

## **CHAPTER 1: ZONING ADMINISTRATION**

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

#### **FCC 10-1-3-C: LEGISLATIVE CHANGES**

- 1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.**
- 2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

The amendments are consistent with the criteria in FCC 10-3-C because they were processed as legislative amendments to the Comprehensive Plan to comply with Periodic Review; they were initiated by a request of the Council to the Planning Commission and a recommendation by the Planning Commission was returned to the Council; and notice and hearing was as prescribed by state law and the 1988 Florence Comprehensive Plan and Florence Realization 2020 Comprehensive Plan.

#### **b. Oregon Revised Statutes and Administrative Rules**

##### **ORS 197.628**

**Periodic review; policy; conditions that indicate need for periodic review. (1) It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.**

##### **ORS 197.629**

**Schedule for periodic review; coordination.**

##### **ORS 197.633**

**Two phases of periodic review; rules; appeal of decision on work program; schedule for completion; extension of time on appeal.**

**ORS 197.644**

**Modification of work program; commission jurisdiction and rules.**

**(1) The Land Conservation and Development Commission may direct or, upon request of the local government, the Director of the Department of Land Conservation and Development may authorize a local government to modify an approved work program when:**

**(a) Issues of regional or statewide significance arising out of another local government's periodic review require an enhanced level of coordination;**

**(b) Issues of goal compliance are raised as a result of completion of a work program task resulting in a need to undertake further review or revisions;**

**(c) Issues relating to the organization of the work program, coordination with affected agencies or persons, or orderly implementation of work tasks result in a need for further review or revision; or**

**(d) Issues relating to needed housing, employment, transportation or public facilities and services were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.**

**(2) The commission shall have exclusive jurisdiction for review of the evaluation, work program and completed work program tasks as set forth in ORS 197.628 to 197.650. The commission shall adopt rules governing standing, the provision of notice, conduct of hearings, adoption of stays, extension of time periods and other matters related to the administration of ORS 197.180, 197.245, 197.254, 197.295, 197.320, 197.620, 197.625, 197.628 to 197.650, 197.712, 197.747, 197.840, 215.416, 227.175 and 466.385.**

**(3)(a) Commission action pursuant to subsection (1) or (2) of this section is a final order subject to judicial review in the manner provided in ORS 197.650.**

**(b) Action by the director pursuant to subsection (1) of this section may be appealed to the commission pursuant to rules adopted by the commission. Commission action under this paragraph is a final order subject to judicial review in the manner provided in ORS 197.650. [1991 c.612 §6; 1997 c.634 §1; 1999 c.622 §5]**

The amendments are consistent with Oregon Revised Statutes pertaining to periodic review work tasks because the Department of Land Conservation and Development approved the City's Periodic Review Work Program on November 3, 1995 and approved revisions to the Work Program on March 20, 1997, and left the Work Program Completion Date, "Open;" and DLCD

found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

Work Task	DLCD Approval Order Number	Date Approved
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3: Coordination Agreements	001080	8/5/99
Work Task 4: Transportation Element	001436	2/24/03
Work Task 5: ESWD Study (Especially Suited for Water Development)	000706	12/13/96
Work Task 7: Natural Resources, Open Space and Recreation	001397	6/11/02
Work Task 8: Update plan, ordinance(s) and maps	001436	2/24/03

**OAR Chapter 660, Division 25: Periodic Review**

The amendments are consistent with Oregon Administrative Rules pertaining to periodic review work tasks because the Department of Land Conservation and Development approved the City’s Periodic Review Work Program on November 3, 1995 and approved revisions to the Work Program on March 20, 1997, and left the Work Program Completion Date, “Open;” and DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the above DLCD approval orders.

**OAR-025-0080  
Citizen Involvement**

**(1) The local government must use its acknowledged or otherwise approved citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review. Each local government must publish a notice in a newspaper of general circulation within the community informing citizens about the initiation of the local periodic review. The local government must also provide**

**written notice of the initiation of the local periodic review to other persons who, in writing, request such notice.**

**(2) Each local government must review its citizen involvement program and assure that there is an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities must, at a minimum, include:**

**(a) Interested persons must have the opportunity to comment in writing in advance of or at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to propose periodic review work tasks prior to or at one or more hearings. The local government must provide a response to comments at or following the hearing on the evaluation.**

**(b) Interested persons must have the opportunity to comment in writing in advance of or at one or more hearings on a periodic review work task. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on a periodic review work task. The local government must respond to comments at or following the hearing on a work task.**

The amendments to comply with Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with this OAR because and DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the above DLCD approval orders; and::

- As discussed below in the findings of consistency with Statewide Planning Goal 1, the adoption of the Realization 2020 Comprehensive Plan was the result of a multi-year effort on the part of the City Council, Planning Commission, Citizen Advisory Committee, and the general public. Notice of the proposed amendments to the City of Florence 1988 Comprehensive Plan were mailed to every landowner in the City and published in the Siuslaw News.
- The City used its acknowledged citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review.
- The City published notice of all public workshops and hearings at least three times in the Siuslaw News, a newspaper of general circulation within the community informing citizens about the initiation of the local periodic review; and the City provided written notice of the initiation of the local periodic review to other persons who, in writing, requested such notice.

- The City reviewed its citizen involvement program and assured that there was an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities included:
  - Interested persons had the opportunity to comment in writing in advance of or at all hearings on the periodic review evaluation. Citizens and other interested persons had the opportunity to present comments orally at all hearings on the periodic review evaluation. Citizens and other interested persons had the opportunity to propose periodic review work tasks prior to or at one or more hearings. The City provided a response to comments at or following the hearing on the evaluation.
  - Interested persons had the opportunity to comment in writing in advance of or at one or more hearings on a periodic review work task. Citizens and other interested persons had the opportunity to present comments orally at all hearings on the periodic review work tasks. The City responded to comments at or following the hearing on the work task.

**c. Statewide Planning Goals**

**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 amendments are consistent with Goal 1 and all other applicable Statewide Planning Goals because the Department of Land Conservation and Development approved City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 and found the amendments consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

<b>Work Task</b>	<b>DLCD Approval Order Number</b>	<b>Date Approved</b>
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3:	001080	8/5/99

Coordination Agreements		
Work Task 4: Transportation Element	001436	2/24/03
Work Task 5: ESWD Study (Especially Suited for Water Development)	000706	12/13/96
Work Task 7: Natural Resources, Open Space and Recreation	001397	6/11/02
Work Task 8: Update plan, ordinance(s) and maps	001436	2/24/03

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

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In addition:

- The adoption of the Realization 2020 Comprehensive Plan was the result of a multi-year effort on the part of the City Council, Planning Commission, Citizen Advisory Committee, and the general public. Notice of the proposed amendments to the City of Florence 1988 Comprehensive Plan were mailed to every landowner in the City and published in the Siuslaw News.
- Public forums were held by the Planning Commission on May 4, May 11, and May 25, 2000; and public hearings by the Planning Commission were held on June 1, June 8, and June 15, 2000. The Planning Commission forwarded its recommendation for adoption of the Plan to the City Council on June 27, 2000.
- The City Council held public forums on July 6, July 13, and July 20, 2000 and public hearings on August 3, August 10, and August 17, 2000 and on November 6, 2001; and adopted the Plan on January 14, 2002.
- Additional public hearings were held on all comprehensive plan and refinement plan amendments to comply with Periodic Review and these hearings provided the same public involvement opportunities as the adoption of the comprehensive plan.

**Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces;**  
**Statewide Planning Goal 6 – Air, Water, and Land Resources;**  
**Statewide Planning Goal 8 – Recreational Needs;**  
**Statewide Planning Goal 9 – Economic Development;**  
**Statewide Planning Goal 11 – Public Facilities and Services;**  
**Statewide Planning Goal 12 – Transportation.**

The amendments are consistent with all applicable Statewide Planning Goals because DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

<b>Work Task</b>	<b>DLCD Approval Order Number</b>	<b>Date Approved</b>
Work Task 2: Public Facilities Plan	001389	5/2/02
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10. Conclusion:

The amendments to adopt Periodic Review comprehensive plan amendments to adopt a new, updated comprehensive plan, the Florence Realization 2020 Comprehensive Plan, and Comprehensive Plan Map, Appendices and the Transportation System Plan, Wastewater Plan, Water Master Plan and Stormwater Management Plan are consistent with applicable criteria in the Florence City Code, Oregon Revised Statutes, Oregon Administrative Rules, and Statewide Planning Goals.

**EXHIBIT "A"**  
**CITY OF FLORENCE FINDINGS OF FACT**  
**ORDINANCE NO. 6, SERIES 2008**

An Ordinance For The Adoption Of Housekeeping Amendments To The Florence Realization 2020 Comprehensive Plan Text; Comprehensive Plan Map; Appendix 11, Utilities And Facilities; And Appendix 12, Transportation System Plan; Amendments To Florence City Code Title 1 Chapter 10: Comprehensive Plans; And Declaring An Emergency. Post acknowledgement Plan housekeeping amendments to correct scrivener errors, achieve internal consistency, and improve clarity and function.

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**I. AMENDMENTS DESCRIPTION**

**Proposal**

The requested action is to adopt housekeeping amendments to the Florence Realization 2020 Comprehensive Plan. These amendments are to clarify existing, adopted policy and not to adopt new policy. The following four specific categories of amendments are proposed:

- Exhibit B: Comprehensive Plan Text Amendments
- Exhibit C: Comprehensive Plan Map Amendments
- Exhibit D: Transportation System Plan (TSP) Amendments
- Exhibit E: Stormwater Management Plan Amendments
- Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006

**Exhibit B: Comprehensive Plan Text Amendments**

Proposed amendments to the Comprehensive Plan text are shown in legislative format in the attached Exhibits:

- *Exhibit B: Comprehensive Plan Text Amendments, February 2008;*
- *Exhibit B Addendum #1, Additional and Revised Housekeeping Amendments to the Florence Realization 2020 Comprehensive Plan Text March 5, 2008; and*
- *Exhibit B Addendum #2, Additional and Revised Housekeeping Amendments to the Florence Realization 2020 Comprehensive Plan Text, March 24, 2008*

These amendments to the text of the Comprehensive Plan are proposed in order to achieve the following objectives:

- to make the text internally consistent;
- to improve readability, clarity, and function of the Plan; and

- to remove references that are outdated or will be outdated, e.g., “by 2001.”

Please note that Exhibit B uses, as the original text, the *Realization 2020 Comprehensive Plan for the City of Florence, Oregon, January 2008 Reprint*. This is a reprint of the original Plan adopted by the City of Florence on January 14, 2002. This document is different from the original Plan. It was reformatted consistently throughout and it incorporates all adopted amendments to the text and maps since adoption. A table listing all of the adopting ordinances is included in the front of the Plan for convenient reference.

The most extensive text edits are to Chapter 2, Land Use, and Chapter 12, Transportation. Regarding Chapter 2, for the most part, the proposed edits clarify what is a Plan designation versus a zoning classification. The edits also propose re-organization of the text so that, for example, all of the discussion and description for each Plan designation category can be found in one place.

Regarding Chapter 12, in the original Plan as it was adopted in 2002, the entire Transportation System Plan (TSP) (minus the appendices to the TSP) was inserted into Chapter 12 of the Comprehensive Plan. This added 118 pages to the Comprehensive Plan and impaired the functionality of both Plans. To achieve consistency between Chapter 12 and the rest of the Comprehensive Plan, this amendments leaves the policy framework and TSP Map in Chapter 12 of the Comprehensive Plan in a format that is consistent with other Plan chapters, and replaces the entire TSP into a separate document with the appendices (under separate cover in the digital file).

### **Exhibit C: Comprehensive Plan Map Amendments**

All proposed amendments to the Comprehensive Plan Map are housekeeping amendments and are intended to make the Map consistent with the Plan text or the intent of the Comprehensive Plan. All Plan Map amendments are presented in Exhibit C and the specific areas on the Plan Map proposed for change are presented in the map in Exhibit C-1. These changes will be reflected on the adopted Comprehensive Plan Map, (Map 2-1 in Exhibit B), once they are adopted.

Two types of Plan Map amendments are proposed in Exhibit C-1: **Plan Designation Corrections** and **Plan Designation Changes**. Fourteen Areas are shown in the map in Exhibit C-1. Areas #4, #5, and #6 are Plan Designation *Changes*; all of the other Areas are Plan Designation *Corrections*.

#### **Plan Designation Corrections**

#### **Exhibit C-1: Areas #1, #2, #3 and Areas #7 through #14**

Three non-existent Plan designations are assigned to specific properties in the Plan Map: Limited Industrial, Manufactured Housing, and Multi-family Residential. This category of Plan Map amendment corrects the Plan Map for areas assigned these designations so that the designation matches the designation in the Plan text. For example, there is no Plan designation category Multi-family Residential in the Plan text. Properties that show this erroneous designation on the Plan Map will show a designation of Medium Density Residential which matches the zoning for these properties and the description of this designation in the text.

*Plan Designation Corrections* are legislative amendments because they apply to whole Plan designation categories. As stated above, these designations show on the Map but do not in fact exist.

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## **Plan Designation Changes**

### **Exhibit C-1: Areas #4, #5 and #6:**

Areas proposed for a Plan Designation *Change* are proposed to change from one adopted Plan designation to another. For Area #4, the amendments is to change the Plan designation from Medium Density Residential to High Density Residential to reflect the existing parcel sizes and Multi-family zoning for these properties. For Areas #5 and #6, the amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the description or intent of the Medium Density Plan designation in the Plan text.

*Plan Designation Changes* are quasi-judicial changes because they affect a small, defined area rather than all properties in a category.

#### **Area #4**

The amendments is to change the Plan designation from Medium Density Residential to High Density Residential to reflect the existing parcel sizes and Multi-family zoning for these properties. This area is a total of 3.06 acres, located in southwest Florence, south of 9<sup>th</sup> Street, north of 7<sup>th</sup> Street, between Fir and Greenwood Streets. The area includes ten tax lots in multiple ownerships. The land is vacant. The parcels were platted as part of the Miller's Subdivision at parcel sizes approximately 3,125 square feet. The entire area has historically been zoned Multi-family residential. The High Density Residential Plan designation is consistent with the zoning and intended use for these properties.

#### **Area #5**

The amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the description of the Medium Density Plan designation in the Plan text.

This 30.18 acre area is the area currently designated Low Density Residential in the UGB that lies south of 12<sup>th</sup> Street, north of the commercial area along Highway 126, east of Spruce Street, and, between 11<sup>th</sup> and 12<sup>th</sup> Streets, east of Tamarack. There are numerous tax lots in numerous ownerships. There is a mix of vacant land and residential land uses, including single family and mobile homes and multi-family. The area has a mixture of zoning, including Single-family, Restricted Residential, and Multi-family.

The parcels in this area were originally platted as part of the Gallagher's and the East Dunes Subdivisions and the original parcels

were, for the most part, around 3,100 square feet. The area lacks cohesiveness in planning for land use, transportation access, and facilities. A “Special Area Plan” for the undeveloped portions of this area, both inside and outside the City limits in the UGB, is recommended, and, a Plan designation of Medium Density Residential is recommended in order to achieve consistency with the text of the Comprehensive Plan and to provide for a more consistent development pattern to be planned in this area.

The City should pursue grants to prepare a Special Area Plan for this area that puts in place a viable local street network and a cohesive plan for water, wastewater, and stormwater facilities. As the area develops, the uniformity of design afforded by the Medium Density Plan designation will provide a useful guide for these other plans to be developed and, as properties in this area apply incrementally for partitioning or re-platting, they will be required to address issues of access and facilities and utilities.

#### **Area #6**

The amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the historical zoning of these properties and the intent of the Medium Density Plan designation in the Plan text.

This 2.04 acre area is the area in northeast Florence currently designated Low Density Residential in the UGB that lies east of 37<sup>th</sup> Street, east of Spruce Street, south of Munsel Creek Drive. Two of the tax lots are developed with a single family home and the other is vacant land. The lots range in size from 13,504 square feet to about one acre.

These lots are in three separate ownerships lying outside of platted subdivisions, with the Medium Density Residential Florentine Estates adjacent to the south and Medium Density to the east. Development of these lots for standard single family development is recommended, given their historical zoning of Single-family Residential, their location outside of any low density subdivision and their proximity to the adjacent Medium Density development to the south, east, and northeast.

#### **Exhibit D: Transportation System Plan (TSP) Amendments**

Amendments to the Transportation System Plan (TSP) are proposed in order to achieve the following objectives:

- to make the TSP a self-contained document that continues to be part of the Comprehensive Plan and is physically located, as a whole, in Appendix 12 of the Comprehensive Plan;
- to make the TSP internally consistent and consistent with the Comprehensive Plan;
- to improve readability, clarity, and function of the TSP; and
- to remove references that are outdated or will be outdated, e.g., “by 2001.”

This separate TSP document (Exhibit D) continues to be adopted by reference into the Comprehensive Plan; the amendments is to physically locate the entire TSP in a separate document. Housekeeping text edits are proposed to the TSP and to Chapter 12 and the proposed edited versions of the TSP and Chapter 12 are included in this packet of Comprehensive Plan housekeeping amendments.

**Exhibit E: Stormwater Management Plan Amendments**

Amendments to the Stormwater Management Plan are proposed to make it consistent with adopted changes to the North Spruce Street Local Improvement District Design (Exhibit F).

**Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006**

This amendments is to adopt Exhibit F, *Stormwater Design Report for Spruce Street LID, July 2006* as part of Appendix 11 of the Florence Realization 2020 Comprehensive Plan. This report was approved by City Council motion on September 5, 2006, as the design for the stormwater system in the north east Florence UGB.

On page 4 of Exhibit F, there is a discussion of the “Congruity with Stormwater Master Plan.” The report states, “In designing the proposed stormwater system, an effort was made to ensure that the data, parameters, and assumptions made were consistent with information published in Florence’s Stormwater Master Plan. Basin boundaries, modeling parameters, and assumptions about physical properties of the watershed were retained. Deviations were only made when errors were discovered or more precise information was acquired.

The original strategy outlined in the SWMP to serve the area included a plan to bypass water that currently floods Florentine Estates. Stormwater that currently overtops Munsel Lake Road was planned to be routed east along Munsel Lake Road and then be piped south to Munsel Creek upstream of the existing Florentine Estates outfall. While attempting to implement this plan local residents raised concerns about flooding and lack of capacity in the downstream sections of Munsel Creek. In addition, the area along Highway

101 to the west was planned to be served by another set of storm drain pipes, also draining into Munsel Creek in the vicinity of Spruce Street and 37<sup>th</sup> Street.

In order to alleviate concerns of flooding in the original plan, the present design was proposed as an alternative. It combines the two recommended stormwater systems proposed in the Master Plan. Not only does this reduce the possibility of flooding upstream of 37<sup>th</sup> Street, but it also provides substantial cost savings over constructing two separate systems.”

## II. NARRATIVE

When the Realization 2020 Comprehensive Plan Map was adopted on January 14, 2002 through City Council Ordinance No. 10, Series 2002, a thorough consistency analysis of the Map and the Comprehensive Plan text was necessary to ensure that all of the intended changes stated in the text were reflected on the adopted Comprehensive Plan Map and Zoning Map. Once that process was completed, the Comprehensive Plan and other planning documents were to be referred to Lane County for co-adoption, as per the *Joint Agreement for Planning Coordination between Lane County and the City of Florence*.

Following adoption of the Comprehensive Plan, several ordinances were adopted to bring the zoning map into consistency with the Comprehensive Plan and to make “housekeeping” edits to the Comprehensive Plan text and Map. In addition, the text, as adopted, contains internal inconsistencies and “scrivener errors” that make implementation of the Plan ambiguous and somewhat subjective. The amendments in this amendments are needed in order to complete this task. Once these housekeeping amendments are adopted by the City, the Lane County Planning Commission and Board of Commissioners will be asked to review and co-adopt the planning documents, as they apply to the County’s joint planning coordination role.

This amendments is to adopt Comprehensive Plan housekeeping amendments to correct as many inconsistencies and scrivener errors as can be identified through an extensive analysis. The Planning Commission initiated these housekeeping amendments by resolution on October 9, 2007, as per Florence City Code (FCC) Title 10, Chapter 1, Section 3-C:

*“A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.”*

The January 2008 reprint of the Comprehensive Plan contains changes to the text and Map that have been adopted by the Florence City Council and acknowledged by the Department of Land Conservation and Development. Changes to the text and Map that have not been formally adopted must go through a formal adoption process. This formal adoption step is necessary because many of the edits are to bring the Map into consistency with the Comprehensive Plan text or scrivener edits, and such changes cannot be made without formal review and adoption by the City. As required by state law, notice to the Department of Land Conservation and Development (DLCD) was given 45 days prior to the first hearing and, following adoption, post-adoption notice must be sent to DLCD because the amendments have been submitted as post-acknowledgement amendments.

The Appendices to the Comprehensive Plan also needed to be updated to reflect adopted amendments to the Plan and inconsistencies with the Plan text needed to be addressed. The Appendices have been reformatted and restructured so that they contain only the currently adopted versions of technical reports. Housekeeping amendments are proposed to Appendix 12, the Transportation System Plan (Exhibit D). Housekeeping amendments are also proposed to Appendix 11, Utilities and Facilities. One set of amendments to Appendix 11 amends the Stormwater Management Plan to reflect changes to the design of the Spruce Street LID, approved by the City Council on September 5, 2006 (see Exhibit E). The second amendment to Appendix 11 of the Comprehensive Plan is to adopt the report, *Stormwater Design Report for the Spruce Street LID*, July 2006, into Appendix 11 (see Exhibit F).

Please note that the proposed edits are housekeeping edits only and they do not purport to set new policy direction. Following adoption, these planning documents will be referred to Lane County local officials for co-adoption as per the *Joint Agreement for Planning Coordination between Lane County and the City of Florence*.

### III. NOTICE AND REFERRALS

#### 1. Notice:

Notice of the proposed Comprehensive Plan Amendments was sent to DLCD on January 9, not less than 45 days prior to the first (Planning Commission) evidentiary hearing as required by state law. The hearing was noticed in the Siuslaw News on February 23, February 27, and March 1, 2008, as required by state law and the Florence Development Code.

Owners of property affected by the proposed Comprehensive Plan Map Changes in Areas #4, #5, and #6 in Exhibit C received notification of the hearing in accordance with state law. These three areas are proposed for quasi-judicial housekeeping changes in Plan Designation because the

amendments is to change the designation on these properties from one Plan designation to another. The amendments to amend the Map for the remaining Areas shown in Exhibit C-1 is a legislative process because these Areas do not currently have a Plan designation that is recognized in the Plan text and the amendments is for those Areas to be appropriately labeled on the Map.

**2. Referrals:**

Referrals were sent to the Oregon Department of Transportation, Florence Police Department, Central Lincoln Public Utility District, Qwest, Charter Communications, Florence Public Works Department, Florence U.S. Postal Service, the Siuslaw Valley Fire and Rescue District, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and Lane County Land Management.

**IV. APPLICABLE CRITERIA**

- 1. Realization 2020 Florence Comprehensive Plan**  
Plan Adoption, Amendments, Review and Implementation; and various sections of the Plan as they pertain to proposed housekeeping edits (see Findings).
- 2. Florence City Code (FCC) Title 10: Zoning Regulations**  
Chapter 1: Zoning Administration, Sections: 10-1-1-5 Land Use Hearings; Section 10-1-2-2, Change of Boundaries on Zoning Map; 10-1-3 Amendments and Changes.
- 3. Oregon Revised Statutes: ORS 197.175; ORS 197.610; ORS 197.763; ORS 227.186.**
- 4. Statewide Land Use Planning Goals:** Goal 1 – Citizen Involvement, Goal 2 – Land Use, Goal 10 – Housing, Goal 11 – Public Facilities and Services, Goal 12 - Transportation

**V. FINDINGS**

Applicable criteria are shown in bold and findings are in plain text below for each of the following categories of housekeeping amendments:

- Exhibit B: Comprehensive Plan Text Amendments
- Exhibit C: Comprehensive Plan Map Amendments
- Exhibit D: Transportation System Plan (TSP) Amendments
- Exhibit E: Stormwater Management Plan Amendments
- Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006

Unless a specific Exhibit or portion of an Exhibit is cited, the following criteria and findings apply to all categories of amendments (“the proposal”).

## **Realization 2020 Florence Comprehensive Plan Introduction:**

### **Plan Adoption, Amendments, Review and Implementation**

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

The amendments is consistent with this Comprehensive Plan text because:

- The amendments was initiated by Planning Commission Resolution PC 07 33 ZC 03-1 on October 9, 2007;
- These are minor amendments because they are housekeeping amendments that do not have significant effects beyond the immediate area of the change;
- The Planning Commission will make a recommendation to the City Council; and
- Notice of the public hearing was sent to DLCD at least 45 days prior to the date of the first Planning Commission hearing.

### **Population**

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

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

### **Finding:**

The amendments is consistent with this conclusion because the housekeeping amendments in Exhibits B, C, D, E, F and the Plan Designation Corrections in

Exhibit C do not affect the buildable lands supply: the Buildable Lands Analysis in Appendices 2 and 14 of the Plan assumed the Plan designations as they are proposed in these housekeeping amendments.

The Plan Designation Changes in Exhibit C: Areas #4, #5, and #6 are also consistent with this conclusion as follows:

- For Area #4, the amendments changes the designation of 3.06 acres from Medium Density Residential to High Density Residential. The parcel sizes and zoning are appropriate for multi-family uses, consistent with the Comprehensive Plan text.
- For Areas #5 and #6, the amendments changes the designation of 30.18 acres and 2.04 acres, respectively, from Low Density Residential to Medium Density Residential; these changes allow the potential for residential units of the same type (single family housing) without subtracting from the inventory of other types of residential land or from the supply of land in other land use categories. The result will have no effect on the buildable lands inventory for the City. In other words, the re-designation of the subject properties will increase the potential supply of single-family residential units within the Florence city limits, further substantiating this conclusion of the supply and demand analysis.

The net effect of the proposed changes would be to allow the potential development of additional single family units that would not be allowed under the Restricted Residential zoning classification that implements the current Low Density Residential Plan designation for these properties. In the Restricted Residential zoning classification, the minimum lot size is 9,000 square feet; and in the Single Family Residential classification, the minimum lot size is 6,000 square feet (6,500 for newly platted lots). Thus, some of the parcels that are subject to this request could potentially be re-zoned and partitioned to create additional lots under the Single-family zoning classification, adding additional housing of this type without subtracting housing from another housing category.

## 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 15)**

## **Exhibit B: Comprehensive Plan Text Amendments**

The amendments is consistent with this policy in Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the Plan text in order to achieve the objective of making the Plan internally consistent.

## **Exhibit C: Comprehensive Plan Map Amendments**

The Plan Map Amendments in Exhibit C are consistent with this policy in Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the Plan Map in order to achieve the objective of making the Plan Map consistent with the Plan text.

The Plan Map Amendments in Exhibit C are consistent with this policy in Chapter 2 of the Comprehensive Plan text, as follows:

1. Remove the following text and designations from the Map legend:

- Streets
- Flotlots-N
- Flolots-S
- Wetlands
- Airport
- Limited Industrial
- Manufactured Housing
- Multi-Family Residential
- Neighborhood Commercial
- Water

### **Findings:**

- Descriptive text in the legend that is proposed for deletion (e.g., street outline, wetlands, water, etc.), serves to obscure the underlying Plan designation and should be located on a separate map.
- There is no Plan designation “Airport” or “Limited Industrial” identified in the Comprehensive Plan text.
- The Manufactured Housing designation was specifically deleted from the Comprehensive Plan Map with the adoption of the 2020 Realization Comprehensive Plan. The Plan states:

*“However, the largest preference is for single family residences, either stick-built or manufactured homes, on individual lots. Now that Oregon law treats both housing types alike, the 2000-2020 Plan no*

*longer differentiates between the two.” (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 22)*

- The Multi-Family Residential District is specifically referenced in the Comprehensive Plan as a zoning district, not a Plan designation; and the Plan text specifically refers to these areas as appropriately designated High Density Residential, as follows.

*“The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres.” (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)*

- There are no text references in the Comprehensive Plan to Neighborhood Commercial as a Plan category. It is an adopted zoning district (FCC 10-14).

2. Add the following Plan designation category to the Comprehensive Plan Map legend: “Business/Industrial Parks.”

**Finding:**

The Comprehensive Plan text identifies this Plan designation category, as follows:

*“Business/Industrial Park*

*Other industrial lands include the 14-acre Airport Business Park, and the 70-acre Pacific View (Kingwood) Business Park.” (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 31)*

3. Change the titles of the following Plan designation categories in the Map legend to match the titles in the Plan text:

- “Downtown District” to “Downtown”
- “Highway Commercial” to “Highway”
- “Neighborhood Commercial /Gateway” to “Neighborhood Commercial Gateway”
- “North Commercial Area” to “North Commercial Node”
- “Service/Industrial” to “Service Industrial”

**Finding:**

The amendments is consistent with the Comprehensive Plan because the proposed titles are consistent with the Plan text.

4. Correct the Comprehensive Plan Map to apply Plan designations to specific properties affected by the above changes to the legend, and for consistency with the Plan designation descriptions in the Plan text, as described below and shown in the map in Exhibit C-1.
  - a. Manufactured Housing: re-designate to **“Medium Density Residential.”** See Exhibit C-1, Areas #1, #2, #3 and Area #7.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts are Single Family Residential and Mobile Home / Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- b. Multi-Family Residential: re-designate to **“High Density Residential.”** See Exhibit C-1, Areas #8, #9, #10 and #11.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- c. Limited Industrial: Re-designate these properties to **“Business/Industrial Park.”** See Exhibit C-1, Areas #12 and #13.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“Business/Industrial Park*

*Other industrial lands include the 14-acre Airport Business Park, and the 70-acre Pacific View (Kingwood) Business Park. Kingwood Street runs from 9th Street north through these two parks, and terminates at 35th Street.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 31)

- d. Airport: Re-designate this property to **“Public,”** consistent with the description of the Plan designation in the Comprehensive Plan, below. See Exhibit C-1, Area #14.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“Public*

*is intended to identify existing public and semi-public uses including public parks, schools, community colleges, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other plan designations subject to need and appropriate review.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 32)

- e. Neighborhood Commercial: No re-designation of specific properties is proposed.

**Finding:**

The amendments is consistent with the Comprehensive Plan because the Plan text contains no description or discussion of a “Neighborhood Commercial” Plan designation; and the Plan Map applied this designation to only one property at the southeast corner of 35<sup>th</sup> Street and Rhododendron Drive and that property was re-designated to

Medium Density Residential by Ordinance No. 16, Series 2003, August 5, 2003.

5. Change the Plan designations of specific properties in three areas (Areas #4, #5, and #6 in Exhibit C-1) to make the Comprehensive Plan Map designation consistent with the Comprehensive Plan text description and the intended development for these properties.
  - a. Medium Density Residential: Change the designation of one specific area with a Medium Density Residential Plan designation in the Florence UGB to “High Density Residential.” See Exhibit C-1, Area #4.

**Findings:**

**Area #4: North of 7<sup>th</sup> and west of Greenwood**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below and the historic development patterns and zoning in this area. The approximately 3,120 square feet parcels in this area were originally platted as part of Miller’s Partition; the entire area is currently zoned Multi-family Residential; and the area is adjacent to the West 9<sup>th</sup> Street Mixed Use area. The Plan designation of High Density Residential is consistent with these densities, location, and zoning, as follows:

*“The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- b. Low Density Residential: Change the designation of two specific areas with a Low Density Residential Plan designation in the Florence UGB to “Medium Density Residential,” See Exhibit C-1, Areas #5 and #6.

**Findings:**

**Area #5: South of 12<sup>th</sup> Street in Southeast Florence UGB**

The amendments for Area #5 is consistent with the description of the Plan designation in the Comprehensive Plan, below and the pre-existing development patterns in this area. The parcels in this area were originally platted as part of the Gallagher’s and the East Dunes

Subdivisions and the original parcels were, for the most part, around 3,100 square feet. The historic zoning for properties inside the city limits in this area is predominantly Single-family residential and the area is developed with a mix of single family homes, manufactured homes, and some multi-family.

*“The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts are Single Family Residential and Mobile Home / Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

**Area #6 South of 37<sup>th</sup> Street, East of Spruce Street in Northeast Florence UGB**

The amendments for Area #6 is consistent with the description of the Plan designation in the Comprehensive Plan, above. This 2.04 acre area contains three tax lots historically zoned Single-family Residential. The lots lie adjacent to 37<sup>th</sup> Street. Two of the tax lots are each developed with a single family home and the other is vacant land. The lots range in size from 13,504 square feet to about one acre. These lots are in three separate ownerships lying outside of platted subdivisions, with the Medium Density Florentine Estates adjacent to the south. Development of these lots for standard single family development is recommended, given their location outside of the Low Density subdivision to the north, their location near 37<sup>th</sup> Street, their historic zoning for Single-family Residential, and the fact that the lands immediately adjacent to the south, east, and northeast are all Medium Density. This is consistent with the Plan text because these lands are part of the “majority of developable land remaining in the City.”

6. Organize the labels for the Plan designation categories in the Plan Map legend into broad categories consistent with the Plan text, as follows:

**Comprehensive Plan Map Designations**

<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
<ul style="list-style-type: none"> <li>• Low Density</li> <li>• Medium Density</li> <li>• High Density</li> <li>• Heceta Beach</li> </ul>	<ul style="list-style-type: none"> <li>• Neighborhood Commercial-Gateway</li> <li>• Commercial</li> <li>• North Commercial Node</li> </ul>	<ul style="list-style-type: none"> <li>• Service Industrial</li> <li>• Business/Industrial Park</li> <li>• Marine</li> </ul>

Neighborhood Cluster	<ul style="list-style-type: none"> <li>• Recreational Commercial</li> <li>• Highway</li> </ul>	
<b>Other</b> <ul style="list-style-type: none"> <li>• Public</li> <li>• Private Open Space</li> <li>• Downtown</li> <li>• West 9<sup>th</sup> Street Area</li> </ul>	City Limits Urban Growth Boundary	

**Finding:**

These changes are consistent with Chapter 2 because they are housekeeping amendments that achieve the stated objective of improving the readability and functionality of the Plan.

**Exhibit D: Transportation System Plan (TSP) Amendments**

The amendments is consistent with Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the TSP text and Map in order to achieve the objective of making the Plan internally consistent.

**Exhibits E and F: Stormwater Management Plan Amendments**

These amendments are consistent with Chapter 2 because the amendments to the Stormwater Management Plan and Comprehensive Plan Appendix 11 are proposed to make these documents consistent with City Council-approved changes to the North Spruce Street Local Improvement District Design (Exhibit F), adopted by City Council motion on September 5, 2006.

**Realization 2020 Comprehensive Plan, Continued**

**Additional Findings Relevant to Exhibit C-1, Plan Designation Changes, Areas #4, #5, and #6:**

**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**

The amendments is consistent with these criteria because the Plan designation of High Density Residential for the properties located in Area #4 and of Medium Density Residential for the properties located in Areas #5 and #6 is based on:

- an analysis of documented need for land uses of various types: the properties are located within the Florence Urban Growth Boundary and are designated for residential use with the designation of Medium and Low Density Residential. Designation to High from Medium Density Residential will achieve consistency with the existing parcel size and zoning of these properties; designation to Medium from Low Density will allow additional single family residential units to occur, although at potentially smaller lot sizes than would be allowed with the zoning of Restricted Residential, meeting the City's future need for housing.
- physical suitability of the lands for the uses proposed: no change in use is proposed in this application; the allowed uses in the Restricted Residential zoning district are the same as in the Single-family Residential zoning district and the existing use for the High Density amendments is the same as the future allowed use.
- adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use: the allowed uses in the Restricted Residential zoning district are the same as in the Single-family Residential zoning district and the parcel sizes and zoning for the High Density amendments is the same as the future allowed use. In addition, this amendments recommends a Special Area Plan be developed for Area #5 in order to address the transportation needs and utilities and facilities in a comprehensive, cohesive manner. As incremental partitioning occurs prior to the preparation of this plan, developers will be required by the Florence City Code to address issues of access and public facilities as part of any land division application.
- potential impacts on environmental, economic, social and energy factors: parcels in Area #4 and Area #6 are already zoned for the uses that would be allowed with this change; and there is no evidence to indicate that development of the subject properties in Area #6 at the densities allowed in the Single-family Zoning District would have environmental, economic, social or energy impacts that would exceed acceptable levels.

## **RESIDENTIAL**

### **Policies**

2. **The City shall initiate an evaluation of its residential ordinances within two years of adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.** (Florence Realization 2020 Comprehensive Plan, page 18)

The amendments is consistent with this policy because the end result of the re-designations will be to potentially increase residential densities with the High Density designation for Area #4 and with smaller lot sizes allowed in Areas #5 and #6.

3. **Where conventional subdivision techniques are employed for a residential development, no more than the base level of density under the applicable zoning district shall be considered available.** (Florence Realization 2020 Comprehensive Plan, page 18)

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

10. **Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.** (Florence Realization 2020 Comprehensive Plan, page 19)

The amendments is consistent with this policy because the proposed re-designations are High Density and Medium Density Residential, consistent with the existing development patterns in these areas.

**The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential and Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres.** (Florence Realization 2020 Comprehensive Plan, page 21)

The amendments is consistent with this policy because the subject properties in Area #5 are assigned a variety of residential zoning classifications, primarily Single-family Residential, and they were smaller than 6,500 square feet at the time they were platted; and the lots in Area #6 are zoned Single-family and are surrounded by Medium Density Residential areas to the south, east, and northeast and are part of the “majority of developable land remaining in the City.”

**The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres. (Florence Realization 2020 Comprehensive Plan, page 21)**

The amendments is consistent with this policy because the subject parcels in Area #4 are assigned a zoning classification of Multi-family Residential; are located adjacent to the West 9<sup>th</sup> Street mixed use area; and they were smaller than 5,000 square feet at the time they were platted;

## **Chapter 11: UTILITIES AND FACILITIES**

### **WASTEWATER COLLECTION AND TREATMENT**

#### **Goal**

**To provide cost effective collection and treatment of wastewater consistent with projected population growth and development needs. (Florence Realization 2020 Comprehensive Plan, page 101)**

The amendments is consistent with this goal because the potential additional housing units allowed with the amended designations will allow for the provision of more cost effective collection and treatment of wastewater than would be provided at the lower densities that would be allowed with the current designations; and there is sufficient capacity in the municipal wastewater treatment and collection system to serve development at the allowable densities. Area #6 can be served from an existing 8-inch sewer at 37<sup>th</sup> and Spruce Streets. The Florence Public Works Department reports that the applicant for any development amendments in Area #5 will need to show how sanitary sewer service will be provided; the existing 8-inch sewer line has capacity; and there are a number of options to provide sewer service to this area. Area #4 can be served with lines that now serve the existing, adjacent residential development. Ultimate alignment and connection of sewer system will be determined as development occurs; and, in Area #5, a Special Area Plan is proposed to address the system needs in the long term.

### **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.** (Florence Realization 2020 Comprehensive Plan, page 102)

The amendments is consistent with this goal because the amendments will allow the City 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.

Adjacent development in Area #4 is already served and for Areas #5 and #6, the potential additional single family units allowed with the increased minimum densities will allow for the provision of more cost effective delivery of water for domestic needs and fire protection than would be provided at the lower densities under the current Plan designation; and there is sufficient capacity in the municipal water system to serve development at the densities allowed in the proposed Plan designation.

The Florence Public Works Department provided the following information related to these criteria: Area #6 can be served in the same manner as the surrounding properties; Area #5 can be served from various 6-inch and smaller water mains, some of which are looped and some not. As development occurs, water mains with a minimum diameter of 8-inch need to be extended "to and through" in order to create a grid system that has the capacity to provide not only domestic water service but also fire protection.

In addition, a Special Area Plan (i.e., "refinement plan") for Area #5 is recommended to address all land use and facility design issues in the undeveloped portions of this Area.

## **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 water bodies.” (Florence Realization 2020 Comprehensive Plan, page 105)**

The amendments 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 parcels develop or redevelop; and the City will require the developers to demonstrate their ability to comply with the City of Florence Stormwater Management Plan, including compliance with all of the following:

- the City will encourage on-site retention of stormwater; and, if water flows are in excess of that generated on-site, or site conditions make this physically impracticable, a combination of piped systems and natural drainage systems will be installed to carry stormwater off-site to approved collection or dispersion facilities;
- the quality and quantity of recharge to the City’s sole source aquifer will be maintained consistent with use of the aquifer as a domestic water source;
- the City will ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance;
- City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems;

- storm drainage facilities, as approved by the City, may include culverts, drywells, 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.

Regarding Area #4, there is a major drainage ditch on the west side of this area. Development in this area will need to address the special conditions of having a significant natural drainage system.

## **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. (Florence Realization 2020 Comprehensive Plan, page 107)**

The amendments is consistent with this policy because the subject parcels 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.

## **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. (Florence Realization 2020 Comprehensive Plan, page 116)**

The amendments is consistent with this policy because for any new streets 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.

## **Chapter 12 TRANSPORTATION**

The amendments is consistent with the Transportation System Plan because:

- no change in use is proposed and the amendments will result in the potential

increase of single family residential units, an allowed use in the existing zoning districts;

- the areas are served by access to major arterials, and several local streets, and, in Area #5, a Special Area Plan is proposed to address local transportation network issues;
- the demonstration of adequate transportation access will be required as part of any partitioning amendments in these areas and transportation impact analyses will be required as part of the processing of any amendments that is likely to 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 10-1-3-C: LEGISLATIVE CHANGES**

- 1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.**
- 2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

The amendments is consistent with the criteria in FCC 10-3-C because:

- Exhibits B, C, D, E, F and the Plan Designation Corrections in Exhibit C are legislative changes to the Comprehensive Plan, affecting a large number of properties with broad policy application;
- The Planning Commission initiated the process by Resolution;
- Notice of the public hearing was sent to DLCD at least 45 days prior to the first Planning Commission hearing, consistent with the Comprehensive Plan and state law.

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

- The Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C are quasi-judicial Comprehensive Plan changes that affect a discreet number of properties in a small, defined area;
- The amendments was initiated by Planning Commission Resolution; and
- Notice of the proposed change was provided in accordance *with Code Section 10-1-1-5*:

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

**A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
- 2. For a zone change application, notice of hearing shall be published three (3) times in a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.**

The amendments is consistent with these criteria as they apply to the Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C because:

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

**OREGON REVISED STATUTES**

**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 amendments is consistent with ORS 227.186 as it pertains to the Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C 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, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this part of the 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 amendments 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 amendments 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 amendments forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

The amendments is consistent with ORS 197.610 because notice to DLCD was sent on January 9, 2008, at least 45 days prior to the March 5, 2008 (first) Planning Commission public hearing and the notice contained the information required in this statute.

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

### **Statewide Planning Goals**

#### **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 amendments is consistent with Statewide Planning Goal 1 because the amendments was advertised three times in the Siuslaw News on February 23 and 27 and March 1, 2008; notice was mailed to owners of the properties in Areas #4, #5, and #6 in Exhibit C and to property owners within 300 feet of these properties; and citizens were given the opportunity to comment on the amendments in writing or in person at public hearings before the Planning Commission and the City Council.

The Planning Commission and City Council held a joint work session and public hearing on March 5, 2008, heard public testimony, and, at the request of a citizen, left the record open for written comment for seven days and no written comments were submitted during this time; the Planning Commission met on March 18, 2008, deliberated, and approved Resolution 08 04 CPA 01, recommending adoption of the proposed amendments; and the City Council met and deliberated on the proposed amendments on March 24, 2008.

#### **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 amendments is consistent with Goal 2 because the proposed revisions to the Comprehensive Plan Map are to correct scrivener errors and achieve consistency with the Plan text; 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 amendments is consistent with Goal 10 because the proposed change in Plan designation and zoning will allow higher residential densities which will increase the number of single family residences, a needed housing unit type, at a price range that is more affordable than units built on larger lots.

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

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

The amendments is consistent with Goal 11 because the properties in Areas #4, #5, and #6 in Exhibit C are within the Florence Urban Growth Boundary and will be served in accordance with City facility management consistent with the Comprehensive Plan and for areas now outside the city, with annexation and service policies. Key facilities and services can be provided to the areas upon development, including water, wastewater, stormwater, and transportation, consistent with the policies in the Florence Realization 2020 Comprehensive Plan.

The amendments in Exhibit E and F to amend the Stormwater Management Plan and Appendix 11 of the Comprehensive Plan, respectively, will make that Plan consistent with approved amendments, consistent with Goal 11.

**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 amendments is consistent with Goal 12 and these provisions in the Transportation Planning Rule because the amendments corrects map errors in an adopted Comprehensive Plan, adopts housekeeping amendments to the TSP to make it internally consistent and consistent with the Comprehensive Plan, and the additional single family residences allowed by the proposed Plan map changes in Areas #5 and #6 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 amendments to adopt housekeeping amendments to the Realization 2020 Comprehensive Plan Text and Map and the Transportation System Plan and Stormwater Management Plan is consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes, and Statewide Planning Goals.

**DRAFT**

**EXHIBIT "A"**  
**CITY OF FLORENCE FINDINGS OF FACT**  
**ORDINANCE NO. 1, SERIES 2006**

**An Ordinance Amending The 2000/2020 Comprehensive Plan, Adding Definitions for  
"Private Open Space" and "Public" Plan Map Designations.**

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Public Hearing Date: December 13, 2005  
Date of Report: December 1, 2005

**I. PROPOSAL DESCRIPTION**

1. Proposal: Planning Commission recommendation to the Florence City Council to review and add definitions for Public and Private Open Space in the Florence 2020 Comprehensive Plan. These designations have been applied on specific properties yet no definitions for these designations exist in the Comprehensive Plan.
2. Applicants: The City of Florence
3. Location: This is a resolution which is applies to specific properties.
4. Surrounding Lane Use/Zoning: Various
5. Correspondence/Referrals: Notice was published in the Siuslaw News December 3<sup>rd</sup> and 10<sup>th</sup> 2005. As of the date of this writing no written correspondence was received.

**II. APPLICABLE REVIEW CRITERIA:**

1. Oregon Revised Statutes  
197.628 Periodic review; policy; conditions that indicate need for periodic review.
2. Oregon Administrative Rules  
660-015-0000, Oregon's Statewide Planning Goals & Guidelines: Goal 2, Land Use  
Goal 5, Open Spaces, Scenic & Historical and Natural Resources

### III. PROPOSED CHANGES:

#### OTHER

**Goal** To recognize there are a number of land use types that do not fit into the Residential, Commercial, or Residential land use designations.

#### Policies

The City should recognize unique land uses, sites, and/or ownership patterns and should provide for flexibility in the land use system to address unique situations while remaining consistent with City goals and policies.

Establishment of additional land use designations shall follow standard government process as set forth in this Comprehensive Plan, local ordinances, and state statute.

**Public Designation** is intended to identify existing public and semi-public uses including public parks, schools, community colleges, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other plan designations subject to need and appropriate review.

**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.

- IV. **NARRATIVE:** The Florence Community Services Department with the assistance from Lane Council of Governments prepared language defining the lands identified on the Florence 2020 Comprehensive Plan Designation Map as "Public" and "Private Open Space." This proposed amendment adds language inadvertently omitted during the City's process of defining land use designations during its periodic review. Two goals are impacted by the text amendment.

State Land Use Goal 2, states "To establish a land use planning process and policy framework that provides a basis for all decision and actions

related to use of land and assures an adequate factual base for such decisions and actions." Goal 2, and its accompanying administrative rules, set out a process to designate and locate land uses. It states that the "designations 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."

In addition this proposed text amendment would provide a mechanism to support the goal of Chapter 5 (State Land Use Goal 5), Open Spaces, Scenic & Historical and Natural Resources, "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposed text amendment would create an "Other" section in Chapter 2, "Land Uses" and include a goal, 2 policies, and definitions for each of the designations "Public" and "Private Open Space". Two private properties, the Sandpines Golf Course and the Ocean Dunes Golf Links are presently plan designated "Private Open Space." A number of public facilities and parks are affected.

#### **V. REVIEW OF APPLICABLE CRITERIA:**

##### **1. ORS 197.628 Periodic review; policy; conditions that indicate need for periodic review.**

It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals and to also ensure that the plans and regulations make adequate provision for needed housing, employment, transportation and public facilities and services.

The City of Florence, when reviewing, identifying, and defining land uses, set aside lands later designated on the Comprehensive Land Use Map as Private and Public Open Space. During Chapter 2's construction, the language defining those designations was inadvertently omitted. This proposed text change demonstrates the City's prior consideration of both the documented need and the physical suitability of the lands plan designated "Public" and "Private Open Space." Also, the language will provide a basis for making decisions and directing the course of actions related to the use of land. The inconsistency of having both an adopted Comprehensive Plan map that includes the designations of "Public" and "Private Open Spaces" and a Chapter 2, "Land Uses" that contains no defining language for those designations is "documented need" for the

requested plan change. The proposed text amendment, by providing definitions for those lands designated "Public" and "Private Open Space," meets the ORS criterion.

**2. State Land Use Goal 2, "Land Use", and to a lesser degree State Land Use Goal 5, "Open Spaces, Scenic & Historical and Natural Resources."**

State Land Use Goal 2, "To establish a land use planning process and policy framework that provides a basis for all decision and actions related to use of land and assures an adequate factual base for such decisions and actions." State Land Use Goal 5, "Open Spaces, Scenic & Historical and Natural Resources", "To protect natural resources and conserve scenic and historic areas and open spaces."

To date there is no explanation or definition of the "Public" designation. This designation applies to land held by a public entity such as the federal, state or county governmental agencies. These lands are generally used for open space or resource management but may also include the location of public facilities such as well fields, or other public facilities. The current Comprehensive Plan Map identifies these lands yet there is no corresponding comprehensive plan text.

Private ownership of open space is a concept that primarily coincides with the existing golf courses. These areas provide open space values but also have a recreational, commercial and community wide benefit. Other uses associated with "Private Open Space" are a limited amount of residential development. ***When residential development is permitted within the "Private Open Space" designation, the golf course use must be the predominant use in order to be considered with the "Private Open Space" designation.*** By adding definitions to the Comprehensive Plan for the "Public" and "Private Open Space" designations, compliance with OAR requirements can be made.

**VI. Conclusions and Recommendations:**

Staff concludes there is an adequate factual base for making these comprehensive plan text amendments based on reports and comment provided by county, state, and federal agencies during periodic review. Local, state, and federal agencies were notified and their concerns were considered and accommodated to the extent possible. The Comprehensive Plan text amendments are consistent with Goal 2. Staff recommends that the Planning Commission recommend approval to the City Council to add the definitions of "Public" and "Private Open Space" to the Florence 2020 Comprehensive Plan.

Approval shall be shown on:

“A” Findings of Fact

“B “ Public and Private Open Space Definitions

“C” Comprehensive Plan

DRAFT

## MINUTES

Lane County Planning Commission  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

April 15, 2008  
5:30 p.m.

**PRESENT:** John Sullivan, Chair; Lisa Arkin, Vice Chair; Steve Dignam, Todd Johnston, Nancy Nichols, Ed Becker, Jozef Siekiel-Zdzienicki, Howard Shapiro, Lane County Planning Commissioners; Kent Howe, Stephanie Schulz, Lane County Land Management Division; Celia Barry, Lane County Transportation Planning; Sandra Belsen, Carol Heinkel, City of Florence.

Mr. Sullivan called the meeting to order and those present introduced themselves.

Mr. Sullivan announced that mileage reimbursement requests had been submitted for commissioners for the first quarter, but hereafter commissioners would be responsible for submitting their own mileage reimbursement requests. He was working with Kent Howe to identify a date to meet with Commissioner Sorenson.

Mr. Dignam lodged an objection to the excessive amount of information required in the Public Disclosure Statement for public officials. He said as an unpaid volunteer citizen, he found some of the requirements and penalties insulting.

Other commissioners agreed with Mr. Dignam's remarks. Mr. Sullivan said the law was well-intentioned, but poorly written. He recommended calling the Ethics Commission with any questions about the form or process.

Ms. Schulz distributed and reviewed a diagram entitled *Lane County General Plan Chart*, which explained the relationships among the variety of jurisdictional plans within Lane County.

### WORK SESSION

- PA 08-5363 Co-adoption of the Florence Realization 2020 Comprehensive Plan, Transportation System Plan and Stormwater Master Plan — Periodic Review Work Task No. \_\_\_ (Applicant: City of Florence)**

Mr. Sullivan opened the work session. He said a public hearing on the Florence Comprehensive Plan was tentatively scheduled for June 17 and there would be a second work session on the plan prior to that hearing. He cautioned commissioners against conducting their own site visits, which could create an *ex parte* contact situation. He suggested allowing City representatives to make a comprehensive presentation on the plan, followed by questions and discussion by commissioners. There were no objections.

Planning consultant Carol Heinkel presented an overview of the history and process that lead to the request for co-adoption. She said a comprehensive plan was adopted by the City of Florence in 1988 as a result of the City's first periodic review; the City adopted a new comprehensive plan—the Florence Realization 2020 Comprehensive Plan—in 2002 as a result of its second periodic review. She said the coastal goals element was the only periodic review work task remaining and the City now had a grant to proceed with that work. She said since adoption in 2002 the plan had undergone amendments to the text and diagram and housekeeping amendment to provide greater clarity. All of those amendments were reflected in the document before the Planning Commission. She noted that the Transportation System Plan (TSP) and Stormwater System Plan were incorporated in the comprehensive plan.

Ms. Heinkel explained that co-adoption of the plan by the County was part of a joint planning coordination agreement between the City and the County. She said the staff report highlighted the key issues for co-adoption, which were primarily the area between the City limited and the urban growth boundary (UGB) and policies pertaining that area. She said the key issues were:

- the urban growth boundary,
- the comprehensive plan policies that apply outside City limits,
- transportation system plan projects that apply to lands outside City limits, and
- stormwater management plan projects that apply to lands outside City limits.

Ms. Heinkel indicated the UGB had not changed since the most recent Ordinance that was co-adopted by the County. She highlighted several differences between the 1988 comprehensive plan and Realization 2020, including an increase in the number of plan designation categories and policy additions that were described in greater detail in the staff report. She noted that Realization 2020 specifically adopted the Lane County Coastal Resources Management Plan and Siuslaw River Dredged Material Disposal Plan by reference. She reviewed the TSP projects that would affect lands outside of the City limits. She said the northwest region was the only area outside of City limits affected by the Stormwater Plan. She stated that the plan update process included extensive public notice and participation at the local level.

Florence Planning Director Sandra Belsen stated that other plans applying to lands outside the City limits were the City's wastewater and water plans; copies would be provided as part of the entire set of materials.

Mr. Sullivan asked that the wastewater and water plans be provided to commissioners prior to the next work session. Ms. Schulz said those would be available, along with a much more detailed staff memorandum that included a comprehensive analysis.

Mr. Siekiel-Zdzienicki asked if the most recent County dredging plan had been adopted. Ms. Heinkel replied that the version adopted by the City was consistent with the County's version.

Mr. Siekiel-Zdzienicki said there appeared to be discrepancies between the City of Florence and the County's approach related to the Shelter Cove issue. He asked if that had been resolved. Ms. Belsen said the Shelter Cove issue had been resolved. She was not working for the City at that time, but the process of working on the coastal goals element of periodic review could identify anything the City needed to address to assure consistency. She said that improved maps would also assist the City to implement the County's plan. Ms. Heinkel added that the coordination

component of the coastal goals process would incorporate an intergovernmental team that included the County.

Mr. Dignam asked how the City Council and Planning Commission members had voted on adoption of the plan and whether any testimony in opposition had been received. Ms. Belsen replied that the council and commission votes had been unanimous and one resident had expressed concern about wetlands, but was referred to the County as the area was outside City limits. She said another resident was concerned about tsunami hazards not being adequately addressed.

Mr. Becker asked if the plan prohibited the use of European beach grass to stabilize areas and required the use of native grasses as an alternative. Ms. Belsen said that was not addressed in the plan. Ms. Heinkel said the coastal goals process could address that as a policy discussion.

Mr. Becker urged the City to consider the use of alternative species to European beach grass.

Ms. Arkin asked why the Department of Land Conservation and Development (DLCD) had approved the comprehensive plan and related plan before they came to the County for co-adoption. Ms. Belsen said once the City adopted a plan it was submitted to the State for acknowledgement. The City had attempted to obtain County co-adoption in the past and had been unsuccessful. She noted that some portions, such as changes to the UGB, had been co-adopted by the County, but the City was using Realization 2020 inside City limits and the County was using the 1988 plan for the areas outside the City limits. Ms. Schulz added that she would research that issue.

Ms. Arkin asked why the new plan's policies were more vague and general in some areas than the 1988 plan. Ms. Belsen said those decisions were made prior to her employment with the City and she has asked the chair of the Planning Commission to attend the public hearing and provide some of that background information.

Mr. Shapiro asked why the chapter on urbanization recommended properly decommissioning on-site sewage systems upon annexation and whether that applied to all sewage systems. He was also concerned with who would pay for people to connect to the City's system. Ms. Belsen explained that the recommendation applied to an area in which on-site sewage systems were failing and was related to a public safety requirement. She said any septic system that was abandoned because of connection to the sewer system had to be properly decommissioned.

Mr. Shapiro noted that the mayor of Florence had stated that people would not be required to connect to the City sewer system unless their septic system was failing. Ms. Belsen agreed the City would not force anyone to annex. She said that language was not in the plan but the City Council would be adopting a resolution to that affect at its next meeting.

Mr. Shapiro commented that land use density should be encouraged within City limits before the UGB was expanded.

In response to a request from Mr. Siekiel-Zdzienicki, Ms. Schulz clarified that the City was still part of the County and the comprehensive plan applied to the line identified as the UGB. She said the City had jurisdiction up to its City limits line and the area between the City limits and

the UGB had gone through a process that determined it would eventually be urbanized in a logical manner, become denser over time and come into the City through annexation; the County had nothing to do with the annexation process. She said an expansion of the UGB would require a city to demonstrate that it needed additional land. She said at a certain concentration septic systems would contaminate soil and water and present a public health hazard. She said decommissioning septic tanks was driven by health issues to protect ground water quality.

Mr. Siekiel-Zdzienicki pointed out that the commission was not dealing with City policies regarding densities inside City limits. Ms. Heinkel remarked that owners within the UGB had the right to request annexation to the City in order to develop their property to urban densities.

Ms. Nichols asked for an explanation of the coordination of services between the Heceta Water District and the City. Ms. Belsen said the Heceta Water District served areas partly outside and partly inside the UGB. She said the service area outside the UGB was larger but there were more customers inside the UGB. She said the district's water source was Clear Lake and the City had wells into the aquifer. She said there were two interties between the district and the City and historically the City had purchased water from the district during summer months, but that ceased when the City increased its capacity several years ago. She said there was no agreement in place beyond interties to buy and sell water from each other, although that was still being worked on. She noted that a recent change in City policy meant that properties in the UGB would no longer be withdrawn from the district upon annexation if the district could continue to provide service. She gave the Fawn Ridge subdivision as an example of that policy. She said that policy was expressed in annexation findings based on a resolution passed by the City and a similar action by the water district.

Ms. Nichols asked if water service within the UGB was an issue that should concern the County or was it strictly a City issue. Ms. Heinkel said that ORS 195 pertained to coordination agreements between service providers. She said the County had a coordination role, but did not co-adopt those types of agreements.

In response to a question from Mr. Dignam, Mr. Howe said because the process was not legislative or quasi-judicial, *ex parte* contact restrictions would not apply.

Mr. Becker asked if there were intergovernmental agreements between Coos Confederated Tribes and the City for the provision of urban services. Ms. Belsen replied that the tribes' facility was not inside City limits or the UGB and had its own sewage treatment. She said the City did not provide either sewer or water services, but was negotiating to provide police service under contract.

Ms. Arkin commented that the same setback was required to separate residential dwellings from either industrial or commercial land, but setback requirements differed between single family and multi-family residential units. She questioned whether it was appropriate to have the same setback for industrial and commercial development and asked why the setback requirements differed depending on the type of residential development. Ms. Heinkel said she would research the issue and provide more information.

Ms. Arkin asked for clarification of the setback requirements from water features. Ms. Belsen replied that the comprehensive plan required 50 feet from the top of the cut bank, but it was not as clear where the measurement would be made if there was no cut bank.

Mr. Johnson noted that the banks of the Siuslaw River were subject to change and asked if that had been considered. Ms. Belsen replied a site specific report was required to address those types of geographic situations.

Mr. Sullivan asked to have the key policies differences addressed in greater detail at the next work session. He was interested in what issues had been raised by people speaking at recent public hearings pertaining the areas outside the City limits and inside the UGB.

Mr. Sullivan asked commissioners to submit any additional questions to Ms. Schulz so they could be forwarded to the City. He asked that the response be provided in a single document prior to the next work session.

Ms. Schulz distributed findings to the city ordinance and a letter from the Heceta Water District.

With no further business, the meeting adjourned at 6:50 p.m.

(Recorded by Lynn Taylor)



# MINUTES

Lane County Planning Commission  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

June 17, 2008  
5:30 p.m.

**PRESENT:** John Sullivan, Chair; Lisa Arkin, Vice Chair; Steve Dignam, Todd Johnston, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, Lane County Planning Commissioners; Kent Howe, Stephanie Schulz, Lane County Land Management Division; Sandra Belson, Robert Willoughby, and Mike Miller, City of Florence staff; Carol Henkel, City of Florence project consult; Donna Lee, Florence Planning Commissioner, guests.

**ABSENT:** Ed Becker, Lane County Planning Commissioner.

Mr. Sullivan convened the meeting of the Lane County Planning Commission (LCPC) at 5:45 p.m. Staff and Commissioners introduced themselves.

Mr. Sullivan called for public comment on topics that were not relevant to tonight's agenda, for items scheduled for a public hearing, or for which the record had been closed. There was no one who wished to offer public comment.

Mr. Sullivan revised the order of the published agenda.

## WORK SESSION

### 1. Discussion of Coordinated Population Forecast Alternatives.

This agenda item was deferred to after the public hearing on PA08-5363 Co-Adoption of the updated Florence Comprehensive Plan Realization 2020.

### 2. **PA08-5363 Co-Adoption of the updated Florence Comprehensive Plan Realization 2020, and associated refinements plans' including but not limited to the Transportation System Plan and Stormwater Master Plan for application within the urbanizable area of Florence outside the city limits and within the Urban Growth Boundary.**

Ms. Schultz summarized the issues raised at the April 15, 2008 work session and responses provided in the agenda packet.

Ms. Belson, City of Florence Community Development Director, introduced Florence City Manager Robert Willoughby, Public Works Director Mike Miller, Planning Commissioner Donna Lee and project consultant Carol Henkel.

The following maps were posted:

- Florence Realization 2020 Comprehensive Plan Map.
- City of Florence Zoning Map.

Ms. Lee said the community had expressed concern about water quality issues during the Comprehensive Plan Update, including additional wells and a stormwater plan which were now in place. She reviewed the citizen participation process for the update and the relationship with the Haceta Water District. To her knowledge, the City of Florence (City) had never asked anyone to be annexed, and the City Council had passed a resolution addressing that issue.

Ms. Henkel distributed and reviewed the handout entitled: *Attachment B: Addendum: Exhibit A: Additional Information and Response to Questions and Comments*. She iterated that Annexation Policy C-1-9 in the 1988 Comprehensive Plan provided affirmative findings that were necessary prior to annexation that “development within urban areas has been encouraged before conversion of urbanizable areas” and Realization 2020 Comprehensive Plan language included the same provision.

Ms. Henkel distributed and reviewed the handouts entitled:

- *Lane County Co-Adoption Process Key June 17, 2008.*
- *Questions and Comments from Lane County Transportation Planning Division Received Monday, June 16, 2008.*
- *TPS Housekeeping Amendments June 17, 2008.*
- *Three Florence Revitalization 2020 Comprehensive Plan Amendments Recommended by Lane County Planning Commission worksheets:*
  - *Incremental Plan Amendment Process Housekeeping Amendments.*
  - *Incremental Plan Amendment Process Minor Plan Amendments.*
  - *Minor Plan Update Amendment Process for Major Policy Amendments.*

Mr. Siekiel-Zdzienicki expressed concern that he had not received sufficiently detailed maps to use when making decisions. Ms. Belson reviewed the zoning map.

Responding to a question from Mr. Dignam, Ms. Henkel said the City hoped to move the Comprehensive Plan forward now and that the requested changes would happen later, noting that the major plan amendments could take several years to complete.

Responding to a question from Mr. Shapiro, Ms. Henkel said with a few minor exceptions, any properties within the city limits were on the sewer system, while those properties outside of the city limits were on septic systems.

Mr. Johnston opined that in order for the Planning Commission to amend city code, the Commission needed to make findings that there were errors, changed circumstances, a change in public policy or a change in public need. He asked for a list of proposed changes and reasons why the changes were recommended.

Mr. Howe said Lane County needed to adopt the same Comprehensive Plan as that already adopted by the City of Florence. The request was that the Planning Commission adopt that same plan, with subsequent changes addressed through a process initiated by the City and co-adopted by Lane County.

Ms. Schultz suggested that the Planning Commission identify those changes that could move forward as presented, and those that needed additional work.

Mr. Sullivan said the Planning Commission would discuss the deliberation process at the end of tonight's public hearing.

Responding to a question from Mr. Siekiel-Zdzienicki, Ms. Henkel said the City was not engaged in a major transportation system plan update, noting it would be a several year effort to bring the plan in alignment with the new population projections. That would require appointment of a citizen involvement committee, hiring of staff and plan analysis that would cost \$50-\$60,000. The City could easily do the housekeeping amendments.

Mr. Dignam averred it was difficult to have all of the applicable plans and processes from the participating jurisdictions in synchronization. He asked if failure for the Planning Commission to address all of the pertinent issues, particularly those cited in the Transportation System Plan (TSP) by County staff, was fatal to the Commission's recommendation for the adoption of the Comprehensive Plan, or if the Commission could move forward as suggested by the City and adopt the proposed recommendations recognizing unresolved issues would be addressed in the next planning cycle.

Ms. Schultz concurred the Commission could choose to move the proposals forward. She added the Planning Commission would recommend approval to the Lane County Board of County Commissioners (BCC), including a notation that the changes in the TSP still needed to be addressed by the City.

Mr. Dignam understood the page of housekeeping amendments needed to be approved by the Florence City Council, and that the Planning Commission could not forward an unofficial list to BCC.

Ms. Henkel said the City was not proposing that the housekeeping amendments be included in the motion to adopt, but rather that the Comprehensive Plan would be recommended for approval with inclusion of the housekeeping amendments for adoption consideration during the next TSP amendment process.

Mr. Shapiro said there were many things in the Comprehensive Plan that were important to the local residents including an annexation taking place north of the City and a City Council resolution regarding annexation, that were significant to several hundred families. He opined some of the households should be hooked up to the City systems while others should not, and there needed to be a mechanism in the Comprehensive Plan to explain how that would happen. Four groups wanted to be hooked up, and the annexation was for a road to access those properties. He asked how those properties adjacent to the road would be impacted when the road was annexed.

Ms. Belson said the annexation process was being addressed through public hearings. The City Planning Commission had recommended approval of the Driftwood Shores annexation. A City Council public hearing was scheduled for July 7, 2008.

Mr. Shapiro said the Comprehensive Plan was the most logical place for the annexation to be addressed. He explained properties were not required to hook up to the city sewer system when it was installed until the associated septic systems failed, even if the only need was to have the systems pumped.

Mr. Miller said the City's 1997 Wastewater Facilities Plan was being updated. He offered a brief history of the wastewater treatment facility, noting that it was currently under construction. When looking at replacing a system, the entire basin was considered, both within and outside of the city limits, to properly

manage the wastewater system. During the review process Fawn Ridge requested annexation. An annexation agreement with Driftwood Shores that needed to be approved by the City Council was in place. The infrastructure of the sewer system was being installed in conjunction with fiber optic cable installation in the area, which included a regional pumping facility at Driftwood Shores. The Kluane and Cowanda areas would be gravity fed to the pump station to the pressurized sewer line. Additionally, the State Highway 101 corridor was under consideration for expansion to serve the entire Urban Growth Boundary (UGB) area in the future.

Mr. Miller said the water plan was most recently updated in 1998. Ten years ago, the City relied upon the Haceta Water District for year round and peak summer needs water. The City had expanded its water treatment facility to accommodate 100 percent of the City's needs, up to 3.8 million gallons per day, with a current peak demand of approximately 2 million gallons per day. The City had ground and surface water rights and certificated water rights on Munsell Creek were under review. It was currently not cost effective to provide service to Fawn Ridge, and would continue to be provided by the Haceta Water District. Haceta Water District had asked the City to provide water to the Spruce Street and North Florence Limited Improvement Districts (LIDs) due to the high demands forecasted for full build out.

Mr. Miller briefly reviewed the stormwater plan, noting that new development was required to contain drainage onsite.

Mr. Miller reviewed the timeline for various projects:

- Commencement of water master plan update—2009.
- Commencement of wastewater master plan update currently underway.
- Commencement of transportation system plan 2009/2010.
- Negotiations were underway with Haceta Water District for surplus water sales between the City and the District.

Mr. Miller said the City currently had no intentions to venture out to the UGB, but language had been drafted for the Intergovernmental Governmental Agreement (IGA) giving the City the ability to provide service if the District was unable or unwilling to.

## **2. Deliberation: Discussion of Coordinated Population Forecast Alternatives**

Mr. Sullivan deferred the due to time constraints.

Mr. Sullivan said the practice of the Planning Commission was to limit public hearings to three hours.

The Planning Commission took a brief recess from 6:55 p.m. to 7:05 p.m.

## **PUBLIC HEARING**

- 1. PA08-5363 Co-Adoption of the updated Florence Comprehensive Plan Realization 2020, and associated refinements plans' including but not limited to the Transportation System Plan and Stormwater Master Plan for application within the urbanizable area of Florence outside the city limits and within the Urban Growth Boundary.**

Mr. Sullivan reconvened the Lane County Planning Commission. He thanked the City of Florence for hosting the meeting. Planning Commissioners introduced themselves. He said Planning Commissioners were volunteers. The role of the Commission tonight was to listen to testimony from the public in conjunction with information received at the Work Session held at 5:30 p.m. After deliberations following tonight's testimony, the Planning Commission could offer alternatives or other suggestions to the BCC regarding the co-adoption. He cautioned Commission members to refrain from moving into a quasi-judicial mode, or outside the confines of the intent of the public hearing. He asked if any member of the Planning Commission would not be able to deliberate or vote on the issue before the Commission. There were no affirmative responses.

Mr. Sullivan opened the public hearing and called for staff comments.

Ms. Schulz said the Lane County Planning Commission was conducting a public hearing to gather testimony regarding County co-adoption of the Florence Realization 2020 Comprehensive Plan and associated refinement plans. Because Lane County had responsibility for lands between the city limits and the Urban Growth Boundaries (UGB) of Lane County's small cities, the Planning Commission was reviewing the application for consistency with County land use planning criteria, conducting the public hearing to gather testimony from interested parties, and considering that testimony in developing a recommendation to the BCC on their co-adoption of the Florence Realization 2020 Comprehensive Plan for application within the Florence urbanizable area. She provided a summary of County process and timeline to date. The documents included the action before the Commission and the criteria to be met in order for the Planning Commission to forward a recommend to adopt the plan to the BCC, as iterated in the June 9, 2008 Agenda Cover Memo were included in the agenda packet. Ms. Schulz stated staff recommended the Planning Commission forward a recommendation that the BCC adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence, outside the city limits and inside the UGB.

Responding to a question from Ms. Nichols, Mr. Howe confirmed that Lane County rather the City of Florence approved subdivisions outside the city limits and inside the UGB consistent with the Florence Comprehensive Plan. He added the requirements of land divisions inside the UGB were non-remonstrance agreements for annexation, thus the assumption was they would eventually be annexed.

Ms. Belson, Community Director for the City of Florence, speaking on behalf of the applicant, the City of Florence, said the application for co-adoption of the Florence Realization 2020 Comprehensive Plan had been submitted. She reviewed the history of the Comprehensive Plan and amendment process that commenced in 1995.

Ms. Lee expressed hope that the Planning Commission would look favorably upon the application.

Mr. Sullivan opened the floor to public testimony. He asked speakers to limit their testimony to five to ten minutes.

**Bob Hirsch**, 5104 Woodlake Way, Florence, lived within the UGB and was speaking as both the Chair of the Haceta Water District and as a private citizen. On behalf of the District, he voiced the following objections to the Florence Realization 2020 Comprehensive Plan. Currently the City of Florence and the Haceta Water District did not have an IGA regarding the sale of surplus water nor the District's boundary regarding annexation and the loss of district customers. It was essential to have the agreement in place, which would be facilitated by a Comprehensive Plan mandate that it be in place prior to adoption of the plan. It was important to know what the customer base would be in 20 years. He concurred with Mr.

Miller's comments that the District chose to not provide water to the North Florence LID because it did not have the water rights to fulfill the build out capacity of the LID. Although currently there were only three customers in the LID area, approximately 1 million gallons per day would be required, eventually exceeding the District's capacity. Speaking as a private citizen, Mr. Hirsch said annexation had been a contentious word. He stated the City had said it would not force any annexation through a resolution. However, the resolution could easily be rescinded. He wished to see some language that prevented the resolution from being changed without permission from Lane County or other applicable process. Related to septic tanks, he asserted that city code mandated properties hook up to the City sewer system if they were within 300 feet of the utility. Criteria for mandatory hookup needed to be clearer. He stated pump motor failure did not constitute a septic system failure, but rather leech field failure resulting in it no longer being able to handle the discharge. He said there had not been one failure in the Florence area according to Lane County staff.

Mr. Sullivan opened the floor to questions from Commissioners.

Mr. Siekiel-Zdzienicki asked how much service would be lost by 2020 based on current projections.

Mr. Hirsch said two-thirds of the District's customer base was in the UGB. The District could be put out of business if the City aggressively pursued annexation.

Ms. Nichols asked if any groundwater monitoring was taking place.

Mr. Hirsch understood that was a Lane County function.

Mr. Shapiro opined that there were substandard systems in the area that should hook up.

Mr. Sullivan stated that the conversation was moving outside of the purview of the Commission's decision making process.

Mr. Howe clarified that there were annexation policies in the Plan which the Commission could speak to if it chose, but the quasi-judicial process on site specific issues was not relevant to the Comprehensive Plan before the Commission.

Responding to a question from Mr. Shapiro, Mr. Hirsch concurred that the District had a sizable investment in a facility and was about to make further investment in a processing plant to provide redundancy to process the maximum amount of water on a daily basis. All of the District's water came from Clear Lake. He understood if the City annexed the District's land on which the plants were located, the District would come to an end.

Referring to a letter from the Haceta Water District dated April 15 2008, Mr. Johnston said it asserted that by moving forward and approving the Comprehensive Plan in its current form would violate ORS 195. He asked if Lane County had reviewed the letter and if there was a chance that the County could be in violation of that ORS.

Mr. Hirsch said the District's legal staff had advised the Board of Directors that the District and the City were in violation of the statute and the only way to rectify the situation was to have an IGA with the City of Florence.

Mr. Dignam asked why the impact to the citizens of Lane County who were outside the city limits and within the UGB was relevant to a decision of the Lane County Planning Commission. He asked what loss the people within that area would suffer.

Mr. Hirsch said the loss would be an economic one, because the District had bonds and revolving debt paid for with excess revenue from customers, all of which would have to be absorbed somewhere.

Mr. Sullivan asked Mr. Hirsch to clarify the process needed to complete an IGA.

Mr. Hirsch said the process should be worked out quickly. He explained in November 2007, the District presented the City with a draft IGA to which the City provided comments in June 2008. During that period, the District hired a new law firm which it directed to write another draft IGA. He hoped negotiations or mediation would occur.

Mr. Siekiel-Zdzienicki said if the District was dissolved, the issue would come before the Planning Commission.

**Debbie Todd**, P.O. Box XX, Florence, lived outside the City, was a member of the Haceta Water District board but was not speaking on their behalf. She commended staff for their work on the Comprehensive Plan. She said there was no incentive for the City to make Comprehensive Plan changes, and she was opposed to the strategy of adopting the plan now and fixing it later. It was the responsibility of the Planning Commission to protect the public. She identified five issues she had with the plan: growth rate; 18<sup>th</sup> Street extension; transportation system plan; IGA with the Haceta Water District; and forced annexation. She asserted that some of the changes identified as housekeeping needed more work. She submitted a written copy of her testimony for inclusion in the public record.

Mr. Sullivan opened the floor to questions from Commissioners.

Mr. Johnston asked Ms. Todd if she had specific Comprehensive Plan changes to suggest, specifically annexation policy changes.

Ms. Todd suggested making changes to the TSP. She added specific changes were included in her written testimony.

Responding to questions from Ms. Arkin, Ms. Todd said she wanted the record kept open. She said it was not a good idea to encourage expansion of the City outside of the current city limits as called for in the TSP and thought it was time to look at it again.

In response to Ms. Nichols, Ms. Todd stated the population figures she used were from PSU.

In response to Mr. Siekiel-Zdzienicki, Ms. Todd agreed the water issues should be resolved with an IGA before any annexation and should be part of the Comprehensive Plan. She added that Haceta Water District staff had expended considerable resources dealing with the City's extension on Rhododendron Drive.

Responding to a question from Mr. Shapiro, Ms. Todd said the Haceta Water District had been in negotiations with the City since 2001 when it submitted the first draft IGA. The District now had a new attorney and new board and was going in a new direction.

Mr. Dignam said Ms. Todd had expressed concern over several omissions and inaccuracies that had been recognized in the TSP and other reports, and had said if the Planning Commission adopted the proposal, it would be law. Mr. Dignam stated it was already law within the City of Florence. Adoption by the Planning Commission would make the law consistent across the City and inside the UGB.

Mr. Sullivan acknowledged additional people had asked to testify and asked that they limit their comments to five minutes.

**Lea Patton**, 04699 North Jetty Road, Florence, outside of the city limits, opposed co-adoption of the proposed plan. She was a party to a law suit currently in the Court of Appeals opposing the annexation. She objected for the following reasons: many people in the area had not received notification of any action; the area along Rhododendron Drive was more than 25 percent of the proposed Fawn Ridge annexation area; if Driftwood Shores annexed to the City, other properties in the area would be engulfed; maps at the City offices indicated development would occur on wetlands; many people in the area were opposed to annexation and had asked for a vote many times. She thanked Commissioners for having a meeting in Florence.

Ms. Arkin asked for two examples of why Ms. Patton and her neighbors did not want to be annexed.

Ms. Patton said the primary reason was cost would be a burden, especially to low income people. She asserted the cost to the average house would be \$23,000 to \$32,000, and would be enforced through property liens.

**Juanita Kirkham**, 06031 North Fork Road, Florence, reviewed her concerns about Map 14-1. She questioned the meaning of the term “areas of interest” and why the map was included in the document. She was concerned that the map showing areas of interest extended the UGB

Ms. Henkel explained the area of interest was an area outside of the UGB within which the County provided notice to the City of land use actions and allowed the City to provide comment, and in return the City provided notice of certain land use actions inside the city limits to the County. This mutual consideration allowed the City and the County to coordinate in areas of mutual concern inside the City and outside the UGB. The area of interest was adopted for all cities in Lane County except Dunes City through a project coordinated by the Lane Council of Governments (LCOG). An official copy of the map that was approved and signed by the BCC was on file at City Hall.

Mr. Sullivan called for applicant rebuttal.

Ms. Henkel addressed comments from Ms. Todd.

- Adopt now, fix later, piece meal and no motivation on the part of the City—the Planning Commission would debate the issue and develop a process to propose amendments to the documents. Ms. Todd met with a number of people at the City last May and was extremely frustrated, and presented a long list of problems with the Comprehensive Plan. The plan was not previously co-adopted by Lane County because of the discrepancies in the plan. Ms. Todd was correct in citing problems with a version of the plan the City had previously brought before the County. The City subsequently hired Ms. Henkel to review the Comprehensive Plan, related files, City and County ordinances, and update the Comprehensive Plan to bring it up to date, which happened in January 2008. Ms. Henkel developed proposed housekeeping amendments. The City then spent the resources to bring the proposal to the Planning Commission to have it co-adopted. She asserted this was a highly motivated city. Ms. Henkel stated she immediately sent the revised document to Ms. Todd.

- Ms. Henkel would have to read the document to find where the 18<sup>th</sup> Street extension was still mentioned. However, there was an adopted City ordinance removing the 18<sup>th</sup> Street extension outside the UGB as part of the updates, but it had not yet been incorporated into the plan. Removing the 18<sup>th</sup> Street extension would be redundant.
- Ms. Henkel stated the City did not have the information Ms. Todd said she provided in writing regarding the growth rate and could therefore not comment on Ms. Todd's assertion. An extensive analysis of growth rate information was done by LCOG and the language in the Comprehensive Plan related to growth rates spoke specifically to actual data. Based on that data, Ms. Henkel said Florence was the third fastest growing city in Lane County. Staff would review the figures provided by Ms. Todd.
- Ms. Henkel said the Haceta Water District amendment was indeed a housekeeping amendment. The original language stated an agreement with the District was entered into after annexation. It was brought forward as a housekeeping amendment to clarify that everyone acknowledged that an agreement between the City and the District was needed. The agreement should address how to provide water after annexation.

Ms. Belson responded to comments from Mr. Hirsch on behalf of the Haceta Water District.

- State law assumed that the City was the best, most efficient provider of urban services and was set up to allow the City to automatically withdraw territory from the water district. State law also set up a protection for the water district that dealt with Mr. Hirsch's concern regarding bonded debt. If the City withdrew territory from the water district, the City assumed the financial responsibility for the bonded debt.
- The City agreed that ultimately annexing the whole UGB and withdrawing it from the water district would not necessarily help the district. To that end, the City passed a resolution, a copy of which was included in the Commissioners' agenda packets saying the City would allow the district to continue to provide service to whatever area it could. The resolution indicated the City was giving up its state law allowance to automatically withdraw that territory if an agreement could be reached. An agreement included in the agenda packet was based on that resolution.
- Although there was not an agreement yet in place, everyone agreed there should be one. Based on the City Council actions with the resolution and draft agreement sent to the water district, it was apparent that the City was not trying to take away the water district's territory and wanted it to remain a viable service provider for customers in the UGB.
- The housekeeping efforts were undertaken prior to co-adoption in an attempt to address consistency, and have a public process and public hearing before bringing the issue to the Planning Commission. Requisite public notice and referrals to Lane County and other agencies were done. The process may not have been perfect and efforts would continue to improve the documents.

Ms. Belson addressed various annexation comments.

- There was quite a bit of fear in the area about forced annexations. She countered Ms. Todd's statement that the City was setting up for forced annexation, noting the City was setting up for annexation and was required to plan for the UGB. When sanitary sewers and other utilities were installed at sites that had been voluntarily annexed at the request of the property owners, the City was obligated to plan for the entire UGB. Ms. Belson was not aware of any case in which the City forced annexation on any property owner. Any annexations had been requested by the affected property owner.

- The Transportation Planning Rule (TPR) listed the facilities for which jurisdiction were required to plan and pipelines fell under the TPR, which was the reason language about a gas line was in the transportation section of the Comprehensive Plan.

As Chair of the Florence Planning Commission and former member Florence City Council, Ms. Lee had been involved in local government activities since 1996. In 2001, she and the mayor represented the City Council in conversations with Haceta Water District. She noted since the Planning Commission had been working on the Comprehensive Plan, the City had six Community Development directors. When new staff joined the organization, it took time for them to familiarize themselves with issues and it was difficult to accomplish things in a timely manner.

Mr. Willoughby said he had been City Manager for a relatively short period of time. He expressed concern with Mr. Hirsch's comments that another draft IGA was being developed by the Haceta Water District's attorney. Mr. Willoughby had put a high priority on completing the IGA when he arrived because he believed strongly in a regional approach to providing utilities as the most efficient, cost effective way to do things. He had found dealing with the Haceta Water District the most challenging thing he had dealt with in over 30 years of working with public agencies. Mr. Willoughby, the Mayor and Council President had been meeting with the District, and the City thought it had an agreement. He could only speak for the City and was reluctant say when an agreement would be reached. Mr. Miller was prepared to meet with the water district tomorrow morning to finalize the agreement if it was serious about doing so. That had to start with the water district deciding what it wanted and who was going to negotiate on its behalf.

Mr. Willoughby addressed comments that the City's statement of the annexation policy was only a resolution. The only way cities could speak about their policies was either through a resolution or an ordinance. There were rules about how city councils could bind future councils, and about cities delegating their statutory responsibility for land use planning and other actions. Whatever was adopted and co-adopted would be done by a resolution passed by the same people who could vote to change it. It was a serious expression of the City Council and could only be changed by a vote of the City Council, which the Council did not take lightly.

Mr. Miller addressed sewer extensions and the future of sewer hookups. During his 24 years experience in public works in the Willamette Valley and east of the Cascade Mountains, economic delivery of sewer service had been a common theme. A reimbursement district was a tool that acknowledged expenditure of money by people to install and repair septic systems. It allowed people to use their septic systems until they needed to hook up to the public sewer system.

Mr. Sullivan called for Planning Commission questions on applicant rebuttal.

Mr. Shapiro asked what constituted a failing septic system. He asked if pumping an existing system or installing a new leech field would be allowed.

Mr. Miller said a failed system was not one that needed to be pumped, noting that pumping of a septic tank was routine maintenance that needed to be done over the life expectancy of a system. Failure was when the leech field failed or ground water contamination occurred. Sand did not provide the biological decomposition features that occurred in more sandy loam soils that contained clay materials. He knew of no study looking at the regional aquifer and nitrate levels. Contamination of the aquifer due to contamination from septic systems was being discussed in other parts of the state.

Mr. Willoughby said it was important to understand that Florence was unique in the State of Oregon in that it had a single source aquifer. Septic tanks that were working were almost certainly putting nitrates into the aquifer that both the water district and City took their water from. He understood that all of the wells were hydraulically connected to all of the septic tanks. He was concerned by the number of septic tanks in the single source aquifer and it was important to begin to look at the situation. The environmental high ground on this issue was for the City of Florence to figure out as quickly as possible how to reduce the number of septic tanks going into the UGB and to reduce that number.

Mr. Dignam was concerned and apprehensive about the Planning Commission holding the plan hostage to a negotiation between two parties, and asked if it was appropriate to consult with legal counsel.

Ms. Schultz said she would check with Lane County legal counsel.

Ms. Nichols asked how closely the State of Oregon Department of Environmental Quality (DEQ) monitored water for pollution, since the ordinance stated the City would take no action until DEQ found water pollution.

Mr. Willoughby responded that according the City Engineer, both the State and County were out of the business of the septic tank monitoring or forced annexation because of health hazards, and it appeared no agency conducted the monitoring.

Ms. Arkin concurred with Mr. Dignam's concern about holding the plan hostage to a negotiation and the request to seek an opinion from County counsel.

Mr. Johnston asked that County counsel review his previously expressed concern about the County being in violation of ORS 195.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Miller explained the City's process for monitoring ground water wells as prescribed by the State of Oregon and the federal Clean Water Act. However, there was not funding to sample water in the unincorporated areas.

Mr. Willoughby added the City had hired a consultant to study ground water issues and render an opinion on what the City could and should do. He was concerned that the City's ability to monitor was limited.

Commissioners discussed their options for keeping open or closing the public hearing, keeping open or closing the record, possible dates for additional meeting time on the issue before the Commission, and what additional information was needed from City of Florence staff and Lane County legal counsel and staff.

In response to questions from Commissioners, Mr. Howe explained the County public notice procedure, adding that the legal requirements for public notification for tonight's meeting had been met.

Mr. Dignam, seconded by Ms. Arkin, moved that the public hearing be closed, the record remain open until July 1, 2008 for additional testimony, and the applicant have until July 8 to respond to rebuttal testimony received by July 1. The motion passed unanimously, 7:0.

Mr. Sullivan said the Commission would not deliberate tonight. He asked Commissioners to forward questions and concerns to staff as soon as possible to enable them to be taken into consideration when the Commission meets to deliberate.

Mr. Sullivan thanked the City of Florence for the invitation to meet in Florence, and the members of the public who testified tonight.

The Planning Commission took a short break.

## **WORK SESSION RECONVENED**

### **1. Discussion of Coordinated Population Forecast Alternatives.**

Mr. Howe offered the staff report. He said since last fall, Lane County had been entangled in the politics surrounding adoption of the Coordinated Population Forecast of Lane County. He reviewed the history of the project and the action taken to date by the BCC. On February 13, 2008, the BCC adopted an order in the matter of rescinding the delegation of authority to the LCOG regarding population forecasting. On April 30, the BCC approved a resolution in the matter of adopting a new population forecast for Lane County that specifically stated the LCOG forecast could not be used. On May 28, after discussing a Junction City request for a rural comprehensive plan amendment for population forecast, the BCC withdrew for reconsideration the resolution adopted on April 30, and directed staff to provide a revised resolution and recommendation for a process for initiating a Coordinated Population Forecast for Lane County. The BCC would consider the issue on June 25 and had asked staff to bring alternatives on how the requirement could be met and to seek input from affected parties, specifically the Planning Commission.

Mr. Howe reviewed four options that would be presented to the BCC.

- Option 1: Use the LCOG forecast. It was the fastest and one of the lowest cost options. It would cost \$16,000 for the post acknowledgement plan amendment and would take about six months to complete.
- Option 2: Begin a Coordinated Population Forecast by using a bottom up approach, which would entail each city providing its number and a justification for that number. It would also cost \$16,000 and would take about twelve months to complete.
- Option 3: Begin a Coordinated Population Forecast by using a top down approach. The County would contract with PSU to develop a forecast. It would cost \$120,000 and take about eighteen months.
- Option 4: Develop a special purpose plan as a new planning document in the Rural Comprehensive Plan. It would cost \$200,000 and take about four months to complete.

Commissioners discussed various options and offered comments to staff to communicate to the BCC. Commissioners drafted the following statement to forward to the BCC. The statement was supported by consensus by the Commission, with the exception of Mr. Dignam, who abstained due to a conflict of interest.

It is an elected official issue. The Planning Commission recommends the most expedient and cost effective way with the understanding that long range planning would suggest in the future providing other options based upon acceptance by the municipalities affected.

With no further business, the meeting adjourned at 9:40 p.m.

(Recorded by Linda Henry)

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# MINUTES

Lane County Planning Commission  
Work Session  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

July 15, 2008  
5:30 p.m.

**PRESENT:** John Sullivan, Chair; Lisa Arkin, Vice Chair; Steve Dignam, Todd Johnston, Anthony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, Lane County Planning Commissioners; Lindsey Eichner, Kent Howe, Rafael Sebba, Stephanie Schulz, Rafael Sebba and Matt Laird, Lane County Land Management Division; Sandra Belson, City of Florence staff; Carol Henkel, City of Florence project consult.

**ABSENT:** Ed Becker, Lane County Planning Commissioner.

Mr. Sullivan convened the meeting of the Lane County Planning Commission (LCPC) at 5:30 p.m. Mr. Sullivan revised the order of the published agenda. He welcomed the City of Florence to tonight's meeting. Commissioners introduced themselves.

Mr. Sullivan called for public comment on topics that were not relevant to tonight's agenda, for items not scheduled for a public hearing, or for which the record had not been closed.

**Mia Nelson, 40160 East First, Florence,** asked to submit a letter regarding the Florence Comprehensive Plan Realization 2020.

Mr. Sullivan advised her that the record was closed and the Planning Commission could accept no additional written or verbal testimony.

Mr. Howe explained the legislative process and timeline for submitting testimony, adding it was up to the Planning Commission to determine if it wished to entertain reopening the process and allowing additional comments to come into the record. If the Commission chose to do that, it would need to allow the applicant, the City of Florence, additional time to respond to new information.

Mr. Sullivan suggested Ms. Nelson could enter her information into the record when the Board of County Commissioners (BCC) opened the public record unless the Planning Commission voted to reopen the record at this time.

Ms. Nelson accepted Mr. Sullivan's suggestion. She expressed her concerns regarding notification and public input related to the Florence Comprehensive Plan Realization 2020 process.