

# SUPPLEMENTAL MATERIAL

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Supplemental Memo Date: September 12, 2008  
First Reading Date: September 17, 2008  
Second Reading/**Public Hearing Date: October 1, 2008**

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

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## I. Board Action and Other History

On September 5, City and County staff met to review responses to policy issues raised during the co-adoption hearing process and develop additional language to effectively address the concerns raised during the public review process to reach consensus for co-adoption of the updated Plan. The policy issues include annexation, provision of water service and sewage treatment in the UGB and population projection forecasting. The "Proposed Additional Amendments to the Florence Realization 2020 Comprehensive Plan" (Attachment 1) represent text amendments to the Comp Plan that were initiated by Florence city council on September 8, 2008.

## II. Analysis

The proposed amendments to the Realization 2020 Comprehensive Plan are intended to serve the following objectives:

- To incorporate the language in Resolution 8, 2008, and make it clear that the City will not force annexations. The City will continue to process annexations at the request of a property owner. However, consistent with the practice in the other cities within Lane County, no development will be allowed within the urbanizable area outside the city limits and within the UGB without first annexing to the city.
- To incorporate the language in Resolution 8, Series 2008, regarding assurances that Heceta Water District will be notified of all annexations within their service boundary and that the District's comments will be considered in the action taken by the City and will become part of the public record of the proceeding.
- To specify the application of any future county and city-adopted coordinated population allocations to future UGB amendments intended to meet the need for residential land, consistent with state law.
- To include language in the Plan that requires monitoring of water supplies.

These text amendments are proposed for inclusion in this Board action. Along with the Comprehensive Plan text amendments, additional text amendments to Lane Code Chapter 10 are under development for additional guidance to future development through overlay district and site review procedures. These amendments to LC Chapter 10 would implement the amended Florence Realization 2020 Comprehensive Plan policies for the area within the Florence UGB through an overlay that ties the North Florence Dunal Aquifer area of concern into the review of water and wastewater services.

### **III. Timing/Implementation**

September 3, 2008 -- Florence City Council initiated these text amendments, 45 day notice sent to DLCD

September 17, 2008 County conducts first reading & schedules hearing for Ordinance No. PA 1249

October 1, 2008 Board conducts second reading and hearing regarding the Ordinance to consider co-adopting Realization 2020, including these additional text amendments.

The Board could continue the hearing and/or hold the record open to a date certain in order for the LC Chapter 10 implementation amendments to be included as Lane Code replacement pages under specific Ordinance for inclusion with this action. Staff recommends holding the record open. Additional time will be beneficial to allow for completion of the city's review and public process for the proposed additional policy amendments, and further county consideration of LC Chapter 10 amendments to implement those policies.

October 21, 2008 Tentative for Lane County Planning Commission review and consideration of the proposed code and policy amendments. These additional amendments are in response to public testimony heard at the LCPC hearing, and review and recommendation by the Planning Commission could inform the Board in the final decision regarding this response to public concerns raised during the co-adoption process.

November, week of the 3<sup>rd</sup> or 10<sup>th</sup> – Board third reading/deliberations.

### **IV. Attachments**

1. Exhibit A-1: Proposed Text Amendments to Florence Realization 2020 Comprehensive Plan

# Proposed Additional Amendments to the Florence Realization 2020 Comprehensive Plan

Initiated by City Council on September 8, 2008

## Chapter 6 Air, Water and Land Quality

Policy 12. Lane County and the City of Florence shall develop scientifically-based standards and a regular testing program to determine if sewage from septic tanks is entering water supplies. A system to spot isolated problems and correct them as soon as possible will be put in place. Such a system may assure safe water and prevent the need for health related annexations.

*New policy.*

Recommendation 8. Lane County and the City of Florence will request that the Heceta Water District participate in the testing program of water supplies (Policy 12) in order to ensure monitoring of both Clear Lake and the sole source aquifer which are hydraulically connected.

*New recommendation.*

## Chapter 14 Urbanization

### Goal

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

### Annexation Policies

1. Unless necessitated by a health hazard as determined by state law, the City will only annex property when requested to do so by a property owner, in accordance with the processes prescribed by state law existing at the time of annexation.

*This policy is a variation on Resolution No. 8, Series 2008. The policy in Res. No. 8 is, "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)."*

2. Property owners within the North Florence Dunal Aquifer who are also within the Urban Growth Boundary who wish to either (1) develop or (2) redevelop must first annex to the

city and hook up to the city's sanitary sewer service unless they obtain a special exemption from the City Council.

*New policy to replace the current practice of the county and city requiring annexation consents.*

3. The City will not provide sewer service outside the City limits. To obtain sewer service, the property must first annex to the city.

*This policy is a variation on Resolution No. 8, Series 2008. The policy in Res. No. 8 is, "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. There are occasions when the city would extend a sewer or water line outside the city to serve property within the city. However, those extraterritorial extensions would not provide service to property owners outside the city.*

4. Annexation of lands within the UGB outside City limits shall also be based on consideration of:
  - a. orderly, economic provision for public facilities and services;
  - b. conformance with the acknowledged City of Florence Comprehensive Plan; and
  - c. consistency with state law.

*This policy is from the Realization 2020 Comprehensive Plan. We have proposed deleting two considerations from the policy in the Realization 2020 Plan:*

- *availability of sufficient land for the various uses to insure choices in the market place;*
- *encouragement of development within urban areas before conversion of urbanizable areas*

*Items "a" and "b" as well as the considerations proposed for deletion are in the 1988 Comprehensive Plan. We added item "c" as part of the housekeeping amendments.*

5. The City will send a referral requesting comments on annexations to Lane County. The comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.
6. The City will send a referral requesting comments on annexations to the Heceta Water District, for annexations within the District's service boundary. The comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.

*Policies 5 and 6 are a variation on Resolution No. 8, Series 2008. The policy in Res. No. 8 is, "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." We separated the referrals*

*into two policies for simplicity. There is no need to notify the Heceta Water District of proposed annexations of property outside the District's boundaries.*

7. Annexed properties shall pay systems development charges as required by City Code.

*This policy is in the Realization 2020 Comprehensive Plan.*

8. As a matter of public policy, Lane County and the City of Florence share a substantial interest in development within the Urban Growth Boundary. Development within the Urban Growth Boundary shall require annexation in order to receive a full range of urban services provided by the City of Florence. However, it is also recognized that until annexation Lane County will retain primary land use and building permitting responsibility for those lands.

*This policy is an adaptation of Policy 7 of the Polices Relating to Zoning, Subdivision and Other Ordinances in the 1988 Comprehensive Plan. It originally read, "As a matter of public policy, Lane County and the City of Florence share a substantial interest in development within the Urban Growth Boundary. It is recognized that development within the Urban Growth Boundary will eventually require annexation to receive a full range of urban services supplied by the City of Florence. However, it is also recognized that until annexation Lane County will retain primary responsibility for those lands."*

#### UGB Policy

1. Establishment and change of the UGB shall be a cooperative process between the City and the County. Boundary changes shall be considered only on an annual basis. Applications for boundary changes shall include documentation that the following criteria are met:
  - a. The proposed change provides for a demonstrated need to accommodate long-range urban population growth requirements consistent with applicable LCDC goals and administrative rules. UGB expansions to accommodate the need for residential land shall be based on any coordinated population allocations adopted in accordance with state law, including applicable state statutes and administrative rules pertaining to coordinated population allocations.
  - b. The proposed change is based on a demonstrated need for housing, employment opportunities and/or livability.
  - c. The proposed change is necessary for, and/or will not hinder, orderly and economic provision for public facilities and services and will take into consideration water availability.
  - d. Maximum efficiency and densification of land uses within and on the fringe of the existing urban area has already been provided for, and the boundary change will continue to provide maximum efficiency of land use, as prescribed in state law and administrative rules.
  - e. An environmental, energy, economic and social consequences analysis has been

performed showing that the land is suitable for urbanization at City land uses and densities and that the ultimate annexation of the UGB expansion area will be cost-effective for the City.

*This policy is an edited version of the one in the Realization 2020 Comprehensive Plan. The original policy is shown below with the added language underlined.*

- a. *The proposed change provides for a demonstrated need to accommodate long-range urban population growth requirements consistent with applicable LCDC goals and administrative rules. UGB expansions to accommodate the need for residential land shall be based on any coordinated population allocations adopted in accordance with state law, including applicable state statutes and administrative rules pertaining to coordinated population allocations.*
- b. *The proposed change is based on a demonstrated need for housing, employment opportunities and/or livability.*
- c. *The proposed change is necessary for, and/or will not hinder, orderly and economic provision for public facilities and services and will take into consideration water availability.*
- d. *Maximum efficiency and densification of land uses within and on the fringe of the existing urban area has already been provided for, and the boundary change will continue to provide maximum efficiency of land use, as prescribed in state law and administrative rules.*
- e. *An environmental, energy, economic and social consequences analysis has been performed showing that the land is suitable for urbanization at City land uses and densities and that the ultimate annexation of the UGB expansion area will be cost-effective for the City.*