



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development  
635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

03/18/2009

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

**FROM:** Larry French, Plan Amendment Program Specialist

**SUBJECT:** City of Florence Plan Amendment  
DLCD File Number 005-08A

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: Tuesday, March 31, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Wendy Farley, City of Florence  
Gloria Gardiner, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative

<paa> YA/

Notice of Adoption

In person  electronic  mailed



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: CC 09 01 ZC 01

Date of Adoption: 3/2/2009

Date Mailed: 3/9/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 11/26/2008

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".

Amend Florence Zoning Map from Single Family Residential to Multi-Family Residential(original #--PC 08 38 ZC 02). Map amendment was a house keeping edit making the property's zoning consistent with its comp plan designation established during Periodic Review in 2002.

Does the Adoption differ from proposal? Yes, Please explain below:

Two adjoining parcels (.5 acres) required the zoning map amendment to be consistent with their Comp Plan designation. The parcels are under different ownership than the applicant. Not including them would have created an island of single family residential.

Plan Map Changed from:

to:

Zone Map Changed from: Single Family Residential to: Multi-Family (Pending)

Location: All of Laurelwood Homes & 1147 Maple & 1374 12th

Acres Involved: 5.3

Specify Density: Previous: 6500 sf lots

New: 5000 sf lots

Applicable statewide planning goals:

- Goals 1-19 with checkboxes, goals 1, 2, 11, 12, and 13 are checked.

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

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Housing and Community Services, Lane County, DLCD, Confederated Tribes, Siuslaw Valley Fire and Rescue, Central Lincoln PUD, Oregon Department of Aviation

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Local Contact: **Wendy Farley**

Phone: **(541) 997-8237** Extension:

Address: **250 Highway 101**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439**

E-mail Address: **wendy.farley@ci.florence.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

**CITY OF FLORENCE**  
**Ordinance No. 4, Series 2009**

AN ORDINANCE FOR THE ADOPTION OF AN AMENDMENT TO THE CITY OF FLORENCE ZONING MAP FROM SINGLE FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL FOR THE PROPERTIES KNOWN AS LAURELWOOD HOMES AND 1374 12<sup>TH</sup> ST. AND 1147 MAPLE ST. (MR 18-12-27-41 TL 00801, 00802, 01200 AND 00800); GENERALLY LOCATED AT THE NW CORNER OF MAPLE AND 10<sup>TH</sup> STREETS.

**WHEREAS**, Florence City Code (FCC) Title 10, Chapter 1, Section 3 provides that a quasi-judicial zoning change may be initiated by application of a property owner within the affected area; and the applicant Housing and Community Services Agency (HACSA) initiated Zoning Map changes for their property by submitting an application on October 29, 2008;

**WHEREAS**, The City of Florence included the abutting properties of 1374 12<sup>th</sup> St. and 1147 Maple St. as part of these housekeeping edits initiated by HACSA;

**WHEREAS**, the zoning of the subject properties on the City of Florence Zoning Map of Single Family Residential is inconsistent with their Comprehensive Plan Designation of High Density Residential on the Florence Realization 2020 Comprehensive Plan Map;

**WHEREAS**, a zoning map designation of Multi-Family Residential is consistent with their Comprehensive Plan Designation of High Density Residential on the Florence Realization 2020 Comprehensive Plan Map;

**WHEREAS**, the Planning Commission held a duly advertised public hearing on January 13, 2009 in accordance with FCC 10-1-1-5 to consider the amendment; and

**WHEREAS**, the City Council held a duly advertised public hearing on February 17, 2009 in accordance with FCC 10-1-1-5 to consider the amendment;

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

**Section 1.** The zoning of Single Family Residential shall be changed to Multi-Family Residential as shown in Exhibit I.

**Section 2.** This amendment is based on the Findings of Fact in Exhibit II and the evidence in record for properties located at MR 18-12-27-41 TL 00801, 00802, 01200 and 00800, as shown in the attached map, (and, where there is a question as to consistency between the map and the specific tax lot numbers listed in this ordinance, the map shall be the area subject to this action).

**Section 3.** 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 4.** The City Recorder is hereby directed to file a revised zoning map in accordance with Florence City Code Title 10 Chapter 1 Section 2-2.

**Section 5.** This Ordinance will take effect 30 days from adoption.

**Passed by the Florence City Council this 2<sup>nd</sup> day of March, 2009**

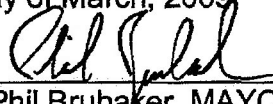
AYES: 5 – Councilors Burns, Franzen, Roberts, Xavier and Mayor Brubaker

NAYS: 0

ABSENTIA: 0

ABSENT: 0

APPROVED BY THE MAYOR, this 2<sup>nd</sup> day of March, 2009

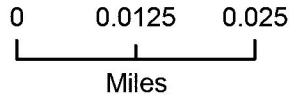
  
\_\_\_\_\_  
Phil Brubaker, MAYOR

ATTEST:

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

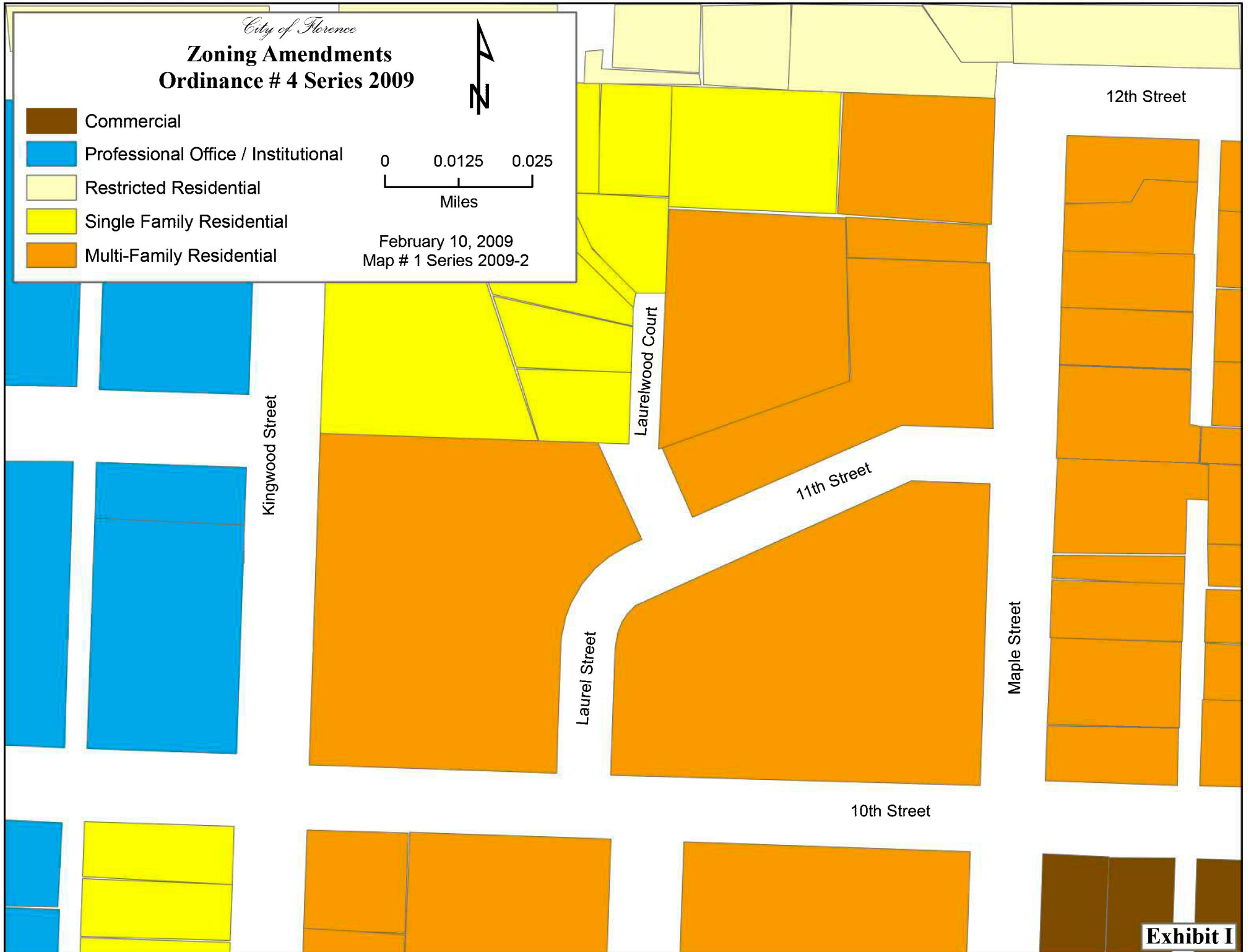
*City of Florence*

# Zoning Amendments Ordinance # 4 Series 2009



February 10, 2009  
Map # 1 Series 2009-2

- Commercial
- Professional Office / Institutional
- Restricted Residential
- Single Family Residential
- Multi-Family Residential



**EXHIBIT II  
FINDINGS OF FACT  
ORDINANCE NO. 4, SERIES 2009**

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**I. PROPOSAL DESCRIPTION**

**1. Proposal:**

The requested actions are to amend the Florence Zoning Map to rezone from Single Family Residential to Multi-Family Residential for four lots known as Laurelwood Homes and 1374 12<sup>th</sup> St. and 1147 Maple St.

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

At the time of adoption of these ordinances, 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:

Zoning Map Amendment:

Lane County:

Map 18-12-27-41 TL 01200, 00800

Julie Riggins:

Map 18-12-27-41 TL 00801 (1374 12<sup>th</sup> St.)

Duane M & Donna Howard:

Map 18-12-27-41 TL 00802 (1147 Maple St.)

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

Zoning Map Amendment:

Map 18-12-27-41TL 01200:	<b>75,359</b>
TL 00801:	<b>15,246</b>
TL 00802:	<b>6,534</b>
TL 00800:	<b>133,729</b>

\*Source: Lane County Assessor's Records December 30, 2008

**4. Location:**

NW corner of Maple and 10<sup>th</sup> Streets, NW corner of 11<sup>th</sup> and Maple Streets, and NE corner of 10<sup>th</sup> and Kingwood Streets excluding properties west of Laurelwood Court.

6. **Comprehensive Plan  
Map Designation:** Medium and High Density Residential

7. **Land Uses/Zoning:**

Zoning Map Amendment:

Site: Multi-Family (single story attached and detached units), duplex, single family dwelling / RS

North: Single family dwellings & vacant / Restricted Residential & RS

South: Single Family Dwelling, Church, Apartments / Multi-Family (MF)

East: Multi-Family (Apartments) & Single Family Dwellings / MF

West: Single Family Dwellings (Habitat for Humanity) & Vacant / RS & Public Use Airport

## II. NOTICE AND REFERRALS

### 1. Notice:

Notice of the proposed Zoning Map Amendment was sent to DLCD on November 26, 2008, not less than 45 days prior to the proposed first (Planning Commission) evidentiary hearing of January 13, 2008, as required by state law. The Planning Commission's public hearing was noticed in the Siuslaw News on January 3<sup>rd</sup>, 7<sup>th</sup>, and 10<sup>th</sup> as required by state law and the Florence City Code. Notice was mailed to property owners within 300 feet of the site and occupants within 100 feet of the site on December 23, 2008 and the additional notice required by ORS 227.186 was mailed to all owners of property subject to this proposal on December 23, 2008.

Notice of the Council's public hearing was mailed on January 28, 2009 to affected property owners and those within 300 feet of the affected properties. Public notice was published in the Siuslaw News on February 8, 11, and will be published on February 14, 2009.

Comments were submitted by two citizens, Julie Riggins, who owns 1374 12<sup>th</sup> St., MR 18-12-27-41 TL 801 and Carl Ronning, who owns 1136 Maple Street. Ms. Riggins whose comments were received December 23, 2008 is one of the owners of property included in the re-zone portion of the application by staff as part of the housekeeping edits. She and city staff were in contact about the proposal prior to noticing. In her e-mail correspondence she indicated that in the future she might be interested in adding another unit to her existing lot. She stated that she was probably interested in being included in the re-zone. Her only concern was the potential for a tax increase. Carl Ronning, whose letter was received January 8, 2009, owns property not included as part of these applications but was concerned about the impact to his property value when the adjacent



westerly property is rezoned to Multi-Family. His property is currently zoned Multi-family. No other written comments related to noticing were received.

**2. Referrals:**

Referrals were sent to the Oregon Department of Land Conservation and Development (DLCD), Florence Police Department, Central Lincoln Public Utility District, Qwest, Charter Communications, Lane County Planning Department, Florence Building Department, Florence Public Works Department, Florence U.S. Postal Service, the Siuslaw Valley Fire and Rescue District, and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI).

Dave Perry of DLCD responded back in favor of the proposals stating strong support for the increased development density in such close proximity to commercial and service centers. CTCLUSI responded with no concerns since no development was proposed. Florence Police Department responded back with concern for the type of public housing, citing specific concern for an additional housing development for the mentally disabled in such close proximity to the one located at 8<sup>th</sup> and Laurel. As of this writing, no other referral responses have been received.

**III. APPLICABLE CRITERIA**

**1. Florence Realization 2020 Comprehensive Plan**

- Plan Adoption, Amendments, Review and Implementation, Population
- Chapter 1: Citizen Participation
- Chapter 2: Land Use, "Residential"
- Chapter 10: Housing Opportunities
- Chapter 11: Utilities and Facilities
- 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
- Chapter 11: Single Family Residential District
- Chapter 13: Multi-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)]
- 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, compliance with goals.

## V. **FINDINGS**

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

### **REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN**

#### **INTRODUCTION - Plan Adoption, Amendments, Review and Implementation, Population**

#### **POPULATION**

*The population data and projections in the Florence Realization 2020 Comprehensive Plan 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-zoning of Single Family Residential land to Multi-Family Residential is negligible in its impact of subtracting from the inventory of other types of residential land or from the supply of land in other land use categories. In other words, the re-zoning of the subject properties will increase the potential supply of low-income residential units within the Florence city limits further substantiating this conclusion of the supply and demand analysis. Furthermore, the 2004 Residential Buildable Lands Inventory (BLI) did not include publically owned lands in its methodology for tallying the numbers of available vacant lands. Only privately held lands were utilized.*

*The net effect of the proposed change would allow the potential development of multi-family units. The applicant has indicated its intention of rebuilding 3 single family attached housing units in the vacant portion of tax lot 00800 east of the*

*Habitat for Humanity homes on Laurelwood Court. The proposed housing style and density are permitted in the existing medium density plan designation and RS zoning with side yard setback variances. The minimum lot sizes allowed for this tax lot under the Single Family Residential zoning classification are 6,500 square feet, resulting in 3 potential lots. The Multi-Family minimum lot sizes are also set at 6,500 sq. ft. for this tax lot. The impact to density allowances on an area this small is negligible. The applicant requests zoning consistency with the Comprehensive Plan Designation and the remainder of the Laurelwood development.*

## **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.**

*Notice of the proposed Zoning Map Amendment was sent to DLCD on November 26, 2008, not less than 45 days prior to the proposed first (Planning Commission) evidentiary hearing of January 13, 2008, as required by state law. The Planning Commission's public hearing was noticed in the Siuslaw News on January 3<sup>rd</sup>, 7<sup>th</sup>, and 10<sup>th</sup> as required by state law and the Florence City Code. Notice was mailed to property owners within 300 feet of the site and occupants within 100 feet of the site on December 23, 2008 and the additional notice required by ORS 227.186 was mailed to all owners of property subject to this proposal on December 23, 2008.*

*Notice of the Council's public hearing was mailed on January 28, 2009 to affected property owners and those within 300 feet of the affected properties. Public notice was published in the Siuslaw News on February 8, 11, and will be published on February 14, 2009.*

*Both the Planning Commission's and City Council's agendas were structured as public hearings allowing the opportunity for public comment.*

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

*The notices, findings, and hearing materials of the Planning Commission and City Council hearings are available at the Community Development Department. The notices of both the Planning Commission and City Council included the location and contact information for finding out additional info and that all documents to be considered were available for review.*

## 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 II-1)

*The proposal is consistent with these criteria because the proposed rezoning to Multi-family for Laurelwood Homes and the 2 additional sites is based on:*

- *an analysis of documented need for land uses of various types: the property is located within the Florence Urban Growth Boundary and is designated for residential use with the designation of High Density Residential. Rezoning to Multi-Family Residential will allow approximately 6-9 additional residential units to occur, although at potentially smaller lot densities than would be allowed with the existing zoning of Single Family Residential, meeting the City's future need for low-income housing.*
- *physical suitability of the lands for the uses proposed: due to the adjacent and near-by development patterns and dwelling types the portion of the land proposed for plan designation change is better suited for high density designation. Property on all but the north sides of the 00800 TL is developed at high-density levels. Property north of the site is up a steep hill and so has no direct impact on this proposal. Habitat for Humanity received approval in 2004 to plat their Laurelwood subdivision west of 00800 with 5,000 sq. ft. lots to ensure affordability of the homes. Many of the same uses are allowed in the Multi-Family Residential District as those of the Single Family Residential.*
- *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 multi-family zoning district classification can be accommodated with the existing facilities.*
- *potential impacts on environmental, economic, social and energy factors: rezoning to Multi-Family would increase density and therefore decrease energy consumption by locating more residences with walking*

*distance to services in downtown area and also reduce the length of commute trips. The proposed changes will allow more infill rather than outward expansion, reducing environmental impacts of growth.*

## **RESIDENTIAL**

### **Policies**

- 8. An adequate supply and mix of housing types (single family, duplex, multiple family) shall be maintained throughout the 20-year planning period for all projected ages and income levels.**

*The Residential Buildable Lands Analysis of 2004 determined that 12% of Florence's existing housing stock is developed with multi-family housing. The report predicted that by 2025 25% multi-family housing stock will be needed. The requested zone change will support that projected housing need.*

### **High Density Residential**

**The High Density Residential designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment of areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning district is Multi-family.** (Florence Realization 2020 Comprehensive Plan, page II-7)

*HACSA is requesting a zoning map change from Single Family Residential to the applicable zoning district of Multi-Family Residential for the entire Laurelwood Homes development. High Density is the corresponding plan designation for Multi-Family Residential. Medium Density is the plan designation for Single Family Residential. Laurelwood Homes is centrally located with the library, post office, shopping and schools between 500 and 3277 ft. from the site.*

## **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 XI-1)

### **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 XI-1)

*The proposal is consistent with this goal and policy because the re-zoning of the subject parcels will add high density levels of multi-family housing to the area. The proposal requests that the subject properties be allowed to develop at densities of 5,000 sq. ft. or less per unit. The adjacent properties on two sides are already zoned Multi-Family Residential which allow the same minimum lot sizes and varying housing types. The five Laurelwood Court, Habitat for Humanity homes to the west of Laurelwood Court and zoned Single Family Residential are already developed at 5,000 sq. ft. densities compatible with the proposed Multi-Family Residential zoning application.*

- 3. Sufficient land within the Florence area shall be made available for high density housing development where public services are adequate and where higher densities and traffic levels will be compatible with the surrounding area.**

*The Residential Buildable Lands Inventory (BLI) states, "The BLI inventories the supply of buildable residential land, including only privately-owned land that is planned for residential development, inside Florence's urban growth boundary (UGB), both inside and outside the city limits." Therefore the HACSA property at Laurelwood Homes was not included in the BLI methodology for determining available vacant land. In fact high density housing needs projections were allocated from the available privately owned vacant lands stock. Conversion of HACSA's publically owned lands to Multi-family Residential zoning to allow additional high density housing development supports the policy to make such land available. This request if approved would make additional high density land available in an area where public services are adequate and traffic levels are compatible with the surrounding high density designated area.*

- 4. The City shall implement policies and practices that insure equal housing opportunity for all the City's residents.**

*The zoning change application requests a change from Single Family Residential to Multi-Family Residential zoning to correspond to its High Density plan designation. The area is already developed with high density uses.*

*HACSA states that Laurelwood Homes has a waiting list of 50 qualified individuals for one-bedroom units. A one-bedroom unit has not been available for two years. HACSA cites that the majority of the individuals on the waiting list are disabled, elderly or both. There is clearly a deficit of housing available to these populations in the Florence community. They are underserved. Approving the Multi-Family Residential zoning change would support a practice that provides equal housing opportunities for low income individuals many of whom are elderly and disabled.*

- 5. The City shall recognize mobile homes and multiple family dwellings as an important part of the overall housing stock if well situated.**

*The Laurelwood Homes development is centrally located in the north western downtown area. Nearby amenities include shopping, post office, library, police services, and health services. Additional development in this area would continue to capitalize on its close proximity to social and economic resources.*

### **Recommendations**

- 1. Housing programs to meet the needs of the City's elderly and low-income families should be pursued.**

*Laurelwood Homes is a government subsidized housing project. HACSA seeks the zoning change to add more low-income housing units. Florence already has a waiting list for families needing housing in this development. Support of this zoning map amendment would support HACSA's housing program that provides dwelling units to meet the needs of Florence' elderly and low-income families.*

- 3. The City should encourage innovative design techniques (such as clustering, townhouses or condominiums) in appropriate areas, as a method to preserve open space, to lower the costs of housing and public facilities, and to maintain vegetative cover.**

*Laurelwood Homes is a government subsidized low income housing project. It is developed with single story apartments and single family detached housing, clustered together between 10<sup>th</sup> and 12<sup>th</sup> Streets and Maple and Kingwood Streets. The project includes play ground area and a community center. Infilling their development as proposed is an efficient use of public lands and facilities. The site does not have significant vegetation cover.*

## **Chapter 11**

### **UTILITIES AND FACILITIES**

The findings in this section of the staff report 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 multi-family units allowed with the proposed Multi-Family zoning classification will allow for the provision of more cost effective collection and treatment of wastewater than would be provided at the medium density under the current zoning; and there is sufficient capacity in the municipal wastewater treatment and collection system to serve development at the density 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 in 11<sup>th</sup> and Laurel St. has capacity; and there are a number of options to provide sewer connection to the infill areas.*

## **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 multi-family units allowed with the proposed Multi-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 single family residential zoning; and there is sufficient capacity in the municipal water system to serve development at the density allowed in the proposed zoning classification.*

*The Florence Public Works Department provided the following information related to these criteria: this Laurelwood area is served by an 8-inch water main in 11<sup>th</sup> and Laurel Streets.; the 4" water lateral that extends up Laurelwood Court may need to be looped to support the infill proposed off Laurelwood Court. The area at Kingwood and 10<sup>th</sup> is adequately served by the existing 8" line.*



## **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 management in a cost-effective manner and, as reported by the Florence Public Works Department, stormwater will be addressed as the infill develop occurs and redevelop continues; and the City will require HACSA 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. Chief Sanders indicated however that the Police Department would be concerned if additional mental disability client housing were developed in such close proximity to the existing housing at 8<sup>th</sup> and Laurel. HACSA has indicated no such intent.*

### **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:*

- the zoning change is proposed to implement the high density plan designation already occurring on the lots (excepting the portion of 00800)*
- The zoning change proposal will result in the potential increase of multi-family residential units, but at a density already existing adjacent to and on-site;*
- the area is served by Kingwood, Maple, 11<sup>th</sup>, 10<sup>th</sup> and Laurel Streets all local streets;*
- no transportation impact analysis is required for this proposal because the zone change is a house keeping amendment to implement the existing comprehensive plan designation for a developed area and the plan designation 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 that affects a discreet number of properties in a small, defined area;*
- *The proposal was initiated by application of a property owner within the affected area; 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 and City Council held a public hearings on the request;*
- *notice was sent to all owners of record of property within 300 feet of the subject property; and*
- *notice was sent to all occupants of record of property within 100 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 infor-**

mation 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 November 26, 2008, at least 45 days prior to the November 13, 2009 (first) Planning Commission public hearing and the notice contained the information required in this statute.*

## **FCC Title 10**

### **Chapter 13: MULTI-FAMILY RESIDENTIAL DISTRICT**

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

#### **FCC 10-13-1: PURPOSE:**

**The Multiple-Family Residential District is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. (Ord. 625,6-30-80)**

#### **10-13-2: PERMITTED BUILDINGS AND USES;**

**Duplexes**

**Multiple-family dwellings, including townhouses, apartments, clusters and condominiums.**

**Planned unit developments (Chapter 22 of this Title).**

**Home occupations.**

**Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.**

**Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard of single-family or duplex dwellings. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)**

**10-13-3: 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 buildings and uses:**

**Single-family dwellings.**

**Mobile home/manufactured home subdivisions.**

**Mobile homes/manufactured homes - medical hardship.**

**Mobile home/manufactured home parks.**

**Professional offices.**

**Neighborhood commercial.**

**Public parking areas.**

**Hospitals.**  
**Nursing homes.**  
**Group care homes.**  
**Day nurseries, provided the residential character of the building is maintained.**  
**Public or parochial schools.**  
**Churches, except rescue missions or temporary revivals.**  
**Public and semi-public buildings such as fire stations, reservoirs, pump stations, etc., that are essential to the physical, social and economic welfare of an area.**  
**Public parks, playgrounds, community centers and recreational facilities.**  
**(Ord. 8, Series 1985, 5-28-85)**

*The proposal is consistent with this criterion because the existing and proposed units in the Laurelwood Homes development are listed as permitted uses. The two additional lots north of Laurelwood Homes and included in this application are developed with a duplex and a single family dwelling. The single family dwelling would become a conditional use but does not become a non-conforming use. 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.*

## **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 this staff report contains findings to conclude that the proposed zoning map amendments 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 occupants of property within 100 feet of the subject properties and 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 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 zoning will allow higher residential densities which will increase the number of multi-family residences, a needed housing unit type, on land already developed for public housing use, thus providing affordable housing needed for low-income residents.*

**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-zone the area from Single Family Residential to Multi-Family Residential; and key facilities and services can be provided to the area upon development, including water, wastewater, stormwater, and transportation, consis-*



*tent 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 multi-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.*

## **VI. CONCLUSION**

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