

Mr. Siekiel-Zdzienicki stated only four people spoke at the June 17, 2008 public hearing in Florence. He said the Planning Commission's decisions were based in part on community response and participation. He declared he recently attended a meeting also attended by Ms. Nelson. The issues before the Commission tonight were not discussed at that meeting.

Ms. Arkin invited Ms. Nelson to stay for the meeting to listen to the Commission's deliberations, and perhaps be more prepared for submitting testimony to the BCC.

WORK SESSION

1. Adoption of Planning Commission Minutes—April 29, 2008, May 20, 2008, June 3, 2008.

April 29, 2008

Mr. Siekiel-Zdzienicki offered the following correction to page 5, paragraph 2, sentence 1, which was accepted by Ms. Arkin:

Ms. Arkin referred to the exception to Goal ~~18~~ **15** and asked if there was a land use decision related to the lack of a north ramp approach to the bridge.

Ms. Arkin, seconded by Mr. Shapiro, moved to approve the April 29, 2008 minutes as corrected. The motion passed unanimously, 8:0.

May 20, 2008—Work Session

Ms. Arkin expressed concern that her comments to Commissioner Peter Sorenson had not been reflected adequately.

Mr. Sullivan asked for clarification for page 5, paragraph 4:

Mr. Siekiel-Zdzienicki, seconded by Mr. Johnston, moved that the record ~~for~~ be closed and the minutes of the May 5, 2007 meeting be approved as submitted. The motion passed unanimously, 6:0.

Mr. Sullivan noted consensus to hold the May 20, 2008 Work Session minutes for approval at a later date.

May 20, 2008—Public Hearing

Ms. Arkin, seconded by Ms. Nichols, moved to approve the May 20, 2008 Public Hearing minutes as submitted. The motion passed unanimously, 7:0:1, with Mr. McCown abstaining.

June 3, 2008

Ms. Arkin, seconded by Mr. Shapiro, moved to approve the June 3, 2008. The motion passed unanimously, 8:0.

2. PA08-5363—Deliberations: Co-Adoption of the 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. Howe distributed a document entitled *July 15, 2008 Deliberations/Florence Realization 2020 Comp Plan Alternative Motions for the LCPC Recommendations*. Mr. Sullivan noted consensus by Commissioners to use the document for discussion purposes.

Responding to a question from Mr. Sullivan, Mr. McCown stated although he had reviewed some of the written materials and listened to the recording from the June 17, 2008 public hearing, he reserved the right declare later in the meeting his intent on whether or not to vote on the issue.

Mr. Siekiel-Zdzienicki asserted he had not received all of the documents distributed via e-mail. He agreed to raise the issue during deliberations as necessary.

Responding to questions from Mr. Dignam, Mr. Sullivan opined distribution of the *July 15, 2008 Deliberations/Florence Realization 2020 Comp Plan Alternative Motions for the LCPC Recommendations* could be interpreted as new information.

Ms. Schultz concurred new information had not been distributed, but rather follow-up information had been provided to the Planning Commission. She believed the City of Florence had addressed all of the issues identified by the Planning Commission and commented in an appropriate way. City of Florence staff was available to answer questions.

Responding to a question from Mr. Johnston, Ms. Schultz said according to Oregon Revised Statue (ORS) 195, in the case of cities in special districts, the County was not an actual, direct party to an ORS 195 agreement. The County would function as a convener of the parties but was not a party to any agreement, thus the County was not a party to a contract between the City of Florence and the Haceta Water District, and by co-adopting the Florence Realization 2020 Comprehensive Plan, the City of Florence was not in violation of ORS 195, as asserted by the Haceta Water District.

Responding to a question from Ms. Arkin, Ms. Schultz said the Comprehensive Plan was the umbrella policy that guided more detailed actions, including contracts, under ORS 195.

Responding to a question from Mr. Shapiro, Ms. Schultz said the Haceta Water District agreement with the City of Florence was between those two entities, even though there were County residents who did not live in the city who were within the Haceta Water District's boundary.

Responding to a question from Mr. Shapiro, Mr. Howe said the City of Florence *Comprehensive Plan* and *Public Facilities and Services Plan* addressed provision of water for county residents in the event the Haceta Water District could not supply water.

Ms. Belson stated the City of Florence had a policy that it would not withdraw property from the water district in areas that the water district was able to serve. The City's plan was based on the Haceta Water District providing water directly to customers or the City buying water from the water district.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Howe said with the dissolution of the Lane County Boundary Commission (LCBC), the BCC would deal with any annexation issues. He added that Lane County did not have the responsibility of providing services to special districts.

Responding to Mr. Johnston, Mr. Howe said there was not agreement between Lane County and the State of Oregon Department of Land Conservation and Development (DLCD) related to population projections. Mr. Howe explained Lane County legal counsel and Land Management staff opinion was that the population figure used by the City of Florence Realization 2020 Comprehensive Plan was adopted in 2005, before the rule change occurred in 2007, and therefore a valid number, and defensible if challenged.

Mr. Sullivan said the Planning Commission could not make a decision based upon a potential challenge, although the BCC could do so.

Mr. Sullivan opened the floor to deliberations.

Mr. Dignam understood there was no legal requirement for the City of Florence to have a signed agreement with the Haceta Water District for the Commission to consider approval of the Comprehensive Plan and did not see the lack of a signed agreement a sufficient reason to delay or decline the Comprehensive Plan. He saw the issue as one between the City of Florence and the Haceta Water District.

Mr. Shapiro said the information about annexation requirements for residents in the Urban Growth Boundary (UGB) to hook up to the sewer line when they had a functioning septic system in the information provided to Commissioners was misleading because many of the septic systems in the UGB were newer systems where the effluent was measured prior to entering the leach field. He stated language was needed to clarify if a septic system would be allowed to be maintained and repaired. He asked if credit would be given for septic systems hook up charges and what would happen to the Haceta Water District's debt if the City took over the water supply. He suggested the City of Florence resolution should be referenced in the Comprehensive Plan.

Addressing population projection concerns, Ms. Arkin said Lane County was holding a policy discussion in 2008 on City of Florence sewer plans that were adopted six years ago, and amended numerous times since adoption, which put the Commission at a disadvantage. She wanted to make sure that the correct population projection numbers were used, and was uncomfortable using the population projection developed in 2004 prior to involvement by the County. She wanted to defer a decision on the City of Florence Realization 2020 Comprehensive Plan until the population projection issue was resolved by Lane County because she thought the new DLCD rules could apply in this instance. She could not support co-adoption until this issue was resolved. While she understood the City of Florence would not force any annexations, she

understood the City would be responsible for supplying water to annexed areas. She was concerned about the impact of annexations on the Haceta Water District and how people who lived in the UGB currently served by the water district did not have the option of access to city supplied water.

Responding to a question from Mr. Sullivan, Mr. Howe explained the Oregon Administrative Rule (OAR) was adopted by DLCDC Commission in 2007 rather than by the State legislature, and required that coordinated populations be adopted by the counties. There were different interpretations on the rule language that had not yet been tested. There were some interpretations that the language allowed counties to deal with coordinated populations as they had in the past, by adopting them when individual cities brought them forward. The interpretation by DLCDC staff required the County to do it all at once. According to Lane County Counsel, planning was an ongoing function. The City of Florence had been in the current planning effort and was moving forward first with the adoption in 2005 of its population projections upon which it based its public facilities, housing and transportation plans. He opined adoption of the DLCDC rule in 2007 did not mean that the City of Florence had to redo buildable lands, the transportation and other adopted plans. When the City of Florence amended its Comprehensive Plan for buildable lands, a UGB expansion, public facilities or transportation, if the County had adopted a new coordinated population projection figure, the City would be required to use those numbers in the Comprehensive Plan. Lane County staff and legal opinions through the State did not feel the OAR adopted in 2007 had a retroactive application that required the coordinated population figures be amended immediately.

Based upon the information provided by staff, Mr. McCown was confident the City could handle all required water services within the UGB, and would continue to seek a contract with the water district.

Responding to a question from Ms. Nichols, Ms. Belson said the City of Florence had sufficient water rights to be able to serve the entire UGB, and would need to develop additional wells if the Haceta Water District did not continue serve some of the residents in the UGB. The City preferred to come to an agreement with the Haceta Water District, and was allowing the district to continue to provide water to properties already annexed. She noted the Fawn Ridge annexation and Driftwood Shores were served by the water district, and the City did not intend to take over that service. The City could provide additional water if it further developed its water fields with its current water rights and preferred to do it in conjunction with the water district, using the water already developed at Clear Lake.

Responding to a question from Mr. Shapiro, Ms. Belson said new wells within the current well field would be developed. She said estimating how long it would take to get new wells on line would be new information not in the record.

Ms. Nichols emphasized the importance of testing water and maintaining water quality in areas served by septic systems, and expressed concerns about residents being forced to replace septic systems or to hook up to city water.

Responding to a question from Mr. Siekiel-Zdzienicki, Ms. Henkel said there was recent case law regarding island annexations. She explained island annexations and noted the City of Florence was not creating islands.

Mr. Siekiel-Zdzienicki said there were many loose ends on this issue and he was inclined to vote no on the proposal.

Mr. Johnston asked what the mechanisms were for changing the document in the future, noting he felt it was better to keep the process moving forward rather than sending it back for further revisions.

Ms. Belson said there had been no public testimony about the plan designations or plan map and suggested the Planning Commission could adopt the portions of the Realization 2020 Comprehensive Plan with which it felt comfortable, and adopt remaining portions as concerns were resolved.

Mr. Sullivan hoped responses from the City on issues raised by the Planning Commission would be accepted as a finding of fact or a disputed finding. Additionally, input from the public had been presented as a finding.

Ms. Arkin, seconded by Mr. Shapiro, moved that:

1. The Lane County Planning Commission recommend the Board of County Commissioners co-adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence, outside the city limits and within the urban growth boundary at such time that the City of Florence and Lane County co-adopt a coordinated 20 year population forecast consistent with OAR 60-024-0030(1).
2. The City of Florence and Haceta Water District cosign an intergovernmental agreement (IGA) that spelled out how water would be supplied to new customers in areas that were not currently annexed but may be or were to be annexed in the future.
3. That the requirements and criteria for annexation be delineated in a resolution passed by the Florence City Council by December 31, 2008.
4. The City of Florence, the Haceta Water District and the State work together to test the quality of septic systems and drinking water quality to ensure septic systems and their effluent are not entered into water drinking systems.

Mr. Dignam said he would have a difficult time supporting the motion, as he was inclined to support the Comprehensive Plan as presented. He would have preferred a less complex motion that approved the Comprehensive Plan, and would support a Comprehensive Plan with modifications.

Mr. McCown was opposed to sections 1. and 2. of the motion adding he would like to see less micromanaging of the system by the Planning Commission. He preferred to recommend the County seek clarification of the population projection rule and have the City of Florence demonstrate its compliance with the rule or how it would reach compliance, which may include the City and the County adopting a coordinated plan or the City and the County demonstrating how the 2005 population projection numbers were in compliance the applicable OAR. While the

City may demonstrate its ability to provide water service to properties within the UGB, he did not want to place the caveat that it needed to be done with an IGA.

Mr. Johnston would not support the motion as drafted, but liked the direction it was going, citing the importance of moving the process forward. He could not support the motion as drafted with the population projection requirement, noting staff, County Counsel and DLCD had agreed a three percent estimate was the best information available. He could not agree with requirement cited in 2., asserting it had no bearing on the Planning Commission's decision. It was a separate issue that the City and water district should work out. He supported sending a strong message regarding septic systems and water quality testing.

Mr. Shapiro said an IGA was the vehicle specified in the Comprehensive Plan and it was not appropriate to change that. They had been working on the IGA for seven years, and it would not happen if pressure was not applied.

Mr. Siekiel-Zdzienicki said Florence did need micromanaging based on its history.

Mr. Sullivan could not support the motion. Although the State had established a population projection estimate, it was pushing on the counties to verify if the State was correct. He understood that the Florence City Council had said an IGA was outside its venue. He said the City of Florence already had an annexation resolution that could be changed through a public process that would provide individuals and organizations an opportunity to voice their opinions. He said the number one responsibility of government was to ensure the public's safety and well being, and the issue of water quality needed to be brought to the attention of the BCC.

Ms. Arkin supported the motion. The Planning Commission should be concerned with how residents outside the city limits would be served with safe water. Additionally, it was important for the Commission to acknowledge testimony offered by the public and would be remiss by not considering written and verbal testimony offered by the public on this issue. Population projections directed how cities expanded into county land and she hoped Lane County would work with the City of Florence to develop good numbers.

Mr. Dignam did not intend to support the motion, agreeing with comments in opposition made by other Commissioners. Currently adopted population estimates should be used rather than developing new estimates. He opined he was not in a position to challenge County Counsel on their legal advice. He said the Planning Commission was not debating a specific annexation, but rather annexation policy. The City had demonstrated its good faith through a resolution that it would not force annexations. He was opposed to holding the Comprehensive Plan hostage because some Commissioners were unhappy with one aspect of the proposal. The Comprehensive Plan had been in the works for seven years and he was opposed to taking another seven years to adopt. Reading from the Comprehensive Plan regarding failing onsite sewage disposal systems, he thought this was a desirable planning policy to protect the ground water. The proposal was a good approach to rectifying a situation in which there was one set of policies within the City and another set of policies within the UGB. The proposal would allow for consolidation into a unified set of policies, which would benefit both City and County residents.

Mr. Siekiel-Zdzienicki said the vote should be delayed until after this evening's public hearing.

Ms. Nichols said she would support the motion although it was not ideal.

Mr. Johnston called the question on whether to vote on ending debate.

Mr. Dignam raised a point of order, stating that delaying the vote required a two-thirds vote to support ending debate.

Mr. Sullivan asked for a show of hands on ending debate and voting on the motion. Commissioners Johnston, Nichols, McCown, Arkin, Shapiro and Dignam voted in favor and Commissioner Siekiel-Zdzienicki voted in opposition.

At Mr. Sullivan's request, Ms. Arkin restated the motion:

1. The Lane County Planning Commission recommend to the Board of County Commissioners co-adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence, outside the city limits and within the urban growth boundary at such time that the City of Florence and Lane County co-adopt a coordinated 20 year population forecast consistent with OAR 60-024-0030(1).
2. The City of Florence and Haceta Water District cosign an intergovernmental agreement (IGA) that spelled out how water would be supplied to new customers in areas that were not currently annexed but may be or were to be annexed in the future.
3. That the requirements and criteria for annexation be delineated in a resolution passed by the Florence City Council by December 31, 2008.

Ms. Nichols offered clarifying language for 4) which was accepted by Ms. Arkin and Mr. Shapiro.

4. Lane County and the City of Florence would cooperate to develop scientifically based standards and regular testing to determine if sewage from septic tanks was entering into the water supplies, a system to spot isolated problems and correct them immediately should be put into place so that the system could provide safe water and prevent the need for health related annexations.

The motion failed 4:0, with Commissioners Siekiel-Zdzienicki, Arkin, Shapiro and Nichols voting in favor, and Commissioners McCown, Sullivan, Johnston and Dignam voting in opposition.

Ms. Arkin, seconded by Mr. Dignam, moved to reconvene the work session following tonight's public hearing. The motion passed unanimously, 8:0.

Mr. Sullivan recessed the Work Session at 7:05 p.m. pending conclusion of the Public Hearing.

Mr. Sullivan reconvened the Work Session at 9:15 p.m. He observed that those who opposed the failed motion did so because of specificity related to an observation in the motion.

Ms. Arkin noted there was agreement that water quality and testing issues were important to everyone. She also opined some Commissioners had concerns about the Haceta Water District population projections. She could support a motion that recommended co-adoption to the BCC and recommend water quality testing be instituted, with attention paid to population forecasting.

Mr. McCown asked if Ms. Arkin wanted to maintain the annexation resolution.

Ms. Arkin asked if the resolution referred to by Mr. Shapiro was part of the Comprehensive Plan, to which Ms. Belson responded the resolution was not adopted as part of the Comprehensive Plan as policy, which she understood was Mr. Shapiro's recommendation.

Mr. Shapiro was satisfied with the resolution, but would like to see more specific criteria regarding failed systems.

Ms. Nichols asserted the Planning Commission could not dictate the scientific perspective, but could encourage the City, Haceta Water District and the County to set up a committee to develop a plan to move forward, noting there were areas in which there were real problems and areas in which there were not. This would benefit those who wanted to be part of the City and those who did not want to be part of the City in keeping their water drinkable.

Mr. Johnston, seconded by Mr. Dignam, moved that the Lane County Planning Commission recommend that the Board of County Commissioners co-adopt the Florence Realization 2020 Comprehensive Plan with direction to the City of Florence to consider the following amendment at the City's next opportunity to consider Comprehensive Plan amendments, adopting a timetable to implement Chapter V-6 recommendations:

- Recommendation 3., the City should identify possible contaminants in the areas of the aquifers and identify alternative sites for those businesses if possible, and/or work with the County and those businesses to reduce the use of and provide for safe disposal of contaminants.
- Recommendation 4., the City should work with the Department of Health to identify areas of failing onsite sewage disposal systems in the UGB and pursue annexation and provisional municipal sewer to those areas having potential for contamination of the aquifer having the highest priority.

Mr. Johnston said it was not known if there was a problem but there was considerable public concern and inadequate answers to the issues raised by the public. It needed to be determined if there was a problem, what was causing it, and a solution developed. There was no timetable in the Comprehensive Plan. A directive from Lane County to include a timetable when the City of Florence was amending the plan was appropriate.

Ms. Nichols said the motion did not address her most important issue. Any efforts needed to be cooperative between the County, the City and the Haceta Water District to set the standards, noting they had difficulties working together in the past.

Mr. Johnston iterated it was important to first identify the problem and then involve all of the interested parties in discussions and development of solutions.

Mr. Shapiro added it needed to be a cooperative effort. He said the next time the City looked at Comprehensive Plan amendments would be too late.

Mr. Johnston said the Comprehensive Plan was not the place for Lane County to tackle specific issues, but rather was the place to establish broad policy. He added rejecting the proposed plan was a step backwards, opposed to what may be an incremental step forward.

Mr. Sullivan said the Planning Commission needed to identify the primary concern for the BCC, opining the BCC will look at water quality and sewage issues.

Ms. Arkin could not support the motion because of the clause, *at the City's next opportunity* was too vague. She added it was important to let the BCC know that many people testified on the population forecasting issue was raised at the public hearing.

Mr. Dignam said he was aware that two people testified verbally and one person testified in writing, so to say that there had been an overwhelming outpouring of testimony related to this issue was an overstatement.

Mr. Johnston withdrew the motion. Mr. Dignam withdrew the second to the motion.

Mr. McCown, seconded by Ms. Arkin, moved that the Lane County Planning Commission recommend to the Lane County Board of Commissioners (BCC) that Lane County co-adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence outside the city limits and within Urban Growth Boundary (UGB) given that the BCC comes to resolution on the following issues:

1. The coordinated population forecast.
2. The City of Florence was able to demonstrate its ability to provide an adequate water supply to properties within the UGB while not doing any undue harm to properties outside the UGB.
3. The City Council annexation resolution was considered for inclusion.
4. A plan for Lane County and the City of Florence to develop scientifically based standards and regular testing to determine if sewage tanks was entering the water supplies, a system to spot isolated problems and correct them immediately should be put in place. Such a system could assure safe water and prevent the need for health related annexations.

Mr. Shapiro stated the Haceta Water District as well as the City of Florence provided water, and both needed to be included in any recommendation.

Mr. McCown said the onus was on the City of Florence to demonstrate it could provide water to properties inside the UGB and not harm those outside the UGB. To do so, the City of Florence had to demonstrate its ability to work with Haceta Water District. If that could be demonstrated without an agreement between the City and Haceta Water District, the City would fulfill the requirement. However, in all likelihood, an IGA would be used, noting one agency should not be given leverage over the other.

Mr. Johnston offered a friendly amendment to the motion: The Lane County Planning Commission recommend to the BCC that Lane County and the City of Florence co-adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence outside the city limits and within UGB given provided that the BCC comes to resolution on the following issues:

1. The coordinated population forecast.
2. The City of Florence is able to demonstrate their ability to provide an adequate water supply to properties within the UGB while not doing any undue harm to properties outside the UGB;
3. The City Council annexation resolution is considered for inclusion;
4. A plan for Lane County and the City of Florence to develop scientifically based standards and regular testing to determine if sewage tanks is entering the water supplies, a system to spot isolated problems and correct them immediately should be put in place. Such a system can assure safe water and prevent the need for health related annexations.

Ms. Arkin agreed the Planning Commission could only bring issues to the attention of the BCC.

Mr. McCown and Ms. Arkin accepted Mr. Johnston's friendly amendment.

Mr. Johnston said he could not support the original language of the motion but could support a direction to the City of Florence to include a timetable for implementing water related issues already in the Comprehensive Plan and he could support inclusion of the resolution previously discussed.

Mr. Siekiel-Zdzienicki would vote against co-adoption because there were too many loose ends and he had not been convinced by the City of Florence that Lane County should co-adopt the Comprehensive Plan.

Mr. Sullivan was still concerned about provision 1, noting there was nothing to indicate to the BCC that they would get around to a coordinated population forecast in the near future. This was

a political issue added to the motion that was not needed. He was in favor of moving the issue forward to the BCC.

Mr. McCown did not support the notion that the BCC needed to have a new coordinated population forecast before approving the Florence Realization 2020 Comprehensive Plan, and did not intend for the motion to make that suggestion.

Mr. Dignam said he could not support the motion because of the language in provision 1., related to coordinated population forecast since there was already one in place, and provision 2., related to adequate water supply because any agreement with the Haceta Water District had any place in the document.

Mr. McCown asserted the motion did not mention the Haceta Water District, adding the onus was strictly on the City of Florence.

Mr. Johnston called the question.

Mr. Dignam said he could support a motion in which the Lane County Planning Commission supported co-adoption that called out issues the BCC should take into consideration.

Ms. Arkin offered a friendly amendment, which Mr. McCown accepted and included in a revised motion which Mr. McCown iterated in its entirety:

Mr. McCown, seconded by Ms. Arkin, moved that the Lane County Planning Commission recommend to the BCC that Lane County co-adopt the Florence Realization 2020 Comprehensive Plan and applicable refinement plans for application within the urbanizable area of Florence outside the city limits and within UGB calling out the following issues for consideration:

1. The coordinated population forecast.
2. The City of Florence was able to demonstrate its ability to provide an adequate water supply to properties within the UGB while not doing any undue harm to properties outside the UGB.
3. The City Council annexation resolution was considered for inclusion in the Comprehensive Plan.
4. A plan for Lane County and the City of Florence to develop scientifically based standards and regular testing to determine if sewage from septic tanks was entering the water supply. A system to spot isolated problems and correct them immediately should be put in place. Such a system could assure safe water and prevent the need for health related annexations.

Mr. Shapiro offered the following friendly amendment, clarifying the annexation resolution referred to in the motion was Resolution 8 Series 2008. Mr. McCown and Ms. Arkin accepted the friendly amendment. The motion passed 6:2, with Commissioners Johnston, Nichols,

McCown, Arkin, Sullivan and Dignam voting in favor, and Commissioners Siekiel-Zdzienicki and Shapiro voting in opposition.

Mr. Sullivan expressed his appreciation to City of Florence staff.

3. Discussion: Format for Planning Commission Motions to the Board; considering Majority and Minority Reports

Deferred to a future meeting.

The meeting adjourned at 9:58 p.m.

(Recorded by Linda Henry)

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DRAFT

REC'D JUN 02 2008



Siuslaw Watershed Council

Community • Economy • Environment
www.siuslaw.org

P.O. Box 422 • Mapleton, OR 97453

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Friday, May 30, 2008

P.A. NO. 08-5363

DATE: 6-2-08 EXHIBIT NO. 1

Stephanie Schulz
Land Management Division—Planning
Lane County
125 East 8th Avenue
Eugene, Oregon 97401-2926

ATTACHMENT 3

Dear Ms. Schulz:

I am writing on behalf of the Siuslaw Watershed Council about the Florence Comprehensive Plan. The SWC would like to submit the following comments to the Planning Commission for their consideration:

The Siuslaw Watershed Council recommends the use of native plants for landscaping. We support city policy that protects clean water. We share concerns about the impacts of failed septic tanks on watershed health and hope that the issue will be addressed.

Please feel free to contact me at coordinator@siuslaw.org or 541-268-3044, with any questions. Thank you for your time and efforts.

Sincerely,

Liz Vollmer-Buhl
Council Coordinator

Siuslaw Watershed Council Mission Statement

The Siuslaw Watershed Council supports sound economic, social and environmental uses of natural and human resources in the Siuslaw River Basin. The Council encourages cooperation among public and private watershed entities to promote awareness and understanding of watershed functions by adopting and implementing a total watershed approach to natural resource management and production.

SCHULZ Stephanie E

From: BARRY Celia
Sent: Friday, June 13, 2008 6:20 PM
To: BELSON Sandra (SMTP); SCHULZ Stephanie E
Cc: CLARK Andy; VORHES Stephen L
Subject: Florence TSP March 2008 Comments

Exhibit: 2

PA 08-5362

Hi Sandra and Stephanie,

Here are my comments on the TSP. Please provide this to the County Planning Commission for the June 17 hearing record. I had hoped to get these to you earlier. I have some questions regarding the deferral of an update until periodic review but I anticipate you'll be able to respond (items 3 and 4 below).

A key issue of concern is the Financial Section being outdated with regard to County Secure Rural Schools Funding. It will cause confusion given the County is only now adopting this document. Comments in this regard are at the conclusion of this email (items 11-12). I would suggest that the Financial Section be updated (along with the other changes noted below) and that the City adopt the updated document prior to taking it to the Board of Commissioners. I think these are relatively minor changes that have a fairly significant result on the transparency and effectiveness of the document. If the City chooses to leave the document as is so as to avoid another city process, we can present the issue to the Board for their decision.

1. Page 12, Functional Roadway Classifications

Consider whether you want to consider a Scenic Drive as a functional class or some other designation. Functional class is an engineering technical term more related to the management of traffic for circulation and access management purposes.

2. Page 12, Roadway Design Standards

Access management is not a road design standard. Instead it is separate category of surface transportation management. As your TSP aptly describes later in the document, it concerns limiting driveways and other intersections depending on the functional class of the road (less intersections are allowed on arterials, typically, than on local roads). Road design standards are typically clear and objective while access management is often case by case depending on the speed limit, traffic pattern, visibility issues, and topography.

Suggestion: add a paragraph to this page for Access management as a stand alone section.

3. Page 13, Planning Assumptions

This section notes that population and housing projections were updated in 2004 and the TSP does not reflect them. How was the project list developed to address current needs, if not based upon population and housing?

4. Page 15, Population and Employment Projections, and Needs Analysis

This section indicates that the TSP has not been updated to reflect the new data. Yet the next section, Needs Analysis, states the needs analysis is in part based upon traffic projections that are based on the population and employment projections. This seems to be contradictory and needs to be clarified.

5. Page 17, Policies

Policy 3 in the 3rd row states all new collectors and arterials will have bicycle and pedestrian facilities. It should be amended to read all new and reconstructed collectors and arterials will have these facilities.

6. Page 17 Policies

Policy 3 in the 4th row needs to be reworded to delete "City Policies". This is a policy statement, so it should be the policy that addresses what it indicates "city policies" will address.

7. Page 17 Policies

The City may wish to consider adding a policy under the energy related goal that the city will develop transportation demand management policies and incentives within its development standards to promote these policies. For instance,

relaxing certain development improvements may be allowed provided a certain level of TDM policies have been incorporated into a development proposal is one approach.

8. Page 18 Policies

Lane County Transportation Planning is supportive of the coordination policy statements and requests that another policy statement be added as follows:

Lane County Chapter 15, Roads, shall apply to County Roads, including but not limited to access management, road design, traffic impact analysis, and dedication and improvement requirements.

9. Page 34-46 Improvements

All improvements on County Roads (Heceta, Munsel Lake, and Rhododendron): Lane County Transportation Planning requests a sentence be added either as a preamble or to each section referencing improvements on County Roads that states, "Heceta Beach, Munsel Lake, and Rhododendron Roads are County Roads. Improvements to City standards on these roads would occur only after the City annexes and takes operational and maintenance jurisdiction, unless other, specific formal agreements with Lane County occur."

10. Page 59-60, Table 12-5-B2

The 4th column includes a "C" in the heading. As noted in the asterisked footnote, there is no longer a "C" category. The heading and five projects need to have the "C" deleted as a funding source.

11. Page 62-63

The financial information about Lane County is outdated and should be updated. Lane County SRS funding expired in 2006 and the Capital Projects Partnership Program has been eliminated. A one-time congressional reauthorization occurred in 2007 and may occur in 2008. Beyond 2008 it is almost certain that this funding source will disappear. Lane County Transportation Planning believes it is important that this information be included in the TSP in this section so as to reduce confusion among the public about this issue. Also, the tables on the subsequent pages should include a preamble that states, "The following Tables Show Information about Transportation Project Funding through FY 2005."

12. Page 65

The text on this page also needs to be updated to talk about County funding in the past tense as appropriate. Citizens reading the first paragraph will find it to be contradictory to the County's financial situation and with the County only now adopting this plan, it will create confusion.

Thanks for the opportunity to comment. I look forward to working with the City on transportation related efforts. Please let me know if additional information is needed.

Celia Barry, Manager
Lane County Public Works Transportation Planning
3040 N. Delta Hwy.
Eugene, OR 97408
541.682.6935

Debby A. Todd



Post Office Box O
Florence, Oregon 97439

RECEIVED AT HEARING ⁶⁴¹⁰⁹⁷2680

P.A. NO. 08-5363

DATE: 6-17-08 EXHIBIT NO. 3

June 17, 2008

Lane County Planning Commission

HAND DELIVERED

Re: Co-adoption of Florence 2020 Comprehensive Plan

Commissioners:

My comments about the City's request that the County co-adopt the Florence 2020 Comprehensive Plan involve five basic issues:

1. **Growth Rate**
2. **18th Street Extension**
3. **Transportation Systems Plan**
4. **IGA with Heceta Water District**
5. **Forced Annexation**

1. **Growth Rate**

Issue: One of the major components of the Plan is the assumption that the city will experience a 3.3% annual growth rate.

However, the plan only shows historic population data between 1980 and 1992 - data which was over a DECADE OLD at the time of the 2002 hearings, and which is now over 15 YEARS OUT OF DATE.

Why is this important? Expected growth rates are used to justify expansion of Urban Growth Boundaries; decide how to allocate the cost of infrastructure expansion between existing taxpayers and developers, etc.

A review of the "facts on the ground" shows the City's growth rate is actually just over 1%, not 3.3%. The growth rate assumptions in the Plan are inaccurate at best, suspect at worst. See attached Growth Rates (1).

Requested Action: The County should not co-adopt the Plan until the City has updated, and revised, its projected growth rate.

2. 18th Street Extension to North Fork Siuslaw Road

Issue: Florence City Council **specifically** instructed staff to remove all reference to the 18th Street connection between Hwy. 101 and North Fork Siuslaw Road.

“Other testimony at the Planning Commission also requested that all references and maps regarding the extension of 18th Street to the east be deleted.” (July 7, 2003 Florence City Council meeting, Agenda Item 2C, page 1)

That instruction was noted in the City’s listing of Local Adopting Ordinances:

Florence City Ordinance No. 14, Series 2003 - Adopted by City Council 8/4/03, as yet **not** adopted by Lane County “An Ordinance Amending Chapter 12 - Transportation Systems Plan and Appendix 12 of the Florence 2000/2020 Comprehensive Plan: “ ... and those amendments include deletion of all references and maps related to the extension of 18th Street east of its current terminus ...” (See attached January 2008 revised Plan, pages 3-5) (2)

For some publicly un-expressed reason, there remain elements in the Plan that some would view as encouraging extension of 18th Street from the edge of current city limits, between the golf course and the casino, to North Fork Siuslaw Road. Even after the “housekeeping” amendments earlier this year, the Plan still states:

“An added benefit of this adjustment should be the public right-of-way gained for an east-west street within Florence providing a much-needed alternative connector between Highway 101 and North Fork Road. Such street right-of-way should be requested of the landowner for dedication as part of future annexation or subdivision approvals. The Transportation System Plan provides a detailed discussion of this improvement and possible public street alignment.” (*Chapter 14, Urbanization, Page XIV-4*)

This section also implies that the annexation of the golf course would have an “added benefit” of a public right of way. During the UGB expansion process, Mayor Brubaker specifically instructed staff on what language to use in the adopting ordinance as regards the golf course property owner’s promise to dedicate a right of way to the City when the property was annexed in the future. Later, during the subsequent annexation process, the Mayor Brubaker requested advice from the City’s legal counsel regarding the enforceability of the promise. The public was told by the mayor that the form of agreement the City had signed was not enforceable. (3)

Another section of the Plan (Chapter 12) previously referred to 18th Street. Although this text no longer specifically calls it “18th Street” - there is a clear connection to the 18th Street extension contained in the Transportation System Plan text (see below).

“1. East-West Connection Highway 101 to North Fork Road. This connector may need to be construed (sic) in the future to mitigate congestion on Munsel Lake Road.” (*Chapter 12, Transportation Systems Plan, Project Summary, Other Local Street Improvements:*)

THIS MAY REFER TO A PREVIOUS VERSION, AND MAY NOT APPLY TO THE CURRENT VERSION, DT 6/17/08

Requested Action: The County should not co-adopt the Plan until this language has been removed from the Plan.

3. Transportation Systems Plan

Issue: The TSP still contains provisions for the 18th Street extension, although the specific reference to 18th Street has been removed in the accompanying map.

The Transportation System Plan (TSP) is an integral part of the Comprehensive Plan. The text still states:

“1. East-West Extension (Highway 101 to Munsel Lake Road). The development of an east-west collector street south of Ocean Dunes Golf Course will provide access to the heart of the community and provide an alternative access to the Spruce/Highway 126 and the Highway 101/Munsel Lake Road intersections. The proposed street will serve existing and anticipated residential development in the vicinity, as well as providing a secondary access for the proposed casino site. The location must be carefully chosen to avoid impacting the wetland area east of Willow Dunes and Creekside Pines.” *(TSP, Section 3, Modal Plans, Other Local Street Improvements)*

“3. Potential Long Range Projects ... East/West connection Highway 101/North Fork Road” *(Section 4. Implementation Actions, Capital Improvements)*

A rather confusion text section-still exists in the TSP, one which should be removed as 18th Street could not physically extend from Oak Street to Munsel Lake Road:

“Collector Facilities - 18th Street (Oak Street to Munsel Lake Road)” *(Functional Roadway Classifications, Collectors)*

Requested Action: The County should not co-adopt the Plan until the Transportation System Plan has been revised to remove all references to the 18th Street Extension.

4. Local Government Intergovernmental Agreement (IGA)

The previous City Council approved certain language in response to public requests for more stringent requirements that an IGA with Heceta Water District be included as part of the annexation process. The language that was originally adopted by the Florence City Council:

“Recommendation 4. The City and Heceta Water District must negotiate an agreement for the provision of water following annexation.” *(Chapter 14 - Urbanization)*

During the 2008 ‘housekeeping’ action, the City changed the language, as well as the intent:

“Recommendations - 4. The City and Heceta Water District should negotiate an

agreement that spells out how water service will be provided. (Chapter 14 - Urbanization, Page XIV-2)

During the years between adoption by the City of the “shall” language, but before the “housekeeping” language adoption, the City has annexed a number of properties (Matthews, Morales, Coccio, Fawn Ridge, etc. - all properties within the boundaries of Heceta Water District. To date, there is still NO agreement with Heceta Water District for provision of water to these properties. The City Council directed staff, around 2001, to withdraw some of the properties from Heceta Water District’s territory, yet it is still unclear whether or not this has been legally accomplished. One thing is very clear - the City has taken NO steps to hook up those ‘withdrawn’ properties to City water service, in contravention of Oregon State Statute requirements.

The City has adopted Resolutions indicating their intentions about provision of water to properties inside Heceta Water District boundaries, and as that Resolution repeatedly references the Plan, there should be no objection to including the intent of the Resolution in the Plan text.

Requested Action: The County should not co-adopt the Plan until there is a clear and unambiguous requirement for an Intergovernmental Agreement with Heceta Water District **in advance of any future annexation.**

5. Forced Annexation

The City, through City Council adopted Resolution, (4) has indicated they do not intend to force annexation on any properties inside the UGB. Resolutions can easily be revoked, with little or no public input, recourse for effected property owners or even consultation with other governmental entities that might be effected.

In spite of public protestation to the contrary, I believe the City has embarked on an ambitious annexation program. I believe this because of the evolution I have witnessed in the Comprehensive Plan, as well as actions taken by city staff , City Planning Commission, and the City Council.

A. Claims of Failing Septic Systems

The Comprehensive Plan mentions ‘failing’ septic systems.

Because of the high seasonal water table in some of this area of newer development, there are failing on-site sewage disposal systems. (Chapter 14 - Urbanization, Page XIV-2)

Lots in the area of the far northwest part of the UGB are smaller, and are developed with small, older vacation cottages, many of which have older, failing on-site sewage disposal systems. (Chapter 14 - Urbanization, Page XIV-2)

The fact remains, however, that there is considerable testimony in the record showing that the city's claims of 'failing' septic systems was not based on fact. My personal opinion is that the real reason for claims of ‘failing’ septic systems was, and is, based on (1) compilation of justification for forced

annexation due to 'health concerns', and (2) financial concerns of private developers - not fact.

I have followed the evolution of this Plan for about 10 years now. I have never seen any reports showing:

1. There are 'failing' septic systems in the area, or
2. Failing systems are contaminating groundwater, or
3. Groundwater contaminated by failing septic systems in the area are (or will) adversely effect public health

Bruce Mower, former Lane County Sanitarian, went through the county's records and testified during the public hearings on the 2020 Comprehensive Plan that there were NO failing septic systems in the area. See attached (5)

There is, of course, the 'common knowledge' that municipal sewage treatment plants are somehow 'better' than septic systems. The considerable amount of research I've done has led me to believe otherwise.

Well maintained septic systems, properly located and designed, are much better for people and the environment than municipal treatment plants. They do, however, restrict the density of development on a particular parcel of land - which is the whole idea behind our land use regulations, maintaining open space and rural development. Developers are keenly aware of that fact, and that is one reason the 'common knowledge' of treatment plant superiority is being perpetuated, when in fact the science says something entirely different. See an EPA funded program, National Small Flows Clearinghouse: <http://www.nesc.wvu.edu/wastewater.cfm> (6)

As mentioned above, the City has annexed a number of properties since the 2020 Plan was adopted, yet NONE of them has been required to decommission their septic systems, and NONE of the homes on septic systems have been required to hook up to City sewer. Nonetheless, the Plan states:

Recommendations - 1. ... On-site sewage systems should be properly decommissioned upon annexation. (Chapter 14 - Urbanization, Page XIV-2)

A map prepared for the City Council showing the potential pollution sources for the proposed well field (in the dune area behind Fred Meyer) is clearly not a wise location (12), as does the groundwater flow map contained in the Plan (13).

Requested Action: The County should not co-adopt the Plan until language referring to existing 'failing' septic systems is removed, and the City adopts implementing ordinances which require 'decommissioning' of septic systems upon annexation.

B. "Annexation Policy"

The attached map of the area, which was not prepared by the City, showing the area between the North Jetty and Driftwood Shores is, in my mind, a pretty clear indication of the 'facts on the

ground'. (7)

The map shows the Rhododendron Drive / Fawn Ridge annexation area in darker shading (a configuration commonly referred to as a cherry-stem annexation, with Rhody Drive being the stem, and Fawn Ridge subdivision being the 'cherry'). The diagonal striped area on the map is what I believe is the first "island" area that the City of Florence intends to force into annexation in the future.

Once the City annexes the State land, Rhody Drive, and Fawn Ridge and Driftwood Shores (second cherry stem annexation), the properties inside the 'island' can easily be forced to annex to the city - with no recourse left to the surrounded property owners.

As far back as 2004, it was apparent the City was embarking on an aggressive expansion plan. Correspondence between the City and the Division of State Lands is clear: The city wants to annex the coastal property belonging to the State. (8) (9)

A recently adopted City Resolution states:

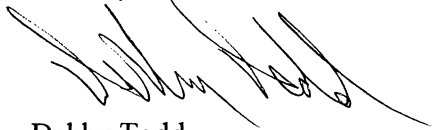
"Whereas, the City Council is concerned about the potential adverse environmental impact which may result from the number and age of private septic systems in the UGB ..." (Annexation Policy, Resolution 8, Series 2008)

The City Council, even though they are aware of the limitations of the City's water resources, continue with annexation of properties which they cannot serve. The North Florence LID is a good example. It will require over 1.2 million gallons of water a day, and the City has NO plans on where they are going to obtain that water. (10)(11)

Requested Action: The County should not co-adopt the Plan until the City includes language clearly stating that the City will not force annexation of properties as explained in their Resolution.

For all these reasons, I am requesting that the Lane County Planning Commission decline co-adoption of the Florence 2020 Comprehensive Plan until these issues have been addressed.

Thank you,



Debby Todd

Attachments: 1 through 12

Annual Growth Rates

	2000-2001 %	2001-2002 %	2002-2003 %	2003-2004 %	2004-2005 %	2005-2006 %	2006-2007 %
Oregon Population	1.01	1.00	1.01	1.01	1.01	1.01	1.01
Lane County Population	1.00	1.00	1.00	1.01	1.00	1.01	1.00
Florence Population	1.02	1.02	1.02	1.0	1.04	1.01	

Source: *Portland State University Population Research Center* -
www.pdx.edu/prc/annualorpopulation.html

**Florence Realization 2020 Comprehensive Plan
Local Adopting Ordinances**

Ordinance Number	Dates of Adoption		Ordinance Title and Summary
	City of Florence	Lane County	
No. 1 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Changing The Title To The Florence Comprehensive Plan – Realization 2000/2020, And Adopting Sections Titled Introduction, The Community, Plan Adoption, Amendments Review And Implementation, Comprehensive Plan Effectiveness And Organization, Coordination With Agencies, Population, Definitions. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 2 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 1 – Citizen Involvement. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 3 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 2 – Land Use. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 4 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 5 – Open Space, Scenic, historic and Natural Resources. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 5 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 9 – Economic Development. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 6 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 11 – Utilities and Facilities. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 7 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 12 – Transportation Systems Plan. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 8 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 14 – Urbanization. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 9 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapters 6 – Air, Water and Land Quality, Chapter 7 – Development Hazards and Constraints, Chapter 10 – Housing Opportunities, Chapter 13 – Energy Facilities and Conservation, Chapter 16 – Estuarine Resources, Siuslaw Estuary and Shorelands, Chapter 17 – Coastal Shorelands, Ocean and Lake Shorelands, and Chapter 18 – Beaches and Dunes. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>

**Florence Realization 2020 Comprehensive Plan
Local Adopting Ordinances**

Ordinance Number	Dates of Adoption		Ordinance Title and Summary
	City of Florence	Lane County	
No. 10 Series 2002	1/14/02	To be scheduled.	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting the 2000/2020 Comprehensive Plan Land Use Map. Comprehensive Plan Map updated and a new Map was adopted to comply with 1995 Periodic Review.</i>
No. 1 Series 2003	1/30/03	Not applicable: site is inside City limits	<i>An Ordinance Amending The 1988 And 2000/2020 Comprehensive Plan Maps Of The City Of Florence From Limited Industrial To Medium Density Residential And Open Space For Property Located West Of The Florence Municipal Airport Described As Tax Lot 101, Lane County Assessor's Map 18-12-27-10. Post-Acknowledgement Plan Map amendment.</i>
No. 14 Series 2003	8/4/03	To be scheduled.	<i>An Ordinance Amending Chapter 12- Transportation Systems Plan and Appendix 12 of the Florence 2000/2020 Comprehensive Plan. Comprehensive Plan was updated to comply with 1995 Periodic Review. Amendments include incorporation of the Access Management Plan for Highway 101 between the Siuslaw River Bridge and the Highway 101/126 Intersection; incorporation of the LCOG traffic study related to density of development in the North Commercial Node and inclusion of that study in Appendix 12; and those amendments include deletion of all references and maps related to the extension of 18th Street east of its current terminus; and additional amendments in Exhibit A.</i>
No. 15 Series 2003	8/5/03	10/27/04	<i>An Ordinance Amending The 2000/2020 Florence Comprehensive Plan Urban Growth Boundary. Post acknowledgement Plan Map amendment to retain in the UGB the area south of Munsel Lake Road and the 80-acre Ocean Dunes property and to specifically exclude from the UGB the Hatch Tract.</i>
No. 16 Series 2003	8/5/03	Not applicable: site is inside City limits	<i>An Ordinance Amending The 2000/2020 Comprehensive Plan Map And Official Zoning Map. Post acknowledgement Plan map amendment to change from Neighborhood Commercial to MDR Lot B, Siuslaw Village.</i>
No. 2 Series 2004	2/17/04	Not applicable: site is inside City limits	<i>An Ordinance Amending The Comprehensive Plan Map Amendment From HDR To Commercial And Zoning Map Designation Of Commercial District For The Lots Identified As Map No. 18-12-22-12, Tax Lots 12700 Through 15100. Post acknowledgement Plan map amendment and zoning map amendment for area in southwest corner of Kingwood and 35th.</i>
No. 4 Series 2004	3/15/04	To be scheduled.	<i>In The Matter Of Amending The 2000/2020 Florence Comprehensive Plan, Chapters 2 And 14, And Appendices 2 And 14, Incorporating The Florence Residential Buildable Land Analysis, August 2003. Post acknowledgement Plan text amendment to update the Residential Buildable Lands Analysis and extending the planning period for residential lands and population to 2025.</i>
No. 6 Series 2004	5/17/04	To be scheduled.	<i>An Ordinance Amending The Lane County Rural Comprehensive Plan Coastal Resources Management Plan And The Florence</i>

**Florence Realization 2020 Comprehensive Plan
Local Adopting Ordinances**

Ordinance Number	Dates of Adoption		Ordinance Title and Summary
	City of Florence	Lane County	
			<i>Comprehensive Plan 2000/2020. Post acknowledgement Plan text amendments to Chapter 16 and Appendix 16 of the Comprehensive Plan.</i>
No. 7 Series 2004	5/17/04	9/19/07	<i>An Ordinance Amending The Siuslaw River Dredged Material Disposal Plan. Post acknowledgement Plan amendment to Appendix 16 of the Comprehensive Plan to remove DMDP Sites 15 and 16 from the map.</i>
No. 1 Series 2006	2/07/06	To be scheduled.	<i>An Ordinance Amending The 2000/2020 Comprehensive Plan, Adding Definitions for "Private Open Space" and "Public" Plan Map Designations. Post acknowledgement Plan "housekeeping" text amendment.</i>
No. 8 Series 2006	11/20/06	To be scheduled.	<i>An Ordinance Amending The City's Transportation Systems Plan Which Is Adopted As Part Of The City's Comprehensive Plan, Chapter 12, "Transportation," To Change The Recommended Signalization Of 27th Street At Highway 101, To Signaling 30th Street And Highway 101. Post acknowledgement Plan text amendment to implement the 2006 Florence/US 101 Pedestrian Safety Study.</i>
No. 9 Series 2006	1/8/07	Not applicable: site is inside City limits	<i>An Ordinance Amending The 2000/2020 Comprehensive Plan Map From LDR To MDR And Zoning Map Designation From Restricted Residential To Single Family Residential District For Property Described As Map No. 18-12-15-00, Tax Lot 200 (Sand ranch). Post acknowledgement Plan Map and Zoning Map amendment for Sand Ranch area along Munsel Lake Road west of Highway 101.</i>
No. 3 Series 2008	1/7/08	Not applicable: study area is inside City limits	<i>An Ordinance For The Adoption Of An Amendment To The Florence Realization 2020 Comprehensive Plan And Transportation System Plan And Adoption Of The Rhododendron Drive Integrated Transportation Plan Into Appendix 12 Of The Comprehensive Plan. Post acknowledgement Plan text and TSP amendment.</i>
No. 2 Series 2008	1/7/08	Not applicable: site is inside City limits	<i>An Ordinance For The Adoption Of An Amendment To The City Of Florence Realization 2020 Comprehensive Plan Map Designation From Low Density Residential To Medium Density Residential And An Amendment Of The Zoning Map Changing The Zoning From Restricted Residential To Single Family Residential For Properties In An Area West Of Xylo Street; East Of Vine Street; North Of Highway 126; And South Of 12th Street. Post acknowledgement Plan Map amendment.</i>

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Debby A. Todd



Post Office Box O
Florence, Oregon 97439
(541) 997-2680

October 16, 2006

Florence City Council Members
250 Hwy 101
Florence, Oregon 97439-7628

Via fax: 997-4109

Re: Annexation of 79.94 acres described as Map No. 18-12-23, Tax Lots 400, 900, and 901.

Mayor and Councilors,

I request that the City Council reject the application for annexation on a number grounds:

1. **Insufficient Water Supply.** The city does not have sufficient water supplies to provide water to this parcel when fully developed, without seriously impacting the existing water users either through quantity, quality, or cost of domestic water. The Heceta Water District board of commissioners will be 'revisiting' the existing provision of services policy (North LID Policy) between City of Florence and Heceta Water District at the upcoming November meeting. Procedural issues have been raised regarding adoption of that policy by the District board, and it is likely the policy will be rescinded, and possibly re-instated with changes. The City of Florence does not have sufficient water supply to serve both the North Florence LID (to which it is already committed) and this additional 80 acres of development.
2. **Additional Annexation Requirements Not Specified:** This parcel was included inside the Urban Growth Boundary at the request of the property owner, so he could fully develop it. The City's records show that the city could not show a 'need' for including this property into the UGB, other than, possibly, the desire to loop the water system. The inclusion of the UGB was primarily based on a 'deal' with the property owner (attached).

The "deal" if the property were brought into the UGB and subsequently annexed:

"I told the City I had the permits to drill 2 additional wells on my property, and if I was brought into the urban growth boundary and annexed into the City, I would turn over these well permits the City."

"I would be willing to give the Town land for a 60' road and utilities along the south side of this land in exchange for being brought in to the UGB and annexation."

"I also mentioned to you last week that I would be willing to dedicate a portion of treed land on the 27 acres for a park along the boundary adjacent to the indian land,

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provided the city maintain the trails and park. Again, this is offered, if I am brought (sic) into the City.”

3. **Does not comply with adopted Comprehensive Plan.** The City’s Comprehensive Plan is a collection of Ordinances. This annexation does not comply with the City’s Ordinance No. 15, Series 2003 which clearly states that the parcel being considered for annexation was included inside the UGB based, in part, upon the agreement embodied in the letter, which is included as part of the meeting packet before the hearing, as well as part of the official meeting record of the August 4, 2003 City Council Hearing wherein the Urban Growth Boundary was amended.

Oregon Revised Statutes:

ORS 222.115. Annexation contracts; recording; effect. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall be recorded and, when recorded, shall be binding on all successors with an interest in that property.

For these reasons, the annexation request should be denied.

Debby Todd

c: Dave Perry, DLCDC via fax 541-563-4022

Attached:

June 14, 2003 letter from Ocean Dunes Golf Links
Ordinance No. 15, Series 2003

3-2

**CITY OF FLORENCE
ANNEXATION POLICY OF THE CITY OF FLORENCE
RESOLUTION NO. 8, SERIES 2008**

WHEREAS, Under Oregon Land Use Planning Goals, a city and county jointly adopt an Urban Growth Boundary (UGB) which delineates the area into which a city will grow; and

WHEREAS, annexations to a city can only occur if the land is already within the UGB. All urbanizable land (land within the UGB) would be expected to someday convert to urban uses through annexation; and

WHEREAS, Chapter 14 of Realization 2020 Comprehensive Plan for the City of Florence, Oregon states that the Goal for urbanization is "to provide for an orderly and efficient transition from County/rural land uses to City/urban land uses"; and

WHEREAS, the Comprehensive Plan Chapter 14 also includes the following policy language, "Conversion of lands within the UGB outside City limits shall be based on consideration of:

- a. orderly, economic provision for public facilities and services;
- b. availability of sufficient land for the various uses to insure choices in the market place;
- c. conformance with the acknowledged Florence Comprehensive Plan;
- d. encouragement of development within urban areas before conversion of urbanizable areas; and
- e. consistency with state law;" and

WHEREAS, Chapter 5, Open Spaces and Scenic, Historic and Natural Resources of Realization 2020 Comprehensive Plan for the City of Florence, Oregon states that the Goal for Groundwater Resources is "To protect the quality and quantity of North Florence Dunal Aquifer, which has been designated a sole source aquifer by the Federal Environmental Protection Agency and which serves as a drinking water source for the City of Florence"; and

WHEREAS, the Comprehensive Plan Chapter 5 also includes the following recommendation to protect groundwater resources, "The City should work with the Department of Health to identify areas of failing onsite sewage disposal systems in the UGB, and pursue annexation and provision of municipal sewer to those areas, with the areas having the potential for contamination of the aquifer having the highest priority"; and

WHEREAS, the City Council is concerned about the potential adverse environmental impact which may result from the number and age of private septic systems in the UGB; and

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WHEREAS, The Florence City Council wishes to formally adopt a written policy applying to future annexations.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

Section 1: Effective April 21, 2008, the following is hereby adopted by the City Council of the City of Florence, Oregon (the "City") as the City's Annexation Policy:

- The City will not extend water or sewer service outside the City limits (an "extraterritorial sewer service extension") unless and until the property is annexed.
- Unless required to do so by state law (e.g. an annexation required by the Department of Environmental Quality due to a health hazard), the City will only annex property when requested to do so by a property owner (i.e., we will not force annexations into the City).
- For every annexation request, the city will send a referral to Lane County and the Heceta Water District asking for comment on the annexation. The city will consider their comments in any action taken on the annexation request.
- For every annexation request, the aforementioned policies and recommendations of the Florence Comprehensive Plan will be applied.

Section 2: This Resolution shall become effective immediately upon its adoption.

Phil Brubaker, Mayor

ATTEST:

Barbara Miller, City Recorder

4-2

September 13, 2004

Lane County Commission
c/o Stephanie Schulz
Land Management Division
125 East 8th Ave.
Eugene, OR 97439

RE: PA 04-5216, Zone change for Urban Growth Boundary expansion, Florence

Dear Ms. Schulz and Commissioners,

I will not be able to attend the September 15th hearing on this matter but wish to submit written comments for your consideration.

The City's justification for this zoning change is detailed in their June 21, 2004 letter to the County Planning Commission, copy attached. This letter contained many factual errors and omissions, which I detailed in a letter to the County planning Commission, dated July 9, 2004. Unfortunately, my letter did not reach the Planning Commission until after their consideration of the matter. I would like to take this opportunity to inform the Commission of the errors and omissions in the City's June 21st letter.

The City's contends in the "Process" section of their letter that is a new application and should be considered only on the record that is part of the proceedings for this application. This present request (for Area 1) is nothing more than a rehash of an earlier UGB expansion by the City that was ruled incomplete by the Department of Land Conservation and Development. The testimony presented on the earlier UGB expansion should be made a part of the proceeding on this application. This City is attempting to over look the adverse testimony on the initial UGB expansion by claiming that this is a "new application" and any testimony given earlier should be disregarded. The Commission should not accept this type of backdoor approach by the City.

The City's June 21st letter contains factual errors along with undocumented assertions in the section "Adequacy of Public Facilities" "Area 1" section. The information alleged by the City concerning septic systems in this area is totally false. Please note the following errors:

The City's letter stated, "Septic drainfields are a series of pipes located underground where water and waste material from household plumbing systems are settled out. The water portion of the discharge leaches into the ground. The waste solids decompose in the pipes. Over time these pipes plug up and need to be repaired and/or replaced." These statements show a complete lack of understanding on the proper functioning of an On-Site sewage disposal system. In a properly maintained system all settling and digestion of household wastes is completed in the *septic tank* with only a liquid effluent going to the disposal system, *there is no decomposition of the solid wastes in the pipes of a properly*

(51)

maintained system. Additionally, today's on-site sewage systems are more than a collection of pipes underground, there are many alternative sewage systems (pressurized, sand filter, effluent filters, etc.) that can treat and dispose of household sewage in an effective and efficient manner.

The City's letter also states: "Depending on the soils and topography, this necessitates that parcels be at least one acre in size to accommodate a replacement drainfield". Nothing could be farther from the truth. On-site sewage disposal systems used today can be located and installed on property ¼ acre or less. For example, given the proper soil conditions a Bottomless Sand Filter disposal system would only occupy 360 square feet or less than one percent of an acre. The City's letter states that because lots are less than 20,000 square feet there are not adequate for a replacement drainfield. That assumption is totally incorrect. Under the Oregon Department of Environmental Quality, On-Site Sewage System Rules, approvals for sewage systems for new lots under 20,000 square feet, that will accommodate both initial and replacement sewage system, are currently being issued in the Florence area. There is nothing in the D.E.Q. Rules that would require 20,000 square feet for a replacement sewage system on these or other properties in the Florence area.

The City's concedes that none of the 18 parcels in the proposed UGB have documented septic system failures. However their next assertion is that potential failures will occur because of the age of the systems is false. Age of the system is only one of several factors that can lead to failure of a septic system; *maintenance of the septic system is much more a factor than age. The issue is not if a system will fail but if an effective and efficient repair of the system can be accomplished.* The City's assertion that because of parcel size repairs could not be made is absurd and contrary to existing practices in other areas around Florence. The Heceta Beach area North of Florence for example has numerous lots with 5000 to 6000 square feet. Sewage system repairs have been made effectively on these parcels for many years. *Even though the Heceta Beach area is currently within the City's UGB boundary; the City has no working knowledge of what is necessary to effectively repair a failing septic system.*

The City also attempts to make the connection between high fecal coliform bacterial counts in the Munsel Creek and the septic systems in this area. In fact they have no documentation or study to prove that the septic systems are contributing any contamination to Munsel Creek, once again it is pure speculation on the City's part in an attempt to justify the UGB expansion.

The City's lack of knowledge about septic systems, how they function, where they can be located and installed is evident to anyone who has worked with On-Site Sewage Systems. I personally have dealt with regulation and installation of household sewage systems in the

Lane County Commission
September 13, 2004
Page 3

Florence area for the past 15 plus years, including some of those included in "Area 1" of the City's proposal. The City's claims and justification regarding On-Site Sewage disposal in this area are totally unfounded and without any merit. The City has tried to rely on similar undocumented conclusions regarding sewage disposal systems in other UGB expansion proposals.

You as County Commissioners rely on Lane County Code, Chapter 10 to evaluate zone changes. Florence City has thrown a "red herring" in the form of sewage at the Commission in attempting to justify a UGB expansion. The reality is that none of the sewage disposal conditions that the City alleges to be of concern in Area 1 actually exists.

The purpose of Chapter 10 is: "To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements". I believe that these conditions are being met now and a zoning change or the expansion of the City's UGB is not required or justified. Munsel Lake road is providing adequate transportation for the area, the Heceta Water District provides adequate water for the properties, and as I have demonstrated there is no sewage system failures or hazardous requiring a city sewer system, the entire area is served by the Siuslaw School District, and in fact there is a County Park (Munsel Lake) with ¼ mile of these properties.

The Commission should deny this zoning application, or alternatively, send the application back to the Lane County Planning Commission for additional review.

Sincerely,



Bruce Mower
P.O. Box 1504
Florence, OR 97439

5-3

Bruce Mower
P.O. Box 1504
Florence, OR 97439
(541) 997-3805

FEB 08 2002

February 6, 2002

Jim Hinman, DLCDD Periodic Review Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301

RE: Florence City Comprehensive Plan Review

Dear Mr. Hinman,

I would like to take this opportunity to voice my opposition to Florence City's final version of their Comprehensive Plan adopted by the City Council on January 14, 2002. Specifically, I object to the findings and recommendations for Chapter 14, URBANIZATION, and the proposed extension of the Urban Growth Boundary to include the North Fork Siuslaw Road properties and the property identified as the "Hatch Tract" just west of the North Fork Road. My objections are as follows:

LACK OF CITIZEN INVOLVEMENT

Chapter 1 of the Comprehensive Plan has stated goal/objectives/policies that require citizen involvement in the planning process. These objectives were completely ignored with the inclusion of the North Fork Road properties and the "Hatch Tract" into the Urban Growth Boundary. The original proposed extensions of the Urban Growth Boundary that were brought to public hearings were the extension by Munsel Lake and the Ocean Dunes Golf Course as shown in exhibit #1. The UGB extensions in these two areas were the only proposed extensions that were subject to public input during the public hearing process. It was after the final public hearing on November 6, 2001 that the inclusion of these North Fork Properties and the "Hatch Tract" were included into the UGB expansion. Specifically these properties were addressed by the City Council at Comprehensive Plan work session in mid December. Although persons were present at this work session there was no public testimony allowed at the work session. This last minute unilateral action by the City Council circumvented any opportunity for public comment on these UGB expansions. The "Hatch Tract" is owned by the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and has been the proposed for the construction of a casino complex. The City Council's assertion that "it is to the City benefit to include this major urban scale facility within the UGB" (page 191) is made without any public comment or debate on the merits of having such a development within the UGB.

5-4

LACK OF JUSTIFICATION

The City has not conducted a residential land analysis to justify the expansion of the Urban Growth Boundary. State Planning Goal 14 has several factors that must be addressed in order to change the City's UGB. There must be a demonstration, supported by substantial evidence, that there is a "need" to enlarge the UGB. On page 12 of the City's *Urban Growth Boundary Study and Report* (exhibit #2) it specifically states that residential demand does not require amendment of the UGB. Additionally the City has not completed a residential land use analysis to demonstrate any need for enlargement of the UGB. The City's assertion that they "intend" to prepare this analysis after the 2020 Comprehensive Plan (Page 190, exhibit #3) does not and cannot substitute for a properly conducted analysis. Please note that the Lane County Planning Department also recognized this lack of demonstration of need concerning UGB expansions in their letter dated July 27, 2000 to Florence City Planning Department (exhibit #4).

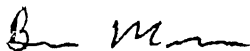
The City has also asserted that the inclusion of the homes along the North Fork Road into the UGB is to alleviate water or sewer problems. They provide no data or analysis to support this conclusion. As the issuance of well drilling permits resides with the Oregon Department of Water Resources, and sewage system permits with the Lane County Land Management Division the City has no means of actually tracking or making an analysis of problems with water or sewage disposal in this area. In fact a analysis of the Lane County Land Management permit records for dwellings along the North Fork Road show that there is no extreme failure rate for septic systems in this area. The data displayed in exhibit 6 tables clearly shows that there has been no unusual frequency of septic system repair for dwellings along the North Fork Road. The data in exhibit #5 would indicate that on the average a septic system in this area would have to be repaired about every 25-30 years. This low failure rate does not justify the need for City service and the expansion of the UGB into this area.

LACK OF ORDER EXPANSION OF SERVICES

The City has stated that lots in other areas, already within the UGB, have problems with failing sewage systems (page 189). If this is in fact the case the City should concentrate its efforts in expanding municipal sewers into this area before adding new areas (with undocumented sewage problems) into the UGB.

In conclusion I believe it is evident that the City has failed to provide any justification under the State Planning Goals to support the increased Urban Growth Boundary proposed in their Comprehensive Plan. I hereby request that your office reject their proposed Boundary expansions.

Sincerely,



Bruce Mower

cc: Florence Community Development Dept.

5-5

Exhibit #5
Sewage System Failure on North Fork Road

TAX MAP 18-12-24

TAX LOT NUMBER	DWELLING BUILT	SEPTIC REPAIRED
1100	1972 (REMOVED)	1998 (INDUSTRIAL COMPLEX & CARETAKER)
1200	1969 (MOBILE HOME)	2001

TAX MAP 18-12-24.32

TAX LOT NUMBER	DWELLING BUILT	SEPTIC REPAIRED
1800	VACANT	
1900	VACANT	
2000	GARAGE ONLY	
2100	1981	-
2300	HARDSHIP MH	CONNECTED TO DWELLING IN 2000
2300	MOBILE HOME (REMOVED)	
2300	1937	1993

TAX MAP 18-12-26

TAX LOT NUMBER	DWELLING BUILT	SEPTIC REPAIRED
100	REMOVED	-
100	REMOVED	-

Data obtained from Lane County Assessment & Taxation Office
And from Lane County Land Management Permit Records

5-6

Exhibit #5
Sewage System Failure on North Fork Road

TAX MAP 18-12-25

TAX LOT NUMBER	DWELLING BUILT	SEPTIC REPAIRED
700	VACANT	
800	REPLACED IN 1998	1988
900	VACANT	
1000	REPLACED IN 1980	1980
1100	1935	1964 AND 1999
1200	1971	1979
1300	1942	1989
1300	1937 (VACATED ?)	
1400	1925	1985
1500	1957	1975
1600	1952	1987
1700	VACANT	CENTRAL LINCOLN PUD
1800	VACANT	CENTRAL LINCOLN PUD
1900	1938	-
2000	1966	-

Data obtained from Lane County Assessment & Taxation Office
And from Lane County Land Management Permit Records

5-7

ALTERNATIVES TO SEWAGE TREATMENT PLANT AND/OR UNDERGROUND SEPTIC SYSTEMS

Orlando, Florida - The City of Orlando solved its sewage disposal problems by constructing a wetlands treatment system. They bought a farm and returned it to its natural state - wetlands. According to city officials, the system is working far beyond expectations. The wetlands now serve not only the citizens of Orlando, but also 145 species of birds (including 10 on the Endangered Species list). There are even plans to open up the area for camping.

Burlington, Vermont - A city with a population of 130,000 dealt with its sewage problems by constructing a \$18 million sewage treatment system that includes an indoor "botanical garden" wetlands system. The indoor system processes 80,000 gallons per day of sewage, enough to serve about 400 homes. The wetland design, which EPA has called a "living machine", empties into Lake Champlain.

Carthage, Mississippi - Carthage decided their small town of 500 could not afford the recommended \$1.8 million conventional sewage treatment system. They elected instead to install a wetlands system similar to the system used in Arcata, and saved the city \$650,000. We have provided the City Council with a videotape about their system, including an interview with the Mayor of Carthage who praised the system. According to Jerry Millsaps, Supervisor at Arcata's public works, the only maintenance required is "a bit of chlorine and mowing the grass between the ponds". He says the water coming out the end of the wetlands system is "clean enough to drink". Maintenance of the system costs less than \$10,000 per year. The system, installed in 1966, did not need revamping until 1991, when six new holding cells were constructed and the existing lagoons were dredged. The system is projected to meet the city's needs for 20 more years, calculated on an expected 27% growth rate.

Martinez, California - The objective of the Mt. View Sanitary District wetlands pilot project was to demonstrate the feasibility of using sewage treatment plant effluent to create a wetlands environment for wildlife and migratory waterfowl habitat. The restoration area is 20.3 acres, with 15.2 acres in wetlands. The wetlands process about 1.6 million gallons per day (MGD) of effluent from the plant. All of the treatment plant effluent passes through the ponds into Peyton Slough, which then discharges into tidal waters of Suisun Bay. The unique aspect of this project was the use of reclaimed wastewater as the sole water source for the site. The wetlands are a popular site for the local Audubon Society and provide an educational environment for local high schools and colleges. Improvement of water quality from the treatment plant effluent has been moderately successful.

Dawson Creek, Canada - In Canada, there are now at least 67 constructed wetlands for wastewater treatment, eleven in British Columbia. Dawson Creek, B.C. (population 11,000), built a completely new sewage system, a 32-acre wetlands system next to the airport. The wetland site is "superb," according to Martin Keeley of Friends of Boundary Bay. The average daily discharge from the wetlands to Dawson Creek is 4,500 to 6,500 cubic meters, and the water is almost completely without major pollutants or sediments. A few days at the end of winter, there is usually a problem with excessive amounts of ammonia. Winter temperatures often drop below zero, but the lagoons rarely freeze. Since its construction in 1983, there has been no need to dredge either the holding cells or the lagoon. Martin Keeley advises, "Given the political will to explore and utilize this technology, large amounts of urban waste can be treated."



**ANNEX
ISLAND**

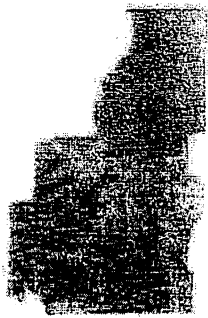
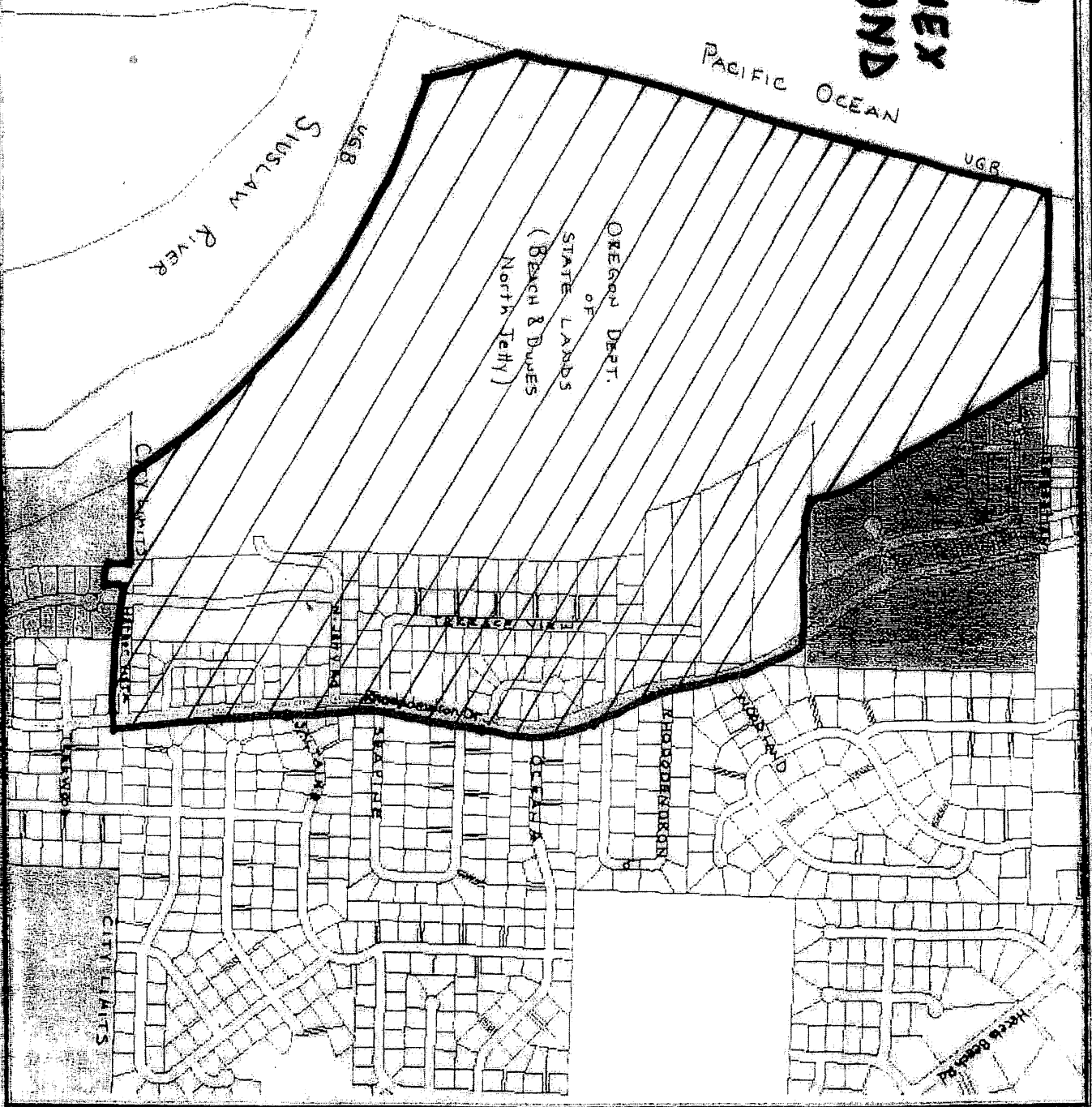
PACIFIC OCEAN

UGR

OREGON DEPT.
OF
STATE LANDS
(BEACH & Dunes
North Tenth)

USB

STANISLAW RIVER



Annexation Petition
Map



EXHIBIT C

Scale 1:11,281
1 in = 940 ft



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 378-3805

FAX (503) 378-4844

www.oregonstatelands.us

March 21, 2005

State Land Board

RODGER L. BENNETT
CITY MANAGER
CITY OF FLORENCE
250 HIGHWAY 101
FLORENCE, OR 97439

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Re: Proposed Annexation of Department of State Lands Real Property - T18S;Randall Edwards
R12W; S9 - North Jetty Siuslaw River
State Treasurer

Dear Mr. Bennett:

Thank you for your letter of March 1, 2005 requesting the Department's cooperation in the City of Florence's desire to annex the above referenced state-owned lands into the City. Currently the subject property is within the City's Urban Growth Boundary but outside existing City limits.

The Department has no objection to and will cooperate with efforts by the City to incorporate the state-owned parcel into the City. The Department's ownership of this parcel is clear and was upheld by the Oregon Court of Appeals in the Bonnett case (see attachment A). The parcel is currently managed by the Oregon Parks and Recreation Department (OPRD) through a Cooperative Management Agreement dated April 18, 2001 (see attachment B). The Department anticipates keeping the Management Agreement with OPRD in place into the future unless and until circumstances require otherwise.

My staff will be available to assist the City as necessary as the proposed annexation moves forward. Feel free to contact Assistant Director Steve Purchase or Property Manager Kevin Moynahan of the Field Operations Unit as the need arises. We would appreciate if you would keep us in the loop on any milestones in the process.

It was a pleasure to speak with you at the Oregon Community Development Forum in February. We look forward to working with you and the City staff on this issue.

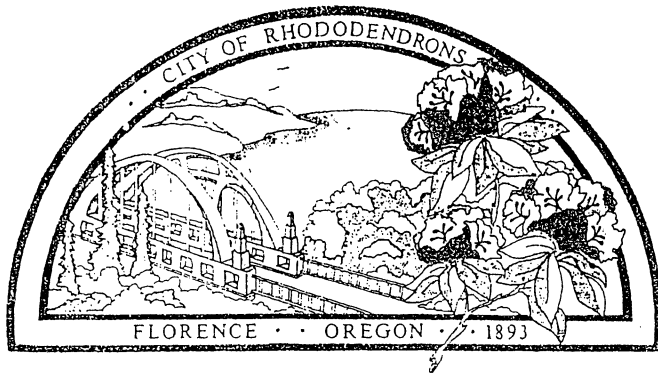
Please call me at (503) 378-3805 x224 if you have questions on this matter. Assistant Director Purchase may be reached at (503) 378-3805 x279, or by e-mail at steve.purchase@state.or.us. Property Manager Moynahan may be reached at (503) 378-3805 x 274, or by e-mail at kevin.moynahan@state.or.us.

Sincerely,

Ann Hanus
Director

c: Steve Purchase

8



City of Florence

City Manager's Office

250 Highway 101
Florence, OR 97439-7628

Voice/TDD: (541) 997-3437
FAX: (541) 997-6814

March 1, 2005

Ms. Ann Hanus, Director
Oregon Department of State Lands
775 Summer Street NE
Salem, Oregon 97301

Dear Ms. Hanus:

Thank you so much for following through on our all too brief conversation at the February 15, 2005 meeting of the Oregon Community Development Forum. It was pleasant to chat with you. It's also good to know that State Government is so responsive to local community concerns.

Kevin Moynahan of your agency was kind enough to call, a few days later, with an inquiry as to the nature of Florence's needs. He was even kinder to call a second time with information that he had uncovered while researching our request. Please extend our thanks to Mr. Moynahan for his effort and his courtesy.

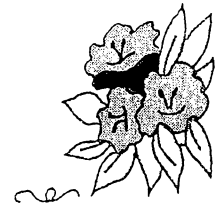
The real need of the City is to pursue reasonable controls over rapid development that is occurring in and around Florence. A recent Developable Lands Inventory revealed that three-quarters of all such land in the Florence area lies in the unincorporated portion of the City's Urban Growth Boundary (UGB). We seek to incorporate that area, as well as some of the previously developed territory, in order to provide adequate public infrastructure and to guarantee that appropriate planning and infrastructure is included in future development.

A recent development proposal has been put forward that would include property north of the current City limits lying along our "Rhododendron Corridor". The community need dictates that this development be annexed before it is allowed to go forward. The property is abutted on the west by land (shown in green on the enclosed map) owned by the State of Oregon and managed by your agency. Annexing this parcel would allow the City to expeditiously deal with the development proposal without the time consuming work of annexing long developed parcels that lie in between.

DIVISION OF STATE LANDS

MAR 01 2005

RECEIVED



9-1

Ms. Ann Hanus, Director, Oregon Department of State Lands
March 1, 2005, page 2

In other words, the cooperation of your Department would facilitate the instant needs while allowing the City the usual time to communicate adequately with typical concerns of people whose parcels have previously been improved.

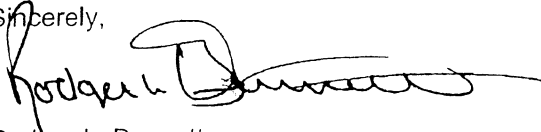
A secondary result of annexing the State's property would be to create contiguity with a development known as Driftwood Shores, a large condominium resort hotel who have petitioned the City, over a period of years, for annexation and the provision of wastewater treatment service. Driftwood Shores has experienced difficulty in developing and maintaining adequate wastewater treatment facilities and seeks to stabilize their situation by connecting to the City's Wastewater Treatment Utility. Such services have not always been available but, in 2001, the City completed a new treatment facility that is adequate to provide them for the entire UGB for some time to come.

In summary, annexing the State's parcel to the City of Florence would provide for better development management in a rapidly growth community, retrofitting existing development with appropriate public infrastructure and, in all likelihood, add value to the State's property by making planned, managed urbanization a probability.

Thanks again for the courtesy of your response. We look forward to your early attention to this request.

Kind personal regards.

Sincerely,



Rodger L. Bennett
City Manager

Copies: Mayor and Council
Linda Sarnoff, Community Services Director

Enclosure

9.2

STATEMENT IN RELATION TO ANNEXATION

AFTER MANY HOURS OF STUDY I FEEL IT IS NECESSARY TO CLARIFY MY THOUGHTS AND PROVIDE A STATEMENT AS TO ANNEXATION IN GENERAL.

ONE OF THE GOALS OF THE MAYOR AND COUNCIL AS ADOPTED IN FEBRUARY OF 2007 AND MODIFIED IN APRIL OF 2007 IS TO DEVELOP AN ANNEXATION STRATEGY. THIS WOULD FOLLOW OUR FACILITIES PLANS UPDATES. THREE AREAS THAT MUST BE STUDIED AND UPDATED BEFORE A CONCRETE POLICY CAN BE SET:

- **UPDATES OF ALL FACILITIES (WATER, SEWER AND PARKS)**
- **RHODODENDRON DRIVE DESIGN/SEWER MAPPING**
- **SYSTEM DEVELOPMENT CHARGES**

HOW THE THING WE ALL WANT TO KNOW IS WHAT COST TO INDIVIDUAL IN REAL ESTATE NUMBERS. THE UGB PEOPLE SHOULD BE PARTICIPANTS IN THIS PROCESS. AS PART OF THIS ANNEXATION STRATEGY, WE COULD WORK TOGETHER ON DETERMINING REQUIREMENTS FOR AN URBAN LEVEL OF IMPROVEMENTS SUCH AS SIDE WALKS, TIMING WHEN YOU MUST HOOK UP TO SANITARY SEWERS AND A MYRIAD OF OTHER MATTER IN THIS RELM.

POLICIES MUST BE INCORPORATED AND FORMALIZED INTO THE COMPREHENSIVE PLAN WHICH WOULD BE CO-ADOPTED BY THE CITY AND LANE COUNTY. THIS ADOPTION PROCESS WILL GIVE THE UGB CITIZENS A VOICE. ANY FUTURE CHANGES TO POLICIES IN THE COMPREHENSIVE PLAN WOULD REQUIRE A PUBLIC PROCESS.

OTHER CONCERNS SUCH AS ISLANDIZATION, FORCED ANNEXATION: THE ISSUE OF ISLANDIZATION IS BEING ADDRESSED IN HOUSE BILL 2760 PASSED 51 TO 3 AND ON ITS WAY TO THE SENATE. PER THIS BILL, EVEN IF THE CITY EVER ANNEXES THE STATE LAND - THE NORTH JETTY, THE PEOPLE TO THE WEST OF RHODODENDRON DRIVE AND SOUTH OF FAWN RIDGE WOULD STILL NOT BE AN ISLAND BECAUSE IN THIS CASE, THE ROAD RIGHT-OF-WAY WOULD NOT BE CONSIDERED AS ONE SIDE OF THE ISLAND.

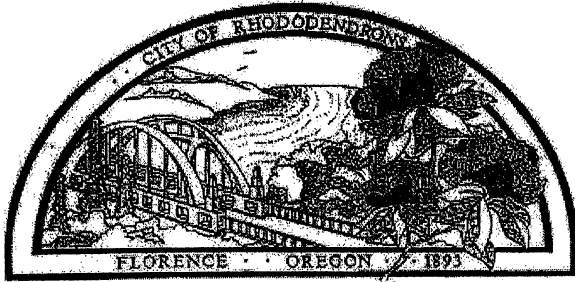
I DO UNDERSTAND YOUR CONCERNS AND REALIZE THIS STATEMENT IS IN GENERALITIES BUT THE STAFF IS WORKING VERY HARD TO ALLEVIATE YOUR FEARS AND GATHER ACCURATE INFORMATION TO COUNTER THE FALSE COST FIGURES THAT HAVE BEEN RUMORED.

LASTLY FAWN RIDGE IS A VOLUNTARY ANNEXATION THAT IN THE LONG RUN WILL CAUSE US ALL TO PROFIT. SEPTIC TANKS HAVE POTENTIAL FOR FAILURE IN SOME AREAS AND THIS WILL BE A CONTINUING PROBLEM THAT COULD BECOME A THREAT TO OUR WATER SUPPLY. WE DO NOT WANT TO GET INTO FORCEFUL ANNEXATION WHICH COULD HAPPEN DOWN THE LINE WITH NEW ELECTED COUNCILORS AND OR THE STATE OF OREGON FORCING ANNEXATION DUE TO HEALTH HAZARDS. I NOR ANY OF US CAN PREDICT WHAT THE EVENTUAL OUTCOME WILL BE. REMEMBER OUR SOIL IS SAND AND EFFLUENTS TRAVEL FAST AND COULD CONTAMINATE OUR WELL FIELDS.

SO FAR NOTHING REALLY CONCRETE HAS BEEN PROVIDED TO THOSE IN THE UGB RELATING TO THE ANNEXATION POLICY OF THE CITY OF FLORENCE.

THANK YOU FOR LISTENING TO MY THOUGHTS [REDACTED] JUST BE PATIENT AND [REDACTED] SOME TRUE FACTS AND FIGURES WILL BE PROVIDED IN THE NEAR FUTURE.

10



City of Florence

City Manager's Office

250 Highway 101
Florence, OR 97439-7628

Voice/TDD: (541) 997-3437
FAX: (541) 997-6314

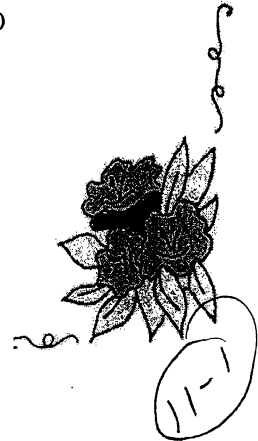
MEMO

TO: City Council
FROM: Bob Willoughby
DATE: March 15, 2007
SUBJECT: Heceta Water District Policy

The Council appointed the Mayor, Council President Nola Xavier and me to represent the City in discussions with the Heceta Water District ("HWD" or "District") concerning an intergovernmental agreement ("IGA") covering the sale of water to each other and to determine who will serve water customers when the City annexes territory served by the District. By statute, the City could withdraw the HWD territory when we annex their customers. Both the customers and the District distribution infrastructure would transfer to the City.

We have had one meeting with them. That meeting was on February 28, 2007. The District was represented by Wendy Rohner, Debby Todd, and Mike Huff. Wendy and Debby are Commissioners. Mike is the acting General Manager. As most of you know, the HWD and the City have been trying for years to work out the details of a cooperative agreement. At one time in the '90's, there was a "Unified Water Committee" (UWC) discussing the merger of the two water systems. That effort was abandoned for a variety of reasons which included the lack of treatment of their surface water and the poor quality of our water. Both of those issues have now been resolved.

In June of 2001, the District proposed an IGA. The City has not formally responded to their draft agreement. The HWD draft IGA provides that any areas annexed by the City in their service territory would not be withdrawn from the District after the effective date of the agreement. In 2006, both the City and the District adopted policies which attempted to formalize our relationship with HWD (see Resolution 6, series 2006 attached). Resolution 6 essentially adopted the



HWD draft IGA policy of not withdrawing annexed areas from the HWD service territory with the exception of what is referred to in the Resolution as the "North LID" area.

I assume, although it isn't clear in the 2006 Resolution, that reference to the North LID means the original study area for the 2004 Highway 101 - North Vicinity Local Improvement District Design Report ("North LID Study Area" or "Study Area"). This interpretation is supported by the Council minutes for the meeting at which Resolution No. 6 was adopted which refers to all 3 phases of the North LID. A map showing the specific property included in the North LID Study Area is attached as Attachment "A." The North LID Study Area is referred to as the "Project Site" in Attachment A. This North LID Study Area contains property within a strip of land approximately 4,000 feet wide centered on Highway 101 from the area of Munsel Lake Road on the south to the areas adjacent to Heceta Beach Road to the north. It contains about 380 acres.

Some of the North LID Study Area referred to in Resolution No. 6 has already been annexed into the City (Sand Ranch). Some has not only been annexed, but also was approved in 2005 for an LID for streets, storm drains, sewers, and water lines (McKee, Morales and Seifert properties, etc.). That portion of the Study Area approved for an LID will be referred to in this memo as the "Spruce Steet LID" property. A map showing the location of the Spruce Street LID properties is attached as Attachment "B." It is a smaller part of the overall North LID Study Area (about 18%). It is sometimes referred to as phase 1 of North LID Study Area. The Spruce Street LID property includes seven parcels of land under five different ownerships. It contains approximately 70 acres.

Most of the annexed properties in the overall North LID Study Area have not been withdrawn from the HWD, even though both the annexing resolutions and Resolution No. 6 say that it will be. To date, the HWD is still providing water to all of the North LID Study Area and the City's entire UGB including the properties which have been annexed into the City in recent years. The question for the Council on March 19 is whether Resolution No. 6 should be amended to provide that all of the existing customers of the HWD will continue to be served by the District even after they are annexed into the City, including North LID area, phases 1, 2, and 3.

Recently, during the Planning Commission's public hearing on the Fawn Ridge annexation, the District sent a letter opposing the annexation, or any other annexation in the Urban Growth Boundary (UGB), even though the staff report stated that the property would continue to be served by the HWD. It is clear that the District will continue to oppose future annexations until an IGA is negotiated and signed by both parties. The District appeared to be repudiating their March 14, 2006 policy and our Resolution 6. At the February 28, 2007 negotiating meeting, the District representatives indicated that the primary reason for their opposition to annexations within their service territory is a concern that the City will withdraw the area. They informed us that 60% of their customers reside within the City's UGB and the District would cease to be a viable utility able to make the debt service payments on the bonds sold to build their new treatment plant if they lost this number of customers. They also implied that the HWD would not automatically oppose future annexations if this concern could be addressed to their satisfaction.

It would seem that this central issue needs to be resolved before we can proceed with any further discussions of the IGA. The HWD would like for us to agree that they will continue to serve all of their existing service territory (including the North LID Study Area) even after the property is annexed into the City. If we can agree on this central issue, we can work out the other details of an agreement. The question of who should provide water service to newly annexed areas, and previously annexed properties in the North LID Study Area, should be answered by determining what makes the most sense for the community as a whole. Who can serve the specific areas in our UGB most effectively and efficiently? Based on what I have learned in the 3 months I've been here, the answer appears to be that the District is in the best position to serve these customers and, in fact, they want to do so. They have existing infrastructure in the UGB and the North LID Study Area, including a water transmission line on Heceta Beach Road. The City's capacity to serve new water customers is limited because we are approaching the physical limit of our existing well system. Developing a new well field may take 10 to 15 years. In the meantime, we need our existing surplus capacity to serve new water customers created by in-fill developments within the existing city limits.

That being the case, I think the Council needs to re-think Resolution 6 as it relates to the "North LID." The property within the Spruce Street LID and the Sand Ranch properties are already in the City. The Resolutions annexing those areas recite that they will be withdrawn from the HWD. Not doing so will take Council approval. At your meeting on March 19, a new Resolution is proposed for your consideration which would adopt a policy that the District will continue to serve customers in its service territory even after that area is annexed into the City, including property within the North LID Study Area. Prior to your meeting, the HWD Board will meet on March 13, 2007 to review this memo and the draft Resolution. The Mayor and I plan to attend that meeting. We can report to you on the 19th whether the HWD is committed to serving the entire UGB area including the entire North LID Study Area and will support future City annexations. We can also report whether the District is still willing to issue a joint District water and City sewer/wastewater/stormwater bill in these areas and to disconnect water service to any customer who fails to pay both bills in full. If they are, I recommend that the change in policy represented by the draft Resolution be adopted. We will not meet again with the HWD to discuss an IGA until after both policy bodies have met and the representatives from each entity have received direction on this fundamental question.

The Mayor asked staff to determine how our rates compare to the District's. His wanted to know what kind of rate disparity would exist for City residents being served by the District. David Armstrong did some research and determined the following for the respective monthly water bills:

	City	HWD	Difference	Difference/Prop Tax
1. For 500 cf:	\$14.87	\$21.24	\$6.37	\$11.90
2. For 1,000 cf:	\$20.37	\$26.47	\$6.10	\$11.63
3. For 2,000 cf:	\$31.37	\$36.95	\$5.58	\$11.11

According to our utility billing clerk, the average house in the City uses between 500 cf and 1,000 cf. Because the HWD has a higher base rate and a lower usage fee, the difference in column 3 between the two water bills gets smaller as consumption increases. The HWD has not put the debt service for their outstanding bonded indebtedness into their water rate. Residents inside the District pay for these bonds through their property taxes. City residents

11-3

who are not withdrawn would continue to pay this debt service in addition to their water bill as long as they are not withdrawn from the District. The tax rate for the HWD is 0.2656 per thousand dollars of assessed value. Therefore, the owner of a \$250,000 home would pay \$5.53 per month on top of their monthly water bill. So this amount is added in the 4th column to show the total financial impact on the City residents who are served by the HWD. It is not uncommon for city residents to be served by a special water district and have different rates. Many Oregon cities have this rate disparity



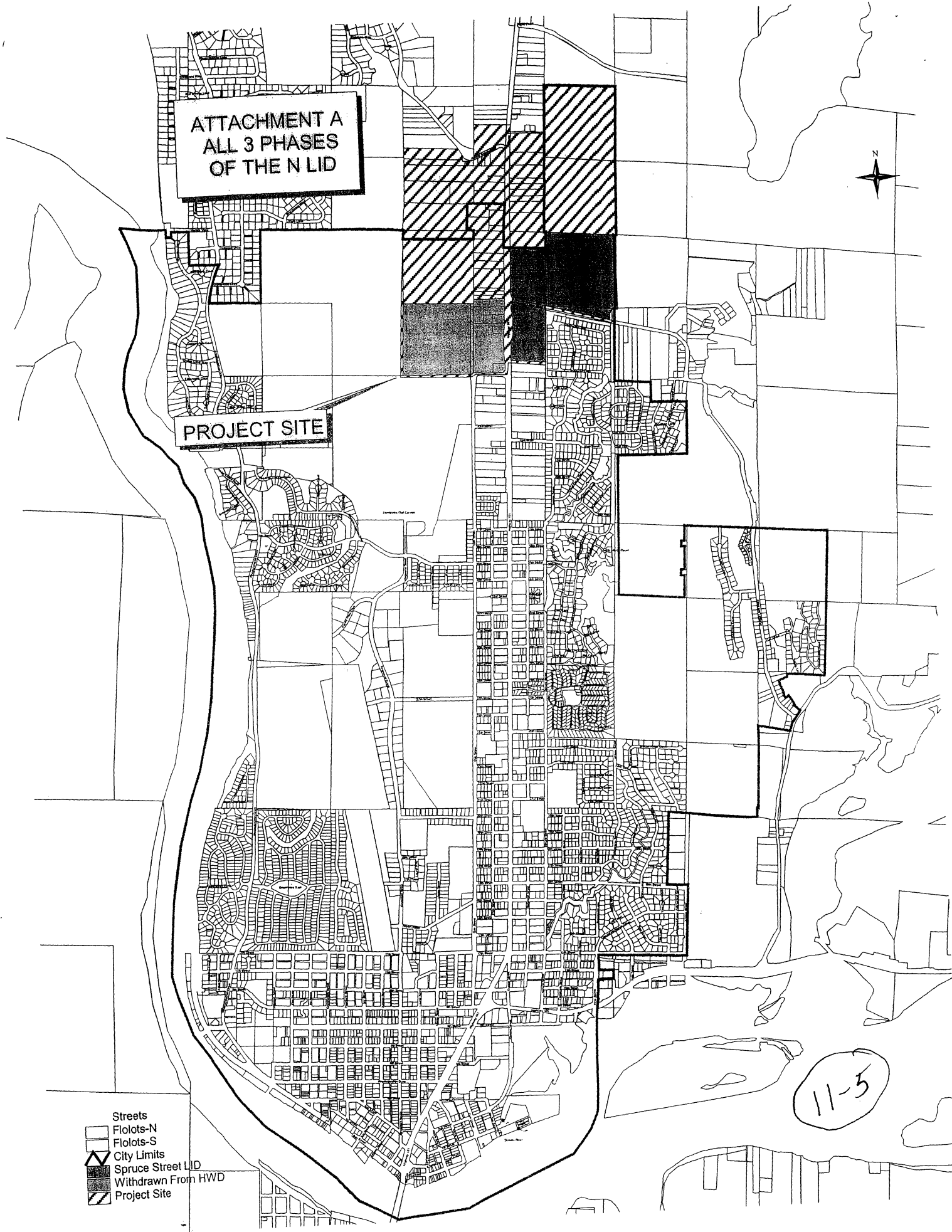
ATTACHMENT A
ALL 3 PHASES
OF THE N LID

PROJECT SITE

- Streets
- Folots-N
- Folots-S
- City Limits
- Spruce Street LID
- Withdrawn From HWD
- Project Site



11-5



Heceta Beach Road

Higl

ATTACHMENT B



OHRAN
.5 ACRES

OHRAN
.8 ACRES

MORALES/GENEREUX
22.9 ACRES

SEIFERT
22.4 ACRES

MOBIL
3.5 ACRES

SEIFERT
2.9 ACRES

ARTIE & CO
12.7 ACRES

Highway 101

Sherwood Loop

Robin Lane

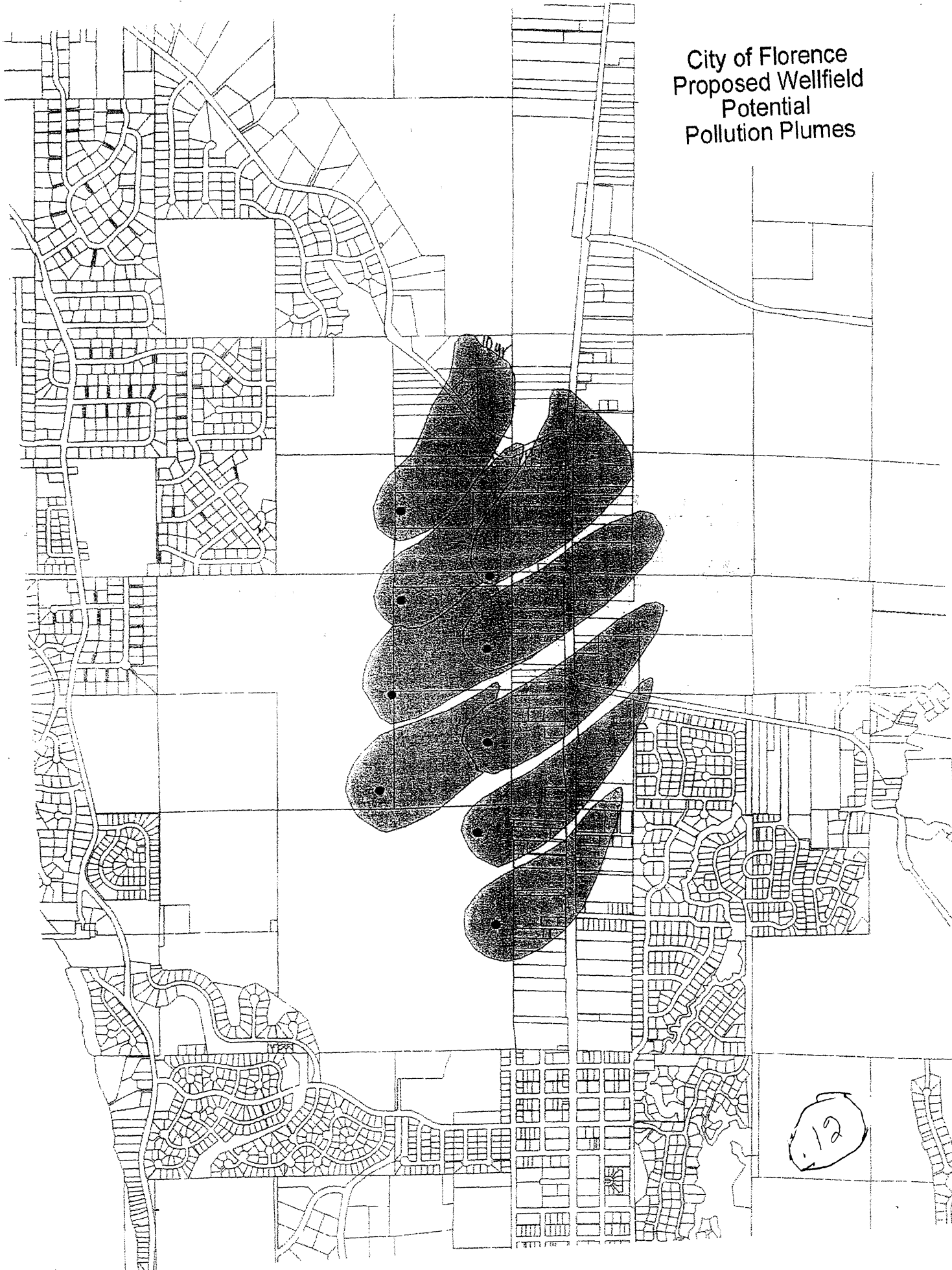
Sherwood Loop

Legend:

- Streets
- Flolots-N
- City Limits
- Urban Growth Boundry
- Spruce Street LID

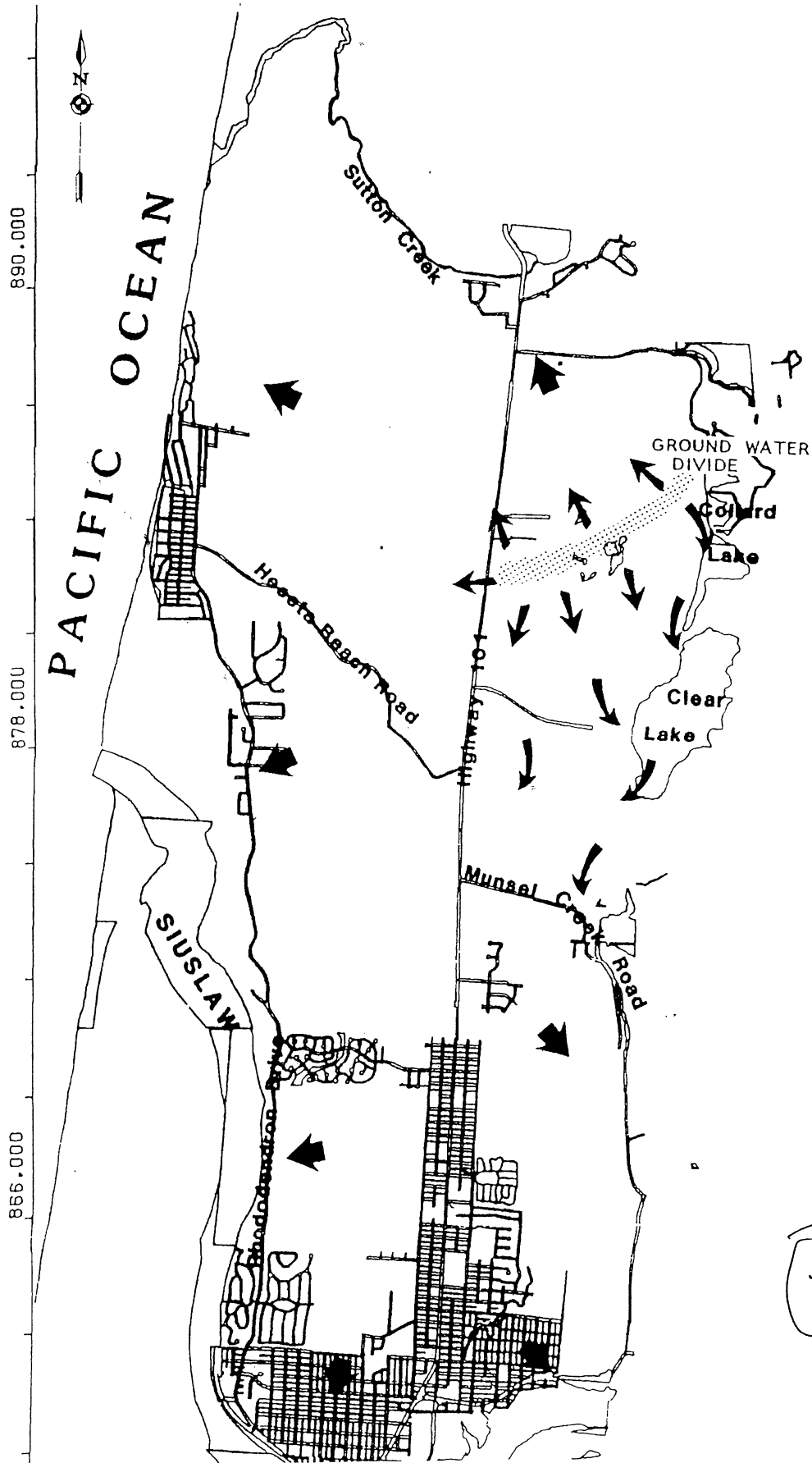
11-6

City of Florence
Proposed Wellfield
Potential
Pollution Plumes



12

FIGURE 8. Generalized Ground Water Flow Directions and the Location of Major Ground Water Divide.



Mia Nelson
40160 East First Street
Lowell, Oregon 97452
(541) 937-1407

June 30, 2008

Kent Howe, Planning Director
Lane County Land Management Division
125 East 8th Avenue
Eugene, OR 97401

P.A. NO. 08-5363
DATE: 6-30-08 EXHIBIT NO. 4

Re: Florence request for co-adoption of comprehensive plan

Dear Kent:

I am writing to comment on Florence's request that Lane County co-adopt its comprehensive plan. I understand that the Planning Commission will soon take this matter up for deliberation.

I have read the detailed and thoughtful June 17 comments of Florence citizen Debby Todd. I hope you will ensure that all of her concerns are fully addressed in your report back to the Planning Commission, and that they are presented to the commissioners in a manner that allows them to fully grasp the issues at hand. I cannot see any way to move forward with this proposal at this time, given the seriousness of the many problems Ms. Todd has pointed out.

I would like to expand on Ms. Todd's Issue #1, the growth rate contained in the Florence plan. As she notes, one of the major components of the plan is the assumption that the city will experience a 3.3% annual growth rate. Ms. Todd has explained why this forecast is much higher than is reasonable, and suggests a reduction to a rate closer to 1%.

But the problem goes deeper than mere inaccuracy. As you hopefully know by now, given the recent goings-on at the Board level around population forecasting, at this point in time the county cannot legally adopt a comprehensive plan that contains any forecast for Florence. This is because of these changes to OAR 660-024-0030 that took effect in April 2007:

OAR 660-024-0030(1) *"Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan."*

The problem with Florence's proposed course of action is that there is currently no coordinated county forecast in the county's adopted comprehensive plan. Therefore, there is no way for Florence or the county to adopt any forecast for Florence in compliance with

June 30, 2008
Kent Howe
Page 2 of 2

OAR 660-024-0030(1). This roadblock is the very reason that so many small cities in Lane County are up in arms right now, angry that the county has not yet adopted a coordinated forecast. If it were possible to just go ahead and adopt a city forecast despite the lack of a county forecast, don't you think all these small cities would just go ahead and do that, instead of expending so many resources, and applying so much pressure, trying to get the Board of Commissioners to act? They are doing all of this because they well know that the route Florence is now trying to take is illegal.

I want to stress that it matters not that Florence has already adopted this forecast, since in the intervening years, the law has changed. The county's action must proceed in accordance with current rules. If Florence wants Lane County to co-adopt its plan, then it needs to change its plan to conform to today's legal landscape. I hope you will not recommend that Lane County take an action that has not the slightest chance of surviving an expensive LUBA appeal. Given our dire budget situation, your office ought to ensure that only legally sound proposals are recommended for approval.

There is an alternate route that Florence could have taken that would have allowed this plan co-adoption to move forward, namely, the new Safe Harbor provisions in ORS 195.034. However, Florence did not choose this route. According to the attached spreadsheet I received recently from DLCD rep Ed Moore, the allowed 2030 Safe Harbor population for the Florence UGB is only 12,231 people. Using DLCD's 2007 UGB population of 9,750, this represents only a 1% growth rate, nowhere close to the 3.3% rate being proposed by Florence.

It is doubtful that Florence could now avail itself of the Safe Harbor route, even if it decided it could live with the 1% growth rate that Safe Harbor provides. ORS 195.034(3) does require that Florence first provide six months notice to Lane County prior to adopting the Safe Harbor forecast. The statute further provides that if the county takes action on a coordinated county forecast within that time, Florence will be barred from proceeding under Safe Harbor. Since the commissioners have indicated that it is their intent to do just that, the only realistic thing for Florence to do now is to pull its request for co-adoption, wait on the new coordinated county forecast, and spend the time addressing the many other deficiencies identified by Ms. Todd, any of which could lead to appeal, with all the needless expense and delay that typically entails.

Thank you for this opportunity to comment. Please feel free to contact me if you have any questions or concerns about the accuracy of what I've said here. I hope that after considering the situation, you will conclude that there is really no option available to the county except denial of Florence's request.

Sincerely,

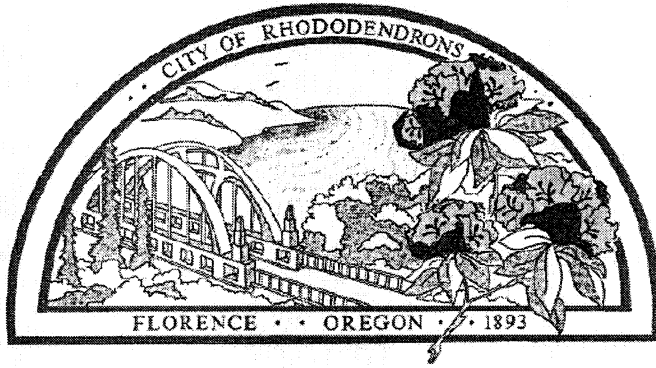
Mia Nelson

Attachments: Safe Harbor spreadsheet prepared by Ed Moore of DLCD

cc: Stephanie Schultz

Incorporated City	PSU City		PSU City		LCOG UGB		LCOG UGB ⁷		2006 Percentage County Total		2007 Urban Area % County Total		2007 City Safe Harbor (2030)		LCOG (2030) ²		Adopted Comp Plan ⁵		
	2006 Est. ¹	2007 Est.	2007 Est.	2004 Adopted ⁶	2007	2007	2006	2007	2006	2007	2007	2007	2007	2007	2007	2007	2007	2007	2007
Coburg	1,075	1,070	1,070	1,050	1,070	1,070	0.31644%	0.31%	1,342	4,200	3,300 (2025)								
Creswell	4,500	4,650	4,650	4,440	4,970	4,970	1.32464%	1.45%	6,235	8,509	4,525 (2000)								
Cottage Grove	9,275	9,345	9,345	9,450	9,785	9,785	2.73023%	2.85%	12,275	13,400	12,500 (2025)								
Westfir	335	335	335	330	335	335	0.09861%	0.10%	420	410	Unknown								
Oakridge	3,680	3,700	3,700	3,780	3,800	3,800	1.08326%	1.11%	4,767	4,946	Unknown								
Lowell	955	995	995	900	995	995	0.28112%	0.29%	1,248	2,823	1,700 (2030)								
Veneta	4,240	4,640	4,640	3,660	4,640	4,640	1.24811%	1.35%	5,821	9,960	5,760 (2020)								
Florence	8,270	8,270	8,270	9,310	9,750	9,750	2.43439%	2.84%	12,231	17,200	15,600 (2025)								
Dune City	1,345	1,360	1,360	1,300	1,360	1,360	0.39592%	0.40%	1,706	2,000	Unknown								
Junction City	4,965	5,135	5,135	6,000	6,225	6,225	1.46152%	1.81%	7,809	9,800	7,730 (2000)								
Eugene	148,595	153,690	153,690	231,420	176,582	176,582	43.74108%	51.46%	221,514	1,227,377 ³	286,000 (2015) ⁴								
Springfield	57,065	57,320	57,320	65,858	65,858	65,858	16.79790%	19.19%	82,616	187,323 ³	None								
Rural	95,415	92,630	92,630	57,770	57,770	57,770	28.08678%	16.84%	72,470	56,000	None								
Total	339,715	343,140	343,140	343,140	343,140	343,140			430,454	431,960	None								

1. Most recent PSU estimate as presented to the Lane County BOCC by LCOG
2. LCOG estimate as presented to the Lane County BOCC
3. Calculated population forecast based on same percentage split of the Eugene-Springfield Metro population as the 2030 Safe Harbor
4. From Metro Plan combined population for Eugene and Springfield
5. The adopted comprehensive plan populations may still not be able to be used if they were not adopted by the county.
6. Taken from the LCOG adopted 2005 Coordinated Population Forecast
7. Estimates obtained from LCOG for UGB area that included both inside and outside city



City of Florence

Community Development Department
Planning, Building Inspection and Economic Development

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RESPONSE TO QUESTIONS AND COMMENTS

July 7, 2008

TO: Stephanie Schulz, Lane County Land Management Division

FROM: Sandra Belson, Community Development Director, City of Florence

SUBJECT: July 15 Lane County Planning Commission Meeting on Florence Comprehensive Plan Co-Adoption: City Responses to Questions and Comments

I. PROPOSAL DESCRIPTION

This request is for the Lane County Planning Commission to recommend adoption, and the Lane County Board of Commissioners to adopt the following Plans and Plan Map that have been adopted by the City of Florence:

- Exhibit A: Findings of Fact (to be prepared for County Board of Commissioners' Hearings and Decision)
- Exhibit B: Florence Realization 2020 Comprehensive Plan
- Exhibit C: Florence Comprehensive Plan Map
- Exhibit D: Florence Transportation System Plan (TSP)
- Exhibit E: Florence Stormwater Management Plan
- Exhibit F: Stormwater Design Report for Spruce Street LID
- Exhibit G: City of Florence Wastewater Facilities Plan
- Exhibit H: City of Florence Water Facilities Plan
- Exhibit I: Florence Realization 2020 Comprehensive Plan Appendices (under separate cover)

II. BACKGROUND

This proposal was last before the Lane County Planning Commission for work session and public hearing on June 17, 2008. At the hearing, several people testified requesting the City take specific actions or make specific amendments to one

or more of these plans prior to County co-adoption. City and County staff responded to oral testimony at the meeting; those responses are reflected in the minutes of the meeting. Debby Todd, a citizen of Lane County who resides within the Florence urban growth boundary (UGB), outside city limits, provided written comments at the hearing. The Planning Commission decided to leave the record open for additional written comment for two weeks. The only other person to submit written comment during this period was Mia Nelson, a resident of Lowell. This memo responds to the written comments submitted at the hearing by Debby Todd as well as to all additional written comments submitted within this 14 day comment period.

III. SCOPE OF LANE COUNTY REVIEW AND ADOPTION

The scope of the County's co-adoption is limited to policies and projects pertaining to the area outside the city limits within the UGB. The UGB itself is not subject to this review because the City is not proposing any change to the UGB in this application for co-adoption. The City is also not proposing any change to the 3% growth rate that was adopted by the City and the County and acknowledged by DLCD.

Two comprehensive plans now apply to this "urbanizable area:" the Florence 1988 Comprehensive Plan (for the County) and the Florence Realization 2020 Comprehensive Plan (for the City and DLCD). To the extent that Lane County does not co-adopt provisions that pertain outside city limits, the City will continue to evaluate annexations based on both the 1988 Comprehensive Plan and the Realization 2020 Comprehensive Plan, until agreement can be reached between the City and the County on any outstanding issues or language. For land use decisions within the city limits, the city will continue to use the Realization 2020 Comprehensive Plan. For land use decisions outside the city limits, the county will continue to use the 1988 Comprehensive Plan.

What does "co-adoption" mean?

Co-adoption means that Lane County will co-adopt the exact same versions of the plans as those adopted by the City and acknowledged by DLCD. Previously adopted amendments to the Realization 2020 Plan and TSP that had not been reflected in the printed documents were identified by Debby Todd at the June 17 public hearing. These edits are now incorporated into the Plans. Please see attached "Addendum to Exhibits B and D, Replacement Pages for Florence Realization 2020 Comprehensive Plan and Florence Transportation System Plan, July 7, 2008."

The attached replacement pages to the Comprehensive Plan and TSP contain the text that reflects adopted City policy. This text was adopted by the City by Ordinance but was mistakenly omitted from the physical hard copy and digital file of the Plans when the documents were reprinted in January 2008.

In addition, “housekeeping” and minor and major policy issues have been raised in this co-adoption process. Under usual co-adoption processes, inter-governmental issues that arise in the co-adoption process will have been resolved at the staff level or during the public process at the “draft plan” stage of plan development.

This situation is unusual in that the County is holding a policy discussion in the year 2008 on City plans that were adopted and state-acknowledged six years ago and amended numerous times since by the City. Any issues raised in that inter-governmental process were addressed many years ago by the City. The City’s public involvement process and plan development and Comprehensive Plan Update occurred many years ago; and the City has been implementing these plans through Code amendments and policy decisions for the past six years.

At the public hearing on June 17, testimony was submitted that questioned the City’s possible motivation for processing requests for Plan amendments in future Plan amendments. In response, staff pointed to the sincere efforts made by the City since May 2007 to bring all these plans up-to-date with added clarity and consistency, and, with this process, a quest for co-adoption by Lane County. The simpler answer is that the City has no motivation not to process any such requests, because any Plan amendments that lie within County jurisdiction would require future co-adoption by the County.

IV. RESPONSE TO QUESTIONS AND COMMENTS

This section of the staff report responds to specific written questions and comments submitted during and after the June 17, 2008 Lane County Planning Commission public hearing.

Responses to Comments Submitted by Debby Todd:

Comment:

“1. Growth Rate

Issue: One of the major components of the Plan is the assumption that the city will experience a 3.3% annual growth rate. However, the plan only shows historic population data between 1980 and 1992 - data which was over a DECADE OLD at the time of the 2002 hearings, and which is now over 15 YEARS OUT OF DATE.”

Staff Response:

These statements are incorrect.

The updated Plan contains population data up to the year 2006; and the Plan assumption is that the City will experience a 3% annual average growth rate (AAGR). This is a projected figure based on data from the U.S. Census. It was acknowledged by DLC and co-adopted by Lane County in 2004.

The Florence Realization 2020 Comprehensive Plan, March 2008, page 10, contains the following table that presents population data up to and including the year 2006:

“Table P-1. Historic Population Data

<i>Year</i>	<i>Population</i>	<i>Year</i>	<i>Population</i>
1980	4,411	1993	5,705
1981	4,475	1994	6,005
1982	4,375	1995	6,185
1983	4,505	1996	6,400
1984	4,565	1997	6,570
1985	4,645	1998	6,715
1986	4,960	1999	6,865
1987	4,980	2000	7,263
1988	5,020	2001	7,460
1989	5,075	2002	7,600
1990	5,162	2003	7,780
1991	5,380	2004	7,830
1992	5,475	2005	8,185
		2006	8,270

Source: 1. Population Research Center, PSU
 2. Annexations
 3. 2000 U.S. Census”

The population projection in the March 2008 Florence Realization 2020 Comprehensive Plan is based on updated population analyses adopted in 2004 by the Florence City Council when it adopted Ordinance No. 4, Series 2004, incorporating the Florence Residential Buildable Lands Analysis, August 2003, into the Plan. The population projection is based on a projected annual average growth rate (AAGR) of 3% and a projected City limits share of Lane County population of 3.3% (the projected share for the UGB is 3.8%). These projections were calculated using simple regression analysis, a standard statistical tool used in population projection methodology.

The 3% AAGR was co-adopted by Lane County as part of the findings supporting Ordinance No. PA 1214, adopted by the Lane County Board of Commissioners on October 27, 2004. This Ordinance co-adopted UGB amendments and the UGB that was co-adopted by Lane County is the same as the UGB shown in the Plan Map in the March 2008 Florence Realization 2020 Comprehensive Plan.

Page 13 of Exhibit E to Lane County Ordinance No. PA 1214 states:

“Florence has been one of the fastest growing cities on the coast for the past three decades. There is reason to believe that a relatively high rate of growth will continue through the planning period, though this growth rate is not expected to be as high as the 4.2% the City averaged for the period 1970-1990. However, this amendment is not based on population growth rate requirements, as it appears that there is sufficient land within the current UGB to satisfy the community’s needs for the planning period, which is projected to be 3.0% AAGR. Rather, this amendment is based on concerns for the environment and water quality (potential future septic tank failure) and interest in extending sewer lines to the affected areas, maintenance of roads, (Munsel Lake Road), and protecting and enhancing livability and economic development opportunities (the golf course).”

Comment:

A review of the "facts on the ground" shows the City's growth rate is actually just over 1%, not 3.3%. The growth rate assumptions in the Plan are inaccurate at best, suspect at worst. See attached Growth Rates (1).

Staff Response:

This statement is incorrect. The projected AAGR in the Plan is accurate. There is no accepted statistical method available to support a growth rate of 1% for Florence.

The Growth Rate from 1980 – 2000 was 3.3%. The projected Annual Average Growth Rate (AAGR) in the Plan is 3%. These rates are accurate. They were calculated using simple regression analysis, commonly referred to as a “straight line” projection. The formulas for calculating population growth rates, from the University of Oregon web site, are attached. Applying these formulas to population data for Florence yields the following results:

Population Growth Rate 1980-2000 (Based on U.S. Census data for these years):

$$PR = \frac{(7263-4411)}{4411} \times 100$$
$$\frac{2852}{4411}$$
$$20$$

$$PR = 64.6/20 = 3.3\%$$

Projected Population Growth Rate (AAGR):

Using EXCEL “RATE” Function: =RATE(20,,-4411,7263) = 3%

Simple regression analysis was also used to project the City’s share of Lane County population to the year 2025, as discussed in the Plan, below.

“Projected Population for Florence City Limits

Population within the Florence City Limits

<i>Year</i>	<i>Lane County Population</i>	<i>Population within Florence City Limits</i>	<i>Percent of Lane County Population</i>
1980	275,226	4,411	1.6
1990	282,912	5,190	1.8
2000	322,959	7,263	2.3
2025	413,300	13,460	3.3

In 1970, Florence City population was approximately 1 percent of Lane County’s population. This increased to 2.3 percent in 2000. Projecting this trend into the future with consideration of recent growth, it is projected that the population of the city will be 3.3 percent of Lane County’s 2025 population at approximately 13,460 persons.”

“Projected Population in the Florence Urban Growth Boundary

It is estimated that the population within the Florence urban growth boundary increased from 6,334 to 8,750 between 1990 and 2000, equivalent to a 3.3 annual average rate of growth. Adding the 2025 projected Florence City population of 13,460 with the projected population outside the city inside the UGB results in a 2025 population of 15,600. The total 2025 UGB population was thus projected to be 15,600, about 3.8% of the projected Lane County population.

Population within the UGB

<i>Year</i>	<i>Florence UGB Population</i>	<i>Lane County Population</i>	<i>Percent Florence UGB of Lane County</i>
2000	8,750	322,959	2.7
2025	15,600	413,230	3.8

Comment:

“The County should not co-adopt the Plan until the City has updated, and revised, its projected growth rate.”

Staff Response:

The City has already updated and revised its projected growth rate and that rate was acknowledged by DLCD and co-adopted by Lane County Ordi-

nance No. PA 1214 on October 27, 2004. Whether or not Lane County co-adopts the proposed City Plans, the growth rate for Florence to the year 2025 will still be 3% and the 2025 population projection will still be 15,600 because those are the figures that have been adopted by the City and the County and acknowledged by DLCD in accordance with the administrative rule process that was effective at that time.

Comment:

“2. 18th Street Extension to North Fork Siuslaw Road

Issue: Florence City Council specifically instructed staff to remove all reference to the 18th Street connection between Hwy. 101 and North Fork Siuslaw Road.

That instruction was noted in the City's listing of Local Adopting Ordinances:

Florence City Ordinance No. 14, Series 2003 - Adopted by City Council 8/4/03, as yet not adopted by Lane County "An Ordinance Amending Chapter 12 - Transportation Systems Plan and Appendix 12 of the Florence 2000/2020 Comprehensive Plan: " ... and those amendments include deletion of all references and maps related to the extension of 18th Street east of its current terminus ..." (See attached January 2008 revised Plan, pages 3-5) (2)

For some publicly un-expressed reason, there remain elements in the Plan that some would view as encouraging extension of 18th Street from the edge of current city limits, between the golf course and the casino, to North Fork Siuslaw Road. Even after the “housekeeping” amendments earlier this year, the Plan still states...” etc.

Staff Response:

The statements pertaining to the direction by the City Council in Ordinance No. 14, Series 2003, and the omission of some additional text edits are correct. The reason for the omissions is a mistake made when the documents were reprinted. This mistake has been remedied. Please see the attached Addendum to Exhibits B and D (Attachment E).

It is true that the Florence City Council did provide direction in Ordinance No. 14, Series 2003 “to remove all references and maps related to the extension of 18th Street east of its current terminus.”

The January 2008 Reprint of the Comprehensive Plan and March 2008 Reprint of the TSP removed all references that were identified at that time.

This was a printing error; it was not part of the housekeeping effort. It was part of the process to physically incorporate adopted amendments into the hard copies of the Plans and digital files. In the process of printing these documents, some edits were unintentionally omitted.

All references identified by Ms. Todd in her comments have been removed. Replacement pages reflecting these edits are included as an Addendum to Exhibits B and D in Planning Commission packets; the Board will receive the “fixed” version of the Comprehensive Plan and TSP.

The City has already incorporated these edits into both their printed plans and digital files. The City and County versions of the plans are identical.

Comment:

“The County should not co-adopt the Plan until this language has been removed from the Plan.”

Staff Response:

The language has been removed. No Plan amendments are required or warranted.

Comment:

“3. Transportation Systems Plan

Issue: The TSP still contains provisions for the 18th Street extension, although the specific reference to 18th Street has been removed in the accompanying map.

The County should not co-adopt the Plan until the Transportation System Plan has been revised to remove all references to the 18th Street extension.”

Staff Response:

The language has been removed. No Plan amendments are required or warranted.

Comment:

“4. Local Government Intergovernmental Agreement (IGA)

The previous City Council approved certain language in response to public requests for more stringent requirements that an IGA with Heceta Water

District be included as part of the annexation process. The language that was originally adopted by the Florence City Council:

"Recommendation 4. The City and Heceta Water District must negotiate an agreement for the provision of water following annexation." (*Chapter 14 - Urbanization*)

During the 2008 'housekeeping' action, the City changed the language, as well as the intent:

"Recommendations - 4. The City and Heceta Water District should negotiate an agreement that spells out how water service will be provided. (*Chapter 14 -Urbanization, Page XIV-2*)"

Staff Response:

The statement that the City changed the "language" as a housekeeping amendment is correct. The statement that the City changed the "intent" is incorrect.

Recommendation #4 is not policy in the Realization 2020 Comprehensive Plan or in previous versions of the Plan. It is a recommendation and, as such, it does not carry the force of a mandate as a policy would. The word "should" is standard language for recommendations; it is used in the other recommendations in the Plan. Changing the word "must" to "should" has no policy implications; it was done to make this recommendation consistent with the other recommendations in the Plan, one of the key reasons for the house-keeping effort.

The entire recommendation was changed in order to clarify the intent. The intent of the original language was not that an agreement with Heceta Water District must be negotiated after annexation, as stated in the original text. The intent was that an agreement (one agreement, not one after every annexation) between the Water District and the City be negotiated to spell out how water will be provided after properties are annexed. This intent is clearly stated in the final text in the Plan:

"4. The City and Heceta Water District should negotiate an agreement that spells out how water service will be provided."

Comment:

"During the years between adoption by the City of the "shall" language, but before the "housekeeping" language adoption, the City has annexed a number of properties (Matthews, Morales, Cocciolo, Fawn Ridge, etc. - all properties within the boundaries of Heceta Water District. To date, there is still NO agreement with

Heceta Water District for provision of water to these properties. The City Council directed staff, around 2001, to withdraw some of the properties from Heceta Water District's territory, yet it is still unclear whether or not this has been legally accomplished. One thing is very clear - the City has taken NO steps to hook up those 'withdrawn' properties to City water service, in contravention of Oregon State Statute requirements.”

Staff Response:

These statements are incorrect. The City has taken steps to withdraw these properties and the City is not acting counter to Oregon law.

The area the City withdrew from Heceta Water District is described in Attachment C (Ordinance No. 13 , Series 2007 and Agenda Item Summaries dated October 8, 2007 and November 19, 2007). The area to be withdrawn from the district as part of the Spruce Street LID Construction Project is shown in Exhibit A in this attachment. The effective date was July 1, 2008. The City has switched over those properties that were receiving service from the district to City service. The City now has a water main along the east side of Hwy 101 from Munsel Lake Road to the City limits. The city has replaced the water meters on already-developed properties and is providing service to new development within the Spruce Village subdivision.

Comment:

“The County should not co-adopt the Plan until there is a clear and unambiguous requirement for an Intergovernmental Agreement with Heceta Water District in advance of any future annexation.”

Staff Response:

There is a clear and unambiguous requirement for an intergovernmental agreement with Heceta Water District. The requirement for the Urban Service Agreement is state law, not the Comprehensive Plan. The City and the Water District share in the responsibility to comply with this law and other State laws. It is a matter of intergovernmental coordination between the Water District and the City, and the County is not, by law, a party to this agreement because the County is not a direct provider of water service.

Comment:

“5. Forced Annexation

The City, through City Council adopted Resolution, (4) has indicated they do not intend to force annexation on any properties inside the UGB. Resolutions can easily be revoked, with little or no public input, recourse for

effected property owners or even consultation with other governmental entities that might be effected.”

Staff Response:

The statement that the City Council adopted Resolution, (4) stating the City will not force annexation on any properties inside the UGB is correct. The remaining statements in this comment are incorrect.

Resolutions cannot easily be revoked. The only way to repeal a resolution is to amend it by another resolution. The required process includes notification to the media and interested citizens who have requested a copy of the agenda sheet, via email the Thursday or Friday before the meeting. This may include all affected agencies as well as interested citizens. The agendas are posted to the City’s web site at that time, including the staff reports. Citizens are always given an opportunity to make comments on all action items during the meeting.

There are only two ways that a city council can adopt policy: a resolution and an ordinance. Other than a charter requirement that ordinances be read twice, the procedure for adopting, modifying, and repealing them are the same for both, although a resolution is only read once. Repealing or amending the City’s existing annexation resolution can only be done at a public meeting with at least 24 hours advance notice to the public. It takes the same number of votes to pass either a resolution or an ordinance. Both have the same authority with regard to setting policy for the City. Staff and the City Council are bound by the annexation resolution until such time as that resolution is amended or repealed. It would be no more binding or permanent if the Council adopted this policy by ordinance.

Based on the above comparison, there is no compelling reason for the City to re-open the public debate on a long-established City-adopted, State-acknowledged comprehensive plan merely to change the method by which this policy was adopted.

Comment:

“A. Claims of Failing Septic Systems

The Comprehensive Plan mentions ‘failing’ septic systems.

“Because of the high seasonal water table in some of this area of newer development, there are failing on-site sewage disposal systems.” (Chapter 14 – Urbanization, Page XIV-2)

“Lots in the area of the far northwest part of the UGB are smaller, and are developed with small, older vacation cottages, many of which have older, failing on-site sewage disposal systems.” (Chapter 14 – Urbanization, Page XIV -2)

In spite of public protestation to the contrary, I believe the City has embarked on an ambitious annexation program. I believe this because of the evolution I have witnessed in the Comprehensive Plan, as well as actions taken by city staff, City Planning Commission, and the City Council....

I have followed the evolution of this Plan for about 10 years now. I have never seen any reports showing:

1. There are 'failing' septic systems in the area, or
2. Failing systems are contaminating groundwater, or
3. Groundwater contaminated by failing septic systems in the area are (or will) adversely effect public health

Bruce Mower, former Lane County Sanitarian, went through the county's records and testified during the public hearings on the 2020 Comprehensive Plan that there were NO failing septic systems in the area. See attached (5)...

Well maintained septic systems, properly located and designed, are much better for people and the environment than municipal treatment plants. (6)”

Staff Response:

The above statements are incorrect. The City has not embarked on an ambitious annexation program; there are failing septic systems in the UGB; and septic systems, whether “failing” or not, threaten the ground water in this area. Attachment 5 presents letters written by Bruce Mower in 2002 and 2004, neither of which substantiate or relate to the points raised in these comments by Ms. Todd. These letters do not relate to the adoption of the Realization 2020 Plan, to the co-adoption of this Plan by Lane County, or to failing septic systems within the entire Florence UGB. Ms. Todd has not explained how these letters or the systems identified in Attachment 6 are relevant to wastewater issues in Florence or to the co-adoption process now underway.

Ms. Todd’s contentions related to a perceived “ambitious annexation program” are addressed in the Staff Responses in the next section, below.

The history of failed septic systems in the northwest Florence UGB predates the Realization 2020 Comprehensive Plan and extends further back than the

1988 Florence Comprehensive Plan, which states in Section VIII, Florence Urban Service Area:

“6. Density levels within the Urban Service Area shall not be allowed to reach the level which would require extension of the City's sewage system in order to relieve health hazards caused by failing septic systems.”

The problem continues to today. Evidence of recent septic system replacements in this northwest area is part of the public record for the Driftwood Shores annexation, now being processed before the Florence City Council. The attached June, 2008 memos to City Manager, Bob Willoughby, from Florence Public Works Director, Mike Miller, and from David Livesay, GSI Water Solutions, Inc. (Attachment D) present documentation to counter the statements made in these comments, above.

The City's approach to wastewater treatment in the northwest portion of the UGB is consistent with policies in the County-adopted 1988 Florence Comprehensive Plan, above, as well as with the City-adopted, State-acknowledged Florence Realization 2020 Comprehensive Plan:

“5. Solid, liquid, gaseous and industrial waste discharges and/or disposal from septic tanks and/or sewers shall not contaminate land, air, and water resources.” (Policy, Chapter VI, Air, Water, and Land Quality, Page VI-1)

“1. The City should work with DEQ, property owners and the County to develop an orderly plan for annexations due to failing on-site sewage systems. Such plans should be coordinated with the construction of the City's sewer interceptor line to the Heceta Beach Road area, and any necessary pump station installations or improvements. On-site sewage systems should be properly decommissioned upon annexation.” (Recommendation, Chapter XIV, Urbanization, Page XIV-2)

The City's concern about septic systems' effect on groundwater is legitimate and well documented based on scientific evidence, whether or not the systems are “failing,” as that term applies to the user of the system (i.e., the resident). The data supplied by Ms. Todd refers to failing systems as that term would apply to the user of the system, not as it applies to the system's impact on the environment. Failing systems are a legitimate concern that require public response in the government's role to protect the public health, safety, and welfare, because a failed system can pollute the groundwater with e-coli, nitrogen, and other pollutants.

Mike Miller, Florence Public Works Director, states that:

“From an environmental perspective, “failing” means that the system is adversely impacting the environment. A failing system is one that plugs

with biomass, tree roots and solids, and consequently does not drain properly. In the clean dune sand, 'failing' from a user perspective may not be a significant problem. The potential problem is the sand drains very well, and there is very little retention time to allow de-nitrification between the drain line and groundwater.

To fully explore the actual environmental impact of septic systems on drinking water in Florence, the City would have to conduct a door-to-door survey in the UGB to determine if there are residences that have wells, and whether people are drinking groundwater from the wells. Collection of water from wells in the area would be part of this study. Another approach is to identify and sample nearby surface water bodies that receive shallow groundwater discharge potentially impacted by septic waste water."

In addition, the EPA identified septic systems as a threat to the groundwater when it designated the North Florence Dunal Aquifer as a Sole Source Aquifer in 1987:

"Potential for Contamination

Rapid infiltration rates into the same cover combined with a shallow water table make the North Florence Dunal Aquifer high susceptible to contamination from surface activity...Possible sources of aquifer contamination include...septic tank effluent...The lakes located along the eastern margin of the dunal area would suffer from any contaminants introduced into that portion of the aquifer which recharges the lakes. Direct leaching from septic tanks located in sand-covered areas adjacent to the lakes could seriously downgrade the quality of Clear Lake – the only surface source of drinking water presently in the area." (page 5)

For clarification, the City staff referred Ms. Todd's comments to Dennis Nelson, Groundwater Coordinator, Drinking Water Program, Oregon Department of Human Services and his response is presented below:

"As we all know, septic systems are designed to treat waste water for pathogenic organisms and pathogenic organisms alone. The determination that a septic system is "failing" is from the perspective of accidental exposure to these organisms, associated with inadequate drainage and the resulting raw effluent rising to the surface. This concern is real, of course. However, from the view point of other potential contaminants, e.g., nitrate, household cleaners, personal care products, prescription and non-prescription drugs, etc., because septic systems are, in fact, designed to discharge to groundwater, even a septic system that is working properly still poses a risk to groundwater. As a result, using the frequency and occurrence of septic system failures as an assessment of the potential risk to groundwater resulting from septic systems is inadequate."

There is an extensive body of knowledge and experience to substantiate the known environmental and public cost benefits of Municipal Wastewater Systems (see Attachment D, June 2008 memos to the Florence City Manager regarding the extension of sewer service to Driftwood Shores). Florence Public Works Director, Mike Miller, provides further discussion of the benefits of centralized wastewater systems:

“If drain fields were better for the people and the environment than WWTPs, then we have a fundamental problem in the US. A central wastewater treatment plant is better because it provides a higher degree of treatment prior to discharging waste water to the environment. The main downside of the central system is that it requires a point source discharge into a surface water body resulting in localized impacts. However, the discharge is highly regulated through a permit process with discharge goals, testing of effluent, and monitoring requirements. Comparing this impact to the effects of hundreds or thousands of drain fields discharging to slow moving groundwater over a wide area, my technical opinion is that the centralized system is more protective of human health and the environment.”

Attachment 5 to Ms. Todd’s memo is irrelevant to the issues raised here by Ms. Todd. Attachment 5 is a letter from Bruce Mower submitted to DLCD in February 2002 as a private citizen. The letter was submitted in opposition to a then-proposed UGB expansion to include the Casino property in the UGB. This property, the “Hatch Tract,” was subsequently removed from the UGB by the City and the County by Ordinance and this action was approved by DLCD. For the record, the “Exhibit 5 – Sewage System Failure on North Fork Road” submitted by Mr. Mower in 2002 refers strictly to the area around the junction of Munsel Lake Road and North Fork Road in the area southeast of the Florence UGB. This evidence submitted identifies 12 failed systems in this area. Mr. Mower’s testimony contended that this rate of failure was not frequent enough to warrant the then-proposed UGB expansion. This attachment bears no relationship to the points raised by Ms. Todd in this comment.

Finally, the title of the list in Attachment 6 to Ms. Todd’s letter is inaccurate and misleading. This list of wastewater systems in different cities is titled, “Alternatives to Sewage Treatment Plan and/or Underground Septic Systems.” The systems in this list are not alternatives to sewage treatment systems. They are components of centralized systems (e.g., constructed wetlands) or systems for small cities (e.g., population 500). Furthermore, she has provided no analysis of the inadequacies of the Florence municipal treatment system. In addition, many, if not all, of these systems would not be allowed under Oregon Administrative Rules.

Comment:

“As mentioned above, the City has annexed a number of properties since the 2020 Plan was adopted, yet NONE of them has been required to decommission their septic systems, and NONE of the homes on septic systems have been required to hook up to City sewer. Nonetheless, the Plan states:

Recommendations - 1. ... On-site sewage systems should be properly decommissioned upon annexation. (*Chapter 14 - Urbanization, Page XIV-2*)

A map prepared for the City Council showing the potential pollution sources for the proposed well field (in the dune area behind Fred Meyer) is clearly not a wise location (12), as does the groundwater flow map contained in the Plan (13).

The County should not co-adopt the Plan until language referring to existing 'failing' septic systems is removed, and the City adopts implementing ordinances which require 'decommissioning' of septic systems upon annexation.”

Staff Response:

No Plan amendments are required or warranted based on these comments. There is no evidence provided in this testimony to support removal of the language related to failing septic systems while there is significant and substantial evidence in this record to support retention of this language. The following implementing language is already a part of the Florence City Code:

“FCC 9-3-2: USE OF PUBLIC SEWERS REQUIRED; PROHIBITED DISCHARGES:

A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within thirty (30) days after date of official notice to do so; provided, that said public sewer is within two hundred feet (200') of the property line.”

Comment:

“B. Annexation Policy

The attached map of the area, which was not prepared by the City, showing the area between the North Jetty and Driftwood Shores, is, in my mind, a pretty clear indication of the ‘facts on the ground.’ (7)”

Staff Response:

Attachment 7 is a map created by Ms. Todd. Not labeling it as such is misleading because it gives the impression of being an official City document when it is merely a paper prepared by this commenter to make a point. There is nothing in the record to support her assumption of what the City is trying to accomplish. The City has responded to two recent annexation requests, one by the developer of Fawn Ridge, and one by the Association of Unit Owners of Driftwood Shores. The City’s annexation policy (Resolution No. 8, Series 2008) clearly states that the City will only annex property when requested to do so by a property owner (i.e. the City will not force annexations into the city). This resolution makes it clear that use of the island annexation provisions in State law would not conform to adopted City policy.

Comment:

“As far back as 2004, it was apparent the City was embarking on an aggressive expansion plan. Correspondence between the City and the Division of State Lands is clear: The city wants to annex the coastal property belonging to the State.” (8) (9)

Staff Response:

The statement that the “City was embarking on an aggressive expansion plan” is incorrect. The statement that the City pursued annexation of the Department of State Lands property south of Driftwood Shores is correct.

Attachments 8 and 9 to Ms. Todd’s letter are March 2005 correspondence between the then-Florence City Manager and the Department of State Lands discussing the possible annexation of State property just south of Driftwood Shores. The letters contain no reference to forced annexation.

As clearly stated in these letters, the discussion centered on one way to address the wastewater problems faced by Driftwood Shores, as well as to provide wastewater service to newly developing property in this area.