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**MEMO**

Supplemental Memo Date: October 1 2008  
First Reading Date: September 17, 2008  
Second Reading/**Public Hearing Date: October 1, 2008**

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works, Land Management Division, Planning Department  
**PRESENTED BY:** Stephanie Schulz, Metro and Small City Planner  
**AGENDA ITEM TITLE:** **Ordinance No. PA 1249** / In The Matter Of Co-Adopting The Florence Realization 2020 Comprehensive Plan and Associated Refinement Plans To Complete Periodic Review Tasks As Applicable Within The Urban Growth Boundary Outside Florence City Limits And Adopting Savings and Severability Clauses (File No. PA 08-5363, Florence) (Stephanie Schulz)

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**Background**

This memo presents additional proposed text amendments to Lane Code Chapter 10 that would further implement the recently initiated Realization 2020 Comprehensive Plan text amendments on annexation and provides an updated timeline for completing notice, public review, and city process prior to final action by the Board.

The proposed text amendments to LC Chapter 10 (Attachment 1) under discussion by staff would implement the amended Florence Realization 2020 Plan policies through an overlay district covering the urbanizable area (/U) that ties the North Florence Dunal Aquifer area of concern inside the Florence UGB to the provision of wastewater services. The Realization 2020 policy text amendments provided earlier to the Board via supplemental memo are being considered by the Florence City Council and Planning Commission. Findings are under development to support the rationale for these amendments and will be presented to the Board as supporting attachment to the Ordinance once interim decisions are completed and prior to final Board review and action.

The timeline (Attachment 2) for both the additional plan text amendments and Lane Code revisions provides further detail on the process underway. This hearing on the Florence Realization 2020 Plan provides the jurisdictions opportunity for citizen input on the policy documents in Ordinance No. PA 1249.

Staff suggests holding the hearing or record open until the 3<sup>rd</sup> reading on December 10<sup>th</sup> for the Plan in order to allow time for the public review processes as shown on the timeline.

## Potential Changes to Lane Code

Potential changes to Lane Code are presented below with additions shown in bold and deletions in strike out.

### INTERIM URBANIZING COMBINING DISTRICT (/U)

#### 10.122-05 Purpose.

The Interim Urbanizing Combining District (/U) is intended to be applied to those lands which are currently non-urban in nature, however, are:

- (1) Within an area designated as an urban growth area by the Comprehensive Plan of Lane County, and
- (2) Lands recognized by the Plan as suitable for conversion from urbanizable to urban uses at some future date. The /U Combining District must be used in conjunction with another primary district to establish land use standards. It may be used where appropriate in conjunction with any other district in accordance with the specific Comprehensive Plan provisions relating to the respective city urban growth boundary. (Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)

#### 10.122-10 Permitted Buildings and Uses.

All buildings and uses permitted in the respective district with which the /U District is combined except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79)

#### 10.122-13 Special Uses--Planning Director Review.

All buildings and uses subject to the approval of the Planning Director, pursuant to LC 14.100, in the respective district with which the /U District is combined except as herein specifically modified. (Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83)

#### 10.122-14 Special Uses--Hearings Official's Approval.

All buildings and uses subject to the approval of the Hearings Official, pursuant to LC 14.300, in the respective district with which the /U District is combined except as herein specifically modified. (Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83)

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#### 10.122-15 Conditional Uses.

All buildings and uses permitted conditionally in the respective district with which the /U District is combined except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79)

#### 10.122-20 Site and Development Requirements.

The requirements for yards, setbacks, coverage, vision clearance, height and parking shall be the same as provided in the respective district with which the /U District is combined,

except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)

Florence Urban Growth Boundary

**10.122-25 Location.**

The /U Combining District is for the purpose of reviewing land within those areas that are considered transitional and/or marginal; conditions which could either restrict and/or limit urban and semi-urban uses. (Revised by Ordinance No. 10-82, Effective 7.9.82)

**10.122-30 Lot Area.**

(1) For land within the Florence UGB that is within the North Florence Dunal Aquifer boundary, as designated by the U.S. Environmental Protection Agency in September, 1987, the minimum lot area shall be the lot area established on the date this ordinance is enacted (include date). No land divisions within the boundaries of the Florence Dunal Aquifer shall be allowed prior to annexation to the City.

(Revised by Ordinance No. PA 1249, Effective 08),

**10.122-31 Land Uses.**

(1) For land within the Florence UGB that is within the North Florence Dunal Aquifer boundary, as designated by the U.S. Environmental Protection Agency in September, 1987, no land uses that require an expansion or installation of a new septic system will be allowed, unless an exception is made by the Florence City Council. Replacement of a failing septic system for existing uses is allowed if consistent with state law. (Revised by Ordinance No. PA 1249, Effective 08)

**Deleted:** served by a community water supply and community sewerage system,

**Deleted:** as provided by the respective district with which the /U District is combined.

**Deleted:** (2) For land not served by a community water system and community sewerage system, the minimum lot area shall be 10 acres, except that smaller lot areas may be permitted where: ¶

(a) Initial connection to a community sewerage system is not feasible. ¶

(b) The proposed parcel size, configuration and number will be consistent with the long-range sewerage plan for the area where such plans exist. ¶

(c) The proposed land division will be adequately served by interim sewerage disposal facilities and will not adversely affect other properties by causing water pollution. ¶

(d) The design and operation of the proposed land division or development will allow for later conversion to urban densities in an orderly and efficient manner and not otherwise preempt the subject property and other properties from: ¶

(i) Later inclusion into a community sewerage system. ¶  
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l/c/0004 l.d. Chapter 10. Sec 115-130/T  
10.122-35 Lane Code 10.122-40 ¶

(ii) Inclusion into the City of Florence. ¶  
(iii) The orderly provision of other community services and facilities. ¶

(3) For land designated Limited Service Area by the Florence Comprehensive Plan, the minimum lot or parcel size shall be 10 acres. A lot of less than 10 acres may be approved if, on the basis of findings contained in a site investigation report, the following conditions are met in addition to any other applicable criteria: ¶

(a) The site investigation report shall determine the carrying capacity, as defined by the Statewide Planning Goals, of the site. The report shall demonstrate that the proposed development would be in conformance with the Florence Comprehensive Plan and the Coastal Resources Management Plan. ¶

(b) The development will be served by a public water system and sewerage system which meets the standards of the State Department of Environmental Quality. ¶

(c) The report shall address any development hazards inventoried in the comprehensive plan, the proposal shall be allowed only when the report demonstrates that any hazards and constraints can be mitigated or do ... [1]

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(2) For land not served by a community water system and community sewerage system, the minimum lot area shall be 10 acres, except that smaller lot areas may be permitted where:

- (a) Initial connection to a community sewerage system is not feasible.
- (b) The proposed parcel size, configuration and number will be consistent with the long-range sewerage plan for the area where such plans exist.
- (c) The proposed land division will be adequately served by interim sewerage disposal facilities and will not adversely affect other properties by causing water pollution.
- (d) The design and operation of the proposed land division or development will allow for later conversion to urban densities in an orderly and efficient manner and not otherwise preempt the subject property and other properties from:
  - (i) Later inclusion into a community sewerage system.  
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  - (ii) Inclusion into the City of Florence.
  - (iii) The orderly provision of other community services and facilities.

(3) For land designated Limited Service Area by the Florence Comprehensive Plan, the minimum lot or parcel size shall be 10 acres. A lot of less than 10 acres may be approved if, on the basis of findings contained in a site investigation report, the following conditions are met in addition to any other applicable criteria:

- (a) The site investigation report shall determine the carrying capacity, as defined by the Statewide Planning Goals, of the site. The report shall demonstrate that the proposed development would be in conformance with the Florence Comprehensive Plan and the Coastal Resources Management Plan.
- (b) The development will be served by a public water system and sewerage system which meets the standards of the State Department of Environmental Quality.
- (c) The report shall address any development hazards inventoried in the comprehensive plan, the proposal shall be allowed only when the report demonstrates that any hazards and constraints can be mitigated or do not exist on the specific property.

**Timeline to Complete Additional Text Amendments**  
**Realization 2020 Policies**  
**Lane Code Chapter 10**

Date	Florence	Lane County
September 3	Council initiated additional Comp Plan text amendments, sent 45 day PAPA Notice to DLCD.	
September 17		Board 1 <sup>st</sup> Reading Ord. No. PA 1249, Co-Adoption of R 2020, and additional Comp Plan text amendments.
October 1		Board 2 <sup>nd</sup> Reading and Public Hearing Ord. No. PA 1249.
10/1 through 10/20		Prepare Ordinance for Lane Code Chapter 10 revisions to implement additional Comp Plan text amendments. (Ord. No. - - - 08) and send a revision to the County DLCD Notice.
October 27	Joint Council and Planning Commission Public Hearing on additional Comp Plan text amendments.	
November 4		LCPC Work Session update on additional Comp Plan text amendments and Lane Code 10 amendments.
November 5 <sup>th</sup> or 12th		Board 1 <sup>st</sup> Reading on Lane Code 10 amendments.
No later than November 6		County BM56 Notice of Lane Code 10 amendments mailed to all property owners within the UGB.
November 10	Planning Commission recommendation on Comp Plan amendments.	
November 17	Council Decision on Comp Plan amendments.	
November 18		LCPC hearing on Lane Code 10 amendments and Comp Plan amendments.
November 26		Board 2 <sup>nd</sup> Reading and Hearing on Lane Code 10 amendments.
December 10		Board 3 <sup>rd</sup> Reading and Deliberation on both Ord. No. PA 1249, which includes the Comp Plan amendments and the Lane Code 10 amendments.
		Board 4 <sup>th</sup> Reading and Decision, if record held open or further time needed.