

STAFF NOTES

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

(99 East Broadway, Suite 400, Eugene, OR 97401)

Eugene City Hall Council Chamber
777 Pearl Street, Eugene

December 7, 2006
7:00 p.m.

Annexation of Territory to the City of Florence (Curtola Properties LLC/Pivotal Trust)

IV.A. BC File C FL 06 – 70

Initiated by Resolution No. 27, Series 2006, by the City of Florence with consents from property owners/electors

Action under ORS 199.490(2)(a)(B) of the boundary commission law

Received November 7, 2006

Action to be taken by February 5, 2007

Description

The annexation area includes four tax lots located along the southeasterly edge of the City of Florence, west of Munsel Lake Road and North Fork Siuslaw Road, south of Onadoone Court, and east of Willow Loop East and Regal Drive

Property owners: Curtola Properties LLC (780 Main St, Ste 210, Pleasanton, CA) and Pivotal Trust (780 Main St, Ste 210, Pleasanton, CA)

Tax lots: 400, 900, and 901, T18S R12W S23

Acres: ± 79.94

Estimate of existing population: 0

Existing land use: Vacant

Existing zoning in Lane County: PR/BD/U/SR, public reserve with beaches and dunes, interim urbanizing, and site review overlays

Applicable comprehensive plan: Comprehensive Plan for the City of Florence (acknowledged by LCDC in 1983 and has been subsequently amended)

Existing public services to the property: Police (Oregon State Police, Lane County Sheriff), schools (Siuslaw School District 97J), roads (City of Florence, Lane County), fire (Siuslaw Rural Fire Protection District #1), library (Siuslaw Public Library District), ambulance (Western Lane Ambulance District), port (Port of Siuslaw), electricity (Central Lincoln Peoples Utility District)

Reason for Annexation

The property owners are requesting annexation in order to have all of the property in their ownership within the city limits and in anticipation of future residential development. Annexation to the City of Florence is required prior to the provision of urban services.

Notice

As required by ORS 199.463(1), notice of a public hearing must be published in a newspaper of general circulation not more than 25 days nor less than 15 days before the hearing. *In this case, notice of the public hearing was advertised in the Siuslaw News*

on November 15, 2006. A second notice may be published in a newspaper of general circulation or notice of the hearing may be mailed to each owner of land in the affected territory not more than 15 days before the hearing. "Affected territory" as defined by ORS 199.415(3) means the territory described in the petition. The "petition" includes a resolution, order, and any other form of initiatory action for a boundary change [ORS 199.415(14)]. The petition or resolution, as required by ORS 199.490(4) also includes a legal description, which must meet the requirements of ORS 308.225 [OAR 191-006-0000(3)]. *In this case, notice of the hearing was sent to the affected property owners (Curtola Properties LLC and Pivotal Trust, owners of the properties proposed for annexation) on November 22, 2006.* The final notice required by the boundary commission law is the posting of a notice of the public hearing in the affected city, district, or territory at least 15 days before the hearing. *In this case, notice of the public hearing was posted in the area of the annexation and at the Florence city hall on November 15, 2006, and at the Lane County courthouse on November 22, 2006.*

In conformance with OAR 191-005-0065(3), these staff notes are incorporated as part of the record of the boundary commission public hearing of December 7, 2006.

This annexation proposal was filed with the boundary commission in accordance with ORS 199.490(2)(a)(B), initiated by the City of Florence after receiving consents from the property owners and electors. Randy Curtola consented on behalf of Curtola Properties LLC. Greg Reznick and Susan Reznick consented on behalf of the Pivotal Trust. The annexation area is partially developed with golf course related facilities and undeveloped, therefore, there are no electors. The statutory provision to receive consent from owners of more than one-half of the land area and the majority of electors is met.

The proposal was filed on November 5, 2006, and boundary commission action must occur by February 7, 2007 (90-day statutory time frame). If the annexation is approved by the boundary commission on December 7, 2006, it will become effective upon passage of the final order.

The annexation area includes four full tax lots totaling approximately 80 acres (refer to Maps No. IV-A-1 and IV-A-2) and is contiguous to the existing city limits along its westerly, northerly, and a portion of its easterly boundary. The properties included in the annexation area are, in part, developed with Ocean Dunes Golf Links facilities. Other portions of the golf course are located within the city limits.

The annexation area is located within the urban growth boundary (UGB) of the Comprehensive Plan for the City of Florence. The UGB is located along the north and east boundary of the annexation area. The annexation area is designated Private Open Space in the comprehensive plan. It is zoned PR/BD/U/SR, public reserve with beaches and dunes, interim urbanizing, and site review overlays, in Lane County. If the annexation is approved, the properties will be zoned to RR, restricted residential, consistent with the plan designation.

The annexation was initiated by the City of Florence on November 6, 2006, by passage of Resolution No. 27, Series 2006. The Florence Planning Commission recommended approval of

the annexation to the city council on October 20, 2006 and adopted findings in support of the annexation (refer to Exhibit IV-A-1). The city council supported the annexation based on the record, including public hearings at the planning commission and city council, city staff review and analysis of the proposed annexation, the planning commission's recommendation of approval and findings in support, and the written request from the property owners in support of annexation.

The boundary commission received correspondence from Martha Stiven, Stiven Planning and Development Services LLC, who is representing the property owners. The November 20, 2006, correspondence provides additional information related to this annexation and is attached as Exhibit IV-A-2.

BOUNDARY COMMISSION REFERRALS

Boundary commission referrals were sent to the Lane County Environmental Health Division, Lane County Land Management Division, Lane County Board of Commissioners, and Siuslaw Rural Fire Protection District (RFPD) #1.

No referral responses were received as of November 29, 2006.

BOUNDARY COMMISSION STANDARDS - STAFF ANALYSIS

In this section of the staff notes, each applicable boundary commission standard is addressed. These standards are derived from ORS 199 and the boundary commission's policy administrative rule (OAR 191, Division 30).

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of governments. ORS 199.410(1)(b) and 199.410(3)(c)

This annexation request was filed in accordance with provisions in ORS 199 and was determined to be a valid filing in accordance with OAR 191-006 (adopted administrative rule on boundary commission filing requirements). The item was placed on the boundary commission's agenda for December 7, 2006. Notice of the boundary commission's public hearing has been published in accordance with Oregon law. Any person may attend and will be given a reasonable opportunity to be heard.

The annexation area is within the Siuslaw RFPD #1. After annexation to the city and upon the effective date, the annexation area will automatically be withdrawn from the fire district in accordance with ORS 199.510(2)(a). The district and the city have an intergovernmental relationship that allows the district to continue to provide services to properties annexed to the city.

The annexation is within the Siuslaw Public Library District and will remain in this district after annexation to the city. The City of Florence is part of and receives library services from this special district.

This request is consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

The area in this annexation proposal is located within the acknowledged urban growth boundary of the Comprehensive Plan for the City of Florence. Territory within the UGB ultimately will be within the City of Florence. The proposed annexation is contiguous to the City of Florence. The proposed annexation fulfills the policies in the comprehensive plan of annexing out to the urban growth boundary.

This annexation is consistent with boundary commission administrative rule implementing policies (1), (2), (5), and (7) which recognize annexation to an existing city as the preferred method of servicing urbanizable land.

- (1) This policy recognizes cities as the logical providers of urban levels of service within urban growth boundaries when consistent with the comprehensive plan.
- (2) This policy expresses the commission's preference for providing urban services through annexation to a city in order to provide urban services to urbanizable lands.
- (5) This policy encourages the provision of urban levels of service within urban growth boundaries.
- (7) This policy expresses the commission's preference for annexation to an existing city over all other alternatives as a means of extending services to urbanizable lands.

Implementing policy (3) recognizes that in order to meet the long-term objectives of annexing out to an acknowledged urban growth boundary, short-term boundaries are created which are logical within the context of the future service boundary.

This proposal to annex territory to the City of Florence is consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in

the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b) and (d)

The proposal is within the Comprehensive Plan for the City of Florence urban growth boundary, which was acknowledged by the Land Conservation and Development Commission (LCDC) in 1983 and has been subsequently amended. The comprehensive plan was amended in 2004 to include the properties proposed for annexation in this application.

The annexation area is designated Private Open Space in the comprehensive plan and is zoned PR/BD/U/SR in Lane County. If the annexation is approved, the annexation area will be zoned RR, restricted residential, consistent with the plan designation.

The following facilities and services are either available or can be extended to this annexation area.

Water – Florence planning staff indicates that annexation of these properties will assist the city in developing a looped water system to better serve the eastern section of the city. A looped system will provide more reliable service for properties currently served by the city and to future properties that annex to the city and develop. The city's water treatment plant was recently expanded and the expanded capacity can support new development within the annexation area. An existing water line is located in Regal Drive (6-inches) that is available to be extended to serve new development. All new water lines will be constructed to city standards.

Electricity – Central Lincoln Peoples Utility District (PUD) currently provides electricity to the annexation area and will continue to do so following annexation to the city.

Police services – Police protection can be extended to this area without jeopardizing service in other parts of the city.

Fire and emergency services – Fire protection services are currently provided to the annexation area by the Siuslaw RFPD #1. Upon the effective date of the annexation, the area will be automatically withdrawn from the fire district. The City of Florence contracts with the Siuslaw RFPD #1 for fire protection services. After annexation to the city, these services will be provided to the annexation area under the contractual agreement between the city and the fire district. Fire stations are located at Highway 101 and 26th Street; on 2nd Street in downtown Florence; and on North Fork Road.

Schools – The annexation area is served by the Siuslaw School District 97J and will continue to receive school services from this school district following annexation to the city.

Wastewater – The city indicates that existing wastewater facilities are located adjacent to the annexation area. Wastewater service can be extended from an existing wastewater system located in the Willow Dunes subdivision in Regal Drive (8-inch line and pump station). Other existing facilities (6-inch wastewater line and pump station) are located in the Ocean Dunes PUD

to the north and can be extended to serve new development. All new wastewater lines will be constructed to city standards.

Stormwater – The city indicates it has adopted a stormwater plan that delineates drainage basins, identifies deficiencies/needs, and provides recommendations for improvements. A stormwater system to serve the annexation area will be designed to provide for stormwater quality and quantity as required by the city. The golf course design and anticipated density of new development provide assurances that there is adequate room to provide for onsite stormwater management.

Streets – The city indicates that Regal Drive in the Willow Dunes subdivision will be extended to connect to Munsel Lake Road to provide access to the annexation area. A tax lot adjacent to Munsel Lake Road is owned by the property owners, which will provide a direct connection to Munsel Lake Road. Design of the new streets will be reviewed during the planned unit development (PUD) process and will be consistent with adopted city standards.

Solid waste management – Private firms and individuals collect and transport solid waste to the Lane County administered landfill.

Communication facilities – Various providers offer both wire and wireless communication services in the Florence area. Existing providers and those entering the market have the capability to provide service to future development in this area.

Land use controls – The property is within Florence’s urban growth boundary. After annexation effective date, the city will administer land use controls.

The required urban services are either immediately available or can be provided within a reasonable future time frame as needed. This request is consistent with this standard.

Consider the comprehensive plan’s economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The annexation proposal is consistent with the Comprehensive Plan for the City of Florence, as it is an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the comprehensive plan were developed to meet the future needs of the Florence community. The proposed use and plan designation is consistent with the long-range plans for the area.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the annexation to the City of Florence (BC File C FL 06 – 70) be approved based upon the following findings and reasons.

The findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request as submitted. If the boundary commission modifies the request or denies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the boundary commission on November 7, 2006, by Resolution No. 27, Series 2006, from the City of Florence in accordance with ORS 199.490(2)(a)(B). The proposal was found to be a valid filing under OAR 191-006.
2. The proposed annexation included three full tax lots (T18S R12W S23 tax lots 400, 900, and 901) comprising about 79.94 acres owned by the Curtola Properties LLC and Pivotal Trust. The annexation area was contiguous to the City of Florence and was developed with Ocean Dunes Golf Links facilities and included other unimproved area.
3. The land use designation for the annexation area was Private Open Space in the Comprehensive Plan for the City of Florence.
4. The existing zoning was PR/BD/U/SR, public reserve with beaches and dunes, interim urbanizing, and site review overlays, in Lane County. After the annexation effective date, the area was rezoned city RR, restricted residential, consistent with the plan designation.

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

5. The boundary commission held a public hearing on December 7, 2006. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
6. Upon the effective date of the approved annexation, the annexation area was automatically withdrawn from the Siuslaw Rural Fire Protection District (RFPD) #1 in accordance with ORS 199.510(2)(a). The City of Florence contracted with the Siuslaw RFPD #1 for fire protection services. After annexation to the city, these services were provided to the annexation area under the contractual agreement between the city and the fire district.
7. The annexation area was within the Siuslaw Public Library District and remained in the district after annexation to the city. The City of Florence was part of this special district and received library services from it.
8. This request was consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

9. The annexation area was within the urban growth boundary of the acknowledged Comprehensive Plan for the City of Florence, which was located along the east and north boundary of the annexation area. The annexation area was contiguous to the existing city limits.
10. Annexation to an existing city was the method for extending urban facilities and services to urbanizable land in the boundary commission's policy administrative rule, implementing policies (1), (2), (5), and (7). The City of Florence provides urban services to properties within its boundaries and indicated it could provide urban facilities and services to the annexation area.
11. This request was consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

12. The annexation was within the urban growth boundary of the acknowledged Comprehensive Plan for the City of Florence (LCDC action in 1983 and as subsequently amended).
13. Annexation to the City of Florence was the method by which urban facilities and services were to be extended to properties within the urbanizable area of the Comprehensive Plan for the City of Florence.
14. The annexation area was designated Private Open Space in the comprehensive plan. Future development plans would be consistent with the applicable plan designation.
15. The City of Florence indicated that the urban services were either available or could be provided in a timely manner after annexation to the city.
16. This request was consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

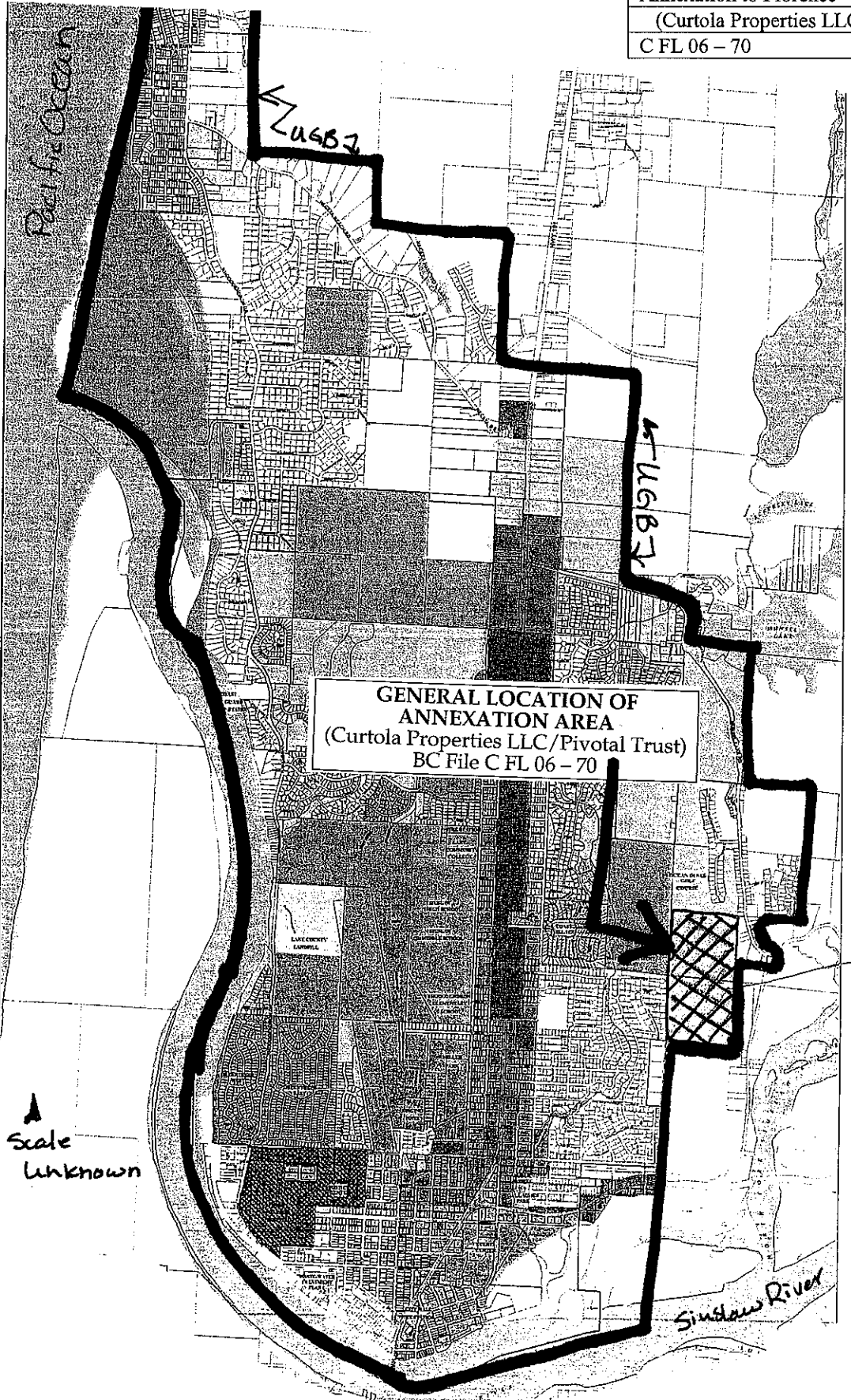
17. The annexation proposal was consistent with the Comprehensive Plan for the City of Florence, as it was an incremental step in implementing the long-range plan for this area. The urban growth boundary, land uses, and policies in the comprehensive plan were developed to meet the future needs of the Florence community.
18. This request was consistent with this standard.

Reasons:

1. The proposal was supported by the City of Florence and the property owners.
2. The proposal was consistent with the LCDC acknowledged Comprehensive Plan for the City of Florence.
3. The urban services and facilities were either available or could be provided in a timely manner when needed.
4. The proposal was consistent with past boundary commission actions supporting annexation of territory to the City of Florence.
5. The proposal was consistent with boundary commission administrative rule policies.

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Last Saved: November 30, 2006*

Map No. IV-A-1	Vicinity Map
Annexation to Florence	
(Curtola Properties LLC/Pivotal Trust)	
C FL 06 - 70	



STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Commission
 Exhibit "A"

Public Hearing Date: October 10, 2006
Date of Report: October 3, 2006
Application: PC 06 20 ANN 01

I. PROPOSAL DESCRIPTION

1. Proposal: Randy Curtola requests approval of annexation of 79.94 acres into the City of Florence city limits and change of Zoning Map Designation from Lane County Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review (PR/BD/U/SR) to the City's zoning designation of Restricted Residential (RR).

2. Applicant: Randy Curtola, LLC

3. Location: Located south of the existing Ocean Dunes Golf Links, west of Munsel Lake Road, east Willow Dunes subdivision, and adjacent to the existing city of Florence city limits.

Map No. 18-12-23 TL 400,900,901

4. Comprehensive Plan Map Designation: Private Open Space

5. Surrounding Land Use/Zoning

Site: Vacant / County Jurisdiction
North: Residential/Golf Links / Restricted Residential
South: Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians / Trust Lands
East: Munsel Lake Road / County Jurisdiction
West: Residential / Restricted Residential

6. Correspondence /Referrals:

Notice was mailed to property owners within 300 feet of the site and published in the Siuslaw News on September 27th, 30th, and October 7th, 2006.

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II. APPLICABLE REVIEW CRITERIA:

1. Florence City Code -- Zoning Regulations

FCC 10-1: Zoning Administration

2. Other Planning Documents:

2020 Florence Comprehensive Plan, State Land Use Goal 14 -- Urbanization, ORS 199.490(2) -- Annexation to Cities -- Double Majority Method

III.

NARRATIVE: Randy Curtola requests approval of annexation of 79.94 acres into the City of Florence city limits and change of Zoning Map Designation from Lane County Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review (PR/BD/U/SR) to the City's zoning designation of Restricted Residential (RR).

In 2004 the City of Florence and Lane County amended the Florence Urban Growth Boundary (UGB) in part by adding property into the UGB that included part of the Ocean Dunes Golf Links and additional undeveloped property. Since then, both the golf course and the adjacent property have been purchased by a partnership that also operates the golf course. It is their intent to develop the property around and south of the existing golf course into homes sites of varying density that are integrated into the golf course.

In order to realize this objective, the owners need to annex the 79.94 acres of property into the city limits of Florence and rezone it consistent with the City's Comprehensive Plan. The annexation and zone change will allow this area to be developed as a residential neighborhood to current City standards.

The applicant upon approval of the annexation and zone change, plan to submit an application to the City of Florence for a Planned Unit Development (PUD) consistent with the city's standards and development regulations.

Section 10-1-3 of the Florence City Code Title 10 (Zoning) describes the conditions for the zoning of the annexed areas. It states:

"The City Council may establish zoning and land-use regulations that become effective on the date of annexation. This zoning designation shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification

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most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title.”

Based on this provision, the applicant requests that the zoning of the three parcels, which are currently zoned PRBD/USR to the City's Restricted Residential (RR) Zoning District, at the time of annexation. The purpose of the RR zoning district is intended to provide a quality environment for low density, urban single-family residential use and other single family or Planned Unit Developments as determined to be necessary and/or desirable. The applicant's intent is to follow the annexation and zone change approval with a request for approval of a Planned Unit Development, consistent with existing Comprehensive Plan Designation of Private Open Space.

IV. REVIEW OF APPLICABLE CRITERIA:

Consistency with the Florence Standards for Annexation:

Chapter 14, Urbanization of the Florence Comprehensive Plan identifies four criteria for the conversion (annexation) of land within the UGB outside City Limits. They include the following:

- a) Orderly, economic provision for public facilities and services;
- b) Availability of sufficient land for various uses to insure choices in the market place;
- c) Conformance with the acknowledged City of Florence Comprehensive Plan;
- d) Encouragement of development within urban areas before conversion of urbanizable lands.

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

RESPONSE: The applicant has provided the following narrative:

Water: The properties to the north, northeast, and west of the subject property are within the city limits. The property to the north is zoned Private Open Space and is developed with the golf course and homes. Southwest and northeast of the site, properties are developed as Restricted Residential with minimum 9,000 sq.ft. lots. Northwest of the site is property designated Public Open Space. All of the developed

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properties are served by City water and sewer systems. Southeast and south of the property is land owned by the Coos, Lower Umpqua, and Siuslaw Confederated Tribes; and to the east are developed private residential lands that abut Munsel Lake Road on the east. The subject property was included in the 2004 UGB expansion specifically to provide the city with better public facilities and services. It was found that inclusion of the land into the UGB would "facilitate the adequate and efficient provision of water, transportation and sewerage services, secure safety from dangers and preserve the quality of Lane County's environment". The County and the City made these findings for this specific area based in part on the fact that the UGB, annexation and eventual development would facilitate improvements to the city's water service.

The benefits that the city and the county understood when they approved the UGB expansion apply to the annexation as well. The annexation will facilitate the provision of a more reliable water service for existing city residents as well as serve the future land area. The existing system includes a single 10" water main transmission line serving the eastern section of the city. The addition of the proposed area within the city will allow for the development of a looped system. This loop will provide more reliable service for those currently receiving water from the city and will also allow water to be extended to the area within the UGB area in the future.

Specifically, the lack of a looped system affects the reliability of the system for both domestic uses as well as meeting fire flow requirements. Looped water systems allow water to be provided to the overall area in the event of a break in the line since the water can be routed in another direction. This redundancy also allows for consistent pressure to be maintained in the distribution lines.

The City also found that the water treatment plant was recently expanded. The expansion added three additional filters and five more dunal wells. This has added 1.4 million gallons per day and allows for an expanded plant capacity of more than three million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. The city found that the expanded capacity allowed adequate water to the subject area. As the subject property is adjacent to properties inside the city and served by water, the provision of water to the site is orderly and economic.

Sewer: There is existing sewer service to the properties adjacent to the subject area. Sewer service exists to the west of the site in the Willow Dunes subdivision nearing completion. In addition, city sewer exists in the existing Ocean Dunes PUD to the

¹ Lane County Board of Commissioners Ordinance No. PA 1214, adopted October 27th, 2004.

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north. Opportunities exist for sanitary sewer service at the site by extending sanitary sewer pipe from the north and/or from the southwest corner of the site. According to Jim Branch, the engineering consultant to Ocean Dunes, the existing sewers in the vicinity of the property are adequate in size and in capacity to accommodate future housing provided on the subject property.

Storm water: At the time of development and following approval of the annexation, zone change and PUD, storm water design shall provide for storm water quality and storm water quantity using Best Management Practice (BMP) as required by the City of Florence. The golf course design and the anticipated density of the development provide assurance that there is adequate room to provide on-site storm water management.

Roads: It is anticipated Regal Drive in the Willow Dunes subdivision will be extended to connect to Munsel Lake Road to provide access for this project. The applicant has purchased a tax lot to the east of Tax lot 400 which will provide direct connection to Munsel Lake Road. Design of the roadway will be determined prior to approval of the PUD.

Jurisdictional / issues: The existing Ocean Dunes residential planned unit development lies within city limits and benefits from public services. A portion of the golf course is located in Lane County, outside the city. Development of the golf course community currently requires the owners to satisfy both the city and the county, each their own regulatory procedures and priorities. Development will have the potential to be more efficient and the delivery of futures services more orderly upon annexation of the property.

Based on these findings, the proposed annexation will assist in facilitating orderly and economic provision of sewer, water and transportation improvements and is consistent with this standard.

Staff comment: Public facilities and services include sewer, water, storm drainage, streets and sidewalks, fire and police protection, and power and communications. Central Lincoln Utility currently provides electricity to the annexation area and will continue to do so following the annexation.

The issue to be addressed at the time of annexation is where these utility services have capacity to serve the proposed annexation. The annexation request is not intended to address details about placement of individual utility lines or other development level utility details. Future hearings on development proposals will occur following annexation and will address specifics in regards to placement of utilities.

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Staff finds that orderly, economic provision for public facilities and services exists, as utility services have the capacity to serve the proposed parcels to be annexed.

B) Availability of sufficient land for the various uses to insure choices in the market place:

RESPONSE: The applicant has provided the following narrative:

According to the findings approving the expansion, the inclusion of the Ocean Dunes area into the UGB was predicated on livability issues rather than a strict "need" for residential land. City and County Ordinances approving the UGB expansion state that the amendment to the UGB was not based on needed housing or employment opportunities. However, the UGB expansion was essential to livability based in part on a desire to accommodate the entire Ocean Dunes property within the city's area of control, and to provide the looped water system as explained earlier.

Nonetheless, the inclusion of the Ocean Dunes property will allow additional land to insure additional choices in the housing market place. The owners intend to pursue expansion of the existing PUD and provide a variety of housing options, including attached and detached housing options. Although low in density, it is certain that the variety of housing types will add to the choices in the Florence housing market.

Development of housing at the city's density cannot occur in the County with the County's existing zoning. Therefore, these housing choices will not be provided to existing and future residents of Florence unless the annexation is first approved. Therefore, the city is more likely to realize a broader range of choices in the market place with approval of this annexation than without. Therefore, this request is consistent with this city criterion.

Staff comment: Urbanization of lands within the UGB of Florence has been occurring and will continue to occur as the city provides housing and employment for Florence residents. The findings approving the UGB expansion to include the Ocean Dunes area into the UGB was predicated on livability issues rather than a strict need for residential land. The expansion was essential to provide the looped water system, and to accommodate the entire property within the UGB. The applicant is proposing to develop the property with a residential PUD. This development would promote increased choice in the Florence housing market and also will provide for a looped water system which will provide for a more reliable system for those who already receive water from the City, in the Munsel Lake Road area.

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Chapter 2: Land Use (Residential Policies)

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

RESPONSE: The applicant has provided the following narrative:

The Ocean Dunes area was added to the Florence UGB because of its ability to aid in the livability of Florence. This development would allow for a looped water system, provide opportunity for a future road connection and provide consistent regulations for the future development of the golf course property. All of these consequences of development add long term community value and add to the livability of the city, both for existing and future residents. These advantages will only come to pass if the land is developed which is most likely to occur once annexed in the city. Therefore annexation is consistent with this goal.

Staff comment: Staff finds that the annexation request is consistent with this goal as the development would allow for a looped water system, which will aid in the livability of Florence.

Policy 1. The city shall encourage the use of residential planned unit development subdivisions and may trade off some conventional zoning requirements and density limitation in order to achieve: high quality, innovative residential lot and building design; incorporation of unique land forms into the final subdivision design; significant open space not otherwise achievable through a conventional design; on-site amenities reflecting the need for both active and passive recreational facilities; natural resource protection, where identified as part of a preliminary site investigation report; a mix of dwelling unit types and densities, and a mix of residential, commercial and recreational uses, where appropriate.

RESPONSE: The applicant has provided the following narrative:

The Ocean Dunes golf course was developed as a Planned Unit Development (PUD). The subject property is a perfect candidate for development as a PUD based on several unique features which include the potential wetland areas, large size, and a need to accommodate large open spaces. It is the intent of the applicant to apply for a PUD following approval of the annexation and the zone change, but until these fundamental land use changes are in place, it is premature for the owners to incur the substantial cost of designing the PUD.

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C) Conformance with the acknowledged City of Florence Comprehensive Plan:

The following Goals of the Florence Comprehensive Plan are found to be relevant to this request:

- Chapter 1:** Citizen Involvement
- Chapter 2:** Land Use (Residential Policies)
- Chapter 5:** Open Spaces, Scenic & Historical and Natural Resources
- Chapter 6:** Air, Water and Land Quality
- Chapter 7:** Development Hazards and Constraints
- Chapter 9:** Economic Development
- Chapter 10:** Housing Opportunities
- Chapter 11:** Utilities and Facilities
- Chapter 12:** Transportation System Plan
- Chapter 14:** Urbanization

Chapter 1: Citizen Involvement

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

RESPONSE: The applicant has provided the following narrative:

The city has a plan for notification and inclusion of citizens in the annexation process. In the course of approving the requested Annexation and Zone Change the city will notify residents within 300' feet of the site and conduct at least two public hearings in an open forum – one before the Florence Planning Commission and one before the Florence City Council. Therefore, this request will be reviewed in accordance with the city's acknowledged plan and is consistent with this plan policy.

Staff comment: Staff finds that the request will be reviewed in accordance with the city's acknowledged comprehensive plan and policies and is consistent with the city's citizen involvement program.

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Therefore, only through annexation can the benefits of the PUD be realized.

Staff comment: Staff finds that the existing Ocean Dunes golf course was developed as a PUD. Staff recognizes that this site is a candidate for development as a PUD based on its size, as current City Code states that the minimum size of a PUD shall be five (5) acres of contiguous land, and has unique features such as wetlands and a need to accommodate large open spaces for the current use of a golf course. Staff finds that it is the applicant's intent to apply for a PUD following approval of the annexation and zone change. The site is currently is designated as "Private Open Space", in the Florence Comprehensive Plan and will remain that plan designation. Private Open Space Designation is intended to identify areas where the predominant character is a less intense development pattern consisting of natural uses or open areas. Uses may include crop production, recreation, animal grazing, fish and wildlife habitat, etc.... If development occurs in these areas, it shall be in such a manner that maintains the natural features of the site. Natural features include but are not limited to drainage ways, wetlands, scenic vistas, historic areas, groundwater resources, beaches and dunes, sensitive species, etc.... Development within a Private Open Space area may occur subject to the Planned Unit Development process. When residential development is permitted within the "Private Open Space" comprehensive plan designation, the golf course use must be the predominant use in order to be considered with the "Private Open Space" designation. Upon Annexation the site will be zoned Restricted Residential. Staff finds that through annexation this parcel would be able to develop as a PUD consistent with the Private Open Space comprehensive plan designation and city standards. Therefore, staff finds that annexation would be consistent with this plan policy.

Policy 11: New residential subdivisions shall dedicate rights-of-way and construct pedestrian and bicycle trails in accordance with the City's Transportation Systems Plan or where the extension of an existing pedestrian and bicycle facility is warranted as a logical extension of that city wide transportation system.

RESPONSE: The applicant has provided the following narrative:

All development will occur consistent with the city's TSP.

Staff comment: Staff finds that annexation would allow the site to develop consistent with the City's TSP, and policy 11.

Chapter 5: Open Spaces, Scenic & Historical and Natural Resources
Goal: To conserve natural resources such as wetlands, riparian areas, groundwater supplies, beaches and dunes, air and water, and wildlife habitat

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in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.

A. Wetlands – Objectives

1. To maintain an accurate inventory of wetlands for use in land use planning and development review.
2. To protect significant wetlands for their critical value in maintaining surface and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.

RESPONSE: The applicant has provided the following narrative:

The Florence Local Wetland Inventory Maps (LWI) indicates wetlands on the site. This will require a delineation report that will need to be approved by the Division of State Lands (DSL) prior to development. Once the annexation is approved, and the wetlands are delineated, the impact of development on the wetland can be more fully assessed. The applicant is aware that the appropriate permits must be obtained. The large size of the property (80 acres) and the combination of golf course and low density housing provides an opportunity to have minimal impact on the natural features of the site. Also, by annexing the property, the city is more likely to have involvement in review of development and therefore impacts on the wetlands, than if the site were developed within the County's jurisdiction. Therefore, development of this site can occur within the framework of these plan policies and the annexation is therefore consistent.

Staff comment: Staff finds that LWI indicates wetlands on the site and that development will require a delineation report that will need to be approved by DSL prior to development. Staff finds that annexation of this site will allow development of the site to be reviewed under city codes and policies in regards to natural resource preservation. Staff finds that annexation and future development of the site will occur according to City policies and standards and therefore will be consistent with plan goal and policy.

B. Groundwater Resources

Goal- To protect the quality and quantity of North Florence Dunal Aquifer, which has been designated a sole source aquifer by the Federal Environmental Protection Agency and which serves as a drinking water source for the City of Florence.

Objectives: To protect the quality of water which recharges the aquifer.

RESPONSE: The applicant has provided the following narrative:

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In some instances groundwater contamination can occur from fertilizer, herbicides and pesticides used in golf course grounds management. While the course exists and will continue to exist whether it is all within the city limits or not, inclusion within the city limits and future development within the city limits, will give the city the opportunity to review the use of fertilizers, pesticides and herbicides use by the grounds crew and identify opportunities to ensure that adequate groundwater protection practices are in place with future development.

Staff comment: The Florence Drinking Water Plan indicates the proposed annexation area may contain potential contaminants sources from both the "higher relative risk; and "moderate relative risk" categories, wells 10, 9, 8, 4, and 3 are impacted by the proposed annexed area. Staff finds that annexation will provide the City the opportunity to review uses on the site and will allow the City to identify opportunities to ensure that adequate groundwater protection practices are in place with future development of the site. Therefore annexation is consistent with this policy goal and objective.

Policy 1. The City shall implement the recommendations of the Storm water Management Plan regarding protection of the aquifer for the City's well field.

RESPONSE: The applicant has provided the following narrative:

The city will have a better opportunity to review the storm water management plan proposed in conjunction with development of the site if it is developed within the city limits of Florence. The applicant has committed to developing a storm water management plan consistent with Best Management Practices. Development of the site as a PUD within the City of Florence will better promote the City's Comprehensive Plan Policies regarding Natural Resources, than if developed within the County.

Staff comment: The Florence Storm Water Management Plan indicates the site is located in the Munsel Creek drainage basin and abuts the "Southeast Stormwater Analysis Region." Staff finds that annexation of the site will initiate the site to be reviewed under all city codes and standards when future development occurs. If this site is developed as a PUD, under current City Code a storm water management plan would be required if development occurs on a 1 acre site or larger. Staff finds that the annexation is consistent with this plan policy as development would allow the City to review a proposed storm water management plan of the site.

Chapter 6: Air, Water and Land Quality

Objective: To maintain the quality of the air, water, and land resources through control of waste and process discharges from future development.

RESPONSE: The applicant has provided the following narrative:

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Upon annexation, the City can ensure that future development occurs in accordance with the State of Oregon regulations regarding environmental pollution. Any future development will be subject to City Code regulations regarding erosion. Therefore, annexation of this property is consistent with this standard.

Staff comment: Staff finds that annexation of this property is consistent with plan goal and objective as the City can ensure that future development occurs in accordance with all City, County, and State regulations regarding environmental pollution and hazards.

Chapter 7: Development Hazards and Constraints

Objectives: 1) To protect life and property from natural disasters and hazards; and

2) To retain areas subject to uncontrollable flooding, ponding, or severe erosion in open space until control can be established.

RESPONSE: The applicant has provided the following narrative:

This site is not located in an area identified as a hazard area. At the time of development approval, appropriate measure will be demonstrated to address erosion prevention.

Staff comment: Staff finds that annexation will initiate future development to be reviewed and to meet City standards. Therefore, staff finds that annexation is consistent with this policy plan and objectives.

Chapter 9: Economic Development

Goal: To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation, social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policies:

Policy 3. The City shall work with appropriate parties to increase tourism revenues.

RESPONSE: The applicant has provided the following narrative:

At the time of the UGB amendment which added the Ocean Dunes property to the boundary, there was recognition that the Golf Course added to the tourism industry within Florence and that controlling its future by allowing all of the housing to be developed and located inside the City, contributed to the financial stability for the Golf Course. Therefore, annexation further cements that stability, and ensures a

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predictable business environment for the golf course operators. In addition, the potential to add additional housing around the golf course, will aid the future long term health of the golf course operation, ensuring its existence into the future and the provision of a recreational / tourist attraction.

Staff comment: Staff finds that at the time of the UGB amendment which added the Ocean Dunes property to the boundary, there was recognition that the Golf Course added to the tourism industry within Florence and that controlling its future by allowing all of the housing to be developed and located inside the City, contributed to the financial stability for the Golf Course. Staff finds that annexation is consistent with this plan goal and policies.

Chapter 10: Housing Opportunities

Goal: To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Service Area.

Objectives: 1) To support a variety of residential types and new concepts that will encourage housing opportunities to meet the housing needs for households of varying incomes, ages, size, taste and lifestyle; 3) To maintain a livable environment by placing open space requirements in residential areas.

RESPONSE: The applicant has provided the following narrative:

As indicated throughout this request, the City did not amend its UGB to include this property on the basis of an inadequate supply of land for housing. Rather, it included the land in order to realize the benefits of several public improvements that could occur if the property were to develop within the City. However, the approval of this annexation will allow for the construction of approximately 100-120 new residential units in conjunction with the existing golf course development. The large amount of land, the presence of the existing golf course, and the topography allow for a quality residential community which takes advantage of the open space. Therefore, upon annexation, the City will have better opportunity to provide additional housing opportunities than if this property were not annexed and developed.

Staff comment: Staff recognizes that the City did not amend its UGB to include this property on the basis of an inadequate supply of land for housing but rather it included the land in order to realize the benefits of several public improvements that could occur if the property were to develop within the City. The annexation would allow provision of a more reliable water service for existing city residents as well as serve the future land area, in developing a looped water system. Staff also recognizes that the annexation will allow for the construction of new residential units and will provide more housing opportunities as the site can be developed to city density standards, while taking into account the advantages of the open space. Therefore, staff finds that annexation is consistent with this plan goal and objectives.

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Chapter 11: Utilities and Facilities

Goal A. Wastewater Collection and Treatment – To provide cost effective collection and treatment of wastewater consistent with projected population growth and development needs.

RESPONSE: The applicant has provided the following narrative:

According to the engineering consultant, opportunities exist for the proposed development to be connected to the sanitary sewer system from three directions – the north, northeast, and/or the southwest corner of the site. The existing sanitary sewers in the vicinity have adequate capacity.

Goal B. Water System Supplies and Needs – 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.

Policy 5. The City shall continue to maintain and upgrade the distribution system as necessary to meet anticipated demand.

RESPONSE: The applicant has provided the following narrative:

The subject property was included in the 2004 UGB expansion specifically to provide the city with better public facilities and services. It was found that inclusion of the Ocean Dunes land along with other property into the UGB would "facilitate the adequate and efficient provision of water, transportation and sewerage services, secure safety from dangers and preserve the quality of Lane County's environment". The County and the City made these findings for this specific area based in part on the fact that the UGB, annexation and eventual development would facilitate improvements to the city's water service.

The benefits that the city and the county understood when they approved the UGB expansion apply to the annexation as well. The annexation will facilitate the provision of a more reliable water service for existing city residents as well as serve the future land area. The existing system includes a single 10" water main transmission line serving the eastern section of the City. The addition of the proposed area within the city will allow for the development of a looped system. This loop will provide more reliable service for those currently receiving water from the city and will also allow water to be extended to the area within the UGB area in

² City of Florence Ordinance No. PA 1214 Findings, page 7 and incorporated into Lane County Board of County Commissioners Ordinance No. PA 1214, adopted October 27, 2004.

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the future. Specifically, the lack of a looped system affects the reliability of the system for both domestic uses as well as meeting fire flow requirements.

Looped water systems allow water to be provided to the overall area in the event of a break in the line since the water can be routed in another direction. This redundancy also allows for consistent pressure to be maintained in the distribution lines.

The City also found that the water treatment plant was recently expanded. The expansion added three additional filters and five more dunal wells. This has added 1.4 million gallons per day and allows for an expanded plant capacity of more than three million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. The city found that the expanded capacity allowed adequate water to the subject area. Based on these findings, the request is consistent with this plan policy.

Goal C. Storm water Management – To provide a storm water system that enhances and maintains livability through balanced, cost effective solutions to storm water management.

Policy 1. The City shall encourage on-site retention of storm water. 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 storm water off-site to approved collection or dispersion facilities.

RESPONSE: The applicant has provided the following narrative:

Development of the site as a PUD inside the City limits will ensure that the storm water is managed in a manner consistent with city policies, including implementation of Best Management Practices (BMPs). The existence of the golf course provides a unique opportunity to manage storm water on-site in a manner which benefits both the environment and the recreational amenity.

**Goal D. Parks, Recreation and Open Space
Goal: To provide a variety of recreational opportunities and to provide open space and protect unique areas of the City.**

RESPONSE: The applicant has provided the following narrative:

The city values the existence of Ocean Dunes golf course and acknowledges the value it adds to the economic well being of the city. The ability to include housing around the golf course, will contribute to the financial viability and success of the golf

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course, contributing to it economic stability. Therefore, the annexation and thereby accommodation of future development well aid in the continuation of this public recreational resource.

Goal G. Fire Protection

RESPONSE: The applicant has provided the following narrative:

The development of the subject property will result in the provision of a looped water system, which will improve the reliability of the system for both domestic uses as well as meeting fire flow requirements. Therefore, the annexation will allow development which will bring the looped water system closer to fruition.

Staff comment: The property is currently located within the Siuslaw Fire and Rescue District. Through annexation the site would be removed from that district and receive contractual services from the city via Siuslaw Valley Fire and Rescue. Staff finds that the annexation will maintain and upgrade the water the distribution system as necessary to meet anticipated demand and support a looped water system. Staff finds that development of the site as a PUD inside the City Limits will ensure that the storm water is managed in a manner consistent with city policies, including the use of Best Manages Practices (BMPs) for stormwater facilities. Staff finds that the annexation is consistent with plan policies, goals, and objectives found in Chapter 11, "Utilities and Facilities," in the Florence Comprehensive Plan.

Chapter 12: Transportation System Plan

All development will be reviewed for its consistency with the TSP.

Staff comment: Staff finds that upon annexation future development will be reviewed for its consistency with the TSP.

Chapter 14: Urbanization

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

This property has been moved into the Florence UGB and is therefore, considered urbanizable. Therefore, this Chapter is not relevant to the annexation.

Staff comments: Staff finds that lands that have moved into the Florence UGB are considered urbanizable. As discussed above staff finds that this annexation will provide for an orderly and efficient transition from county/rural land uses to city/urban land uses.

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D) Encouragement of development within urban areas before conversion of urbanizable areas.

The subject area is defined as an urbanizable area. However, this project has the unique advantage of improving the water system for existing urban areas of the city. By adding the property to the city's territory, the surrounding neighborhoods, and the city as a whole will benefit from the looped water system. Therefore, there is a reason to annex and allow development to occur prior to the complete build-out of other urban areas. This criterion does not prohibit the development of urbanizable areas prior to the urban areas and therefore, annexation should be encouraged. In addition, the development opportunities provided by the Ocean Dunes PUD, promotes a tourism opportunity not afforded to other urban residential and undeveloped properties. For this unique reason, annexation is consistent with this criterion.

Based on the evidence presented in this application, the request of annexation satisfies the city criteria and standards.

Staff comment: Staff finds that the subject property is defined as urbanizable as it is located within the Florence UGB. Staff finds that this would not prohibit the development of urbanizable areas prior to the urban areas. Staff finds that annexation would allow the opportunity for future development to be consistent with City codes and standards. It will also provide the opportunity to improve the existing water system for City of Florence which will provide for more reliable water service for existing city residents, and future developments. Therefore staff finds that annexation is consistent with this criterion.

V. Alternatives to Proposed Request

1. Approve the annexation request, variance to street width request, based on the findings and reasons specified in this staff report.
2. Modify the findings, reasons or conditions, and approve the request as modified.
3. Deny the application based on findings of non-compliance with City regulations and describe the revised findings.

VI. Conclusions and Recommendations:

Staff concludes that the evidence in the record demonstrates that the applicable criteria have been met, and recommends in favor of this annexation. Staff also recommends that upon annexation, the Restricted Residential be applied to the subject property. The Restricted Residential

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zoning is consistent with the adopted comprehensive plan designation of Private Open Space.

Lastly, staff recommends that if the property is annexed, it be removed from the Siuslaw Valley Rural Fire Protection District and fire protection services be provided via contractual arrangement through the City of Florence.

Approval shall be shown on:

"A" Findings of Fact	"C" Submitted Application of 8/25/2006
"B" Map and Tax Lot Designation	"D" Comprehensive Plan Designation & Zoning Map(s)

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved maps will require approval by the Planning Commission/Design Review Board.
PASSED BY THE FLORENCE PLANNING COMMISSION, this 10th day of October, 2006.

_____ without modification

_____ with the following modification

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STIVEN

Planning and Development Services, LLC.

November 20, 2006

Ms. Paula Taylor
Lane County Local Government Boundary Commission
99 East Broadway, Suite 400
Eugene, OR 97401-3111

RE: Request for Annexation into the City of Florence

Dear Paula:

I represent Randy Curtola and Greg Reznick who have a request before the Boundary Commission to annex their property into the Florence city limits. I understand that you have found the application to be complete and have scheduled the public hearing before the Boundary Commission for December 7, 2006, at 7:00 p.m.

I have enclosed two letters that were submitted to the City of Florence prior to the City Council public hearing that was conducted on November 6, 2006. The first is a letter from Branch Engineering verifying the adequacy of water to the site. The second is a letter from Michael Robinson of Perkins Cole addressing issues raised by Debby Todd in a letter to the City dated October 16. I have included this letter because of the conversation that you and I had regarding claims that certain commitments were made by the previous property owner during the discussions regarding the inclusion of the property into the Urban Growth Boundary.

It is my understanding that you have been contacted by someone else making the same claims. Based on Mr. Robinson's review, and as agreed upon by the City (as confirmed by a recommendation for approval of the annexation), there is no agreement between the City and the prior property owner for conditions of annexation. I understand that you will be contacting the city to clarify several issues, including the following:

- Verification of the legal description
- Location of existing utility lines
- Location of UGB

Please contact me if you have additional questions about any aspect of this application.

Very truly yours,



Martha F. Stiven

Enclosures

CC: Randy Curtola
Greg Reznick
Michael Robinson

12725 SW 56th Avenue, Suite 107 • Portland, Oregon 97223 • Tel 503/601-8806 • Fax 503/557-3668 • mstiven@aoi.com

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Michael C. Robinson
Phone: (503) 727-2264
Email: MRobinson@perkinscole.com

November 1, 2006

VIA EMAIL

Mayor Phil Brubaker
City of Florence City Hall
250 Highway 101
Florence, Oregon 97439

Re: **Annexation Application by Randy Curtola and Greg Reznick; City of Florence File No. PC 06 20 ANN 01**

Dear Mayor Brubaker and Members of the Florence City Council:

This office represents the applicants for annexation of approximately eighty (80) acres described as Map No. 18-12-23, Tax Lots 400, 900 and 901. Mr. Curtola and Mr. Reznick asked me to write this short letter explaining why the Florence City Council should follow the unanimous recommendation of the Florence Planning Commission and approve the annexation application.

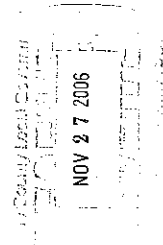
Debby Todd submitted a letter to the City Council dated October 16, 2006 after the Planning Commission hearing. Ms. Todd's letter raises three (3) issues and asks the City Council to reject the annexation. As explained below, the fact that Ms. Todd's letter was not before the Planning Commission makes no difference to the recommendation received by the City Council. Additionally, none of the issues in Ms. Todd's letter provide a basis for denial of the annexation application.

1. **The City has sufficient water supply to serve the annexation site.**
Ms. Todd's letter states that the City has an insufficient water supply to service this site without affecting water service to existing water users. Her letter states that the Heceza Water District may revisit the existing provision of services policy between the City and

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Perkins Cole and Affiliates

Exhibit IV-A-2 Martha Stiven Letter
Annexation to Florence
(Curtola Properties LLC/Pivotal Trust)
C FL 06 - 70



the District in November. It is entirely speculative as to what action the District may take in November but, in any event, the City Council is scheduled to decide this application on November 6, 2006. The evidence in the record before the City Council is the basis for the City Council's decision. Speculative, future actions by the District cannot be a basis for the City Council's decision on the issue of sufficient water supply.

Exhibit A to the City's Urban Growth Boundary ("UGB") analysis is the UGB Study and Report, Ordinance No. 15, Series 2003, Page 9 of the report concludes that the City has a water supply that is adequate to provide more than its peak summer demand. The City relied on the evidence in Exhibit A to include this annexation site within its UGB which has been acknowledged by the Department of Land Conservation and Development ("DLCD"). Pages 14 and 15 of the staff report for the annexation application relies on Exhibit A and states that for Area 2: "The City is completing extension of its water treatment plant for potable water. The expansion added three additional filters and five more dual wells. This has added 1.4 million gallons per day and allows for an expanded capacity plant capacity of more than 3 millions gallons per day. The additional capacity will allow the City to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. With the expanded capacity, the City has the capacity to provide water to the expanded area."

The City Council can find that Exhibit A is substantial evidence to determine that there is adequate water to serve the annexation site.

2. There is no agreement between the City and the prior property owner for conditions of annexation.

Ms. Todd argues that the City and the prior property owner, Mr. William Robinson, reached a "deal" for inclusion of the property within the UGB which would provide, upon annexation, the transfer of well rights from Mr. Robinson to the City, the provision for a 60-foot wide road and utilities along the south side of the land and dedication of a portion of the property for a park along the boundary adjacent to the tribal land. However, the ordinance amending the UGB, (Ordinance No. 15, Series 2003) did not include these requirements as either findings or conditions. Instead, the Florence City Council found that the UGB expansion criteria had been satisfied as demonstrated in Exhibit "A," the UGB Study and Report. The report at Page 7 mentions only the possibility of additional right-of-way to provide for a loop water line.

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The recital paragraphs in Ordinance No. 15 are not findings nor do they constitute an agreement. Nevertheless, it is certainly possible through subsequent development of this site to provide the necessary right-of-way for a looped water system.

3. The application complies with applicable Florence Comprehensive Plan policies.

Ms. Todd argues that the application is inconsistent with the UGB annexation ordinance. She reaches this conclusion because she believes that there is an agreement which is not satisfied by the annexation proposal. Neither the ordinance nor Exhibit "A" to the ordinance reference an annexation agreement. Moreover, while ORS 222.115 requires that a contract between a city and a land owner for extraterritorial provision of service and consent to subsequent annexation be recorded and be binding on all successors, this property does not involve the extension of extraterritorial services. Therefore, ORS 222.115 is inapplicable to this application.

4. Conclusion.

The City Council can find that the applicable approval criteria for annexation are satisfied. While Mr. Curroia and Mr. Reznick understand Ms. Todd's comments, none of them provide a reason for the City Council to reject the unanimous recommendation of the Planning Commission and not approve this annexation. In fact, as the staff report points out at Pages 14 and 15, annexation will assist the City in obtaining right-of-way for the looped water system. For these reasons, the applicants respectfully request that the City Council approve the annexation application.

Very truly yours,



Michael C. Robinson

MCR/cfr

cc: Ms. Marty Stiven (via email)
Mr. Randy Curroia (via email)
Mr. Greg Reznick (via email)

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Branch Engineering, Inc.

PRINCIPALS

310 5th Street
Springfield, Oregon 97477
(541) 748-0697
Fax (541) 746-0389

James A. Branch, P.E.
René Fabricant, S.E., P.E.
Michael Lane Branch, P.E.

November 1, 2006
Mr. Randy Curtola
Ocean Dunes Golf Links
3345 Munsel Lake Road
Florence, OR 97439

SUBJECT: City Water Supply relative to proposed annexation of: T. L. 400, 900, and 901
Map 18-12-23

Dear Mr. Curtola,

Currently, the area in the vicinity of the proposed annexation (east Florence) is served by one 10-inch water transmission pipeline. With City Annexation of the 80-acre site, the development would allow construction of watermain distribution lines connecting the east and west areas of Florence with a looped system which would give the vicinity added water benefits, including additional fire flow protection.

Discussions with City of Florence staff at the City water treatment plant and review of water supply records from the plant have indicated the following:

The City has a total of 12 water wells, with several of these added in the last 3 years. The recent wells added 1.4 million gallons per day (mgpd) capacity to the City. With the added capacity, the City has not used Heceta Water supply during the last 3 years.

Currently, the total capacity of the City's well system is approximately 3.0 mgpd. A review of the available historical record indicates that during the years of 2003, 2004, 2005, and partial 2006, the year of 2004 experienced the peak water demand year, with July and August of 2004 also having highest monthly water demands.

The average daily water demand for Year 2004..... 1.24 mgpd

The average daily water demand for peak month July 2004..... 2.03 mgpd

The peak daily water demand on August 11th 2004..... 2.41 mgpd

Again, the current average daily City water capacity is..... 3.00 mgpd

The City of Florence has the additional water capacity to serve the proposed 80 acre annexation site, of which only 27 acres is proposed for development with approximately 120 residential units. These 120 units would have a total water demand of about 60,000 gallons per day or 0.06 mgpd. Some of the remaining acreage includes the existing golf course that is irrigated by a private water well system and not City water.

CIVIL STRUCTURAL TRANSPORTATION SURVEYING

If you have any questions or need additional information please don't hesitate to call.
Respectfully,

James A. Branch, P.E.
#05-241