and Idylewood subdivisions next to the seasonal lake by Heceta Beach Road in a semi to full wetlands area.

This area is home to wildlife that will be displaced by this proposal.

Lane County denied this project approximately five years ago. The City

of Florence appears so greedy for more tax dollars, more money from the ridiculous storm water runoff fees, waste water fees, street maintenance fees, and more permit fees,

it has aligned itself with Benedick Holdings LLC to force the current homeowners into a deal that will cost unknown thousands of dollars.

This is money the homeowners cannot afford.

It was publically stated that it will only cost each homeowner around \$20,000 to hook up to the new sewer system. We don't need to hook up to the sewer system, we already maintain our septic systems and do not need this expensive sewer system.

But their stated cost does not include everything else that comes along with this project. What about street improvements, such as sidewalks, curbs and gutters, street lights... and who will pay for the damages to the current landscaping, fences and sheds on the properties?

If you add up all the costs the City is imposing on the homeowners, will we be able to recoup these expenses when we try and sell our homes?

I think not.

So many who live in these neighborhoods live on fixed incomes and simply cannot afford this added expense and increased taxes, nor do we want to. We didn't ask for annexation.

In fact, we have spoken loudly that we *don't* want it.

But the City and the Planning

Commission ignores us.

The City claims it is only annexing Oceana Street, but when the City is involved it's like a cancer — it spreads. At the December Zoom meeting, it went from just Oceana Street to homes within 300 feet of Oceana Street.

Now it looks like they lied to everyone; it's not just the street itself but they are now snaring a good share of homes in the process.

Forced annexation with all the costs involved, increased traffic on already narrow streets, negative impact to home values — but hey, what the City wants they find a way to sneak it in.

I know everyone complains about the overreach of big government, but it's not just Washington DC, it's the little towns like Florence as well.

We're supposed to be living in democratic society, not a dictatorship.

What will it take to stop these officials from imposing their ideas on the backs of the citizens?

It's time for everyone to step up and tell the City "No, not without our approval."

We the People should be able to decide what kind of town we want to live in, not officials trying to squeeze every last dime out of our pockets.

By: Mark Brennan/Siuslaw News -

Posted Dec 11, 2020

Commission sends annexation request on to Florence City Council

Dec. 11, 2020 —

The Florence Planning Commission (PC) met Tuesday, Dec. 8, which was the first city meeting of the month as both a Dec. 7 Florence City Council work session and the regularly scheduled city council meeting planned for last Monday evening were rescheduled.

Interest surrounding this particular PC meeting was heightened as a decision on a contested annexation was one of two major action items on the meeting's agenda.

Chairperson John Murphey called the meeting to order with all commissioners in attendance.

The agenda listed Resolution PC 20 22 and PC 2023 as the first two action items, which were the applications from Michael Farthing, on behalf of Benedick Holdings, LCC, to annex 48.82 acres along Oceana Drive, located east of Rhododendron Drive, within the Heceta South subdivision, and east and south of Sandrift Street, and also east of the eastern terminus of Cloudcroft Lane within the Idylewood subdivision.

Resolution PC 20 23 assigned a zoning classification to the annexed property.

One of the most significant elements in the materials presented to commissioners is the staff report "Findings of Fact," which includes information providing more background — in this case, on city requirements as detailed in City Code.

Planning Director Wendy FarleyCampbell recapped the points of concern she had determined were most relevant and included them in meeting materials.

“State law requires signatures from at least 50 percent of the property owners and electors of the property to petition for annexation without an election,” FarleyCampbell explained. “This type of annexation is known as a ‘double majority’ annexation (ORS 222.125). The city received a signed petition from the property owner and will process the annexation under the ‘triple majority’ methodology (ORS 222.170(1)).”

Florence City Code Title 10 Chapter 1 calls for processing the annexation as a Type IV application, with the zoning assignment procedure applying to the property and Oceana Dr.

“In accordance with 10-1-1-5 B, the two actions will be processed through consolidated proceedings,” said FarleyCampbell.

After annexation, the property will be provided city services, such as sewer and police protection. The property is within the Siuslaw Valley Fire and Rescue and Western Lane Ambulance districts and will continue to be served by all districts presently providing public services.

A number of Idylewood residents are opposed to the annexation and have filed testimony to that effect with the city and the PC.

“We are writing to express our strong opposition to the annexation and zone change by Benedick Holdings. ... The proposed rezoning will affect Oceana Drive and Rhododendron Drive,” said Jimmie and Christine Seitsinger in a letter to the PC, which was similar to many others submitted to the commission. “The zone change will significantly impact our neighborhood and community and be detrimental to the area. We are opposed to the rezoning and annexation since it will cause traffic and safety problems, drainage concerns due to grading, destroy the local wildlife habitat and potentially lower the existing community’s property values.”

Other issues which trouble residents of Idylewood are based on human impact on the surrounding native vegetation and wildlife.

“In addition, clearing of the native vegetation and disruption of the natural wetland environment on the proposed acreage for development will likely

exacerbate drainage problems and flooding that already occurs in Idylewood,” another letter stated. “This subject property is also a prime wildlife habitat, and any development here will have harmful environmental effects which cannot be undone.”

Quality of life was also mentioned by many as the overriding concern with the annexation, as was the concern that the annexation wasn't the result of a request by residents — but rather by an out-of-area developer stymied by the county.

“We moved here and were mesmerized by the quiet, the trees and all the wildlife. We take walks around Heceta South at least three times a day. We walk with our dogs, we take power walks for exercise, and we walk with our friends and neighbors for some peaceful conversation,” resident Kathy Johnson said in a letter to the commission. “It is a safe place to walk since there is no traffic. On every walk we encounter wildlife. Chipmunks chasing each other, rabbits and squirrels darting across the road, and words cannot describe the special feeling when you round a corner and see a bobcat sauntering down Kelsie way! Or a coyote loping along. Even our resident bear has made appearances as he lumbers off into the woods. ... If the annexation and development are allowed to go through, and Kelsie Way is annexed as well to provide through traffic to Heceta Beach Road, what is the amount of noise and all the trash that will be generated? And people scoping out our homes for potential theft and crime? All of this peace, beauty, quiet, safety and our beloved wildlife will be gone — FOREVER. Please do not let this happen!”

Some of the letters to the PC were more critical of the less than transparent manner in which the annexation was requested and has worked its way through the annexation process.

“The residents of Oceana Drive and neighboring affected properties are not the ones requesting annexation by the city for the benefit of city services. This is an attempt to impose this on them,” wrote Nancy Patterson. “Many are retired residents who chose this neighborhood because of its rural environment. They also likely have limited income and may not be prepared for the increased taxes and fees that I understand will come with annexation. I imagine that in some

cases this may result in needing to give up their residences and relocate if remaining there becomes financially untenable.”

The restrictions currently in place for COVID-19 mitigation were an additional cause for complaints from residents as was the online-based public hearing held in November.

“The virtual PC meeting on 11/10 was a disgrace,” wrote Linda Bickel. “The requirements to challenge the proposal were Mephistophelian. It should not be so difficult for a citizen to take leaders to task that an attorney must be engaged. Audio was terrible and neither the applicant’s attorney nor members of the public were able to comment. What is the rush here?”

Bickel also commented that many of those who will be impacted by the PCs decision are not technically savvy and that many others might not have the ability to submit a letter that adheres to the template of submittal requirements.

“We want to be there, look you in the eyes and hear you clearly as you discuss and make plans for us — plans that will affect us in many ways, not the least of which is financially,” Bickel wrote. “What really is at stake here is quality of life.”

Public Works Director Mike Miller has been heavily involved in collating the reports and information needed to determine both the legitimacy of the requested annexation, but also determining the physical state of the water systems and other infrastructures.

Two issues, stormwater and excess water drainage, surfaced in many of the comments submitted in opposition to the resolution.

Miller addressed those in his presentation, which stated in part, “The proposed streets within the Idylewood 4th Addition are proposed to be city streets and will need to meet city standards for construction. Oceana Drive is currently classified as an urban local road which is maintained by Lane County. Since it is an urban local roadway, Oceana would not automatically transfer to the city upon annexation. The city will need to evaluate whether or not the street is in an acceptable condition, including stormwater management, to transfer maintenance (jurisdictional transfer) of the roadway to the city.”

FarleyCampbell also recapped the process navigated by the applicant and the corresponding actions taken to research and assess the application undertaken by City of Florence staff and affirmed her departments recommendation to approve the Resolutions presented.

“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,” FarleyCampbell said. “Staff recommends that PC recommend approval of the annexation and zoning assignment to the Florence City Council.

The passage of the approval for annexation was met with a pledge by residents of Idylewood to continue to resist the annexation as they prepare for a future meeting of the city council, which could mean the finalization of the annexation.

“I fully expect that the city council will approve the Benedick’s petition, because they will argue (as did the PC) that this is ‘only’ about annexation and rezoning, it is not about development,” wrote Bruce Hadley in a letter to the Idylewood Homeowners Association. “Mayor Joe Henry has already made public his intention to annex all of Idylewood and, for that matter, everything within the Urban Growth Boundary. Unfortunately, once Oceana Drive is annexed, it can never be ‘de-annexed’ — which is why we want to head this off before it even gets to the development application.”

Hadley predicted that if the annexation is approved, Saltaire, Sandrift and other locations in the area would be “up for grabs” to developers.

“In the meantime, I am going to try to hire some experts to provide analysis and testimony re: infrastructure, especially roads and stormwater prior to that meeting. The point of getting expert testimony into the public record is to have something that we can use when we appeal the council’s (likely) decision. I.e., we can argue that the city council erred, because they ignored this expert testimony,” wrote Hadley.

There were some conditions attached to the recommendation to approve the annexation, which is common in projects of this level of complexity. The motion

to approve the annexation — with conditions set by the City — was made by Commissioner Brian Jagoe and passed unanimously.

The second major decision was centered around the construction of a Burger King restaurant on the corners of 35th Street and Highway 101.

The PC was updated on the progress of the project and Resolution PC 20 26 was presented with the hope that the PC would allow the construction of the franchised burger chain to continue. City staff responded with the following comments in their review.

“Staff recommends a finding that the proposal can meet the requirements of city code and the Florence Comprehensive Plan once the conditions of approval laid out in the draft resolution are enacted. The PC can amend the proposed findings of fact, resolution, and conditions of approval as it sees fit. Staff would like to highlight several aspects of the findings for the commission’s attention.”

The applicant’s representative, Charlie Patton, was on hand virtually for the meeting and was willing to accept the few brief comments made by staff and the commissioners during the presentation. The resolution has an extensive list of items which must be addressed during the design and building process, but the majority of those should be easily accomplished.

Patton was clear the developers would do what they were required to do to continue building.

The discussion among commissioners after the presentation was brief and Resolution PC 20 26 passed unanimously.

All Planning Commission meetings are available for viewing online and all submitted materials are included in each meeting informational packets, available on the City Planning Commission website at www.ci.florence.or.us/bc-pc.

The Dec. 8 favorable approval recommendation made by the City of Florence's Planning Department and Planning Commission to the city council for annexation of Oceana Drive and certain wetlands had absolutely nothing to do with being "reasonable and for the public good."

What this gross misrepresented justification for annexation, as stated by Planning Director Wendy FarleyCampbell, that evening leaves out the fact that none of the hundreds of existing homeowners and residents — i.e., the public —wants this annexation.

It will have future devastating financial, safety and quality-of-life impacts to so many older residents in adjacent areas, not just those along Oceana Drive.

The only "good" in this annexation will be for the benefit of a wealthy land developer (Benedick Holding LLC) and for the city's tax coffers at the direct expense of older, long-time existing residents that have been conveniently denied a say in this decision.

Keep in mind that there is no other reason for this annexation — none — other than for development of a wetland area that was previously shot down by Lane County.

If this annexation is passed by the Florence City Council, it will be a complete betrayal of the "for the public good principle" — let alone any democratic principle — and a total loss of trust and faith by citizens for whom the city council supposedly represents.

Not only that, the city can plan on years of expensive legal entanglements due to what will be solely for the benefit of a special interest.

—Jeff Gemutliche

Florence

Benedick Annexation was — and is — a bad idea – Published by the Siuslaw News on Dec 5, 2020

Developer G. Benedick is at it again, trying to develop approximately 50 acres of wet lands and seasonal lakes. The first attempt consisted of 63 homes without regard to additional flooding.

He also made an attempt to annex Oceana Drive. We purchased our home in December 1999 without this disclosure; the brochure said: “Subject to standing water.”

The storm water was directed to Gullsettle Court catch basins and a pump station. The pump and all controls were removed about 10 years ago.

In 2001, Benedick installed a gravity flow system completed in 2007; Benedick would maintain the system for a period of time and the county would then inspect the system and, if approved, would assume the maintenance of the system.

That never happened.

No one has maintained the system in all those years since.

At a meeting in Eugene with all county commissioners and residents from Idylewood (to support the Benedick proposal), county engineer Oliver Snowden stated — and I quote: “The county should never have allowed building in this area.”

Now Benedick wants to add 63 homes with no place for the storm water to go.

The other problem is with traffic, considering the potential for as many as another 112 cars on Rhody from those 63 homes.

At the meeting in 2001, I asked Commissioner Anna Morrison for a copy of the meeting be sent to those who spoke. It is going on 20 years and, after many requests, we’re still waiting.

—*David Campbell*

Florence

Annexation is clear and present travesty – Published by the Siuslaw News on Dec 1st, 2020

That's exactly what the Benedick Annexation of Oceana Drive will mean to all Idylewood area residents.

Its "only intent" is for a future development that will cost everyone on Oceana Drive and adjacent streets big time on many levels. The annexation only benefits two entities: a wealthy developer, Benedick LLC., and the City of Florence for tax revenue purposes.

There is not one resident living in that area that wants this annexation. And don't be fooled by claims that this is for annexation only; it is so much more than that.

What was once supposed to be "A Government Of The People By The People And For The People" has turned into a government of the powers-that-be for its own benefit and those that have bought it.

There are hundreds of people against this annexation that know this is bad for them and bad for the Florence area.

Do not let yourselves pay for something you do not want, and which is solely for the benefit of an outside developer.

—Cher Thatcher

Florence

By: Mark Brennan/Siuslaw News - Updated: 2 months ago

Posted Nov 21, 2020

The applicant's proposal includes annexing Oceana Drive

Nov. 21, 2020 — City of Florence boards and committees continue to meet, with several of them finalizing plans presented to the Florence City Council on Nov.16.

The Florence Planning Commission met Tuesday, Nov. 10, to consider Resolution PC 20 22 and Resolution PC C 20 23 — applications from Michael Farthing, on behalf of Benedick Holdings, LLC, requesting to annex approximately 48.82-acres of property and a right-of-way, and also to apply a City of Florence zoning designation to annexed lands.

All commissioners, with the exception of Eric Hauptman, were in virtual attendance at the meeting.

The applicant's proposal consists of annexing Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10- 34 Tax Lot 801.

Oceana Drive is located east of Rhododendron Drive within Idylewood, and the property is located south and west of Heceta Beach Road; south of Kelsie Way and Kelsie Court within the Heceta South subdivision; east and south of Sandrift Street; and east of the eastern terminus of Cloudcroft Lane within Idylewood and Idylewood 1st and 2nd Additions.

The property is proposed to be zoned Low Density Residential with a Prime Wildlife shorelands management unit overlay (LDR/PW).

During the meeting, City Planning Director Wendy FarleyCampbell's presentation included the information required by the city for proper deliberation of the proposal.

The concerns discussed during the meeting included three issues related to water: stormwater drainage, potential flooding and wetland area impact, in addition to traffic concerns and a perceived lack of pedestrian facilities.

The meeting materials included reports submitted from Benedick Holdings, as well as materials from Florence Public Works Department, Florence Police Department, Siuslaw Valley Fire and Rescue, Western Lane Ambulance District and Lane County Public Works.

In addition, areas of concern needing response were listed, with the relevant local agencies responding by raising no serious objections to the annexation.

Public Works Director Mike Miller even suggested in his presentation that there would be added advantages to others living in the near the annexation.

“Regarding sanitary sewer service, the proposed project will provide opportunities for other surrounding homeowners to have city sanitary sewer service if they desire,” said Miller. “City sanitary sewer service is currently only available to properties within the city limits. Properties outside of the city limits would need to annex prior to receiving sanitary sewer service from the city.”

Miller explained that it is the policy of the City of Florence to provide sanitary sewer service to any property within the city’s wastewater service area.

“However, the property owners are to pay for sewer main extension, manholes, pump stations, construction, connection fees, engineering fees, street opening permits and any other fees necessary for the connection to the public sewer system for the project,” he added.

The public hearing on this issue was then closed, with the written record left open for the addition of materials through Nov. 24. The motion was made by Commissioner Brian Jagoe and passed unanimously by the Planning Commission.

On Dec. 8, at 5:30 p.m., the Planning Committee will continue deliberations on Farthing’s request, on behalf of Benedick Holdings, LCC, to annex the 48-acre of property and apply a City of Florence zoning designation to the land.

During the remainder of the evening, the second item was a request for a postponement of a public hearing from Driftwood Shores regarding an architectural variance for a storage building.

That request was also passed, without discussion.

Two days later, the Florence Transportation Committee meeting on Nov. 12 was brief. It was primarily a review of the final draft of the group's workplan that was then presented to the city council this past Monday.

The Transportation Committee is responsible for advising the city council on issues related to vehicular, bike and pedestrian traffic, public and private transit and air traffic at the Florence Municipal Airport.

The Transportation Committee memorandum to the city discussed the overall area transit plan, which highlighted public transportation.

"As ridership on the Rhody Express continues to rise, the introduction of the Florence–Eugene bus route is on its way to being established in spite of COVID-19, along with the introduction of a new transit system from Coos Bay to Florence," the committee said in its memo to the city. "The Transportation Committee's work regarding public transportation efforts in the city are as important as ever. Most recently, the committee was informed that the Lane Council of Governments was also awarded a Transportation Growth Management Grant, which could facilitate better connectivity to towns and cities within Lane County and other counties as well."

Josh Haring, owner of River City Taxi, which manages the Rhody Express, added that the possibility exists of a new vehicle being added to Rhody Express routes due to the continued use of the service, projecting a new bus may be available in 2021.

Discussion of the new wireless connections at the Florence Municipal Airport (FMA) was brought to the attention of the committee by member Terry Tomeny, a pilot that is involved with many aviation-related aspects of the transportation equation in the area.

Tomeny asked for clarification of the wireless access procedures for the airport and reviewed the related requests in the workplan, which included an update on recent improvements to the runways and lighting systems at the airport.

There were few changes suggested by members to the workplan, which was then submitted to the council.

The next Planning Commission meeting is scheduled for Nov. 24 at 5:30 p.m. The next meeting of the Transportation Committee is Dec. 10, beginning at 2:30 p.m. For more information on these and other City of Florence committees, visit www.ci.florence.or.us/boardsandcommissions.

Against Oceana Drive annexation – Published by Siuslaw News on Oct 21, 2020

Citizens of Florence should be aware of another attempt to annex a county road for what appears to be the benefit of a wealthy developer. A similar situation occurred a few years ago when the city annexed Rhododendron Drive.

This time, the city is being asked to annex Oceana Drive from Rhododendron Drive to the property of a developer. If this is accomplished, the developer will add a significant number of homes to an already overtaxed sewage system and require maintenance to a road now maintained by the county.

Should the annexation occur, people living on Oceana Drive will be affected in a number of adverse ways.

I feel this policy of using annexation of a road to connect with “islands” of land farther out in the county should be of concern to city residents as much as those living outside city limits.

Annexing a road to get to a remote island of land is an extreme way for any city to expand. It defies common sense and, in my mind, raises questions as to how developers and special interests manage to get city approval for such projects.

—*Joe Decker*

Oceana Drive

By: Mark Brennan/Siuslaw News

Posted Oct 16, 2020

Planning Commission to consider request in November

Oct. 17, 2020 — The highly anticipated Oct. 13 meeting of the City of Florence Planning Committee (PC), which initially included acting on an annexation request from the owner of property located on Oceana Drive (off of Rhododendron Drive) was much shorter than had been expected.

The petitioner, Benedick Holdings, LLC, requested a postponement of the hearing on behalf of its clients, which is requesting annexation consideration by the City of Florence.

PC chairperson John Murphey was not in attendance, so vice-chair Phil Tarvin brought the meeting to order and handled the introduction of agenda items and presentations by city staff.

The request for postponement was authored by Attorney Michael E. Farthing on behalf of Benedick, asking for the rescheduling of the presentation to the Nov. 10 meeting.

According to Farthing, the request for postponement was submitted due to a concern on the part of the applicant that there was a procedural issue that needed to be researched and clarified before the required presentation to PC.

The applicant's proposal consists of annexing Oceana Drive and property described as Assessors Map No. 18-12-10-40, Tax Lots 400 and 401 and MR 18-12-10-34 Tax Lot 801. Oceana Drive is located east of Rhododendron Drive within Idylewood; south and west of Heceta Beach Road; south of Kelsie Way and Kelsie Court, within the Heceta South subdivision; east and south of Sandrift Street; and also east of the eastern terminus of Cloudcroft Lane within Idylewood and Idylewood first and second additions.

The property is proposed to be zoned low density residential with a prime wildlife shorelands management unit overlay (LDR/PW).

“The reason for our request is to address a procedural objection based on ORS 197.610(1),” Farthing wrote in a letter submitted to the PC. “While we have concerns about the relevance of the objection in these circumstances, in order to avoid a procedural error, we agree with City Planning and DLCD (Oregon Department of Land Conservation and Development) that completing the notice before the first evidentiary hearing is the best course of action. In order to accommodate such continuance, we also grant a 90-day extension of the 120-day statutory deadline for taking final action.”

Originally expected to take a fair amount of time to discuss and deliberate, the removal of the annexation request from the evening’s workload allowed Planning Director Wendy FarleyCampbell to review the status of several other projects that the PC will be working on in the next few months. This includes an application for a new Burger King on Highway 101 (Northeast corner Highway 101 and 35th Street), and of the expected discussion at this Monday’s Florence City Council meeting, which will act on the application for a proposed major new development at 35th Street and Rhododendron Drive.

FarleyCampbell also reviewed the city council’s acceptance of a grant received for updating the City of Florence Transportation System Plan from Lane County Council of Governments.

There were no requests from members of the public to address the PC and there were no reports from members. The meeting was adjourned less than 25 minutes after it was called to order.

For more information about the City of Florence Planning Committee, visit www.ci.florence.or.us/bc-pc.

Legitimate concerns over new development, annexation

Guest View Point by Jeff Talbot published by the Siuslaw News on Oct 14th, 2020

(Editor's Note: Viewpoint submissions on this and other topics are always welcome as part of our goal to encourage community discussion and exchange of perspectives.)

Questions for all in Florence to seriously contemplate are new housing developments and the legitimate concerns of so many residents and homeowners involving evidenced issues of flooding, safety (specific exit traffic safety and congestion in the event of a tsunami), environmental issues and quality of life for older residents who moved here for a special less-stressful place to live.

And what about the wildlife that live there?

Eugene, along with Oregon in general, is growing exponentially. It's happening now and they don't know what to do about such quick growth problems.

And this isn't going to get better
As a community, we need to set some organized, well-thoughtout restrictions that will benefit this community in the long run — not just short term dollars.

As Kevin Costner said in the film *Field Of Dreams*: "If You Build It, They Will Come."

What does that mean for Florence?

For sure "they" will come. But who are they? And for whose benefit and purpose will they be coming?

Almost all are coming because we have a beautiful, unique and safe place. Thoughtful growth can protect those qualities. Uncontrolled growth is like a cancer, killing its host.

In addition to what is now being put forth by The City of Florence to be considered for a large housing development at 35th Street Rhododendron

Drive, there is also a petition by an LLC. (Benedick Holding LLC.) for annexation by the City of Florence of another 10-acre parcel that will potentially directly impact traffic/flooding along Oceana Drive, Saltaire Street, Sandrift Street and the corner of Oceana and Rhododendron — not to mention

Heceta South.

Call The City of Florence Planning and ask some questions.

Get involved. Ask yourself and the City why there's only a legal requirement to notify residents/property owners within 300 feet of the proposed annexations/developments when the impacts go far beyond that?

If you like more garbage, more traffic, more taxes, more hassles, less safety, less access, less say in your community — then just stay with business as usual and saying nothing.

This has nothing to do with the "I've got mine" but has everything to do with knowledge that benefits the overall good on all levels — not for the few focused on the immediate monetary gains.

If you consider why the quality of life in so many places has degraded, it's because the quality of that life has been overrun by a lack of thought or concern on the part of those who have a substantial amount to gain by that short-term thinking.

A lot of folks in Florence are here on a shorter "end term journey" in life but that does not mean that that journey is not relevant or is any less important.

Most of us folks have had the time to think about the value of that direction.

Think about where your journey should rightfully be directed and get involved.

Benedick Holdings LCC, Planning Commission hearing postponed until November

Published by Siuslaw News on Oct 14th, 2020

The City of Florence is providing notice that the Planning Commission Public Hearing for the Benedick Annexation Petition and Zone Assignment has been postponed to Nov. 10.

On Oct. 9, the City of Florence received a letter from Michael Farthing attorney and representative for Benedick Holdings LLC., requesting postponement of the public hearing scheduled for Oct. 13 at 5:30 p.m. before the Planning Commission.

The public hearing will now be held Nov. 10 at 5:30 p.m.

The meeting materials and testimony received so far will be provided to the Planning Commission for its Nov. 10 meeting. Written testimony does not need to be resubmitted and is still being accepted until 3:30 p.m. on Nov. 10. Property owner notices and media notices will be remailed and resent in accordance with Florence City Code and State law. For more information, visit the City of Florence website at www.ci.florence.or.us.

Citizens can view all the pertinent information under the Latest News item titled "Benedick Annexation Petition & Zone Assignment." Contact the planning department by email at planningdepartment@ci.florence.or.us or call 541-997-8237.

Annexation could set dangerous precedent – Published by Siuslaw News on Oct 10, 2021

On Oct. 13, the Florence City Planning Commission will be holding a public hearing on a proposal to annex property between the Idylewood and Heceta South neighborhoods to expand the Idylewood development.

The property contains steeply sloped dunes (>25% slope), woodlands and seasonal lakes, and is known to have local flooding and drainage issues.

Benedick Holdings attempted to get approval from Lane County to develop this area in past. Now, the owner has petitioned the City to annex the property attempting to gain approval from a different approving authority without addressing the issues the County brought up.

Idylewood and the area surrounding the property proposed for annexation is outside the current City limits, and although this may seem to be an issue that impacts only the residents of the immediate area, it goes much farther than that.

Oregon state law requires that properties to be annexed must be connected to the existing City boundary.

The isolated property proposed for development is nowhere near the existing City boundary, so in order to meet the connection requirement, the developer has requested annexation of Oceana Drive, an existing *residential* street.

I believe the potential annexation of Oceana Drive should be a concern to residents because it would set a new precedent for the City of Florence in taking away their rights. If the City annexes Oceana Drive, no area would be safe from the potential for the street in front of their house to be annexed since all streets connect in some way to the current City boundary.

The City should carefully consider the precedent of annexing a neighborhood street to attain annexation of a relatively small development with limited benefit to the City and its existing residents.

—*Richard and Mary Kauffman*

Florence

[Editor's Note: On Oct. 9, the City announced the Oct. 13

meeting on the annexation is being moved to Nov. 10]

Oceana Owners & Friends say **NO TO ANNEXATION**

Alan Matisoff ~ Alexis & Ross Greenlee ~ Annie & Dave
Blanks ~ Arlen Roemen ~ Barbara Fiorito ~ Beth Lints ~ Bill
McDougle ~ Bob Ekas ~ Bonnie Wilson ~ Brent & Kathy
Johnson ~ Brian Gardiner ~ Brian & Jessica Enochian ~ Brian
& Pamela Hudson ~ Bruce & Linda Cochran ~ Bruce & Mary
Williams ~ Bruce & May Hadley ~ Bruce Chadd ~ Carl &
Judith Hruska ~ Carol & Ed Dowty ~ Carol Pritchard ~ Carol
Wade ~ Charles & Alice Wilent ~ Charles & Betty King ~
Charles & Francine Wong ~ Charles Caldwell ~ Charlie &
Phyllis Campione ~ Cher Dolan ~ Cher Thatcher ~ Cheryl
Chippis ~ Chris Kohl ~ Christine Cole ~ Cindy Flesher ~ Colleen
Hodges ~ Courtney & Carol Au Court ~ Cris Reep ~ Cynthia
Wright ~ Darlene Norwood ~ Dave & Chris Kieffer ~ David &
Janice Riordan ~ David & Patricia Hole ~ Dennis & Angele
Hamilton ~ Dennis & Ruth Ann Cromwell ~ Diana Lynne
Greenlee ~ Ed Gallup ~ Eric & Linda Bickel ~ Eric Friesen ~
Frank Cano ~ Frank & Marbeth Scheidbach ~ Gail Petty ~ Gail
Zilai ~ Gayle Kearns ~ Gary & Kristina Edson ~ Gary Donnelly
~ Gary Newman ~ Gerald Bateman ~ Greg & Carol Stender ~
Gwyn & Joe Decker ~ Heidi A. Clark ~ Ivy Meadow ~ J.
Patricia Bolin ~ Jacquelyn Price ~ James Booth ~ James
Mackey ~ James Wilson ~ Jan & Michael Sapienza ~ Jan
Gaynor ~ Jan Haney ~ Jane Balzer ~ Jeff Talbot ~ Jerry &
Debbie McVicker ~ Jerry & Jo Mounts ~ Jerry Bateman ~ Jill
Burch ~ Jim & Becky Mann ~ Jim & Robin Shaver ~ Jim &
Sharon Dwiggin ~ Jim Pruss ~ Jim Sikora ~ Jimmie &
Christine Seitsinger ~ Joanne Dal Pra ~ John Mackin ~ John
McBride ~ Jok Simons ~ Juanita Mae Petroni ~ Judy Buhler ~
Karen & Patrick Thompson ~ Karen Childs ~ Kathee
McDermott ~ Kathryn & William Clark ~ Kathi & Jack
Hanauer ~ Ken Vida ~ Ken & Judith Chippis ~ Larry & Holly
Herr ~ Larry & Judi Aldridge ~ Laurie & Dave Carruthers ~
Lea Patten ~ Les & Shirly Hamilton ~ Leslie & Frank Oliver ~
Lowell Moore ~ Lowrey Mumford ~ Lynne Davis ~ Marc &
Amy Fletcher ~ Margaret Axnick ~ Maria McConnell ~ Marilyn
Krueger ~ Marina Schwagermann ~ Mary & Bert Nelson ~
Mary McCarthy ~ Michael Davis ~ Michael Gardner ~ Mike &
Bou Kilgore ~ Mike & Linda Harrah ~ Mike Benck ~ Mike
Calvert ~ Mitch & Debbie Proyect ~ Monique Hugon ~ Nancy
Patterson ~ Pat Boe ~ Paul & Colleen Cunningham ~ Paul &
Josefina Meyer ~ Paula Ziegler ~ Peter & Catura Marsh ~
Randall & Susan Pilcher ~ Ray & Jenny Hull ~ Rene McGuire
~ Rich & Susan Johnson ~ Richard & Mary Kauffman ~
Robert Clausen ~ Ron & Kate Gipson ~ Rosann Sanders ~
Rudy & Sue Zoldak ~ Sakre Edson ~ Sandy & Paul Bowen ~
Scott & Kathy Maurer ~ Shelby Sherman ~ Sheri & Al D'Amico
~ Sherri Ford-Mackey ~ Steve & Carol Wade ~ Steve & Sue
Knowles ~ Steve Campbell ~ Steve Williams ~ Suzanne Curtis
~ Tania Green ~ Terrence & Debra Anderson ~ Terry &
Kathy Barrett ~ Tom & Sharon Beall ~ Trudy Beck ~ Vito
Coviello ~ William & Darlene Lambiaso ~ William Rehder

More info: www.idylewood.com

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: February 1, 2021
Department: City Manager

ITEM TITLE: CITY MANAGER REPORT & DISCUSSION ITEMS

- Travel Oregon Rapid Response Grant

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: February 1, 2021
Department: City Council

ITEM TITLE: CITY COUNCIL REPORTS & DISCUSSION ITEMS
