



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## AMENDED NOTICE OF ADOPTED AMENDMENT

January 16, 2008



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment  
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 1, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative  
Sandra Belson, City of Florence

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# DLCD

## Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

JAN 14 2008

LAND CONSERVATION AND DEVELOPMENT  
For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Florence**

Local file number: **PC 07 32 ZC & CPA 02**

Date of Adoption: **1/7/2008**

Date Mailed: **1/11/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/27/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

AN AMENDMENT TO THE CITY OF FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND AN AMENDMENT OF THE ZONING MAP CHANGING THE ZONING FROM RESTRICTED RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL FOR PROPERTIES IN AN AREA WEST OF XYLO STREET; EAST OF VINE STREET; NORTH OF HIGHWAY 126; AND SOUTH OF 12TH STREET.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Low Density Residential** to: **Medium Density Residential**

Zone Map Changed from: **Restricted Residential** to: **Single Family Residential**

Location: **w & e of Willow, s. of 12<sup>th</sup>, n. of Hwy. 126**

Acres Involved: **1**

Specify Density: Previous: **9,000 sq. ft. lots**

New: **6500 sq. ft. lots**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

DLCD # 003-07 (16435)

**CITY OF FLORENCE**  
**Ordinance No. 2, Series 2008**

AN ORDINANCE FOR THE ADOPTION OF AN AMENDMENT TO THE CITY OF FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND AN AMENDMENT OF THE ZONING MAP CHANGING THE ZONING FROM RESTRICTED RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL FOR PROPERTIES IN AN AREA WEST OF XYLO STREET; EAST OF VINE STREET; NORTH OF HIGHWAY 126; AND SOUTH OF 12<sup>TH</sup> STREET.

**WHEREAS**, Florence City Code (FCC) Title 10, Chapter 1, Section 3 provides that a quasi-judicial zoning change and related Comprehensive Plan change may be initiated by resolution of the Planning Commission; and the Planning Commission initiated these Zoning Map and Comprehensive Plan Map changes by approving Resolution 07 32 CPA 02 on October 9, 2007;

**WHEREAS**, all of the subject properties except TL 1300 were annexed to the City by the Lane County Local Government Boundary Commission on June 3, 2004, as recommended by the Florence City Council in Resolution No. 6, Series 2004, adopted February 17, 2004, and an interim zoning classification of Restricted Residential was applied to the properties at the time of annexation;

**WHEREAS**, TL 1300 was annexed to the City by the Lane County Local Government Boundary Commission on August 10, 2007, as recommended by the Florence City Council on March 19, 2007 in Resolution No. 4, Series 2007; and a zoning classification of Restricted Residential was applied to the property with the adoption of Ordinance No. 6, Series 2007, on March 19, 2007;

**WHEREAS**, the Comprehensive Plan designation of the properties on the City of Florence Realization 2020 Comprehensive Plan Map of Low Density Residential is inconsistent with the Comprehensive Plan text, the size of the legal lots, and the zoning of adjacent properties;

**WHEREAS**, a Comprehensive Plan Map designation of Medium Density Residential and an implementing zoning classification of Single-family Residential for the subject properties are consistent with the Comprehensive Plan text, the size of the legal lots, and the zoning of adjacent properties;

**WHEREAS**, the Planning Commission held a duly advertised public hearing on November 13, 2007 in accordance with FCC 10-1-1-5 to consider the amendments; and

**WHEREAS**, the City Council held a duly advertised public hearing on December 17, 2007 in accordance with FCC 10-1-1-5 to consider the amendments;

**WHEREAS,** Vinca Lane is an improved alley that provides the only access to the abutting properties and Vinca Lane does not meet current street standards;

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

**Section 1.** The Comprehensive Plan map designation of Low Density Residential shall be changed to Medium Density Residential as shown in Exhibit A.

**Section 2.** The zoning classification of Restricted Residential be changed to Single-Family Residential on the Zoning Map as shown in Exhibit B.

**Section 3.** These amendments are based on the Findings of Fact in Exhibit C and the evidence in record for properties located at MR 18-12-26-42 TL 1300, 1400, and 1402 and MR 18-12-26-31 TL 2100, 2101, 2102, 2200, 2201, as shown in the attached maps, (and, where there is a question as to consistency between the maps and the specific tax lot numbers listed in this ordinance, the maps shall be the area subject to this action):

**Section 4.** Vinca Lane shall be renamed Vinca Alley. As an alley, consistent with city policy, the city will not maintain the access to these abutting properties. Improvement and maintenance responsibilities rest with the abutting property owners.

**Section 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.

**Section 6.** This Ordinance will take effect 30 days from adoption.

**Passed by the Florence City Council this 7<sup>th</sup> day of January, 2008**

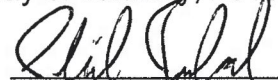
AYES: 4 – Councilor Burns, Holman, Xavier and Mayor Brubaker

NAYS:

ABSENTIA: 1 – Councilor Roberts

ABSENT:

APPROVED BY THE MAYOR, this 7<sup>th</sup> day of January, 2008

  
\_\_\_\_\_  
Phil Brubaker, MAYOR

ATTEST:

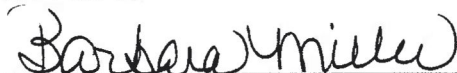
  
\_\_\_\_\_  
Barbara Miller, CITY RECORDER

EXHIBIT A  
ORDINANCE NO. 2  
SERIES 2008

AREA TO BE  
REDESIGNATED

- Streets
- Floods-S
- Subject Area
- City Limits
- Commercial
- Downtown District
- Medium Density Residential
- Highway Commercial
- Low Density Residential
- Multi-Family Residential
- Public

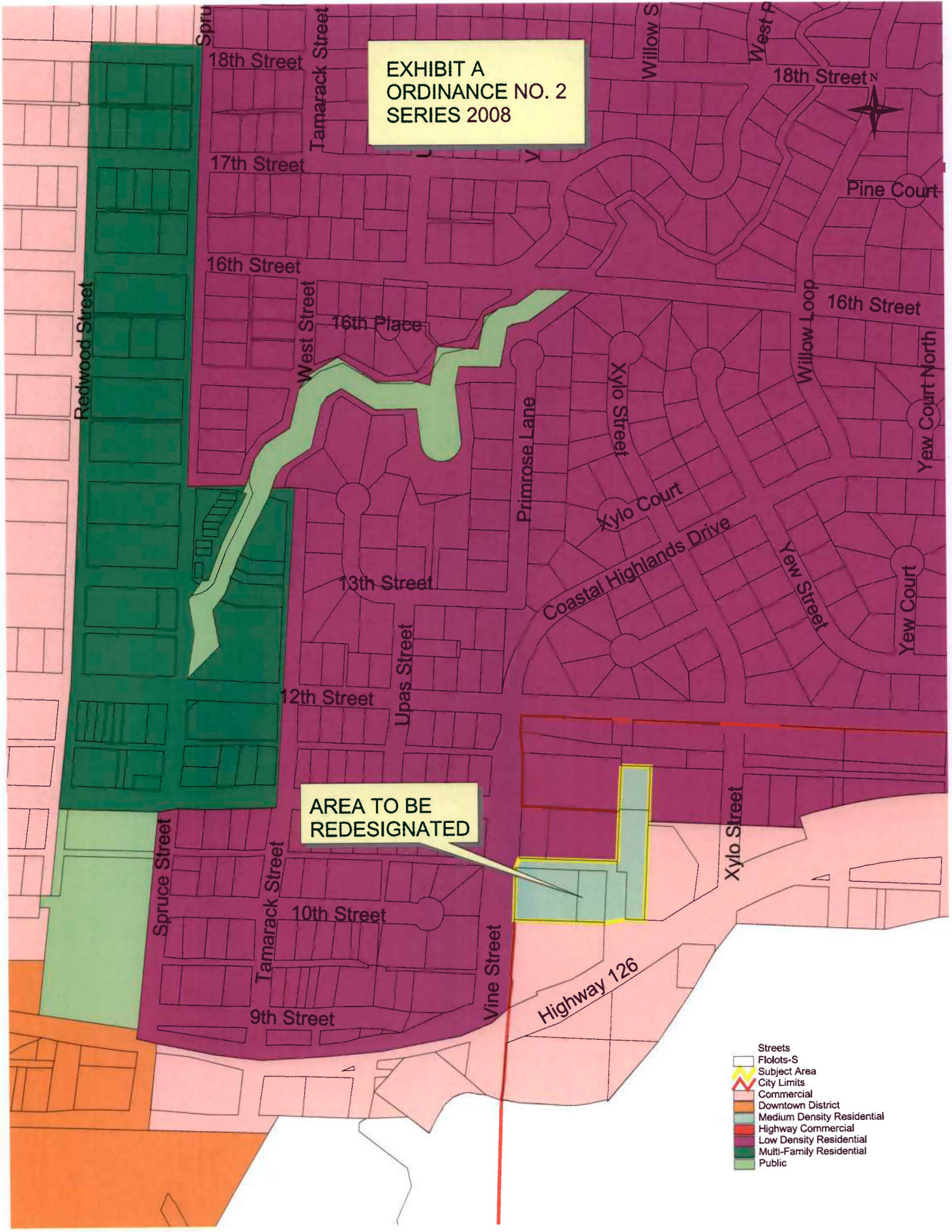


EXHIBIT B  
ORDINANCE NO. 2  
SERIES 2008



Street

Upas Street

n Street

10th Street

Vine Street

AREA TO BE  
REZONED

reet

Highway 126

-  Flolots S
-  City Limits
-  Streets
-  Subject Area
-  Multi-Family Residential
-  Single Family Residential
-  Restricted Residential

**EXHIBIT C**  
**FINDINGS OF FACT FOR**  
**ORDINANCE NO. 2, SERIES 2008**

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**I. PROPOSAL DESCRIPTION**

**1. Proposal:**

The requested actions are to amend the Florence Realization 2020 Comprehensive Plan Map and Florence Zoning Map to change the Comprehensive Plan designation from Low Density Residential to Medium Density Residential and to rezone from Restricted Residential to Single Family Residential for properties.

**2. Tax Lots and Property Owners:**

At the time of adoption of this ordinance, the following tax lots and owners were identified. In the event there is a discrepancy between the tax lot information below and the maps, the maps shall be the area that is subject to this request:

Randall Johnson:  
Map 18-12-26-31 TL 2200;  
Map 18-12-26-42 TL 1402  
David and Sandra Lane:  
Map 18-12-26-42 TL 1300  
Sandra Lane and Nancy Johnson:  
Map 18-12-26-42 TL 1400  
Gordon and Laurie Wakeman:  
Map 18-12-26-31 TL 2100  
Tharp Family Trust:  
Map 18-12-26-31 TL 2101, 2201  
Larry and Debra Lamb:  
Map 18-12-26-31 TL 2102

**3. Tax Lot Sizes (In Square Feet)\*:**

Map 18-12-26-42 TL 1300:	<b>13,939</b>
Map 18-12-26-42 TL 1400:	<b>20,473</b>
TL 1402:	<b>13,504</b>
Map 18-12-26-31 TL 2100, 2101, 2102, 2200:	<b>8,276/each</b>
Map 18-12-26-31 TL 2201:	<b>12,197</b>

\*Source: Lane County Assessor's Records October 25, 2007

**4. Location:**

West of Xylo Street and single family housing; east of Vine Street; north of vacant land and Highway 126; and south of 12<sup>th</sup> Street.

**5. Comprehensive Plan**

**Map Designation:** Low Density Residential

**6. Land Uses/Zoning:**

Site: Vacant /Restricted Residential

North: Single family dwellings/Multi-family Residential (in city limits)

South: Vacant/Neighborhood Commercial (Lane County zoning)

East: Single family dwellings/Suburban Residential (Lane County zoning)

West: Vacant and single family dwellings/Multi-family Residential

**II. RECORD OF LAND USE ACTIONS BY THE CITY**

**Annexation and Zoning**

The subject properties were annexed to the city and zoning was applied through the following land use actions:

**Map 18-12-26-42, Tax lot 1300:** This tax lot was annexed to the City by the Lane County Local Government Boundary Commission on August 10, 2007, as recommended by the Florence City Council on March 19, 2007 in Resolution No. 4, Series 2007; and a zoning classification of Restricted Residential was applied to the property with the adoption of Ordinance No. 6, Series 2007, on March 19, 2007.

**Map 18-12-26-31 Tax Lots 2100 and 2200; and Map 18-12-26-42, Tax Lot 1400:** All of the other subject properties (then identified as Map 18-12-26-31 Tax Lots 2100 and 2200; and Map 18-12-26-42, Tax Lot 1400) were annexed to the City by the Lane County Local Government Boundary Commission on June 3, 2004, as recommended by the Florence City Council in Resolution No. 6, Series 2004, adopted February 17, 2004. No zoning classifications were applied to these properties at the time of annexation.

The Florence Zoning Code provides for an interim zoning classification to be automatically applied until the City Council establishes zoning and land use regulations and the zoning designation must be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. The Comprehensive Plan designation of the properties on the City of Florence Realization 2020 Comprehensive Plan Map is Low Density Residential and the Lane County zoning was Suburban Residential.

An interim zoning classification of Restricted Residential was automatically applied to these tax lots because this classification implements the Comprehensive



Plan designation and most closely matches the existing County zoning that had been applied to the property at the time of annexation.

### **Subdivision and Lot Line Adjustments**

All of the subject properties were previously platted lots within the Gallagher's Subdivision: lots 11 through 20 of Block D and lots 9, 10, 11 and 12 of Block E. These lots were all undersized lots with dimensions about 26' by 120' (+ or - 3,120 square feet).

A series of lot line adjustments have been approved by the City and, in the case of tax lot 1300, by the County; and the property owners have been informed that, in order to develop the properties they either must comply with the requirements of the Restricted Residential zoning district or the properties must be re-designated and re-zoned.

City records contain information on a history of lot line adjustment requests and approvals for the subject properties. There appear to be some discrepancies between the configuration of lot lines approved by the City and the lot lines recorded with Lane County Assessment and Taxation. The area included in this proposal is therefore referenced by the maps rather than specific tax lots with specific tax lot boundaries. The reason for the apparent discrepancies is not clear at this time; and, prior to approving any development on these lots, City staff will verify the legal status of the tax lots and compliance with relevant sections of City Code.

The following information on lot line adjustments for the subject tax lots is contained in City files:

#### **Map 18-12-26-42, Tax Lot 1300:**

No lot line adjustments have been approved by the City. Lot line adjustments were made by Lane County prior to annexation of the property to the City. The current dimensions of the tax lot are about 116.2' (w) by 120' (L) and the area is about 13,939 square feet.

#### **Map 18-12-26-42, Tax Lot 1400:**

A series of lot line adjustments to Tax Lot 1400 have been approved by the City, resulting in the eventual creation of Tax Lots 1400 and 1402 (file numbers AR LL 07 01 LL 01, AR LL 07 01 LL 02, AR LL 07 01 LL 03, AR LL 07 01 LL 04, AR LL 07 01 LL 05, AR LL 07 01 LL 06). Verification of lot lines will be completed by staff prior to issuing development approvals.

#### **Map 18-12-26-31 Tax Lots 2100 and 2200:**

The City approved lot line adjustments for these tax lots on August 25, 2004. Lane County Assessment and Taxation records show the resulting tax lots as

2100, 2101, 2102, 2200 and 2201. Verification of lot lines will be completed by staff prior to issuing development approvals.

### III. NOTICE AND REFERRALS

#### 1. Notice:

Notice of the proposed Comprehensive Plan and Zoning Map Amendments was sent to DLCD on September 26, 2007, not less than 45 days prior to the proposed first (Planning Commission) evidentiary hearing of November 13, 2007, as required by state law. The Planning Commission's public hearing was noticed in the Siuslaw News on October 13, November 3, and November 7, as required by state law and the Florence Development Code. Notice was mailed to property owners within 300 feet of the site on October 23, 2007 and the additional notice required by ORS 227.183 was mailed to all owners of property subject to this proposal on October 24, 2007.

Notice of the Council's public hearing was mailed on November 26, 2007 to affected property owners and those within 300 feet of the affected properties. Public notice was published in the Siuslaw News on December 1 and 5 and will be published on December 15, 2007.

#### 2. Referrals:

Referrals were sent to Lane County Land Management, Lane County Transportation and Florence Public Works Department. Our Public Works Department responded with specific information related to the provision of water, wastewater, and stormwater services to the subject area that are incorporated into the findings. Lane County did not provide any responses.

### IV. APPLICABLE CRITERIA

#### 1. Florence Realization 2020 Comprehensive Plan

- Plan Adoption, Amendments, Review and Implementation;
- Population;
- Chapter 2: Land Use; and Residential;
- Chapter 10: Housing Opportunities;
- Chapter 11: Utilities and Facilities; and
- Chapter 12: Transportation

#### 2. Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1: Zoning Administration, Section 1-5: Land Use Hearing; Section 1-2-2: Change of Boundaries on Zoning Map; Section 1-2-3: Zoning of Annexed Areas;
- Chapter 10: Restricted Residential; and

- Chapter 11: Single Family Residential District
3. **Statewide Planning Goals:**  
 Goal 1: Citizen Involvement [OAR 660-015-0000(1)];  
 Goal 2: Land Use; [OAR 660-015-0000(2)];  
 Goal 10: Housing [OAR 660-015-0000(10)];  
 Goal 11: Public Facilities and Services [OAR 660-015-0000(11)]; and  
 Goal 12: Transportation [OAR 660-015-0000(12)] and OAR 660-012-0060: Plan and Land Use Regulation Amendments.
4. **Oregon Revised Statutes**
- ORS 197.763: Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures;
  - ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost;
  - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission; and
  - ORS 197.175: Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.

## V. FINDINGS OF FACT

Applicable criteria are shown in bold and findings are in italics, below.

### REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN

#### PLAN ADOPTION, AMENDMENTS, REVIEW AND IMPLEMENTATION

**Amendments to the Plan may be initiated by citizens, citizen groups, the Citizen Advisory Committee, the Planning Commission or the City Council. In any amendment proceedings, the City Council shall obtain the recommendation of the Planning Commission and the Citizen Advisory Committee before taking action on a proposed major amendment. Minor changes which do not have significant effects beyond the immediate area of the change require the recommendation of the Planning Commission. Minor changes may be initiated at any time. Notice of a public hearing for a proposed plan amendment shall be required at least 45 days prior to the first Planning Commission hearing.**

*The proposal is consistent with this Comprehensive Plan text because:*

- *The proposal was initiated by Planning Commission Resolution 07 32 CPA 02 on October 9, 2007;*
- *This is a minor change which does not have significant effects beyond the immediate area of the change and the Planning Commission will make a recommendation to the City Council; and*
- *Notice of the public hearing was sent to DLCD on September 26, at least 45*

days prior to the November 13 date for the first Planning Commission hearing.

## POPULATION

The data on population in the Florence Realization 2020 Comprehensive Plan and the population projections were updated in March 2004 with the adoption of Comprehensive Plan amendments to incorporate the updated "Florence Residential Buildable Land Analysis" into the Comprehensive Plan and into Appendices 2 and 14. The updated analysis concluded:

**"This analysis indicates that there is enough buildable residential land supply within the Florence urban growth boundary to meet the projected 22-year housing demand."**

*The proposal is consistent with this conclusion because the re-designation of residential land to allow the potential for seven or eight more residential units of the same type without subtracting from the inventory of other types of residential land or from the supply of land in other land use categories will have no meaningful effect on the buildable lands inventory for the City. In other words, the re-designation of the subject properties will increase the potential supply of single-family residential units within the Florence city limits further substantiating this conclusion of the supply and demand analysis.*

*The net effect of the proposed change would be to allow the potential development of about eight additional single family units that would not be allowed under the Restricted Residential zoning classification. In the Restricted Residential classification, the minimum lot size is 9,000 square feet; and in the Single Family Residential classification, the minimum lot size is 6,000 square feet (6,500 for newly platted lots). Thus, the eight tax lots that are subject to this request could potentially be partitioned to create about seven or eight additional lots under the Single-family zoning classification.*

## Chapter 2 LAND USE

### Policies

1. **Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.** (Florence Realization 2020 Comprehensive Plan, page 10)

*The proposal is consistent with these criteria because designation of Medium Density Residential for the properties is based on:*

- *an analysis of documented need for land uses of various types: the properties are located within the Florence Urban Growth Boundary and are designated for residential use with the designation of Low Density Residential. Designation to Medium Density Residential will allow seven or eight additional single family residential units to occur, although at potentially smaller lot sizes than would be allowed with the existing zoning of Restricted Residential, meeting the City's future need for housing.*
- *physical suitability of the lands for the uses proposed: no change in use is proposed in this application; the permitted uses in the Restricted Residential zoning district are the same as in the Single-family Residential zoning district. The Single-family Residential zoning does provide for more conditional uses than the Restricted Residential zoning district.*
- *adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use: no changes in use are proposed and the higher densities allowed with the Single-family zoning district classification can be served in the same manner as adjacent and surrounding properties zoned Single-family and Multi-family Residential.*
- *potential impacts on environmental, economic, social and energy factors: there is no evidence to indicate that development of the subject properties at the densities allowed in the Single-family Zoning District would have environmental, economic, social or energy impacts that would exceed acceptable levels and the increased residential density close to the downtown area and major transportation routes in the City would likely have a positive impact on these factors.*

## **RESIDENTIAL**

### **Policies**

2. **The City shall initiate an evaluation of its residential ordinances within two years of 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.** (Florence Realization 2020 Comprehensive Plan, pages 14, 15)

*The proposal is consistent with this policy because the end result of the re-designation and re-zone will be to potentially increase residential densities through the use of smaller lot sizes.*

3. **Where conventional subdivision techniques are employed for a residential development, no more than the base level of density under the applicable zoning district shall be considered available.** (Florence Realization 2020 Comprehensive Plan, page 15)

*The proposal is consistent with this policy because the re-designation and re-zoning of these properties is the action proposed to allow the potential for increased densities and no densities greater than the base level under the applicable zoning district, as amended, will be considered.*

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.** (Florence Realization 2020 Comprehensive Plan, page 15)

*The proposal is consistent with this policy because the proposed re-designation is Medium Density Residential and the proposed zoning district is Single-family Residential which allows single family residential uses.*

**The Low Density designation is intended for areas where existing lot sizes are in the neighborhood of 9,000 square feet or larger, and for areas where environmental constraints preclude smaller lots. The corresponding zoning district is Restricted Residential. This designation provides primarily for single family homes and for manufactured homes meeting certain minimum standards. This designation comprises approximately 1,009 acres.**

**A portion of these lands includes privately owned sand dunes suitable for non-motorized sand related recreational activities. Since the ownership also has a sand mining permit, the life of this resource and associated recreational use is time limited. Sand mining and non-motorized recreational uses would most appropriately be included as a Conditional Use in the Restricted Residential District. Access to Highway 101 will likely be limited by ODOT. Any plans should include provision for access via the extension of Oak Street and West Munsel Lake Road.** (Florence Realization 2020 Comprehensive Plan, page 17)

*The proposal is consistent with this policy because all of the subject properties were smaller than 9,000 square feet at the time they were platted within the Gallagher's Subdivision: parcels 11 through 20 of Block D and parcels 9, 10, 11 and 12 of Block E. These parcels were all undersized parcels with dimensions about 26' by 120' (+ or - 3, 120 square feet).*

**The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable**

lands east of Highway 101. The corresponding zoning district is Single Family Residential and Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres. (Florence Realization 2020 Comprehensive Plan, page 17)

*The proposal is consistent with this policy because all of the subject properties were smaller than 9,000 square feet at the time they were platted within the Gallagher's Subdivision: parcels 11 through 20 of Block D and parcels 9, 10, 11 and 12 of Block E. These parcels were all undersized parcels with dimensions about 26' by 120' (+ or - 3,120 square feet).*

*A series of lot line adjustments have been approved by the City and, in the case of tax lot 1300, by the County; and the property owners have been informed that, in order to develop the properties they either must comply with the requirements of the Restricted Residential zoning district or the properties must be re-designated and re-zoned. The current square footage of each of the tax lots appears to allow land divisions to create buildable lots within the neighborhood of 5,000-6,000 square feet. Lot sizes and configurations will be verified with City records prior to allowing development to occur on these tax lots and the minimum lot size of the lots will be consistent with the requirements of the applicable zoning district.*

## **Chapter 10 HOUSING OPPORTUNITIES**

**Goal**      **To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.** (Florence Realization 2020 Comprehensive Plan, page 81)

### **Policies**

- 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.** (Florence Realization 2020 Comprehensive Plan, page 81)

*The proposal is consistent with this goal and policy because the re-designation and re-zoning of the subject parcels will allow varying density levels of single family housing in this general area. The proposal is for the subject properties to be allowed to develop at 6,000-6,500 square feet minimum lot sizes; the adjacent properties are already zoned Multi-family which allow the same minimum lot sizes and varying housing types.*

## **Chapter 11 UTILITIES AND FACILITIES**

The findings in this section address policies in Chapter 11 of the Realization 2020 Comprehensive Plan in the following categories of utilities and facilities:

- Wastewater Collection and Treatment
- Water System Supplies and Needs
- Stormwater Management
- Parks, Recreation And Open Space
- Telephone Services and Telecommunications
- Public Safety and Health Related Services
- Fire Protection
- Police Services
- Health Care

#### **A. WASTEWATER COLLECTION AND TREATMENT**

##### **Goal**

**To provide cost effective collection and treatment of wastewater consistent with projected population growth and development needs.**

*The proposal is consistent with this goal because the potential additional single family units allowed with the proposed Single-family zoning classification will allow for the provision of more cost effective collection and treatment of wastewater than would be provided at the lower densities under the current zoning; and there is sufficient capacity in the municipal wastewater treatment and collection system to serve development at the densities allowed in the proposed zoning classification. The Florence Public Works Department reports that the applicant for any development proposal in this area will need to show how sanitary sewer service will be provided; the existing 8-inch sewer line has capacity; and there are a number of options to provide sewer service to this area.*

#### **B. WATER SYSTEM SUPPLIES AND NEEDS**

##### **Goal**

**To continue to provide an adequate supply of potable water for domestic, business, and industrial needs, as well as sufficient water for fire protection, all in a cost effective manner.**

*The proposal is consistent with this goal because the potential additional single family units allowed with the proposed Single-family zoning classification will allow for the provision of more cost effective delivery of water for domestic needs and fire protection than would be provided at the lower densities under the current zoning; and there is sufficient capacity in the municipal water system to serve development at the densities allowed in the proposed zoning classification.*

*The Florence Public Works Department provided the following information related to these criteria: this area is served by a dead end 6-inch water main; the water main needs to be extended "to and through" and be looped to 12th Street;*



*the existing water main in 12th Street is an 8-inch water main; the water line should be connected to 12th Street with a 8-inch water line and the new 8-inch water line is to be extended along Vine Street to 11th Street where it can connect to the existing 6-inch line; and, without looping, the existing 6-inch water line on 11th Street is at capacity.*

### **C. STORMWATER MANAGEMENT**

#### **Goal**

**To provide a stormwater system that enhances and maintains livability through balanced, cost-effective solutions to stormwater management.**

#### **Policies**

- 1. The City shall encourage on-site retention of stormwater. However, in instances where flows are in excess of that generated on-site, or where site conditions make this physically impracticable, a combination of piped systems and natural drainage systems may carry stormwater off-site to approved collection or dispersion facilities.**
- 2. The quality and quantity of recharge to the City's sole source aquifer shall be maintained consistent with use of the aquifer as a domestic water source.**
- 3. Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance.**
- 4. City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems.**
- 5. Storm drainage facilities, as approved by the City, which may include culverts, drywells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards. Such facilities shall be a part of all subdivisions, planned unit developments, street construction or improvements, commercial and industrial development or other developments which may impact storm drainage patterns.**
- 6. Stormwater shall be managed to protect water quality of streams, rivers, and other waterbodies.**

*The proposal is consistent with this goal and these policies because the stormwater system of the City, reflected in the adopted Stormwater Management Plan, enhances and maintains livability through balanced solutions to stormwater man-*

agement in a cost-effective manner and, as reported by the Florence Public Works Department, stormwater will be addressed as the parcels develop or re-develop; and the City will require the developers to demonstrate their ability to comply with the City of Florence Stormwater Management Plan, including compliance with all of the following:

- the City will encourage on-site retention of stormwater; and, if water flows are in excess of that generated on-site, or site conditions make this physically impracticable, a combination of piped systems and natural drainage systems will be installed to carry stormwater off-site to approved collection or dispersion facilities;
- the quality and quantity of recharge to the City's sole source aquifer will be maintained consistent with use of the aquifer as a domestic water source;
- the City will ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance;
- City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems;
- storm drainage facilities, as approved by the City, may include culverts, dry-wells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards; and such facilities will be a part of all developments and street construction in this area; and
- Stormwater will be managed to protect water quality of streams, rivers, and other waterbodies.

#### **D. PARKS, RECREATION AND OPEN SPACE**

##### **Policies**

- 6. 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 proposal is consistent with this policy because the subject parcels are currently within city limits; they are currently designated for residential use in the Florence Realization 2020 Comprehensive Plan; and they were previously designated for residential use in the 1988 Florence Comprehensive Plan, prior to and following annexation to the City.*

#### **E. TELEPHONE SERVICES AND TELECOMMUNICATIONS**

*No specific policies in this section of Chapter 11 apply to this proposal.*

## **F. PUBLIC SAFETY AND HEALTH RELATED SERVICES**

### **Policies**

- 7. Street names and addresses shall be assigned so as not to duplicate existing street names or have similar sounding names to assist emergency responders in locating addresses in times of needs. All new street names shall be reviewed by the Fire Marshall.**

*The proposal is consistent with this policy because no new streets are proposed or anticipated in this area and, if any new streets are proposed, street names and addresses will be assigned so as not to duplicate existing street names or have similar sounding names; and all new street names will be reviewed by the Fire Marshall.*

## **G. FIRE PROTECTION**

*No specific policies in this section of Chapter 11 apply to this proposal.*

## **H. POLICE SERVICES**

*No specific policies in this section of Chapter 11 apply to this proposal.*

## **I. HEALTH CARE**

*No specific policies in this section of Chapter 11 apply to this proposal.*

## **Chapter 12 TRANSPORTATION**

*The proposal is consistent with the Transportation System Plan because:*

- no change in use is proposed and the proposal will result in the potential increase of single family residential units, an allowed use in the existing zoning district;*
- the area is served by Highway 126, a major arterial, and several local streets: 12<sup>th</sup> Street, Vine Street, and Xylo (Oak) Street;*
- no transportation impact analysis is required for this proposal because the Plan designation change and zone change will not result in an appreciable impact to the transportation system.*

## **FLORENCE CITY CODE (FCC) TITLE 10: ZONING REGULATIONS**

### **CHAPTER 1: ZONING ADMINISTRATION**

### **SECTION 3: AMENDMENTS AND CHANGES**

### **FCC 10-3-B: QUASI-JUDICIAL CHANGES**

- 1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.**
  
- 3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.**

*The proposal is consistent with the criteria in FCC 10-3-B, subsections #1 and #2 because:*

- The proposal is a quasi-judicial zoning change and related Comprehensive Plan change that affects a discreet number of properties in a small, defined area;*
- The proposal was initiated by Planning Commission Resolution; and*
- Notice of the proposed change was provided in accordance with Code Section 10-1-1-5:*

### **FCC 10-1-1-5: LAND USE HEARINGS:**

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**
  
- B. Notification of Hearing:**
  - 1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing 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.**
  
  - 2. For a zone change application, notice of hearing shall be published three (3) times in a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.**

*The proposal is consistent with these criteria because:*

- the Planning Commission will hold a public hearing on the request;*

- *notice was sent to all owners of record of property within 300 feet of the subject property; and*
- *notice of the hearing was published three (3) times in the Siuslaw News, a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.*

**ORS 227.186 NOTICE TO PROPERTY OWNERS OF HEARING ON CERTAIN ZONE CHANGE; FORM OF NOTICE; EXCEPTIONS; REIMBURSEMENT OF COST.**

- (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.**

*The proposal is consistent with ORS 227.186 because:*

- *at least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the comprehensive plan map and zoning map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this proposal;*
- *the notice was approved by the City and described in detail how the proposed ordinance would affect the use of the properties;*
- *the notice contained the text required in ORS 227.186; and*
- *the proposal is to adopt an ordinance that will limit or prohibit land uses previously allowed in the affected zone.*

**ORS 197.610: LOCAL GOVERNMENT NOTICE OF PROPOSED AMENDMENT OR NEW REGULATION; EXCEPTIONS; REPORT TO COMMISSION.**

**(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.**

*The proposal is consistent with ORS 197.610 because notice to DLCD was sent on September 26, 2007, at least 45 days prior to the November 13, 2007 (first)*

*Planning Commission public hearing and the notice contained the information required in this statute.*

**FCC Title 10  
Chapter 11: SINGLE FAMILY RESIDENTIAL DISTRICT**

Note: The criteria cited in the findings in this section are limited to those criteria that apply to the request for a rezone from Restricted Residential to Single-Family Residential, and not to a specific development request.

**FCC 10-11-1: PURPOSE:**

**The Single-Family Residential District is intended to provide a quality environment for medium density, urban, single-family residential uses and other compatible land uses determined to be desirable and/or necessary.**

*The proposal is consistent with the purpose of the Single-Family Residential Zoning District because the proposal will allow the development of single-family homes and other compatible land uses.*

**FCC 10-11-2: PERMITTED BUILDINGS AND USES:**

- A. Single-family dwellings.**
- B. Planned Unit Developments (Chapter 22 of this Title).**
- C. Home occupations.**
- D. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for noncommercial use.**
- E. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood.**  
**Accessory buildings are not permitted in the front yard.**

*The proposal is consistent with this criterion because the permitted uses in the Single-Family Residential District are identical to the permitted uses in the Restricted Residential District, thus there would be no impact related to the types of allowed land uses resulting from the rezone. The Single-Family Residential District does provide for more conditional use permits, but those would require a public hearing and require that the Planning Commission only approve those uses are compatible with the surrounding uses and otherwise in compliance with the purpose of the Single-Family Residential District.*

**FCC 10-11-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

**The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:**

- A. Duplexes.**

- B. Neighborhood Commercial.
- C. Agricultural uses.
- D. Hospitals.
- E. Nursing homes.
- F. Group care homes.
- G. Day nurseries provided the residential character of the building is maintained.
- H. Public or parochial schools.
- I. Churches, except rescue missions or temporary revivals.
- J. Public parks playgrounds, community centers and recreation facilities.
- K. Public and semi-public buildings and uses such as fire stations, reservoirs, pumping stations, etc., that are essential for the physical, social and economic welfare of the community.
- L. Mobile home subdivisions.
- M. Cemeteries.
- N. Mobile Homes – medical hardship (Ord. 8, Series 1985, 5-28-85)
- O. Bed and Breakfast Facility (Ord. 13, Series 2002)

*The proposal is consistent with this criterion because Conditional Uses are not allowed outright in any zone; the Planning Commission would be required to grant a Conditional Use Permit in order for any of the conditional uses in this section to be permitted; and no application for a Conditional Use permit has been submitted or is anticipated. The Conditional Uses listed in this section would only be allowed if the Planning Commission determined, through a separate public hearing process, that any such use met the criteria for Conditional Use approval.*

*For information, the above conditional uses in subsections J, K, I, N, and O are also conditional uses in the Restricted Residential District and child care centers are a conditional use in the Restricted Residential District but not in the Single Family Residential District.*

## **Statewide Planning Goals**

### **ORS 197.175: CITIES' AND COUNTIES' PLANNING RESPONSIBILITIES; RULES ON INCORPORATIONS; COMPLIANCE WITH GOALS.**

**(2) Pursuant to ORS Chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;**

*The proposal is consistent with ORS 197.175 because the findings conclude that the proposed comprehensive plan revisions are in compliance with the goals approved by the commission. Statewide Planning Goals 1, 2, 10, 11, and 12 apply to this proposal. A finding of "Not Applicable to this Proposal" is incorporated into these findings for all other Statewide Planning Goals not specifically cited below.*

**Goal 1: Citizen Involvement [OAR 660-015-0000(1)]**

3. **Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

**Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.**

*The proposal is consistent with Statewide Planning Goal 1 because the proposal was advertised three times in the Siuslaw News; notice was mailed to property owners within 300 feet of the subject properties; and citizens were given the opportunity to comment on the proposal in writing or in person at public hearings before the Planning Commission and the City Council.*

**Goal 2: Land Use [OAR 660-015-0000(2)]**

**All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.**

*The proposal is consistent with Goal 2 because the proposed revisions to the Comprehensive Plan map and Zoning map are to correct scrivener errors; and citizens and affected governmental units have been provided an opportunity for review and comment on the proposal.*

**Goal 10: Housing [OAR 660-015-0000(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.**

*The proposal is consistent with Goal 10 because the proposed change in Plan designation and zoning will allow higher residential densities which will increase the number of single family residences, a needed housing unit type, at a price range that is more affordable than units built on larger lots.*

**Goal 11: Public Facilities and Services [OAR 660-015-0000(11)]**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**



*The proposal is consistent with Goal 11 because the subject area is within the Florence city limits and the proposal is to re-designate the area from Low to Medium Density Residential in the Realization 2020 Comprehensive Plan and to apply the corresponding zoning classification of Single-family Residential; and key facilities and services can be provided to the area upon development, including water, wastewater, stormwater, and transportation, consistent with the policies in the Florence Realization 2020 Comprehensive Plan.*

**Goal 12: Transportation [OAR 660-015-0000(12)]**

**To provide and encourage a safe, convenient and economic transportation system.**

**OAR 660-012-0060**

**Plan and Land Use Regulation Amendments**

**(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**

**(b) Change standards implementing a functional classification system; or**

**(c) As measured at the end of the planning period identified in the adopted transportation system plan:**

**(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**

**(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

*The proposal is consistent with Goal 12 and these provisions in the Transportation Planning Rule because the proposal corrects a map error in an adopted plan and the additional seven or eight single family residences allowed by the proposed plan map and zoning map amendments will not significantly affect a transportation facility, as follows:*

*(a) They will not cause a change in the functional classification of an existing or planned transportation facility;*

*(b) they do not change standards implementing a functional classification system; or*

*(c) as measured at the end of the planning period identified in the adopted transportation system plan:*

*(A) they do not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) they do not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

*(C) they do not worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

## **V. CONCLUSION**

The proposed Comprehensive Plan Map and Zoning Map amendments are consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Statewide Planning Goals, and Oregon Revised Statutes.



**CITY OF FLORENCE**

250 Highway 101  
Florence, OR 97439

**TO:** ATTN: PLAN AMENDMENT  
SPECIALIST  
DLCD  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540