

120  
SUPPLEMENTAL MATERIAL

**SUPPLEMENTAL MEMO**

Memo Date: November 24, 2008  
Second Reading/Public Hearing Date: **November 25, 2008**

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works, Land Management Division, Planning Department  
**PRESENTED BY:** Stephanie Schulz, Metro and Small City Planner  
**AGENDA ITEM TITLE:** Ordinance No. 7-08 / In The Matter Of Amending Chapter 10 of Lane Code To Revise And Add Provisions For The Interim Urbanizing Combining Districts (/U) Applicable Within The Florence Urban Growth Boundary (LC 10.122-10, 10.122-13, 10.122-14, 10.122-15, 10.122-30, 10.122-31)

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The amendments to Lane Code Chapter 10 were prepared in response to proposed policy amendments added to the Florence Realization 2020 Comprehensive Plan (Ordinance No. PA1249) under co-adoption by the Board of Commissioners to complete the city's DLCDD periodic review work program. The record for the Comp Plan co-adoption is open until December 5, 2008 in order for further refinement by city of Florence on both policy language and implementation language that typically resides in the development code of local jurisdictions.

City of Florence conducted a joint city council and planning commission public hearing on November 17, 2008 regarding the policy and implementation language, and the record for the city proceedings remains open through January 2009 for staff to complete the development of specific exception language for council consideration regarding sewer system connection applicable to the urbanizable area within the UGB.

The Lane County Planning Commission held a hearing on the proposed LC10 amendments on November 18, 2008 and has held the record open for the code amendments until February 6, 2009, in order to conduct deliberations on February 17, 2009 and develop a recommendation to forward to the Board regarding the final language for the LC10 amendments. The testimony received at the LCPC hearing is attached to this memo (Exhibits 1-25). Exhibit 12 is a summary presentation to the Lane County Planning Commission of updates to the policies and general exception language for the implementation code in the city proposal given at the November 4, 2008 worksession.

Staff recommends the Board conduct the hearing today on the code amendments, and keep the record open to a date certain that provides sufficient time after the Planning Commission deliberations on the code to bring all of the pieces forward related to the co-adoption of Realization 2020 prior to final decision by the Board. The Board has a 3<sup>rd</sup> reading/deliberation scheduled on December 10, 2008 on Ordinance No. PA 1249, the policy amendments to the Realization 2020 Plan. The record for that Ordinance also would be reopened to coincide with the open record for the implementation code language. The Board could schedule a fourth reading for a March 2009 date (BCC meets weeks of March 17/18 and 31/1) to allow for all testimony to be considered at the final co-adoption of the Realization 2020 Plan.

Attachments

1. Exhibits 1- 25, public testimony (Exhibit 12 is slide show of city presentation to LCPC)
2. Septic System and Shallow Aquifer slide show for Applicant's testimony at November 25<sup>th</sup> hearing

**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Wednesday, November 05, 2008 2:57 PM  
**To:** HOWE Kent; 'Tom Holmes'  
**Subject:** RE: Plan Amendments for City of Florence

Yes, Mr. Holmes, the Planning Commission Hearing is 11/18 at 7:00pm, and the Board of Commissioners hearing is on 11/25 (the Board is meeting only on Tuesday, due to the Thanksgiving holiday), at 1:30pm. Both meetings are in the Board of Commissioners Conference Room, 2nd floor, Public Service Building, 125 East 8th Ave, in downtown Eugene.

Please note that PA 08-5142 is the file number for a Cottage Grove action, not related to this proposal. PA08-5363 is the file number for this proposal as assigned when the application was received, which is Ordinance No. PA 1249. PA stands for Planning Action for file tracking.

Stephanie

-----Original Message-----

**From:** HOWE Kent  
**Sent:** Wednesday, November 05, 2008 12:47 PM  
**To:** 'Tom Holmes'; SCHULZ Stephanie E  
**Subject:** RE: Plan Amendments for City of Florence

Hi Stephanie,

Could you please respond to Mr. Holmes questions about the schedule on Plan amendments for Florence?

Thanks, Kent

-----Original Message-----

**From:** Tom Holmes [mailto:tomholmes@michaeljlilly.com]  
**Sent:** Tuesday, November 04, 2008 3:34 PM  
**To:** HOWE Kent  
**Subject:** Plan Amendments for City of Florence

Lane County has Plan Amendment applications from the City of Florence currently in process. The following appear to relate to the amendments:

Ordinance PA-1249  
PA-08-5142  
PA 08-5363

I am having difficulty figuring out the public meeting schedule for these amendments at the county level, particularly when the Planning Commission and County Commissioners will be meeting on the amendments. Is there a Planning Commission meeting scheduled on Tues. 11/18 at 7pm for these amendments? Is there a County Commission meeting on 11/25 (or is it 11/26, according to the regular schedule)?

--  
Tom Holmes, Paralegal  
Office of Michael J. Lilly  
6600 SW 92nd Ave., Suite 280  
Portland, OR 97223  
Phone: 503-294-0062 Fax: 503-452-4433  
tomholmes@michaeljlilly.com

EXHIBIT 2**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Friday, November 07, 2008 2:27 PM  
**To:** 'Laurie Hamilton'  
**Subject:** RE: Land Use related to Ballot Measure 56

The North Dunal Aquifer extends from the Siuslaw River north to the headlands and east to beyond the fresh water lakes that are east of Hwy 101 and north of Florence, Munsel, Clear, Mercer, etc. The area of the county that is between the city limits and the Florence UGB is all within the larger, more extensive North Florence Dunal Aquifer.

I'd need to know more about your specific situation and when it was that you spoke to the city, to address your other questions on building. The Ordinance, if adopted, is effective 30 days after the date of adoption.  
Stephanie

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**From:** Laurie Hamilton [mailto:laurieh55@hotmail.com]  
**Sent:** Thursday, November 06, 2008 9:56 PM  
**To:** SCHULZ Stephanie E  
**Subject:** Land Use related to Ballot Measure 56

Dear Ms. Schulz,

I received a noticed from the Lane County Land Management Division related to a required noticed of changes in Lane County Land Use Regulations. It lists your e-mail to contact with questions. We own land on 12th Street west of Xylo St in Florence (north of Highway 126 and east of Highway 101). We have already attempted to get city services and were told we could not because we were in the county. Now with this notice, I believe you are saying we will not be able to get a septic tank permit for our land because we are too close to the city of Florence and in the "Florence Urban Growth Boundary..." Can you tell me what area of the county falls into the Florence Urban Growth Boundary and North Dunal Aquifer interface? If we cannot get septic and cannot get city services then you have effectively taken all use of our property from us. If this is to be heard November 25th and is accepted, when will it be effective? What option do we have if we intend to build a home in the future?

Sincerely,

Mark and Laurie Hamilton  
23551 Stacy Court  
Tehachapi, CA 93561  
(661)821-2406

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Color coding for safety: Windows Live Hotmail alerts you to suspicious email. [Sign up today.](#)

11/13/2008

EXHIBIT 3

**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Friday, November 07, 2008 2:16 PM  
**To:** 'Daniel Stotter'  
**Subject:** RE: Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Ordinance NO. PA 7-08, November 18th, LCPlanning Commission Hearing is at 7:00pm, Board of Commissioners Hearing is on November 25th, 1:30 pm.

Ordinance NO. PA1249, Record is open until Dec. 5th, 3rd reading and deliberations on Dec. 18th.

all meetings are in the Public Service Building, 125 E. 8th Ave. Eugene, Board Conference Room, 2nd floor.

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**From:** Daniel Stotter [mailto:dstotter@qwestoffice.net]  
**Sent:** Friday, November 07, 2008 2:09 PM  
**To:** SCHULZ Stephanie E  
**Subject:** Re: Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Thanks Stephanie. I'm still hoping to get the times and locations of these meetings.

Sincerely,

- Dan

----- Original Message -----

**From:** SCHULZ Stephanie E  
**To:** Daniel Stotter  
**Sent:** Friday, November 07, 2008 1:35 PM  
**Subject:** RE: Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Here is a timeline of both city and county meeting dates.

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**From:** Daniel Stotter [mailto:dstotter@qwestoffice.net]  
**Sent:** Friday, November 07, 2008 9:46 AM  
**To:** SCHULZ Stephanie E  
**Cc:** Daniel Stotter  
**Subject:** Re: Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Stephanie:

What are the scheduled times and specific locations of the upcoming Planning Commission and BOC meetings on this issue?

Thanks for your continued assistance!

Sincerely,

Daniel J. Stotter  
Irving & Stotter LLP

408 SW Monroe, Ste. L163  
Corvallis, OR 97333  
(541) 738-2601  
[dstotter@qwestoffice.net](mailto:dstotter@qwestoffice.net)

----- Original Message -----

**From:** SCHULZ Stephanie E

**To:** Daniel Stotter

**Sent:** Monday, November 03, 2008 8:11 AM

**Subject:** RE: Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Hi. The BOC material is available electronically, staff memos, Ordinances, Findings, etc. for all actions that have happened. See [www.Lane CountyBoard of Commissioners/Meetings](http://www.LaneCountyBoardofCommissioners.com) and choose which date you want, and then 'view material' for the items you want. The minutes and agenda's are at the very front of the meeting listing. The Planning Commission meetings are not on the web, so i can get you hardcopies of the 11/18 one coming up. Do you need copies of the actual plans? The BOC material for 11/25 will be available on Nov. 17th, and 12/10 material on 12/1, and as written material is submitted while the record is open. I'll make a copy of the 11/18 LCPC material for you., We have a pick-up option, or FAX or regular mail, let me know your preference.

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**From:** Daniel Stotter [<mailto:dstotter@qwestoffice.net>]

**Sent:** Sunday, November 02, 2008 12:22 PM

**To:** SCHULZ Stephanie E

**Cc:** Daniel Stotter

**Subject:** Florence 2020 Comp Plan Amendments & Proposed Implementing Code Amendments

Stephanie:

As a follow-up to our telephone call last week on the Lane County Planning Commission and Lane County Board of Commissioners review and actions on the proposed annexation policies and implementing code amendments associated with co-adoption of the Florence 2020 Comp Plan, I wanted to get the links or PDFs of the agendas for the following hearings / deliberation,s and would also like to get the county staff reports for both the proposed comp plan amendments and for the associated code amendments that are currently being considered by the Planning Commission and Board of Commissioners at this time. In particular, I'm interested in getting the staff reports and agendas for the BOC's 10/1 and 12/10 meetings on the Comp Plan Amendments, and also the staff reports and agendas for both the Planning Commission and Board review of the associated code amedments, which I understand have now been set for hearings on 11/18 (Planning Commission) and 11/25 (BOC).

Thanks for your continued assistance!

Sincerely,

Daniel J. Stotter  
Irving & Stotter LLP  
408 SW Monroe, Ste. L163  
Corvallis, OR 97333  
(541) 738-2601  
[dstotter@qwestoffice.net](mailto:dstotter@qwestoffice.net)

EXHIBIT 4**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Monday, November 10, 2008 9:19 AM  
**To:** 'Tom Velvin'  
**Subject:** RE: Proposed changes to Lane County Land Use Regulations

You received the notice because your property is within the Urban growth boundary, and outside the city limits of Florence. The North Florence Dunal Aquifer is much larger than the urban area, it goes from the Siuslaw River to North of Lily lake, at the headlands, then east beyond the freshwater lakes, Mercer, Clear, etc. to the North Fork Siuslaw, it's an area of sandy type soils. Chapter 10 of Lane Code applies outside city limits and within urban growth boundaries of the cities in Lane County, so that area is at this time not in the city, but eventually is expected to be urbanized, and receive city services once it is urbanized. That transition requires coordination between the city and county, so the regulation is in County Code, and the exception would be by the ultimate future provider of urban services, the city.

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**From:** Tom Velvin [mailto:tvelvin@baybroadband.net]  
**Sent:** Monday, November 10, 2008 7:33 AM  
**To:** SCHULZ Stephanie E  
**Subject:** Proposed changes to Lane County Land Use Regulations

Ms. Shulz,

I recently received a notice from your office which delineates proposed changes to the Land Use Regulations for Lane County in the Florence Urban Growth Boundary area. I presently own an approx. 3-acre parcel on the north side of Heceta Beach Road which I assume falls within the UGB area. I am assuming this to be true because there was no map showing the UGB area available in either the written notice or on the Lane County web site.

If my property falls within the UGB area, I fail to understand the wording of paragraph 10.122-30 which states "No land divisions within the boundaries of the Florence Dunal Aquifer shall be allowed prior to annexation to the City." So far as I know, my property is not included with the Florence City Limit and therefore is not subject to any ordinance or provision of the City of Florence. Why am I going to be required to obtain an exception from the Florence City Council before I can change my septic system or sub-divide my property - according to the wording of Paragraph 10.122-31?

I need some clarification so that I can make an informed decision regarding this proposal.

Tom Velvin

**SCHULZ Stephanie E**

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**To:** Sandra Belson  
**Subject:** RE: call from Darlene Derby

Hi Sandra. Our records show a notice was mailed to:

DERBY RICHARD L & DARLENE  
04864 Oceana Drive  
Florence, Or 97439

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Monday, November 10, 2008 11:33 AM  
**To:** SCHULZ Stephanie E  
**Subject:** call from Darlene Derby

Stephanie, I just received a phone call from this woman asking why she had not received a notice of the hearings on proposed annexation policy. I said that she should have received one from Lane County. I checked her address on the property records or RLID and confirmed that her mailing address is 04864 Oceana Drive. I said she should contact you to find out why she had not received a notice and have you send her one. I also told her about the upcoming LCPC and Board hearings and to check with you if she would be able to testify from Florence on Nov. 18. -S

Sandra W. Belson  
Community Development Director – City of Florence  
250 Highway 101 North, Florence, OR 97439  
541-997-8237 (phone) 541-997-4109 (fax)

**PUBLIC RECORDS LAW DISCLOSURE:** This is a public document. This e-mail is subject to the State Retention Schedule and may be made available to the Public.

EXHIBIT 6

**SCHULZ Stephanie E**

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**From:** Beachrosegirl@aol.com  
**Sent:** Tuesday, November 11, 2008 9:13 AM  
**To:** SCHULZ Stephanie E  
**Cc:** cleofriend2@yahoo.com  
**Subject:** PROPOSED REVISIONS TO LANE CODE CHAPTER 10  
**Attachments:** lane county land managementgoodletter.doc

Stephanie,

I called you a week ago to discuss this proposed change. A copy of the attached letter is in the mail to you. Linda Fortin said that you suggested e-mailing a copy to you. Can you give me William Fleenor's e-mail so I can send a copy to him too. Is that more effective than mail or would I need to do both?

Sincerely,

Gail M. Good

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11/12/2008



REC'D NOV 12 2008

EXHIBIT 6

November 9, 2008

pg 2

Lane County Land Management Division  
125 E. 8<sup>th</sup> Ave  
Eugene, OR 97401

SUBJECT: PROPOSED REVISIONS TO LANE CODE CHAPTER 10

This letter is in response to the recent notice I received concerning proposed revisions to Lane Code Chapter 10. I live in the Florence UGB and own a lot adjacent to my home which is currently considered to be a buildable lot. I strongly object the proposed changes to Chapter 10.122-31 Land Uses. The proposed change to this part of the Lane Code will severely reduce the value of my property(s) as well as many others in my area (Kla-Ha-Nee and Heceta Beach). My specific objections are itemized below:

1. The proposed revision will turn my currently buildable lot into an unbuildable lot. As a result, it is unlikely that I would be able to sell the property should I need the income. There are many property owners with lots in the UGB that would be similarly affected. Any further decreases in property values would only exacerbate the severe reductions that we have all seen in our property values. As a result, this change would create a financial hardship for those of us in the UGB who are retired and living on a fixed income.
2. The proposed revision would prevent me from remodeling or expanding my home unless an exception is made by the Florence City Council. Since there are no guidelines for granting these exceptions, property owners have no assurances that they would be granted in a fair and equitable manner.
3. As written, the proposed revision is vaguely worded. For example, does a "septic system" consist of a septic tank and its leach field or just the septic tank itself?
4. If my current septic system fails, it is not clear that I would be able to repair or replace it.
5. The City of Florence has made it clear that it wants to annex the area in the UGB that is north of the city. Those of us in the affected area have all heard that the city will not "force" us to annex; however, this proposed change appears to be a disingenuous move on the part of the City of Florence to force us into annexation by requiring us to have a sewer system. The costs associated with extending the sewer trunk lines to the UGB northern area and then individual hook-ups would be substantial and possibly prohibitive to many home/lot owners in the affected area.

In closing, during this time of severe economic crisis, it is very disheartening to see such a change being proposed by our local government leaders. Many of us have already seen our retirement accounts cut in half, our property values significantly reduced, and our quality of life

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in our community challenged. For the reasons stated above, I urge you to not move forward with the proposed revisions to Lane Code Chapter 10.

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail M. Good". The signature is fluid and cursive, with the first name "Gail" being the most prominent.

Gail M. Good  
88714 Shoreline Drive  
Florence, OR 97439

EXHIBIT 4**SCHULZ Stephanie E**

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**From:** Tom Velvin [tvelvin@baybroadband.net]  
**Sent:** Tuesday, November 11, 2008 5:20 AM  
**To:** SCHULZ Stephanie E  
**Subject:** RE: Proposed changes to Lane County Land Use Regulations

It seems to me that a policy based on some undetermined future possibility of the City of Florence annexing a large part of the Northwest corner of Lane County is, at best, a pipe dream. I, as a property owner, in the annexable area, would do all that I could to stop such a plan, simply because I can see no benefit to those of us who live and own property in that area. All we would be doing if such a plan were approved, is to layer another set of government regulations on top of all of them that exist now, and, more taxation of our real property to support an unneeded governmental layer. If I have to deal with yet another bureaucracy to obtain permits for replacement of my septic system, or add a garage to my existing dwelling, I am not about to support a plan such as is delineated in Chapter 10. It was difficult enough a year ago to get the permits to replace an ailing septic system from Lane County. I hate to think what the process would have been if I had to also get permits from Florence.

If the purpose of this proposed change is to protect the Florence drinking water supply from over-use of septic systems, then, until such time as Florence is successful in annexing the area, it should remain the responsibility of the DEQ and Lane County to administer the issuance of building permits and permits for the repair and replacement of septic systems. Florence should not even be mentioned in the verbiage of Chapter 10.

Tom Velvin

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**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Monday, November 10, 2008 12:19 PM  
**To:** Tom Velvin  
**Subject:** RE: Proposed changes to Lane County Land Use Regulations

You received the notice because your property is within the Urban growth boundary, and outside the city limits of Florence. The North Florence Duanl Aquifer is much larger than the urban area, it goes from the Siuslaw River to North of Lily lake, at the headlands, then east beyond the freshwater lakes, Mercer, Clear, etc. to the North Fork Siuslaw, it's an area of sandy type soils. Chapter 10 of Lane Code applies outside city limits and within urban growth boundaries of the cities in Lane County, so that area is at this time not in the city, but eventually is expected to be urbanized, and receive city services once it is urbnaized. That transition requires coordination between the city and county, so the regulation is in County Code, and the exception would be by the ultimate future provider of urban services, the city.

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**From:** Tom Velvin [mailto:tvelvin@baybroadband.net]  
**Sent:** Monday, November 10, 2008 7:33 AM  
**To:** SCHULZ Stephanie E  
**Subject:** Proposed changes to Lane County Land Use Regulations

11/12/2008

Ms. Shulz,

I recently received a notice from your office which delineates proposed changes to the Land Use Regulations for Lane County in the Florence Urban Growth Boundary area. I presently own an approx. 3-acre parcel on the north side of Heceta Beach Road which I assume falls within the UGB area. I am assuming this to be true because there was no map showing the UGB area available in either the written notice or on the Lane County web site.

If my property falls within the UGB area, I fail to understand the wording of paragraph 10.122-30 which states "No land divisions within the boundaries of the Florence Dunal Aquifer shall be allowed prior to annexation to the City." So far as I know, my property is not included with the Florence City Limit and therefore is not subject to any ordinance or provision of the City of Florence. Why am I going to be required to obtain an exception from the Florence City Council before I can change my septic system or sub-divide my property - according to the wording of Paragraph 10.122-31?

I need some clarification so that I can make an informed decision regarding this proposal.

Tom Velvin

**ROGERS Chris A**

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**From:** Tom Holmes [tomholmes@michaeljlilly.com]  
**Sent:** Thursday, November 06, 2008 3:33 PM  
**To:** ROGERS Chris A  
**Subject:** Request for Notice list-PA-1249 & Ord 7-08

I would like to be placed on the notice for interested parties for the two agenda items listed above, or in more detail:

PA-1249: <sup>3</sup>In the Matter of Co-Adopting the Florence Comprehensive Plan (Realization 2020<sup>1</sup>, and Applicable Refinement Plans To Complete Periodic Review For The Urbanizable Are Outside Floence City Limits and Within the Urban Growth Boundary and Adopting Savings and Severability clauses (File PA 08-5142, Florence)<sup>2</sup> [This has been labeled as PA 08-5363 at Planning commission hearings]

Ordinance 7-08: In the Matter of Amending Chapter 10 of the Lane Code to Revise and Add Provisions for the Interim Urbanizing Combining District (/U) Applicable Within the Florence Urban Growth Boundary (LC 10.122-10.122-13, 10.122-14, 10.122-15, 10.122-30, 10.122-31)

If possible, I'd like notice of both the Planning Commission meetings on these items, and the County Commission meetings on these items.

We spoke on the phone today, and I asked if the County Commission hearing (I believe it was the 10/1 meeting) included a power point presentation, or any kind of report submitted by Dennis Nelson of GSI Water Solutions, Inc, about aquifers, water supplies and/or septic systems. If you find anything in the record submissions like this, please let me know--or, if I need to ask Stephanie Schulz that question.

--

Tom Holmes, Paralegal  
Office of Michael J. Lilly  
6600 SW 92nd Ave., Suite 280  
Portland, OR 97223  
Phone: 503-294-0062 Fax: 503-452-4433  
tomholmes@michaeljlilly.com

EXHIBIT 6**SCHULZ Stephanie E**

**From:** Sandra Belson [sandra.belson@ci.florence.or.us]  
**Sent:** Wednesday, November 12, 2008 9:57 AM  
**To:** SCHULZ Stephanie E  
**Subject:** RE: More on co-adoption

Thanks. That's what I thought, but it's good to have it confirmed.

Any information that I can use to answer our PC's questions in terms of # of properties in the urbanizable area (basically we could use # people to whom you sent notice), or any of the other related information I asked about previously? --S

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**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Wednesday, November 12, 2008 9:50 AM  
**To:** BELSON Sandra (SMTP); Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

It does happen that people keep asking, and yes, we can extend multiple times, but we don't encourage it. There is a renewal fee.

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Wednesday, November 12, 2008 9:19 AM  
**To:** SCHULZ Stephanie E; Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Stephanie, so, is the maximum extension allowed a one-time, one-year extension. Or could a property owner keep asking for additional one-year extensions? --S

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**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Wednesday, November 12, 2008 8:33 AM  
**To:** BELSON Sandra (SMTP); Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Thanks, Sandra for the summary email. You've correctly described the various scenarios i have discussed (phone and email) with property owners in response to the BM56 notice County sent. a one year extension is possible on septic permits.  
Stephanie

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Monday, November 10, 2008 2:56 PM  
**To:** Carol Heinkel  
**Cc:** SCHULZ Stephanie E; mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Carol and Stephanie,

11/12/2008

In reading the OARs, my application of the rules and the proposed code language would be as follows. Stephanie, of course, it would be good to confirm with your staff to see if we're all on the same page.

#### Various Scenarios

##### *1 - People with septic system.*

People with a septic system installed would not need to do anything further with passage of code. If that property owner wished to build a building or expand or remodel, a Lane County sanitarian would check to see if the existing septic system had the capacity to handle the effluent from the new construction or expansion/remodel. If it could, Lane County would go ahead and issue the building permit. If an expansion of the system was needed, then Lane County would refer the property owner to the city and we would determine if the property owner would be required to annex or would qualify for an exemption.

##### *2 - People with septic installation permit.*

People with a permit for installing a septic permit who have not yet done so could proceed with installation. The OAR's state that the approval is good for one year. It also explains options for extensions. I don't think a new LUCS is required for an extension, therefore, I don't think there would be any reason to go to the city to obtain an exemption in order to ultimately install one. Stephanie, that would be something to verify - how long is a LUCS good for in terms of extensions on septic installation permits?

##### *3 - People with a general septic approval, but no permit.*

People with a septic approval know that their lot could support a septic system, but they haven't done anything in terms of actually applying to Lane County for a permit to install a septic system. When they do apply for an installation permit, a LUCS would be required, so county staff would send that person to the city to see if connection to city sewer is possible, or if that person would qualify for an exemption.

Hope that helps in terms of knowing how the proposed code could affect property owners. Stephanie, could you let me know if there are any differing thoughts from county staff? --S

EXHIBIT 7**SCHULZ Stephanie E**

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**From:** EHLERS George  
**Sent:** Friday, October 31, 2008 12:26 PM  
**To:** SCHULZ Stephanie E  
**Cc:** BELSON Sandra (SMTP)  
**Subject:** RE: County Code Findings

Greetings,

Regarding 10.122-30 Lot area and land divisions. I think there should be and same exception option (Florence City Council) for situations where city sewer is not feasible. I believe City of Eugene has a similar policy, where there are properties located in steep rolling hills that are simple too expensive to provide sewer. Those folks should have an option to appeal to the City if the City has no plans to provide sewer within the foreseeable future.

Regarding 10.122-31. Its never as simple as plumbing fixture equals septic expansion. We refer to OAR 340-071-205 (Authorization to use existing systems) to assess if an expansion of the septic system is warranted. Simply stated, we take the perspective of the drainfield. The drainfield is designed to accept a certain number of gallons per day; and our question is if the proposed "redevelopment" will cause an increase in flow. For residential uses we say that bedrooms equal people, and people equal flow. So adding bedrooms increases flow to the septic system. Adding toilets, sinks, or other plumbing fixtures are not judged to increase flow. Nor is adding non-bedroom space such as living room expansions. Converting a single family dwelling to a bed-and-breakfast is an increase, as is increasing the number of employees, and possibly changing types of business (a restaurant generates more flow than retail space).

Once we determined that the proposal will increase flow, that still does not necessarily trigger septic system expansion. See the OAR referenced above.

I have a sense that these proposed rules are targeting a fear of septic systems and resultant groundwater contamination. The OAR's and the North Florence Dunal Aquifer rules are in place to protect the groundwater. Is there any evidence to suggest the rules are not working and thus there is a problem?

Sandra - Gary Rose has expressed interest in meeting with you some time next week to talk septic systems. I could attend too if you think it appropriate.

George Ehlers

-----Original Message-----

**From:** SCHULZ Stephanie E  
**Sent:** Wednesday, October 29, 2008 7:39 AM  
**To:** EHLERS George  
**Subject:** FW: County Code Findings

Hi George. City of Florence is proposing LC Chapter 10 amendments for application outside the city limits limiting development/redevelopment under septic systems. I have two questions, Does the county have a specific definition that addresses Sandra's nuance as discussed below (laundry sink) of development that rises to permitting level? where can i find that, to provide the Planning commission a response. and, could you provide input at the upcoming planning commission hearing Nov. 18th on this?

Thanks.

Steph

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Tuesday, October 28, 2008 6:05 PM  
**To:** SCHULZ Stephanie E  
**Cc:** Carol Heinkel

11/12/2008



**Subject:** RE: County Code Findings

Stephanie, OK on Lane Code Chapter 10. I hadn't thought it was a problem, but a Commissioner brought it up, so I thought it best to make sure with you. Glad to know you think it's all OK with the proposed language.

Just to make sure I understand your statements about redevelopment:  
One option would be to say that any additional plumbing fixtures would be considered development/redevelopment. That's a very clear standard that would be easy to administer. Your examples of a bedroom, roof, driveway are good ones to use as clearly being allowed. It seems like another option would be tied to actual expansion of a septic system. I question if someone wants to add a laundry sink that they would have to also automatically be required to expand the septic system. But maybe in fact, before Lane County would issue a plumbing permit for an additional laundry sink, the building folks would first require that the applicant go to environmental health/sanitarian and obtain an approval for a septic system expansion. Not being involved in that process, it's hard for me to know what actually happens. Clear understanding of what's involved in the county process before issuance of a plumbing permit would be helpful. I don't mind asking the questions of other people if that would relieve you of that duty, but would want to know who I should be asking them of if you want me to proceed in that manner.

Thanks for the information about the effective date of the ordinance.

Dennis Nelson used to work for the State Water Resources Department as a Drinking Water Specialist. He recently retired and is now in the private sector. The City hired him as a consultant to help out with helping staff and decisionmakers with the understanding of the impact of septic systems on the aquifer.

Thanks for checking out what kind of information you can get from your GIS. I may be finding out more specifics of what other types of information the Planning Commission wants at their meeting tonight. --S

---

**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Tuesday, October 28, 2008 2:42 PM  
**To:** BELSON Sandra (SMTP)  
**Cc:** Carol Heinkel  
**Subject:** RE: County Code Findings

Hi there. Lane Code Chapter 10 only applies within the UGB's of small cities, and this will apply within the entire Florence UGB, so no need for further reference. Chapter 16 applies to unincorporated land outside UGB's. The ordinance will become effective after 30 days. I believe on redevelopment, it is anything that would use the septic; which is a kitchen, or bathroom addition, or a second dwelling. A bedroom or new roof, paving the driveway, doesn't impact the septic system, so that wouldn't trigger annexation. Who is Dennis Nelson? I'm not sure we know the number of vacant lots, etc. but I'll get as much of that detail as I can. The total number of lots we are mailing to is possible.

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Tuesday, October 28, 2008 1:54 PM  
**To:** SCHULZ Stephanie E  
**Cc:** Carol Heinkel  
**Subject:** RE: County Code Findings

**Stephanie, thanks for sending this notice. I think it looks good and reads well. A quick reading of ORS 215.503 seems to me to require reference to an ordinance number and to provide a date for when the ordinance would become effective.**

11/12/2008

**Whether or not you add that information to the notice, I'd like to know if your ordinance would become effective immediately, after 30 days, or some other timeframe.**

**The Council/Commission public hearing went well. Some things that came out of that are:**

**1 - A question as to whether the last sentence in the proposed Lane Code language for 10-122-30 should specifically reference the UGB again so as to make it clear we're not preventing land divisions in all of the North Florence Dunal Aquifer, just the UGB portion of that Aquifer. I think that is understood, but could probably be clarified.**

**2 - Testimony from public wanting clearer definition of "development" and "redevelopment" in the proposed policies. So, an initial staff proposal is to use the terms from the proposed Lane Code with regard to "expansion or installation of a new septic system". We will probably be proposing some other options as well, and will coordinate other possible "definitions" with you. What would be helpful is if we could have a conversation with your a sanitarian to determine what type of development would require an "expansion" of a spetic system. For example, would that be triggered by the addition of a bathroom, second dwelling unit, etc.**

**3 - They wanted copies of the power point presentation by Dennis Nelson, so we'll also get those to you. In fact, we may want to have Dennis do that same presentation to the Lane County Planning Commission as part of our staff presentation for the work session.**

**4 - They asked for information on the number of lots in the urbanizable area, the number of vacant lots, and the corresponding zoning. Let me know what of that information you could easily provide. It seems as though you get provide the number of lots fairly easily given the work you're doing to prepare the mailing list for the BM 56 notice. I don't know how difficult it would be to get the other information. That type of information would be helpful to include in the staff report for the Florence Planning Commission deliberations which I'll be preparing the early part of November for the meeting on Nov. 12.**

**5 - They left the record open for a week, so the record will close on Monday Nov. 3 at 5:00. --S**

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**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Tuesday, October 28, 2008 8:46 AM  
**To:** BELSON Sandra (SMTP)  
**Subject:** RE: County Code Findings

Hi Sandra. Here's the BM56 notice, it is going out this week. When I print this, it takes three pages, one legal size, so what we did was cut and paste for a fold-over mailing. I've also attached the LCPC staff memo, and will send the final BCC packet once i get that, Wed. afternoon probably.

How did the joint Council/Commission meeting go?

Stephanie

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]

11/12/2008

**Sent:** Tuesday, October 28, 2008 8:33 AM  
**To:** SCHULZ Stephanie E  
**Subject:** FW: County Code Findings

Stephanie, here are draft findings. As you can see, there are some blanks that you will need to fill in. Have you worked on the Measure 56 notice? I'd like to see that and know when it's going out. --S

EXHIBIT 8**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Wednesday, November 12, 2008 8:33 AM  
**To:** BELSON Sandra (SMTP); Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Thanks, Sandra for the summary email. You've correctly described the various scenarios i have discussed (phone and email) with property owners in response to the BM56 notice County sent. a one year extension is possible on septic permits.

Stephanie

---

**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Monday, November 10, 2008 2:56 PM  
**To:** Carol Heinkel  
**Cc:** SCHULZ Stephanie E; mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Carol and Stephanie,

In reading the OARs, my application of the rules and the proposed code language would be as follows. Stephanie, of course, it would be good to confirm with your staff to see if we're all on the same page.

Various Scenarios

*1 - People with septic system.*

People with a septic system installed would not need to do anything further with passage of code. If that property owner wished to build a building or expand or remodel, a Lane County sanitarian would check to see if the existing septic system had the capacity to handle the effluent from the new construction or expansion/remodel. If it could, Lane County would go ahead and issue the building permit. If an expansion of the system was needed, then Lane County would refer the property owner to the city and we would determine if the property owner would be required to annex or would qualify for an exemption.

*2 - People with septic installation permit.*

People with a permit for installing a septic permit who have not yet done so could proceed with installation. The OAR's state that the approval is good for one year. It also explains options for extensions. I don't think a new LUCS is required for an extension, therefore, I don't think there would be any reason to go to the city to obtain an exemption in order to ultimately install one. Stephanie, that would be something to verify - how long is a LUCS good for in terms of extensions on septic installation permits?

*3 - People with a general septic approval, but no permit.*

People with a septic approval know that their lot could support a septic system, but they haven't done anything in terms of actually applying to Lane County for a permit to install a septic system. When they do apply for an installation permit, a LUCS would be required, so county staff would send that person to the city to see if connection to city sewer is possible, or if that person would qualify for an exemption.

Hope that helps in terms of knowing how the proposed code could affect property owners. Stephanie, could you let me know if there are any differing thoughts from county staff? --S

11/13/2008

EXHIBIT 9

**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Wednesday, November 12, 2008 8:36 AM  
**To:** 'Beachrosegirl@aol.com'  
**Cc:** cleofriend2@yahoo.com  
**Subject:** RE: PROPOSED REVISIONS TO LANE CODE CHAPTER 10

Commissioner Fleenor's email is: [Bill.Fleenor@co.lane.or.us](mailto:Bill.Fleenor@co.lane.or.us). You don't need to do both, but it's fine if you do.

---

**From:** Beachrosegirl@aol.com [mailto:Beachrosegirl@aol.com]  
**Sent:** Tuesday, November 11, 2008 9:13 AM  
**To:** SCHULZ Stephanie E  
**Cc:** cleofriend2@yahoo.com  
**Subject:** PROPOSED REVISIONS TO LANE CODE CHAPTER 10

Stephanie,

I called you a week ago to discuss this proposed change. A copy of the attached letter is in the mail to you. Linda Fortin said that you suggested e-mailing a copy to you. Can you give me William Fleenor's e-mail so I can send a copy to him too. Is that more effective than mail or would I need to do both?

Sincerely,

Gail M. Good

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11/13/2008

EXHIBIT 10**SCHULZ Stephanie E**

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**From:** SCHULZ Stephanie E  
**Sent:** Wednesday, November 12, 2008 10:39 AM  
**To:** BELSON Sandra (SMTP)  
**Subject:** RE: More on co-adoption

We mailed 3,709 Ballot Measure 56 notices. We mail to property owners, not renters, so many of these went to Trusts and out of state or out of town owners.

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**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Wednesday, November 12, 2008 9:57 AM  
**To:** SCHULZ Stephanie E  
**Subject:** RE: More on co-adoption

Thanks. That's what I thought, but it's good to have it confirmed.

Any information that I can use to answer our PC's questions in terms of # of properties in the urbanizable area (basically we could use # people to whom you sent notice), or any of the other related information I asked about previously? --S

---

**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Wednesday, November 12, 2008 9:50 AM  
**To:** BELSON Sandra (SMTP); Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

It does happen that people keep asking, and yes, we can extend multiple times, but we don't encourage it. There is a renewal fee.

---

**From:** Sandra Belson [mailto:sandra.belson@ci.florence.or.us]  
**Sent:** Wednesday, November 12, 2008 9:19 AM  
**To:** SCHULZ Stephanie E; Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Stephanie, so, is the maximum extension allowed a one-time, one-year extension. Or could a property owner keep asking for additional one-year extensions? --S

---

**From:** SCHULZ Stephanie E [mailto:Stephanie.SCHULZ@co.lane.or.us]  
**Sent:** Wednesday, November 12, 2008 8:33 AM  
**To:** BELSON Sandra (SMTP); Carol Heinkel  
**Cc:** mike.miller@ci.florence.or.us; MORGAN Jacque (SMTP)  
**Subject:** RE: More on co-adoption

Thanks, Sandra for the summary email. You've correctly described the various scenarios i have discussed (phone and email) with property owners in response to the BM56 notice County sent. a one year extension is possible on septic permits.  
Stephanie

11/13/2008

**EXHIBIT D****OREGON DEQ RECOMMENDATIONS  
ON PROPOSED TEXT FOR CITY OF FLORENCE'S COMPREHENSIVE PLAN**

Comments from DEQ on Policy 12:

- **Install groundwater monitoring wells** to assess the degree to which septic system effluent is impacting the North Florence Dunal Aquifer (designated as a Sole Source Aquifer by Section 1424(e) of the Safe Drinking Water Act of 1974). Nitrate concentrations of  $\geq 5$  mg/L (50% or greater than the drinking water standard) could be considered an appropriate trigger level for further action. Lane County and the City of Florence can collaborate with DEQ and DHS on the appropriate number and location for monitoring wells. In addition, the two agencies can assist with identifying possible sources of grant money to fund the effort.
- **Establish a mandatory septic system inspection and maintenance program** requiring regular checks on the condition of the tank and contents, drainfield, pump, and filters by inspectors certified by either the National Association for Waste Transporters or DEQ. [See Dunes City Ordinance No. 181 as an example.] The primary intent of the program would be to prevent improper discharge of sewage effluent to groundwater or surface waters, including the North Florence Dunal Aquifer. Septic system location and condition should be recorded by Lane County and the City of Florence. This information could then be used to assess problem areas and plan for possible system upgrades or replacements.

Comments from DEQ on Recommendation 8:

- Heceta Water District should participate in the inspection and maintenance program described above.

**Note:** Resources on septic systems and drinking water protection, developed specifically for municipal officials, are also available. Please contact Jacqueline Fern for more information at (541) 686-7898 or [fern.jacqueline@deq.state.or.us](mailto:fern.jacqueline@deq.state.or.us).

**Florence Realization 2020  
Comprehensive Plan Amendments  
and Lane Code Chapter 10 Amendments**

**1995 Periodic Review  
Work Task 8**

**Lane County Planning Commission  
Work Session  
November 4, 2008**



# Proposal

- **Amend Florence Comp Plan:**
  - Chapter 6, Air, Water and Land Quality to provide for a program to monitor water quality and remedy problems
  - Chapter 14, Urbanization in order to:
    - Incorporate/Update City Annexation Policies
    - Clarify UGB Policy
  - Appendix 12, Transportation System Plan (TSP) for housekeeping amendments
- **Amend Lane Code Chapter 10**
  - Prohibit land divisions in UGB in North Florence Dunal Aquifer
  - Limit new development on septic systems in UGB in North Florence Dunal Aquifer

## **Purpose and Objectives**

- **Protect North Florence Dunal Aquifer**
- **Complete Periodic Review Work Task 8 – Comprehensive Plan**
- **Complete Lane County Co-Adoption of Work Tasks 2, 3, 4, 5, 7, and 8**
- **Implement Comprehensive Plan policies**
- **Comply with Safe Drinking Water Act**
- **Clarify TSP terms**

# Conclusion and Recommendation

- **Conclusion:** The proposal to adopt Periodic Review amendments to Lane Code and amendments to the Realization 2020 Comprehensive Plan is consistent with applicable criteria in Lane County Comprehensive Plan, Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Administrative Rules, Statewide Planning Goals, and the federal Safe Drinking Water Act, Public Law 93-523.
- **Recommendation:** Adopt the proposed Comprehensive Plan Amendments.

# Proposal

- Amend Chapter 6, Air, Water and Land Quality to provide for a program to monitor water quality and remedy problems
- Amend Chapter 14, Urbanization in order to:
  - Incorporate/Update City Annexation Policies (Lane Code amendments implement)
  - Clarify UGB Policy
- Amend Comprehensive Plan Appendix 12, Transportation System Plan (TSP) for housekeeping amendments

# **Chapter 6, Air, Water and Land Quality**

## **Policy and Recommendation**

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 (and recommendation) to test and monitor water quality. Recommends Heceta Water District participate in the monitoring because they have an interest in protecting the quality of Clear Lake.**

# **Proposal**

- **Amend Chapter 6, Air, Water and Land Quality to provide for a program to monitor water quality and remedy problems**
- **Amend Chapter 14, Urbanization in order to:**
  - **Incorporate/Update City Annexation Policies**
  - **Clarify UGB Policy**
- **Amend Comprehensive Plan Appendix 12, Transportation System Plan (TSP) for housekeeping amendments**

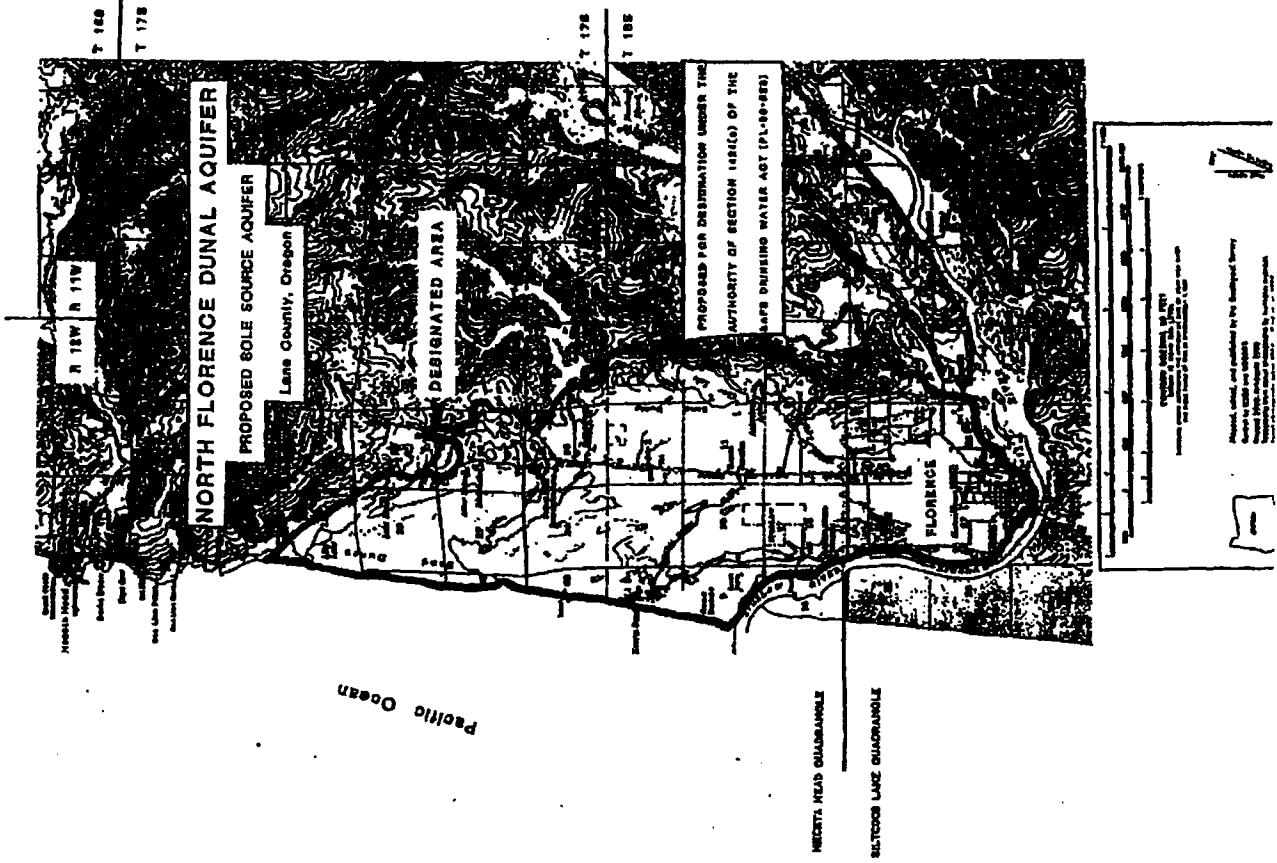
# **Annexation Policies**

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.”**
  - **Clarifies current City policy in adopted Resolution that City will not force residents of the UGB to annex to the City, unless there is a legitimate health hazard**

## **Annexation Policies**

- “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. The North Florence Dunal Aquifer boundary is delineated in the EPA Resource Document “For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer,” EPA 910/9-87-167, September 29, 1987, Comprehensive Plan Appendix 5.”**
- City Code amendments and Lane Code amendments implement this policy.**





## **Key Findings to Support Policy #2**

- **EPA Resource Document “For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer,” EPA 910/9-87-167, September 29, 1987, Comprehensive Plan Appendix 5.**
- **“Rapid infiltration rates into the sand cover combined with a shallow water table make the North Florence Dunal Aquifer highly susceptible to contamination from surface activity.”**
- **“Direct leaching from septic tanks located in the sand-covered areas adjacent to the lakes could seriously downgrade the quality of Clear Lake – the only surface source of drinking water presently used in the area.”**

## **Key Findings to Support Policy #2**

- **“North Florence Dunal Aquifer Study,” Lane Council of Governments, June 1982**
- **“Nitrate-Nitrogen loading considerations for the Florence Well Field are identical with those for the general north Florence Aquifer.”**
- **“Based on a policy of no degradation of Clear lake, a total of 8.7 dwelling units should be allowed on the entire 1040 acre watershed (850 acres of land surface).”**

## **Reasons to Support Policy #2**

- **Protect groundwater and surface water resources serving the Florence UGB. Clear Lake is the water source for Heceta Water District and serves areas within the UGB.**
- **Policy implements State Land Use law for urbanizable land.**
- **Policy is tied to the ability to serve with municipal wastewater system; and services are now available within the UGB.**
- **Policy implements state environmental laws requiring new development to connect to a municipal system, when available.**
- **Where not practical to connect, City Council can grant a special exemption to policy.**

# **Policy #2 Implementation**

**Policy is to be implemented in Lane Code and City Code.**

- **Lane Code amendments:**
  - Define “develop” and “redevelop” as “land uses that require expansion or installation of a new septic system.” Septic system replacements are allowed.
  - No further land division outside the city.
  
- **“Special exemption” will be defined in City Code (Title 9).**

# **Annexation Policies**

- “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 clarifies, and incorporates into the Comprehensive Plan, policy in adopted City Resolution No. 8, Series 2008. The policy in the Resolution 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.” Policy #3 clarifies that extraterritorial extensions would not provide service to property owners outside the city; but the City may extend a sewer or water line outside the city to serve property within the city.**

## **Annexation Policies**

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

# Annexation Policies

- “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 included to reflect current procedure and to respond to concerns raised during public testimony.**



## **Annexation Policies**

- “7. Annexed properties shall pay systems development charges as required by City Code.”**
- **This is existing policy in the adopted comprehensive plan.**

## **Annexation Policies**

- “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 permitting responsibility for those lands.”**
- **This is policy from the 1988 Comprehensive plan that is proposed to be brought back into the Plan because it speaks to the need for City-County cooperation in planning in the UGB outside the City.**

# 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 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 is existing comprehensive plan policy, modified to address coordinated population forecast requirements and to improve clarity.**

# **Proposal**

- **Amend Chapter 6, Air, Water and Land Quality to provide for a program to monitor water quality and remedy problems**
- **Amend Chapter 14, Urbanization in order to:**
  - **Incorporate/Update City Annexation Policies**
  - **Clarify UGB Policy**
- **Amend Comprehensive Plan Appendix 12, Transportation System Plan (TSP) for housekeeping amendments**

## SCHULZ Stephanie E

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**From:** Bill Fleenor [info@kimillia.com]  
**Sent:** Tuesday, November 11, 2008 4:52 PM  
**To:** SCHULZ Stephanie E  
**Subject:** Document

**Attachments:** Doc4.docx



Doc4.docx  
(17 KB)

Stephanie,

This is the direction I would like to see the county and city head with respect to Chapter 14 and Florence's Comp. Plan revisions - I will request a second reading of the LC Chapter 14 Code changes in anticipation of inserting this proposed language.

Please take a look at my suggestions and let me know how and where we can insert this language.

Many thanks,

BF

SCHULZ Stephanie E

EXHIBIT 13

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**From:** FLEENOR Bill A  
**Sent:** Sunday, November 09, 2008 4:00 PM  
**To:** SCHULZ Stephanie E; LAIRD Matt P; HOWE Kent; cheinkek@msn.com; Mayor Phil Brubaker (phil.brubaker@ci.florence.or.us); BELSON Sandra (SMTP)  
**Cc:** MILLER Marsha A; SPARTZ Jeff R; VORHES Stephen L  
**Subject:** Co-Adoption of Florence's 2020 Realization Comp. Plan....

Hi all,

I met with Mayor Brubaker Saturday morning to discuss my recent proposal to add an additional sentence (\*see below) to LC Chapter 10 Code, and thus, the 2020 realization Comp. Plan. At that time, I agreed to hold-off insisting this specific additional language be added until there was an opportunity for me to meet with his planning staff this Thursday morning at 9:00 am.

Also, during that meeting, it was suggested that instead of adding this language to LC Chapter 10 Code and the 2020 Comp. Plan, this issue be addressed through a Florence City Code change. My question to you all is: how permanent is a city code change as compared to incorporating this language into the co-adopted Comp. Plan. Is it not possible for any subsequent city council to make modifications to the Code without County approval?

If we all agree this language is very important, and may hold the key to a successful implementation, would it not be prudent for us to at least think about holding one additional public co-hearing between the Florence City Council and Planning Commission, to get any new language incorporated directly into the Comp. Plan? Do we have the time before the last BCC meeting in December to co-adopt?

I would like to propose a couple of other items we might consider incorporating into the Comp. Plan in the appropriate places:

1. It is acknowledged by both the City of Florence and Lane County, the Florence Dunal Aquifer is not currently evidencing any contamination from failed septic systems, but the provisions embodied in this Comp. Plan are meant to be proactive and prescriptive to future possible contamination.
2. It is acknowledged by both the City of Florence and Lane County, that Florence's dunal aquifer is unique in Lane County, and thus, highly susceptible to future contamination due to failing older septic systems.
3. It is acknowledged by both the City of Florence and Lane County, that inherent in the 19-goals (specifically Goals 1 & 2) established by the Department of Land Conservation and Development, that cities are the logical provider of municipal services, and as such, all area within Florence's UGB shall be serviced by the city.
4. Change the suggested changes to LC Code Chapter 10 to reflect the following: ***An automatic exception shall be granted to the applicant of a single lot if the applicant can demonstrate the cost a full sewer-hook-up exceeds the cost of installing a state approved septic system. The City may, at its discretion, require the owner to hook-up to the sewer none-the-less, if the city pays the cost difference between the septic system and the full sewer hook-up. The cost determination for the difference shall be conducted by an independent third party sanitation expert, mutually selected by both parties from a list of at least three sanitation experts, hired and paid by the City of Florence.***

I hope this serves as a start for next week's discussions.

My best,

BF

11/18/2008

**SCHULZ Stephanie E**

EXHIBIT 14

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**From:** HOWE Kent  
**Sent:** Friday, November 14, 2008 12:11 PM  
**To:** SCHULZ Stephanie E  
**Subject:** FW: Proposed Florence Ordinance

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**From:** GREEN Bobby  
**Sent:** Friday, November 14, 2008 11:30 AM  
**To:** 'kcrek@comcast.net'  
**Cc:** HOWE Kent  
**Subject:** RE: Proposed Florence Ordinance

By way of response, I am forwarding this information on to our LMD and your comments will be noted for the record.

Thanks,

bgreen

---

**From:** kcrek@comcast.net [mailto:kcrek@comcast.net]  
**Sent:** Friday, November 14, 2008 10:37 AM  
**To:** GREEN Bobby  
**Subject:** Proposed Florence Ordinance

Commissioner Green,

The city of Florence wants to pass an ordinance that will give it authority to veto building permits and septic system permits.

I own two lots in the area, one with a single family residence and one that is vacant. My hope is to put an addition on the existing structure in the near future and possibly build an additional house or garage on the vacant lot.

If this ordinance passes, I would presumably not be able to build on the sites until the city provides sewer service, which could be several years away.

The ordinance seems to lock up development on previously approved sites at a time when jobs are needed more than ever.

I would suggest that the following language be added to the ordinance:

All legal lots located in subdivisions that have current county site inspection approvals are exempt from this regulation. The language should be added to Lane County Ordinance no. 7-08 and City of Florence amendment to the Florence Realization 2020 comprehensive plan.

Thank you for your time,

Sincerely,

Kevin Clark

11/14/2008

November 14, 2008

Stephanie Schulz  
Metro and Small City Planner  
Lane County Land Management Division  
125 E. 8th Ave. / PSB  
Eugene, OR 97401  
Fax No. (541) 682-3947

Dear Ms. Schulz,

We became the owners of Lot 2, Heceta South on January 6, 2003. We purchased the lot for the purpose of having our dream home built on it. We are retired and want to eventually move to the Florence area.

The lot was approved for a low pressure distribution septic system on November 22, 1993. Therefore, we believe that we have a right to install a low pressure distribution septic system instead of being required to install a substantially more costly enhanced septic system, if the Florence City Council makes that a condition for an exception.

Nor should we be prohibited from having a home built on our lot until a sewer line is in the street in front of it. Should this occur, we believe this would make our lot unusable for its intended purpose and diminish its value.

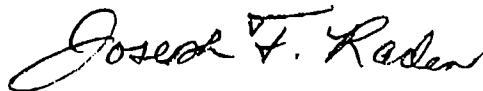
For these reasons, we oppose the adoption of proposed Lane County Code 10.122-31 Land Uses. If the Lane County Board of Commissioners wishes to adopt Lane County Code 10.122-31 Land Uses, we request that they consider a change in the wording so that, if adopted, it reads as follows:

**10.122-31 Land Uses.** (1) For land within the Florence UGB that is within the North Florence Dunal Aquifer boundary, as designated by the U.S. Environmental Protection Agency in September, 1987, no land uses that require an expansion or installation of a new septic system will be allowed, unless the applicant provides proof that an exception has been made as evidenced by final written action of the Florence City Council *or a lot was approved for a septic system prior to adoption of Lane County Code 10.122-31 Land Uses, regardless of whether an installation permit was issued . The type of septic system that was approved for the lot shall be allowed and an enhanced septic system shall not be required.* Replacement of a failing septic system for existing uses is allowed if consistent with state law.

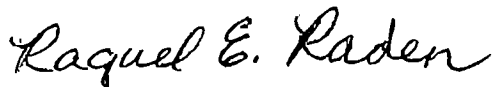
Thank you for your assistance.



Sincerely,



Joseph T. Raden



Raquel E. Raden  
1455 N. Park Ave.  
Rialto, CA 92376

cc: Lane County Commissioner Bill Fleenor  
Fax No. (541)682-4616

88354 2nd Avenue  
Florence, Ore. 97439  
(summer address after  
cold and rain - 2  
hip replacements)

1050 Northwood Loop  
Prescott, Az. 86303  
November 7, 2008  
(winter address during  
rain and cold)

TO: LANE CO. LAND MGMT. LAND DIVISION  
LANE CO. BOARD OF COMMISSIONERS  
FLORENCE PLANNING COMMISSION AND CITY COUNCIL  
LANE CO. PLANNING COMMISSION

FROM: JO ANN MURPHY

This is my second letter opposing being annexed in to the city of Florence. I am just one voice of many, many who are vehemently opposed to being annexed. WE DO NOT WANT YOUR HEAVY HANDS TO COME IN AND CHANGE OUR WAY OF LIFE - JUST SO THE CITY CAN GET MORE MONEY AND MORE TAXES AND MORE INTERFERENCE IN OUR RURAL LIVING. WE HAVE BEEN IN FLORENCE FOR 48 YEARS (HECETA BEACH) AND LOVE IT AS IS. If you persist in such a drastic and underhanded change against our wills, I will not be able to keep my home as I won't be able to afford all the added on taxes nor demands of the city of Florence. Friends of ours have moved away simply because they COULD NOT TOLERATE THE POLITICS AND UNDER HANDED BEHAVIOR OF THOSE IN CONTROL. NOR COULD THEY TOLERATE ALL THE SNEAKY DRUG BUSINESS THAT IS RAMPANT IN Florence (city). LEAVE US ALL ALONE TO LIVE AS WE HAVE DONE FOR ALL OF THESE YEARS.

Your latest 7 page letter has many loopholes in it. I took it to my attorney who explained the entire "thing". It seems a wise idea for all of us who resent such unending strong arm methods against innocent, sometimes elderly, retired, and maybe not so WEALTHY people to not only hire THE BEST to represent us -- BUT to alert ALL OF THE MEDIA ( T V, NEWSPAPERS, RADIO) of what is being done in Florence, Oregon, once mentioned as an IDEAL place TO LIVE. That was BEFORE all of the above was dropped upon us. And before all of the DEVELOPERS laid waste to the once untouched beauty. THOSE IN CONTROL HAVE DESTROYED THAT PRISTINE BEAUTY. ALL THEY ARE INTERESTED IN MORE AND MORE MONEY, MORE AND MORE DESTRUCTION OF WHAT LITTLE ONCE WAS IS NOW LEFT. GREED IS ALWAYS THE NAME OF THE GAME. And Florence will be nothing more than another "big city" ruled by some unscrupulous individuals. CHECK OUT THE DRUG TRAFFICKING

PLEASE - PLEASE - PLEASE - LEAVE HECETA BEACH AND THOSE OF US WHO LIVE THERE AND LOVE IT AS IS - ALONE. WE DO NOT WANT ANNEXATION. I AM TRULY VERY UPSET.



EXHIBIT 17**SCHULZ Stephanie E**

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**From:** FLEENOR Bill A  
**Sent:** Sunday, November 16, 2008 7:19 PM  
**To:** JhnDots@aol.com; SCHULZ Stephanie E; HOWE Kent; LAIRD Matt P; cheinkel@msn.com; BELSON Sandra (SMTP); Mayor Phil Brubaker (phil.brubaker@ci.florence.or.us); WILLOUGHBY Robert (SMTP)  
**Subject:** Florence Aquifer...

Sandra, Carol, Stephanie et al,

Here is some correspondence from a constituent of mine who has made some interesting points regarding my proposed language changes to the 20/20 comp. plan.

Mr. Dotson has been working extensively with the City of Eugene and Lane County over the last decade to try and formulate fair and equitable annexation processes - he brings a great deal of expertise to this issue. I suggest you might wish to have a conversation with him to avoid any potential pitfalls he may have already experienced in this complicated land use arena.

Please take a look and let me know if his suggested changes are of any interest to you.

Many thanks,

BF

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**From:** JhnDots@aol.com [mailto:JhnDots@aol.com]  
**Sent:** Sun 11/16/2008 4:54 PM  
**To:** FLEENOR Bill A  
**Subject:** Florence Aquifer

Thanks you for your letter to review. I see big problems with the starting position of the protection of the Florence Aquifer Dunal as a unique aquifer at this time. Geological studies need to be reviewed and if the uniqueness of the area is that important then complete removal of ownership is eminent.

Next, Goals 1&2 of the department of Land conversation and Development are not in compliance with State Revised Statutes 222. All Annexation is now covered under ORS 221/222 and in the statutes are procedures which are to be followed in order to condemn land under "Danger to Public Health". Very specific and cover all that the City of Florence is attempting to do.

If I were to proffer a change to item #4, it might read as..."Automatic exception shall be granted to all public applicants in the Florence Aquifer Dunal where appropriate State of Oregon recognized on site treatment of sewage is found to reliable by independent certified third party. If at such time there is fault established for the on site treatment of sewage, choice of remedy will be a) opting into an established Special Wastewater District, or b) Annexation to the City of Florence under ORS 222.

This should satisfy ORS 222 as written under state law and allow the concept under Department of Land Conservation and Development compliance under goals 1 & 2.

Thank You, John Dotson

11/17/2008

EXHIBIT 18

**SCHULZ Stephanie E**

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**From:** Sandra Belson [sandra.belson@ci.florence.or.us]  
**Sent:** Monday, November 17, 2008 12:01 PM  
**To:** SCHULZ Stephanie E  
**Subject:** FW: Your question about Florence area

Stephanie, here's what we got from Bill Clingman. --S

---

**From:** CLINGMAN Bill W [mailto:BCLINGMAN@lcog.org]  
**Sent:** Friday, November 14, 2008 3:09 PM  
**To:** Carol Heinkel; BELSON Sandra (SMTP)  
**Subject:** Your question about Florence area

There appear to be 1614 taxlots inside the Florence UGB but not inside the City of Florence (based on taxlot centroid location, same as used in RLID reports) which have some flavor of Residential zoning, either RA, RAMH, or RR.

Of those, 464 taxlots have Zero improvement value, according to the Assessor's data which is linked to the GIS parcels. Another 67 of those parcels have some improvement value but less than \$10,000. Is that too high a threshold?

The assessed valuations in general would be as of last January, I believe, so would miss some recent construction.

Does this get you the information you need?

P.S. Please note our **new address**, below, and check your calendar for Thursday Dec. 4th, we are holding an **Open House** at 4 PM

**Bill Clingman, GISP**

Senior GIS Analyst  
Lane Council of Governments  
859 Willamette Street, Suite 500  
Eugene, OR 97401-2910  
541-682-4548  
bclingman@lcog.org  
<http://www.lcog.org>

EXHIBIT 19

**SCHULZ Stephanie E**

---

**From:** Chuck Gesik [chuck@florencesandcastles.com]  
**Sent:** Tuesday, November 18, 2008 11:21 AM  
**To:** SCHULZ Stephanie E  
**Subject:** Florence 2020 Comprehensive plan

Dear Ms. Schulz;

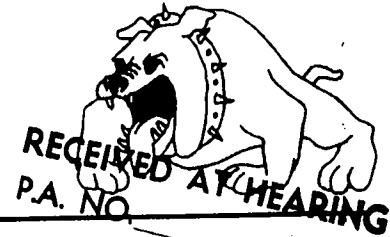
If under the Florence Realization 2020 comprehensive plan, policy # 2 , item 2 , "redevelopment" includes remodeling, I strongly oppose the plan.

Chuck Gesik  
Sand Castles Realty

11/18/2008

# Citizens Against Annexation

P.O. Box 1212  
Florence, Oregon 97439



DATE: \_\_\_\_\_  
EXHIBIT NO. 20

November 17, 2008

## THE GIVE and THE TAKE

The City of Florence and Lane County are in the final stages of adopting the "Florence Realization 2020 Comprehensive Plan". A careful review of the plan shows that the city councilors have kept their word and included the 'no forced annexation' policy in the proposed plan which states that the city will not annex anyone without their consent.

*Proposed City Policy No. 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 procedures prescribed by state law existing at the time of annexation." **That's the GIVE.**

But the next item, Policy No. 2, pretty much removes any protections in Policy No. 1. Policy No. 2 says if you live within the Urban Growth Boundary (UGB) and the North Florence Dunal Aquifer, as most of us do, and want to develop (build your dream or retirement home) or redevelop your existing home (adding a room, second bath, etc.), you **MUST** annex to the city and hook up to the city's sewer system.

*Proposed City Policy No. 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 system unless they obtain a special exemption from the City council." **That's the TAKE.**

Under Policy No. 2, can go before the City Council and ask them to grant you an exception. IF they decide to waive the annexation requirement, the city would still be free to impose any other kind of requirement on the property owner that they wish.

That means your future home, or even home improvements, would be at the mercy of people you didn't elect, and couldn't recall if you wanted to. That doesn't necessarily mean that City Hall would be unfair or dishonest in dealing with your requests, but there is a considerable amount of pressure on the city to annex as many properties as possible.

## WHY IS THE CITY TRYING TO DO THIS?

The concerns expressed by City Hall about the aquifer being polluted is simply a ruse. They're using fear and mis-direction to gain acceptance for forced annexations.

Why is the city trying to do this? First, because annexing your property will increase the City's tax base, to the tune of about **\$670 per year per house**. A letter sent out by the City on October 17, 2008 says:

"Your property taxes would increase upon annexation to the City of Florence. ... For a property that had an assessed value of \$200,000, your annual property tax increase would equal \$670 ...  
(<http://www.ci.florence.or.us/elagendas/ExhD&E.pdf>)

This does **not** include other costs of approximately \$6,000 (annexing fee, system development charges, etc). And it does **not** include your cost of plumbing your sewage line out to the city collector under the street. These costs can run into the thousands of dollars. It does **not** include the monthly fees you will have to pay which includes

a sewer fee and a storm-water fee.

Second, we believe the city and county are setting the groundwork for future annexations and regulations, by implying that the septic systems are polluting the water table, and that many are on the verge of failing. However, if you check the DEQ web site and review the water tests of both the Heceta Water District and the City of Florence, you will find there is no evidence of the aquifer being polluted. And, a check of county records shows any septic systems which might have been failing (only a few over the last 20 years) have been repaired or replaced.

Third, we believe the City is attempting to force homeowners outside city limits to hook up to city sewer as an ill-conceived remedy for an badly planned, over-built sewage treatment plant.

### WHAT YOU CAN DO

Contact ALL of the following people. Tell them you **support Policy No. 1**, the policy already adopted by the Florence City Council which promises there will be no forced annexation - period.

Tell them you **oppose Policy No. 2** which would effectively force annexation on some property owners:

#### **Florence City Council**

250 Hwy. 101

Florence, Oregon 97439

Fax: 541-997-8237

[sandra.belson@ci.florence.or.us](mailto:sandra.belson@ci.florence.or.us)

[phil.brubaker@ci.florence.or.us](mailto:phil.brubaker@ci.florence.or.us)

[alan.burns@ci.florence.or.us](mailto:alan.burns@ci.florence.or.us)

[Paul.holman@ci.florence.or.us](mailto:Paul.holman@ci.florence.or.us)

[suzanne.roberts@ci.florence.or.us](mailto:suzanne.roberts@ci.florence.or.us)

#### **Lane County Board of Commissioners**

125 E. 8<sup>th</sup>

Eugene, Oregon 97401

Fax: 541-682-4616

[bill.dwyer@co.lane.or.us](mailto:bill.dwyer@co.lane.or.us)

[bill.fleenor@co.lane.or.us](mailto:bill.fleenor@co.lane.or.us)

[bobby.green@co.lane.or.us](mailto:bobby.green@co.lane.or.us)

[peter.sorenson@co.lane.or.us](mailto:peter.sorenson@co.lane.or.us)

[fave.stewart@co.lane.or.us](mailto:fave.stewart@co.lane.or.us)

#### **Lane County Planning Commission**

125 E. 8<sup>th</sup>

Eugene, Oregon 97401

Fax: 541-682-4616

[stephanie.schulz@co.lane.or.us](mailto:stephanie.schulz@co.lane.or.us)

#### **Upcoming meetings:**

-- November 17, 2008 - Florence City Council (Forced Annexation Policy

(<http://www.ci.florence.or.us/elagendas/Item537.pdf>) and transfer of Rhododendron Drive from County to City jurisdiction (<http://www.ci.florence.or.us/elagendas/Item728.pdf>)

\*\* November 18, 2008 - Lane County Planning Commission - public hearing

\*\* November 25, 2008 - Lane County Commissioners - Changes to county code re: forced annexation policy

\*\* December 5, 2008 - Lane County Commissioners - Deadline for testimony re: forced annexation policy

\*\* December 10, 2008 - Lane County Commissioners - Acceptance/rejection of forced annexation policy

#### **CAA Annexation Appeals:**

\*\* Fawn Ridge and Rhododendron Drive Annexation - Still waiting for oral arguments before Oregon Court of Appeals.

\*\* Driftwood Shores and Rhododendron Drive Annexation - CAA written Brief due to Land Use Board of Appeals December 5.

We still have FIGHT ANNEXATION SIGNS - call 997-1241 to get one (or two) for your property.

November 14, 2008

Jerald Bingham  
2795 South M Street  
Springfield, Or 97477

RECEIVED AT HEARING

DATE: 11.14.08 EXHIBIT NO. 21

Florence City Council  
Florence Planning Dept.  
250 Hwy 101  
Florence, Oregon 97439

RE: Proposed Amendments to the Florence Realization 2020 Comprehensive Plan  
(Ordinance No. 21, Series 2008)

I returned from out of state this week to vigorously refute and oppose any proposed amendments within ORD 21.2008 waiting approval where after-the-fact political policy changes effect how and when or even if I can continue development of property that I own within the Florence UGB.

I am requesting permanent EXEMPTION from any further regulation that may be imposed by the City of Florence in regards to on-site waste removal systems or any other policy changes that are not already ON THE BOOKS as of the actual date of all existing approvals that relate to properties that I own or have interest in.

Snippets of information removed from The North Florence Dunal Aquifer Study (June 1982) were used as FINDINGS OF FACT to create an unprecedented public fear induced power grab by the City of Florence to further their agenda without any representative factual evidence that development in the General North Florence Aquifer could even remotely effect the Clear Lake Watershed and Clear Lake water quality.

Additionally, The North Florence Dunal Aquifer Study (June 1982) gives specific on-site waste removal systems development guidelines for the General North Florence Aquifer to protect water quality for the City of Florence's well field. (2.9 dwelling units/acre). Further, the study recommends areas where the City of Florence could expand or develop additional wells and well fields.

From all appearances, the City of Florence has failed to justify any specific threat or crisis that mandates the radical implementation of the above amendments (Ordinance No. 21, Series 2008). Present regulations regarding on-site waste removal systems west of the Ground Water Divide within the UGB and part of the General North Florence Aquifer should EXEMPT land owners from further government intrusion of their property rights. Please review the following attachments:

North Florence Dunal Aquifer Study

Abstract page

Figure #8	page 23	Generalized ground water flow
Figure#9	page 25	Diagramatic Cross Section of the Aquifer
Figure#20		Ground water Contour Map of Normal Conditions
Figure#21		Ground water Contour Map of Drought Condidions



## ABSTRACT

A study of the North Florence Dunal Aquifer was conducted to formulate alternatives for the protection of the aquifer from contamination by on-site sewage disposal. Characterization of the aquifer also allows for the possible formulation of remedial procedures to clean-up future spills or leaks, or protect against contaminant migration. In the current study nitrate-nitrogen was the contaminant/nutrient of primary concern.

The study consisted of a seismic survey to define aquifer boundaries and inhomegenities, a monitoring program to determine current water quality and head variations at various sites and settings on the aquifer, and a modeling effort to characterize the hydrogeologic parameters of flow. Through the use of digital modelling, the response of the aquifer to increased pumpage and drought was examined. Analysis of recharge data and loading rates allowed for definition of loading limits for Nitrate-Nitrogen.

Results of the study include the definition of critical areas of the aquifer for protection as well as the definition of Nitrate-Nitrogen loading limits necessary to stay within the 5.0 mg/L planning standard. ~~The study indicates that most of the aquifer is relatively insensitive to nitrate and accomodate that most of the aquifer is relatively insensitive to nitrate and can accommodate up to 2.9 dwelling units per acre.~~ The Clear Lake Watershed is shown to be very sensitive due to the susceptibility of Clear Lake to algae growth and dwelling unit limitations are calculated at 0.010 units per acre.

NORTH FLORENCE DUNAL  
AQUIFER STUDY  
JUNE 1982

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

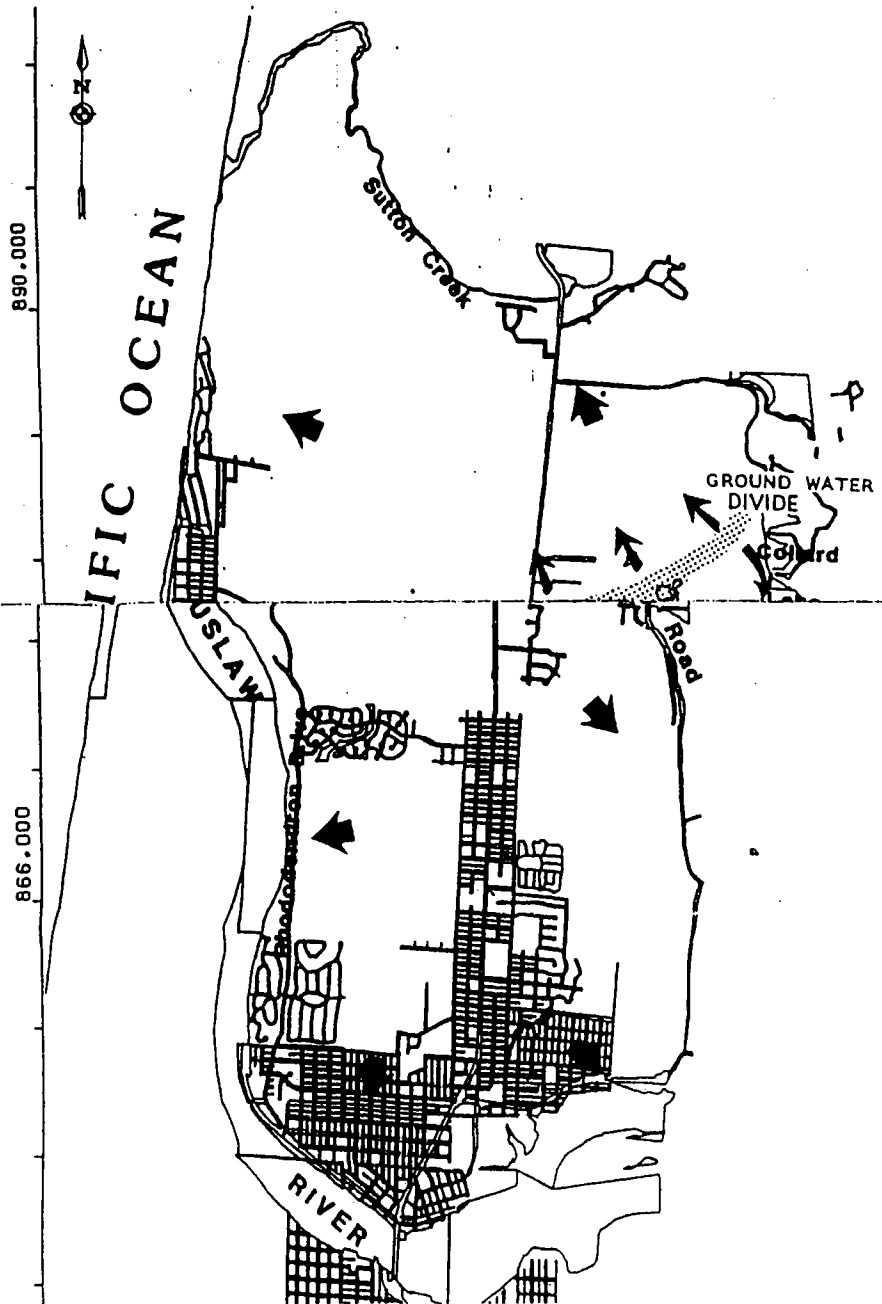
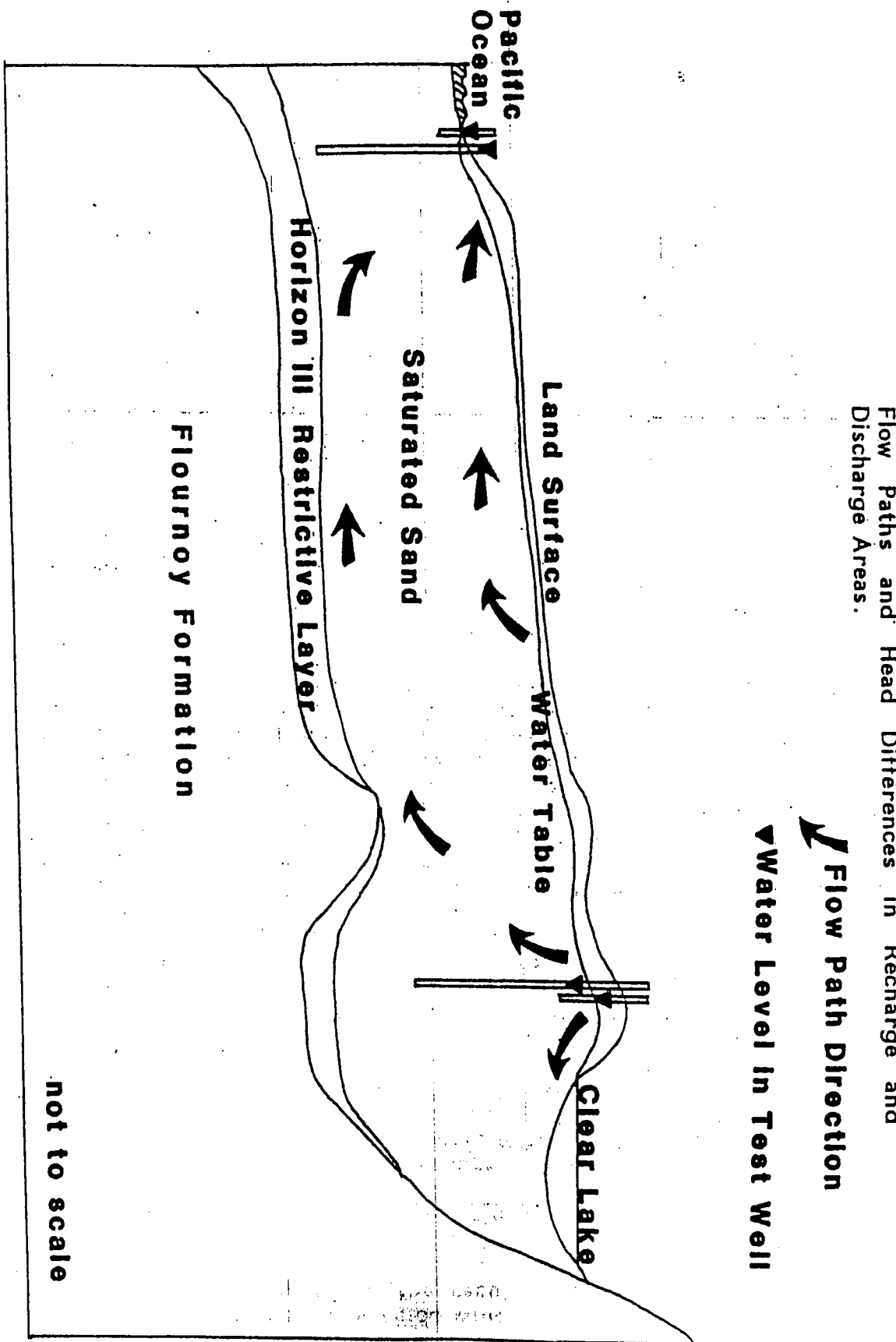


FIGURE 9. Diagrammatic Cross Section of the Aquifer Showing Vertical Flow Paths and Head Differences in Recharge and Discharge Areas.



not to scale

FIGURE 20. Ground Water Contour Map of Normal Hydrologic Conditions and Maximum Pumpage from Clear Lake.

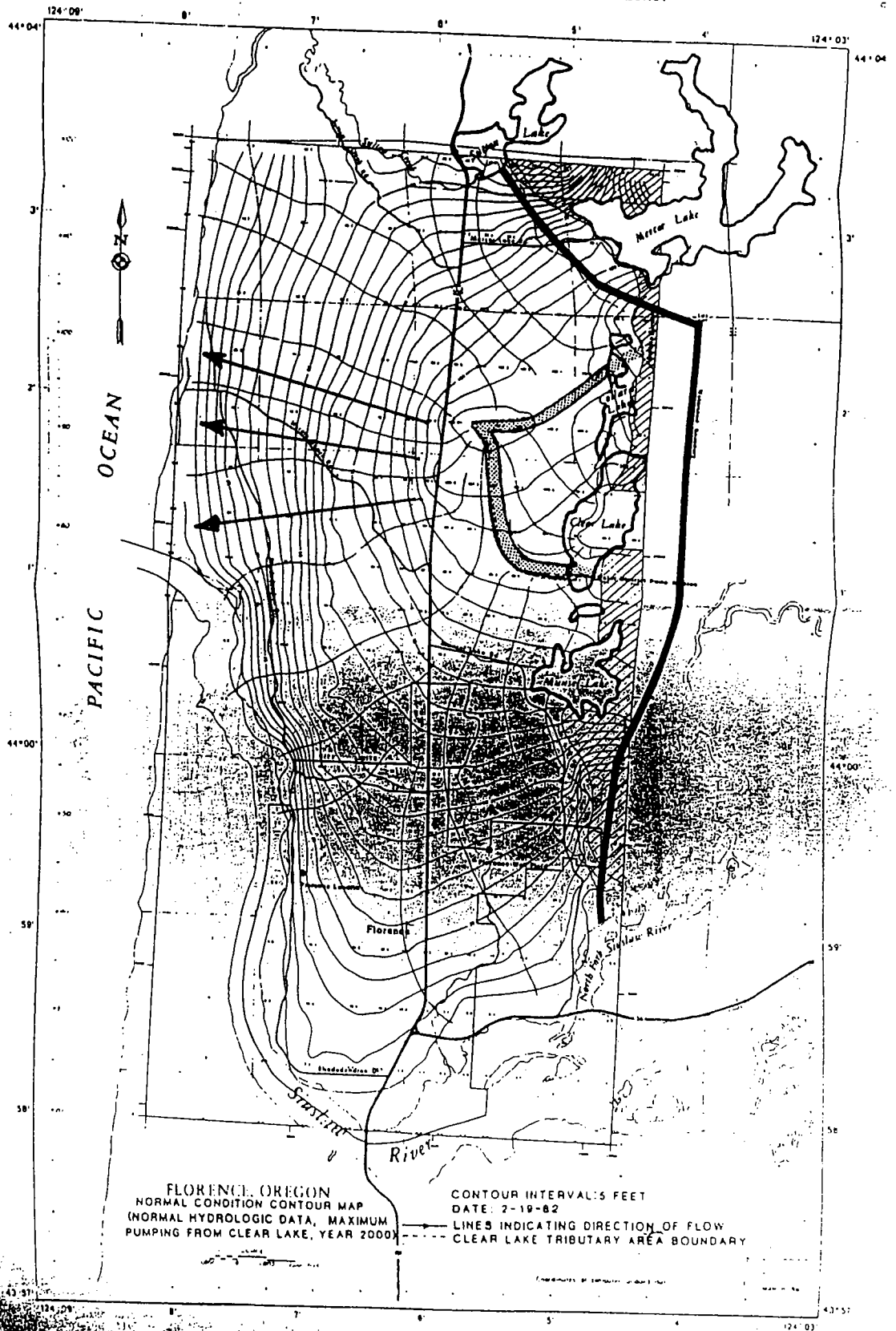
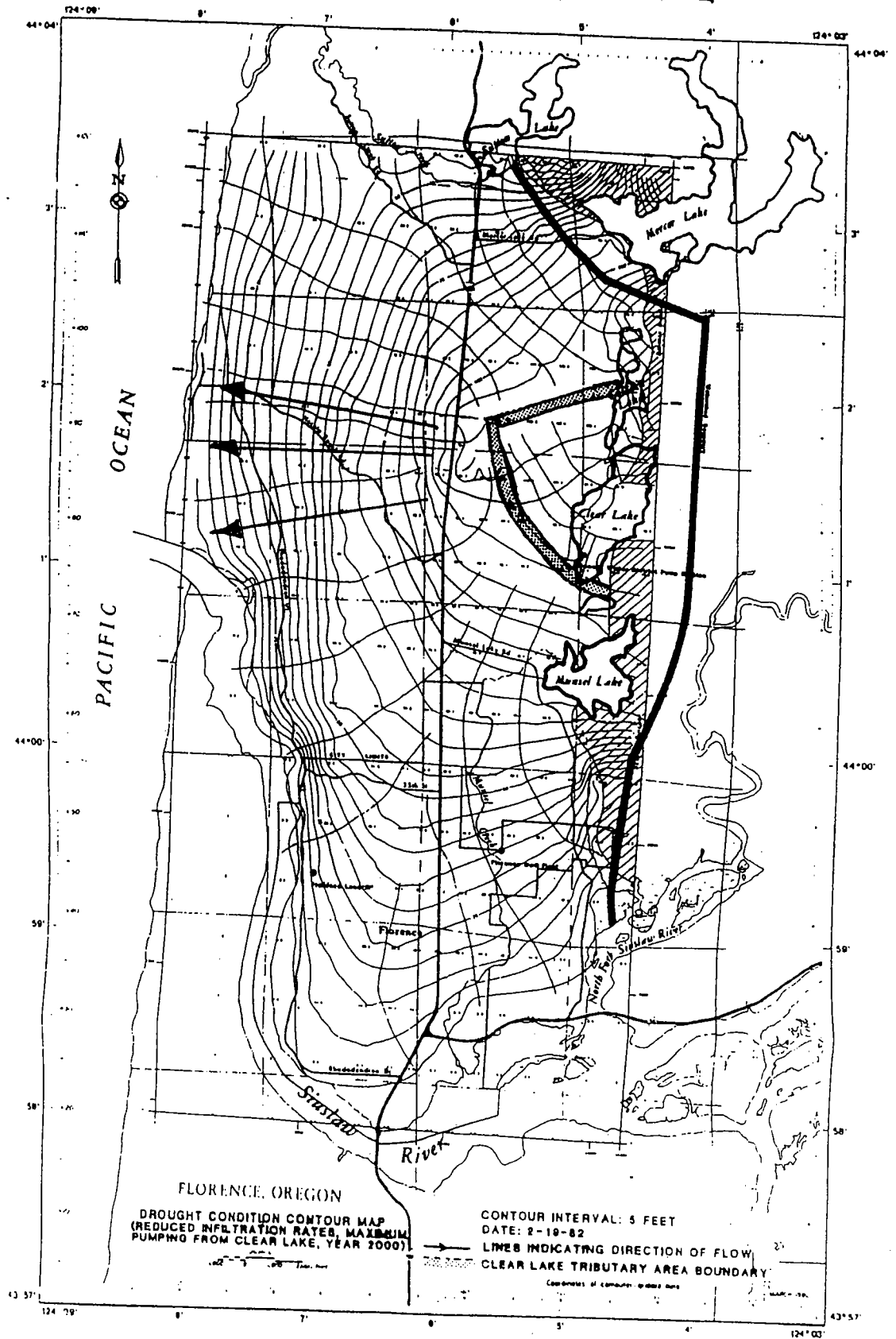


FIGURE 21. Ground Water Contour Map of Drought Conditions and Maximum Pumpage from Clear Lake.



**Michael J. Lilly**  
**Attorney at Law**  
6600 SW 92<sup>nd</sup> Avenue, Suite 280  
Portland, OR 97223

Telephone: 503-294-0062  
Facsimile: 503-452-4433  
Email: mikelilly@michaeljlilly.com

November 14, 2008

Sandra Belson  
Planning Director  
City of Florence  
250 Hwy. 101  
Florence, OR 97439

By Mail and Facsimile  
Re: Meeting Cancellation

Dear Ms. Belson:

I was very disappointed to receive your last minute cancellation of our meeting yesterday. Mike Van and I were already over half way to Florence when we received word by cell phone. But more important than the wasted time is the lost opportunity to communicate. If we don't talk, then we are pushed into the situation in which appeals to LUBA and the DLCDC are the best available options for dialog. We had hoped to avoid the time and expense associated with appeals by explaining our situation and listening to your views, and we had hoped to find common ground.

We were prepared to show you maps and data which indicate that developing the fully approved subdivision, the Reserve at Heceta Lake, using on-site sanitary systems will not impact the city's drinking water supply, and will not degrade the water quality of the North Florence Dunal Aquifer.

Because of the wetlands throughout the subdivision, the Reserve at Heceta Lake is platted at about half of the maximum density recommended as a maximum by the North Florence Dunal Aquifer Study. The study recommends using the state's 5mg/L Nitrate-Nitrogen Planning standard as a limit in the aquifer, and predicts that a 58 lb/acre per year nitrate-nitrogen loading standard will not result in exceeding the 5 mg/L standard. The County Planning staff translated the 58 lb/acre/per year standard into 2.8 dwelling units/acre as the maximum recommended density. The Reserve at Heceta Lake is platted to a density which is less than half of that maximum recommended density.

The mapping of subterranean water flows in the vicinity of the Reserve at Heceta Lake provide further assurance that on-site septic systems will not create a problem. Clear Lake is relatively nearby to the east, but the Reserve at Heceta Lake is outside the Clear Lake Watershed, because subterranean flows from it run to the north and west. Similarly, the city's well is south of the Reserve at Heceta Lake, so the city well lies in the opposite direction from the flow of subterranean water. (See maps at page 23 and 24 of the North Dunal Aquifer Study.)

We thought it important for us to point out our perception of the relationship between this data, these maps, and the Reserve at Heceta Lake. We also wanted to listen to your concerns about this particular subdivision. That is why we sought a chance to speak with you on Thursday.

In the absence of that opportunity I am compelled to point out other matters that should bear on the city's decision. First, as a general principle, cities and counties are not free to move the goal posts that set the standards for development within a subdivision, such as the Reserve at Heceta Lake, that has final plat approval. State statutes and cases both establish that principle. ORS 92.040 (2) provides:

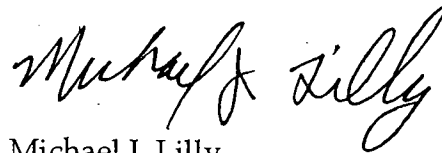
After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

This principle is also embodied in ORS 215.427 (3) and reinforced by cases defining vested rights. Heceta Lake Joint Venture has invested hundreds of thousands of dollars in the construction of roads, water lines, power, telephone, and cable facilities for the subdivision, and over \$500,000 to widen Highway 101 with a center turn lane, merge lane, deceleration lane, and driveway accesses. This work was done in good faith and with the approval of the county. It is certainly sufficient to establish a vested right to complete development of the subdivision under the principles of *Clackamas County v. Holmes* 265 Or 193 (1973).

Even more specific to The Reserve at Heceta Lake subdivision, the city has already formally agreed to allow the development with on-site septic systems. See attached recorded agreements. Given yesterday's Federal Court decision by Judge Panner in *Citizens for Constitutional Fairness v. Jackson County* (Civ. No. 08-3015 PA Findings of Fact and Conclusions of Law dated November 12, 2008) it is apparent that the courts continue to be willing to enforce agreements between cities and landowners. In the attached documents, the city agreed that the Reserve at Heceta Lake can and should be developed with on-site septic systems. Heceta Lake Joint Venture obtained final plat approval and spent hundreds of thousands of dollars in reliance upon this agreement with the city. The city cannot attempt to disavow its earlier approval.

Finally, adopting this plan amendment would create a de facto moratorium in areas not currently served by city sewer. This action would violate ORS 197.520 as well as State Wide Land Use Planning Goals 10, 11, and 14.

We are still willing to discuss this matter before the city acts to adopt the plan change. I understand that you expect the Council to adopt a more specific set of criteria that will define exceptions to the plan change but we cannot rely upon that uncertain future effort, and patching a defective city comprehensive plan with a band-aid in the city zoning code is not an adequate substitute for compliance with state law.

A handwritten signature in black ink, appearing to read "Michael J. Lilly". The signature is written in a cursive, flowing style.

Michael J. Lilly

Enclosure

cc: City Council of Florence



**SEWAGE AGREEMENT RATIFICATION AND ANNEXATION  
REMONSTRANCE WAIVER**

This SEWAGE AGREEMENT RATIFICATION AND ANNEXATION  
REMONSTRANCE WAIVER (this "Agreement") is made this 1st day of FEBRUARY  
2006 (the "Effective Date"), between HECETA LAKE JOINT VENTURE, an Oregon partnership  
("Declarant") and the City of Florence, a municipal corporation of the State of Oregon (the "City").

**RECITALS**

A. Declarant owns or controls approximately 116 acres within Lane County, Oregon, that Declarant intends to develop as a residential planned unit development to be known as "The Reserve at Heceta Lake." The legal description of property that may be developed as part of The Reserve at Heceta Lake (the "Property") is attached hereto as Exhibit A and by reference incorporated herein. The Property includes properties within and outside of the urban growth boundary established for the City in its comprehensive plan.

B. Declarant and the City entered into the On-Site Sewage Disposal Agreement made November 16, 1987, and recorded in the Records of Lane County, Oregon, on December 11, 1987, as document number 8753597 (the "Sewage Agreement"). The terms of the Sewer Agreement are incorporated into this Declaration by this reference. The Sewage Agreement describes the reasons that the City may desire to annex the Property at a future date, imposes certain obligations with respect to the Property and obligates Declarant, its assigns and successors-in-interest, to annex the Property in the future at the request of the City. The Declarant is willing to annex the Property to the City. The City does not currently desire to annex the Property to the City, but may desire to annex the Property at a future time.

C. The parties to this Agreement desire to ratify the Sewage Agreement and confirm that the obligations of Declarant described therein shall be a covenant in favor of the City and Lane County Land Management Division (the "Division"), running with the land and binding on the assigns and successors-in-interest of Declarant.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant and the City agree as follows:

**AGREEMENTS**

1. **Ratification.** Declarant and the City hereby ratify and affirm the Sewage Agreement.
2. **Waiver of Remonstrance.** Declarant agrees to support annexation procedures should the City, at its option, initiate annexation of the Property. Declarant agrees not to remonstrate or challenge any annexation of the Property by the City.
3. **Run with the Land.** This Agreement, the Sewer Agreement and the covenants and agreements contained herein and therein shall run with the land as to the Property and shall inure to

PAGE 1. SEWAGE AGREEMENT RATIFICATION AND ANNEXATION REMONSTRANCE WAIVER  
K-160180

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2006-007890



\$45.00

MPR-AGRE Cnt=2 Str=5 CASHIER 02  
\$5.00 \$20.00 \$30.00 \$11.00

02/03/2006 01:04:21 PM

After recording return to  
Lane County Surveyors

the benefit and shall be binding on the parties hereto and their respective heirs, successors-in-interest and assigns.

4. **Division as Beneficiary.** The Division, its successors-in-interest and assigns, are beneficiaries of this Agreement and the covenants and agreements contained herein, with the authority to enforce this Agreement against Declarant.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

**DECLARANT:**

**CITY:**

HECETA LAKE JOINT VENTURE,  
an Oregon partnership

CITY OF FLORENCE,  
an Oregon municipal corporation

By: [Signature]  
Name: ROGER M. VAN  
Its: PARTNER

By: [Signature]  
Name: Rodger L. [unclear]  
Its: CITY MANAGER

State of Oregon )  
County of Clackamas )

This instrument was acknowledged before me on February 1st, 2008, by Roger M. Van as partner of Heceta Lake Joint Venture, an Oregon partnership. <sup>6 BUD</sup>



[Signature]  
Notary Public for Oregon  
My Commission Expires: 02-04-08

*This is the ENTIRE PROPERTY,*

**EXHIBIT A  
PROPERTY DESCRIPTION**

**FOR PA 02-5512; PA 02-5795;  
AND PA 01-5998**

**NV2, SEC. 10, SW 1/4, SEC. 3 & NW 1/4, SEC. 11, T18S, R12 W, W.M.**

**LANE COUNTY, OREGON**

**PARCEL 1**

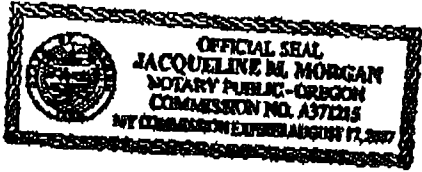
Beginning at the one-quarter corner between Sections 3 and 10, Township 18 South, Range 12 West of the Willamette Meridian; thence along the Northerly line of said Section 10 South 89° 19' 22" East 570.00 feet; thence leaving said Northerly line South 31° 43' 00" East 2031.07 feet; thence East 254.61 feet; thence South 909.70 feet to the Southerly line of the Northeast one-quarter of said Section 10; thence North 89° 35' 21" West 470.81 feet; to the Northeastly margin of Necesa Beach Road; thence along said Northeastly margin which bears North 2° 03' 05" West 111.18 feet; a distance of 111.67 feet; thence North 5° 10' 45" East 105.28 feet; thence along the arc of a 989.93 foot radius curve left (the chord of which bears North 9° 02' 08" West 426.16 feet) a distance of 491.18 feet; thence North 23° 15' 00" West 411.19 feet; thence along the arc of a 609.64 foot radius curve left (the chord of which bears North 52° 40' 00" West 659.74 feet) a distance of 38° 00" West 1351.5 feet; thence along the arc of a 607.96 foot radius curve left (the chord of which bears North 48° 50' 30" West 131.49 feet) a distance of 111.75 feet; thence North 51° 03' 00" West 476.13 feet to the Westerly line of the Southeast one-quarter of the Southwest one-quarter of said Section 11; thence along said Westerly line North 0° 17' 27" West 683.34 feet to the Northwest corner of said Southeast one-quarter of the Southwest one-quarter; thence along the Northerly line of said Southeast one-quarter of the Southwest one-quarter South 89° 12' 32" East 1323.81 feet the Northeast corner of said Southeast one-quarter of the Southwest one-quarter; thence along the Easterly line of said Southeast one-quarter of the Southwest one-quarter 22° 00" East 1279.93 feet to the point of beginning, in Lane County, Oregon.

**PARCEL 2**

Beginning at a point on the Northerly line of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, said point being South 89° 19' 22" East 570.00 feet from the one-quarter corner between Sections 3 and 10; thence along the Northerly line of said Section 10 South 89° 19' 22" East 1090.19 feet to the Northeast corner of said Section 10; thence along the Easterly line of said Section 10 South 0° 06' 26" West 199.72 feet; thence leaving said Easterly line South 88° 21' 45" East 839.36 feet to the Westerly margin of U.S. Highway 101; thence along said Westerly margin South 59° 01' 05" West 713.31 feet; thence North 84° 58' 55" West 80.00 feet; thence South 5° 01' 05" West 600.00 feet; thence South 84° 58' 55" East 80.00 feet; thence South 5° 01' 05" West 1082.58 feet; thence leaving said Westerly margin South 89° 15' 46" West 630.24 feet to the one-quarter corner between Sections 10 and 11; thence along the Southerly line of the Northeast one-quarter of said Section 10 North 89° 35' 21" West 752.83 feet to the Easterly line of Parcel 1; thence along said Easterly line North 909.70 feet; thence West 254.61 feet; thence North 31° 43' 00" West 2031.07 feet to the point of beginning, in Lane County, Oregon.

State of Oregon )  
County of Lane )

This instrument was acknowledged before me on February 2, 2008, by Rodger Bennett as City Manager of the City of Florence, an Oregon municipal corporation. 6 RD



Jacqueline M. Morgan  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 8/17/07

104 - 18-12-10

DEC 11 1987 1490 R

8753597  
20-10-

Fr 100 WPT 76950-C

ON-SITE SEWAGE DISPOSAL AGREEMENT

This Agreement is made this 16 day of November 1987, between the City of Florence, a Municipal Corporation of the State of Oregon, hereinafter referred to as CITY, and Arleta Lake J.V., hereinafter referred to as OWNER.

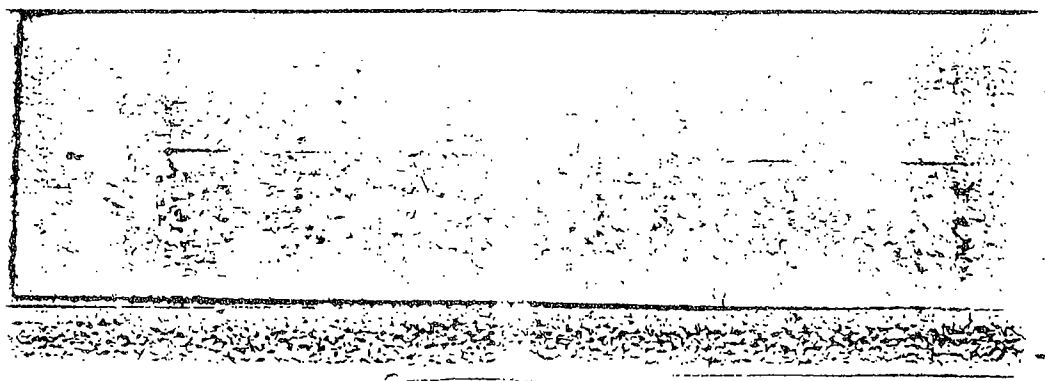
RECITALS:

A. OWNER desires a permit for a new or expanded on-site sewage disposal system for the real property in the County of Lane, State of Oregon, hereinafter referred to as the PROPERTY, and which is described below:

See attached Exhibit A for property description

3895A001 12/11/87WP10	20.00
**0003**	
3895A001 12/11/87PFND	10.00
**0003**	

- B. The PROPERTY is located inside the adopted Urban Growth Boundary depicted in the City of Florence Comprehensive Plan, but is outside the City Limits.
- C. OWNER is willing to annex the PROPERTY to the CITY.
- D. OWNER acknowledges that CITY does not desire to annex the PROPERTY to CITY at this time.
- E. CITY may desire the PROPERTY to be annexed to CITY at some future date, subject to the conditions contained in this Agreement, for the following reasons:
  1. The PROPERTY is located within the adopted Urban Growth Boundary depicted in the City of Florence Comprehensive Plan.
  2. Required CITY services will be available for use by occupants of the PROPERTY when the annexation takes place.
  3. Contiguity of the PROPERTY to CITY will exist.
  4. Annexation will further the adopted policies and plans of the CITY.



8753597

## F. CITY finds that the PROPERTY meets the following conditions:

1. The PROPERTY has been approved for on-site sewage disposal by the Lane County Department of Environmental Management.
2. CITY has approved a conceptual plan for the development of the PROPERTY in accord with applicable plans and policies.
3. The proposed land uses conform to applicable plans and policies.

AGREEMENTS:

1. CITY agrees to sign a favorable statement of Land Use Compatibility, as required by the Department of Environmental Quality, to allow issuance of an on-site sewage disposal permit on the PROPERTY, according to the provisions of ORS 197.175.
2. OWNER agrees to support annexation procedures should the CITY, at its option, initiate annexation.
3. OWNER agrees not to challenge any annexation of the PROPERTY.
4. OWNER will acquire CITY approval for any new use, change of use, or intensification of use of the PROPERTY. The CITY will not arbitrarily withhold approval of the use if it is in compliance with applicable plans, policies, and standards, as interpreted by the CITY.
5. OWNER agrees to be bound by the terms of the contract even if an alternative source of sewage disposal becomes available, unless the OWNER is released from the agreement by the CITY.
6. OWNER agrees that the contract will be binding on all parties, and their assigns and successors in interest.
7. CITY agrees to have a notice of this agreement recorded in the real property records of Lane County prior to, or at the time of final land division of the PROPERTY. The notice of agreement will be recorded at the expense of the CITY.

IN WITNESS WHEREOF, CITY has caused this agreement to be executed by the City Manager, pursuant to the authority of the City Council, and OWNER has executed this Agreement this 9th day of December, 1987.

8753597

CITY OF FLORENCE, a  
Municipal Corporation

OWNER

Craig Mc Micken  
CITY MANAGER

Sheree Van President  
Coastal Western Land Co, Inc.

STATE OF OREGON )  
COUNTY OF LANE ) ss

On this 16 day of November, 1987, before me, the undersigned, a Notary Public, personally appeared the within named Sheree Van known to me and to be the identical individuals described within, who executed the same freely and voluntarily.

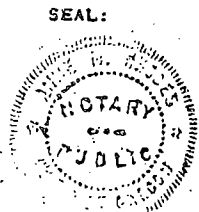


Michelle George  
NOTARY PUBLIC

My Commission Expires: 7-28-88

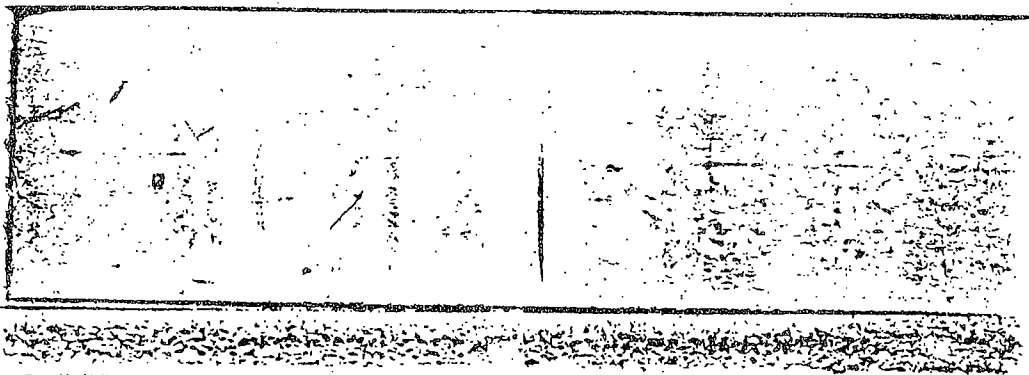
STATE OF OREGON )  
COUNTY OF LANE ) ss

On this 9th day of December, 1987, before me, the undersigned, a Notary Public, personally appeared the within named CRAIG McMICKEN known to me and to be the identical individuals described within, who executed the same freely and voluntarily.



Craig McMicken  
NOTARY PUBLIC

My Commission Expires: 7-21-90



8753597

EXHIBIT "A"

All of the following described real property lying North and East of the centerline of County Road 866 (Heceta Beach Road) as traveled September 1, 1984.

PARCEL I:

The Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 10, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.

EXCEPT that portion described in deed to Lane County recorded February 23, 1978, Reception No. 7812389, Lane County Oregon Records.

ALSO: The Southeast 1/4 of the Southwest 1/4 of Section 3, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

PARCEL II:

All that part of the West half of the Northwest quarter of Section 11, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon, lying West of Coast Highway No. 101;

EXCEPT the North 199.63 feet thereof;

ALSO EXCEPTING a parcel of land lying in the West half of the Northwest quarter of Section 11, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon, the said parcel being described as follows: Beginning at Engineer's centerline Station 218+00 on the Oregon Coast Highway, said point being 1084.1 feet North and 796.2 feet East of the Southwest corner of the Northwest quarter of said Section 11; thence North 85° 06' West at right angles to said highway centerline 150 feet; thence North 4° 54' East parallel with said highway centerline 600 feet to a point opposite and 150 feet Westerly from Station 224+00; thence South 85° 06' East 400 feet; thence South 4° 54' West 600 feet; thence North 85° 06' West 250 feet to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT that portion described in deed to the State of Oregon recorded July 11, 1985, Reception No. 85-24248, Lane County Oregon Records.

8753597

State of Oregon,  
County of Lane—do.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

11 SEP 27 103 AM

1490R

Lane County OFFICIAL RECORDS  
Lane County Clerk

By: *John E. Fair*  
County Clerk

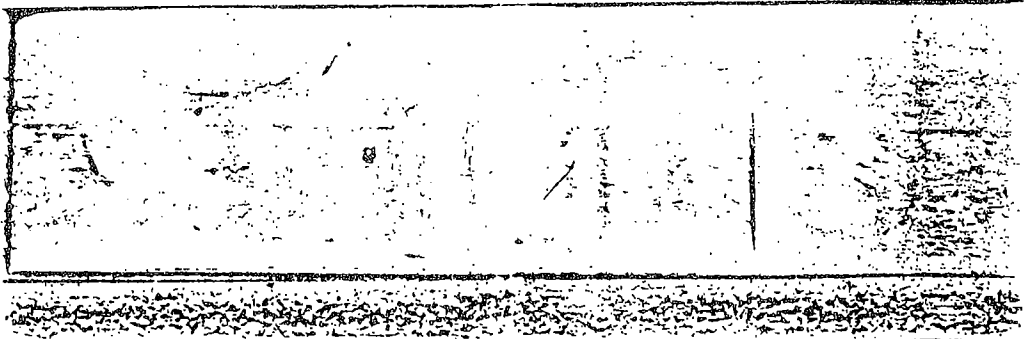




EXHIBIT 23**SCHULZ Stephanie E**

---

**From:** SCHULZ Stephanie E  
**Sent:** Thursday, November 13, 2008 2:54 PM  
**To:** 'debbie kampe'  
**Subject:** RE: Proposed Revisions to Lane Code Chapt 10

Please call me directly, (541) 682-3958. The lot area would be as it is, so the size of lot you have now would be the same. You would have the option to annex, and join up to the sewer system instead of installing a septic tank. I can't say on property values, too many variables in that one.  
Stephanie

---

**From:** debbie kampe [mailto:debbiekampe@msn.com]  
**Sent:** Thursday, November 13, 2008 11:07 AM  
**To:** SCHULZ Stephanie E  
**Subject:** Proposed Revisions to Lane Code Chapt 10

Hello Stephanie,  
I have reviewed the draft of proposed revisions to Lane Code Chapter 10 on the Land Management Division's web site. I have some questions I would like to discuss and wonder if you might know whom I should contact directly to discuss the proposed revisions as I live in Vancouver, Washington, and am unable to get to Eugene for the upcoming Public Hearing on November 25. Your name is the only one given in the mailed notice I received, so I thought perhaps you may be able to direct me to the correct party.

Thank you for your assistance,

Debbie Kampe

Regarding 10.122-30 Lot Area. I cannot really tell how to interpret this change. It appears that a minimum lot size will be established as of January 1, 2009, and until then we have no idea whether the property we own is going to fit into that number or be smaller than the minimum, in which case what would be the result to the landowner?

As far as annexation, can you tell me what that would mean to landowners? It appears that we will have the option to annex, but I assume there would then be immediate costs involved and tax increases? Can you give me some idea of what effect annexation could have on the property value?

I realize you are probably very busy with questions like these from other land owners in the involved area, but I would really appreciate whatever information you may be able to give me on these questions. I live in Vancouver, Washington, and will not be able to get to the public hearing

There is

11/14/2008

EXHIBIT 24**SCHULZ Stephanie E**

---

**From:** Timminns@aol.com  
**Sent:** Monday, November 24, 2008 11:28 PM  
**To:** SCHULZ Stephanie E  
**Cc:** Timminns@aol.com  
**Subject:** Public Comment for Lane County Commissioners Tuesday Nov. 25, 2008 1:30 Hearing

Stephanie,

Please see that each of the Lane County Commissioners receives a written copy of this public comment at the Tuesday Nov. 25, 2008 Public Hearing on Proposed LC Chp10 Revisions 10 22 2008. I would like each Commissioner to read my public comment and to have it entered in the public record at this public hearing which I am unable to attend. Thank-you.  
Vicki Thompson

November 24, 2008

Dear Lane County Commissioners,

I am a property owner in the Florence Urban Growth Boundary and am affected by the proposed revisions on LC Chp 10 (Revisions 10 22 2008). I have been a property owner at this location for at least 35 years and even 35 years ago the City of Florence took issue with development in this area even prior to it coming into the Urban Growth Boundary. However, people living in this northern area have resisted pressure to become part of the City of Florence.

I am strongly opposed to the revisions proposed and listed below:  
10.122-30 Lot Area  
10.122-31 Land Uses

If the Lane County Commissioners approve the proposed revisions then development of any lots in the Urban Growth Boundary is stopped and adding a septic system to a parcel is also stopped.

This is excessive and unnecessary control of development in this Urban Growth Boundary and will financially hurt not only myself but all others who want to parcel out a lot to sell because all development will be stopped. It will also prohibit me from installing a septic system on my property for vacation use, a long time retirement dream.

The City of Florence has a long history opposing development in this Urban Growth Boundary and will continue that opposition to development according to Lane County code should you approve these revisions. This is unfair and unlawful to property owners who 1) own the property 2) have paid taxes for years on this property 3) follow Lane County code requirements 4) who want to build a retirement or vacation home or 5) want to develop and sell property. Lane County code requirements are already stringent enough to ensure proper and adequate lot requirements for development and the installation of septic systems. An added layer of government is burdensome to the people and not necessary. The City of Florence will not allow development of this property. It has a long history of opposition to development in this area. If you approve these revisions, a layer of restriction and financial burden will be added to the people. Applicants will be required to pay additional application costs to Florence with added long delays in development. And development will be stopped. The City of Florence won't be happy until all of this land is within city limits. And code stops all development. It appears to be a back door way of giving the City of Florence control over development in the Urban Growth Boundary even though the people of the land oppose it and have opposed it for years. The city's goal is to include this area in the city of Florence whether the people want it or not. These revisions are simply a forced vote for inclusion and totally unacceptable to the liberty which Americans enjoy. To approve

11/25/2008

such revisions is simply unethical.

There is absolutely no reason to limit all development of land parcels in this area nor any reason to stop all septic systems in the Urban Growth Boundary. Lane County planning staff is quite capable of screening applications and requiring safe, adequate requirements to ensure that property is developed appropriately as it has done for years. It is redundant to require City of Florence approval.

The City of Florence has wanted control of this area for at least 35 years or more but the people have historically resisted city inclusion. These revisions, if passed, will give the City of Florence control over an area that the people have historically rejected. It would also set the stage to pressure the people to agree to city expansion because with these revisions no development at all will be allowed and people who have long supported the tax base would have no recourse to develop their property thus causing financial loss and harm. This is not right. It is masked coercion. If approved, these revisions are a direct slap in the face to each and every property owner in the Urban Growth Boundary. It is excessive government control. The need and acceptability of Florence City inclusion in this Urban Growth Boundary has not been established nor approved by the people. This is still America. And the people don't want City control. Only the City of Florence does. That is not justification to approve such drastic revisions to Lane County code.

I, therefore, urge you to vote "no" on these proposed revisions to Lane County code.  
I thank you for doing so.

Please keep me apprised of developments on this matter. It is of the utmost importance to me as a long-time tax payer and property owner of Lane County.

Thank-you very much.

Sincerely,

Vicki Thompson  
3800 Jones St.  
Newberg, Oregon 97132  
[timminns@aol.com](mailto:timminns@aol.com)

---

**One site has it all.** Your email accounts, your social networks, and the things you love. Try the new **AOL.com** today!

**Daniel Stotter**

**From:** "Daniel Stotter" <dstotter@qwestoffice.net>  
**To:** <bill.dwyer@co.lane.or.us>; "GOV-FLEENOR-BILL-County-email" <bill.fleenor@co.lane.or.us>; <Faye.Stewart@co.lane.or.us>; <bobby.green@co.lane.or.us>; "SORENSEN Pete" <Pete.Sorenson@co.lane.or.us>  
**Cc:** "SCHULZ Stephanie E" <Stephanie.SCHULZ@co.lane.or.us>; "Daniel Stotter" <dstotter@qwestoffice.net>  
**Sent:** Sunday, November 23, 2008 2:31 PM  
**Subject:** Florence 2020 Comprehensive Plan Amendments - Ordinance No. PA 1249

Dear Lane County Board of Commissioners:

I am writing to express my concerns regarding the proposed annexation amendment policies which are currently being proposed by the City of Florence as a component to the county's co-adoption of the Florence Realization 2020 Comprehensive Plan. As you may know, Lane County has not yet co-adopted the Florence Realization 2020 Comprehensive Plan that has been approved by the City of Florence, but the county is currently moving towards co-adoption of this plan, a process that requires approval by the County Board of Commissioners to replace the 1988 Comprehensive Plan currently applied by the county.

The Lane County Planning Commission, after hearing of the strong public interest in "no forced annexations" and upon initially hearing from the City of Florence that the City had already adopted such a policy through City Resolution No. 8, indicated to the City of Florence that it should amend its proposed annexation policies in the Florence Realization 2020 Comprehensive Plan to adopt the "no forced annexation" policies of resolution No. 8. Note: The Lane County Planning Commission also made other suggestions for amending the 2020 Comp Plan that are outside of the scope of the annexation issues that I am addressing at this time.

As you may know, the City of Florence has drafted proposed language to amend the 2020 Comp Plan's annexation policies, and these amendments are currently pending / under review by both the City of Florence and Lane County. **Of particular concern to many members of the public, including myself, is that the current proposed amendment language under review is clearly not a "no forced annexation" policy as suggested by the public and by the Lane County Planning Commission.**

**I support Florence 2020 Comp Plan Annexation Policy #1:**

Annexation Policy 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 procedures prescribed by state law existing at the time of annexation."

**However, proposed Annexation Policy #2 would create an exception / loophole to Annexation Policy #1 by expressly allowing forced annexations by the City of Florence which I strongly oppose.**

Annexation Policy 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 system unless they obtain a special exemption from the City Council. The North Florence Dunal Aquifer boundary is delineated in the EPA Resource Document "For Consideration of the North Florence Dunal

Aquifer as a Sole Source Aquifer" EPA 910/9-87-167 September 29, 1987, Comprehensive Work Plan Appendix 5."

**Note:** Although the exact language to Annexation Policy #2 is currently being adjusted by the City of Florence, the underlying premise, mandating forced annexation to county properties that currently use septic systems (even with no evidence of septic failure or groundwater contamination issues) for the large area of county lands North of Florence within the North Florence Dunal Aquifer system. The above policy would clearly require forced annexation for many property owners within the UGB North of Florence who seek to develop or redevelop their property - even with outright permitted or allowable uses in their designated zoning -which will result in significant economic hardships and certainly force many rural property owners to have to sell their homes.

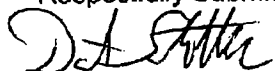
What is most troubling to me is that Annexation Policy 2 is being sold under the pretext that it is an environmental / groundwater protection measure. However, the reality is that it is being pushed to promote rapid development of the undeveloped property North of Florence to support a few wealthy developers. If the City of Florence really wanted to protect the North Dunal Aquifer, they would seek to restrict or otherwise limit development in this area or impose requirements for "state of the art" septic systems instead of seeking fast track subdivisions and urban sprawl North of Florence.

**It is undisputed that there is no evidence of any contamination of the North Dunal Aquifer by septic systems in this area. Moreover, there is already a strong pre-existing State law - ORS 431.705 et. seq. (referenced in Florence 2020 Comp Plan Annexation Policy #1 above) - which expressly requires annexation to prevent health hazards. However, the City of Florence doesn't have evidence to demonstrate the need to prevent an actual health hazard and this pretext is merely a means to allow the City of Florence's expansion and control of county lands North of Florence through forced annexations.**

I have been informed that at the Board of Commissioners only public hearing on this matter - held on October 1, 2008 - **there was no public testimony presented** except by the applicant City of Florence and its Staff, despite the fact that there is significant public interest and concern regarding this proposal. For this reason, I would request that the Board of Commissioners consider re-opening the public hearing in this matter to allow for further public testimony on this issue.

**Therefore, for all of the reasons set forth above, I would urge the Board of Commissioners to adopt Annexation Policy #1 and to reject proposed Annexation Policy #2 of the Florence 2020 Comprehensive Plan at this time.**

Respectfully Submitted,



Daniel J. Stotter  
Irving & Stotter LLP  
Attorneys at Law  
541 Willamette, Ste. 307E  
Eugene, OR 97401  
(541) 345-3800

11-22-08

To Commissioners:

I came to Florence Or 4-15-65.  
population 365.

Florence was a nice town till 1955.

We do not want annexation. THAT IS  
ONE REASON I BOUGHT OUT HERE.

Florence CANNOT TAKE CARE OF THE  
WATER & SEWER PROBLEMS FOR YEARS ALSO ROADS

etc We have good roads - no standing  
water.

My septic tank was inspected all by the  
man who issued the permits.

I have had no problems since we killed  
in 1976. No ~~water~~. Have a 1000 gallon  
cesspit tank.

I lived by myself for 1976 to 1998  
as I ~~was~~ worked on Bay Street in Florence

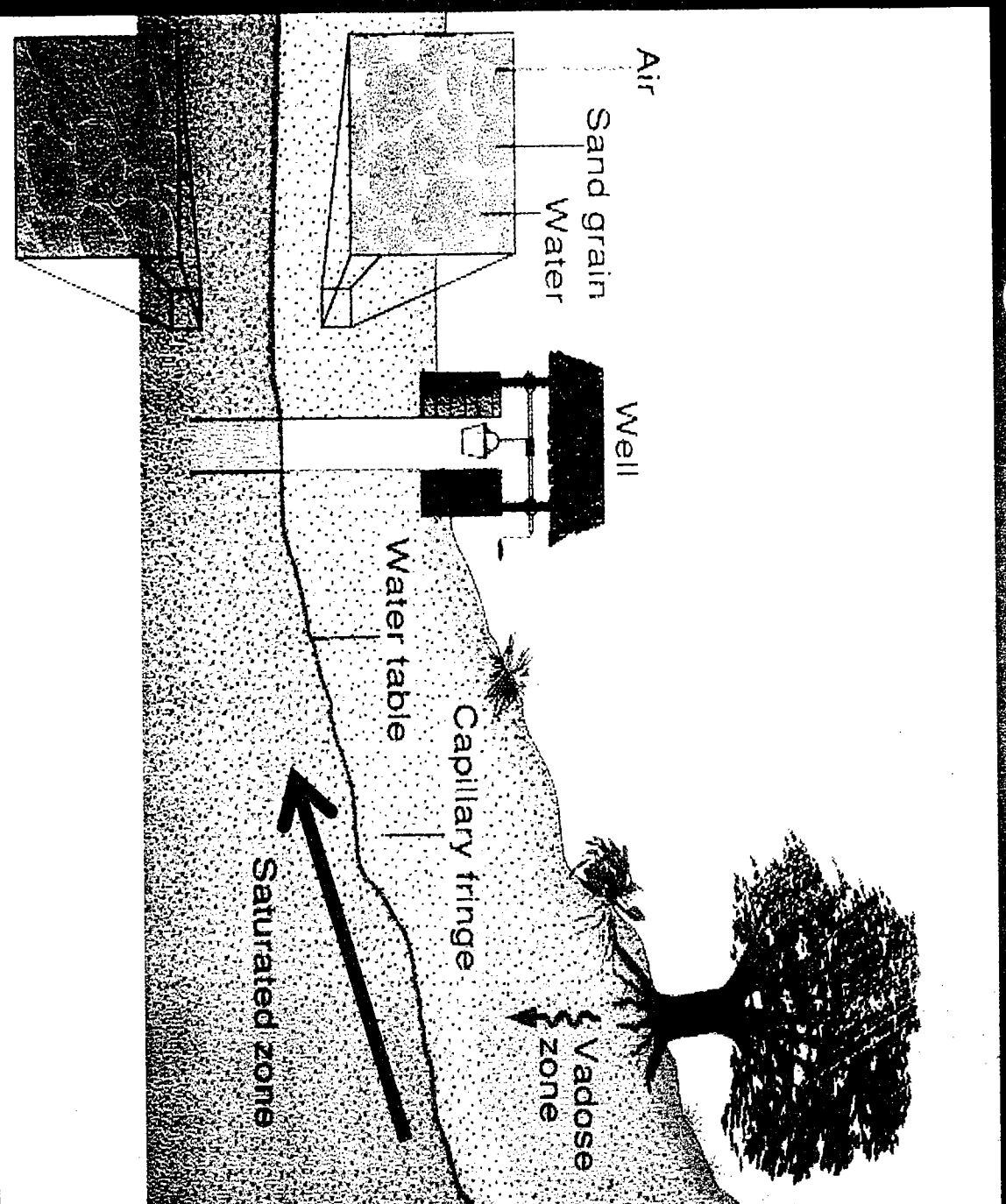
No to annexation.

Ann E. Rigum

# Septo-Overseers Shallow

CSI Water Solutions, Inc.

# Origin of Groundwater





# Aquifer Sensitivity to

## Compression

- Nature of vadlose zone
- Aquifer character, depth to aquifer, etc wells, rainfall, etc
- Permeability of material is highly variable
- Approximate travel distance 20 vertical
- under saturated conditions

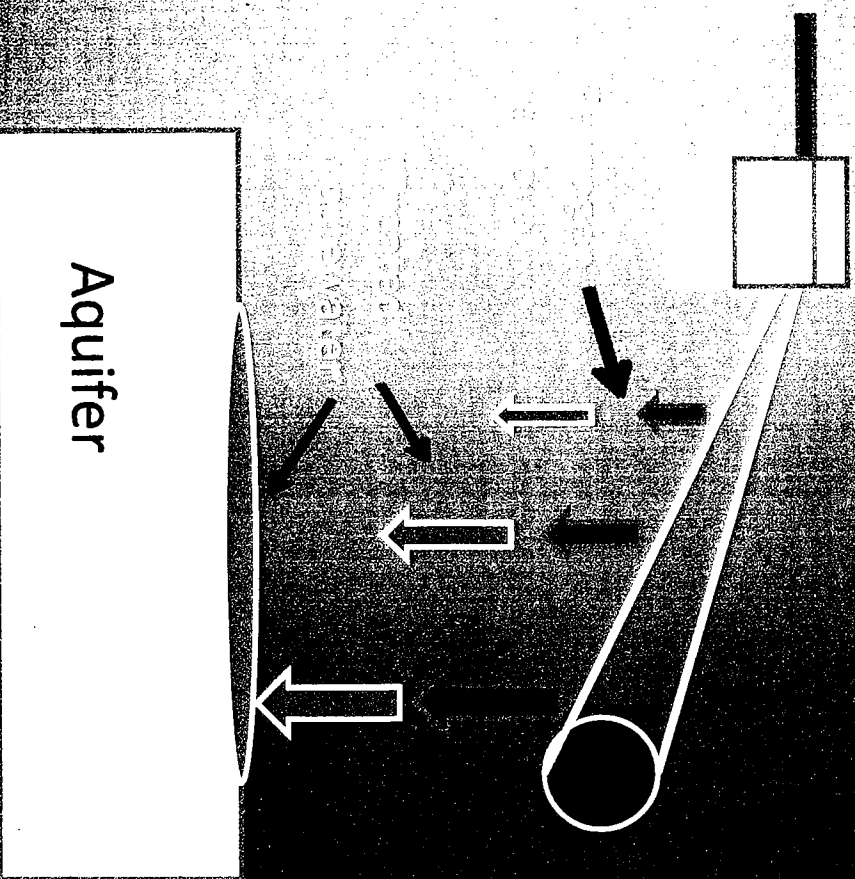
Gravel	< 1 hr
Sand	6 d
Fractured Bedrock	60 d
Silt	300 d
Limestone	750 d
Sandstone	12 yr
Hard Basalt	175 yr
Clay	1700 yr

# Septic Systems

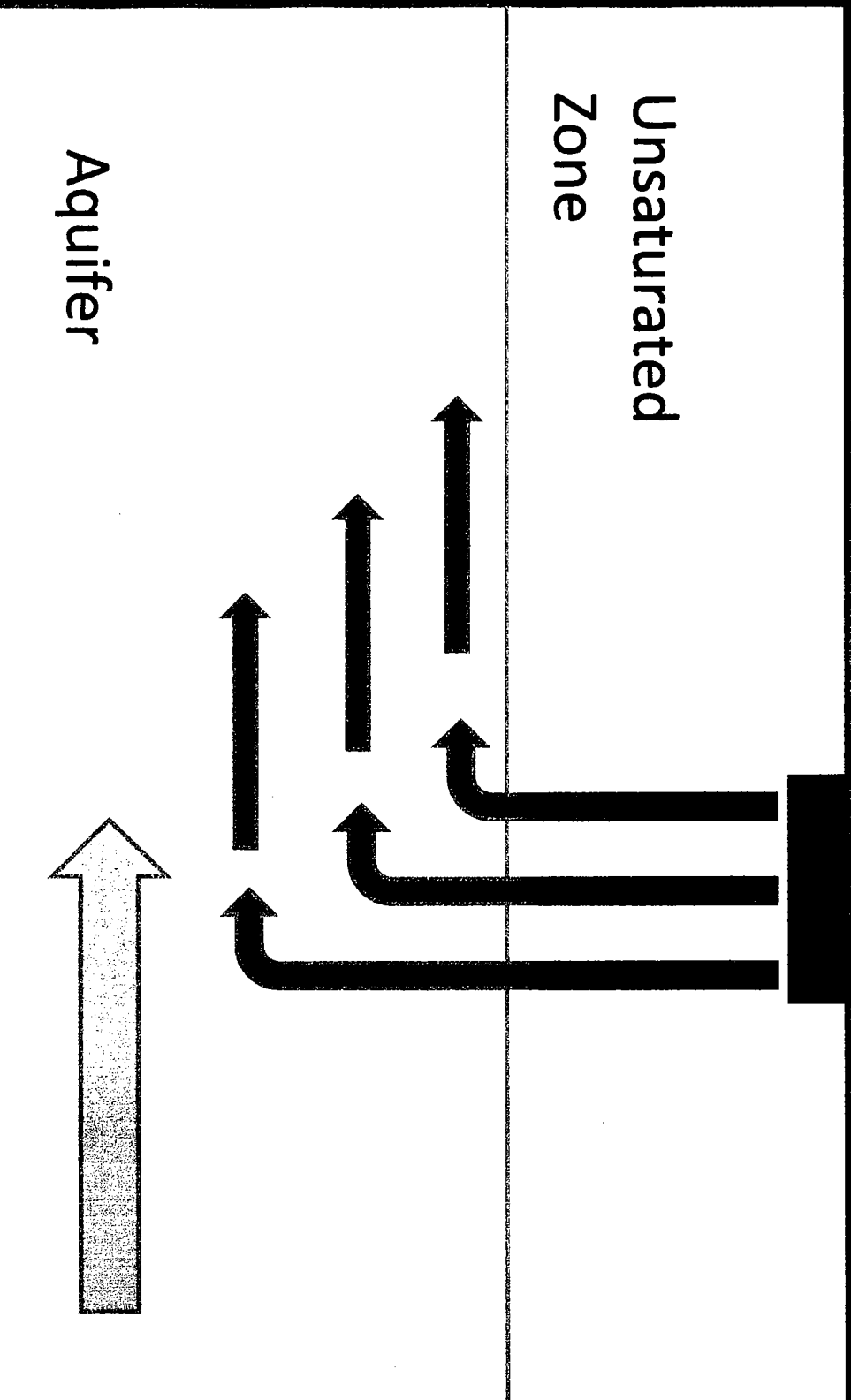
- A widely used method of disposing domestic waste water in rural areas.
- Designed to remove organic and other hazardous substances from wastewater.
- Requires sufficient soil cover, slope, and depth to ground water.
- Winter water table and soil temperatures.
- Even properly functioning septic systems are not capable of removing all contaminants.

# Septic Systems

- Wastewater enters septic tank
  - Solids settle to bottom
  - Clarified wastewater drains from bottom pipes
- Pathogen removal
- “Treated” water moves to aquifer



# Movement of Contaminants



# Wastewater Movement: Summer



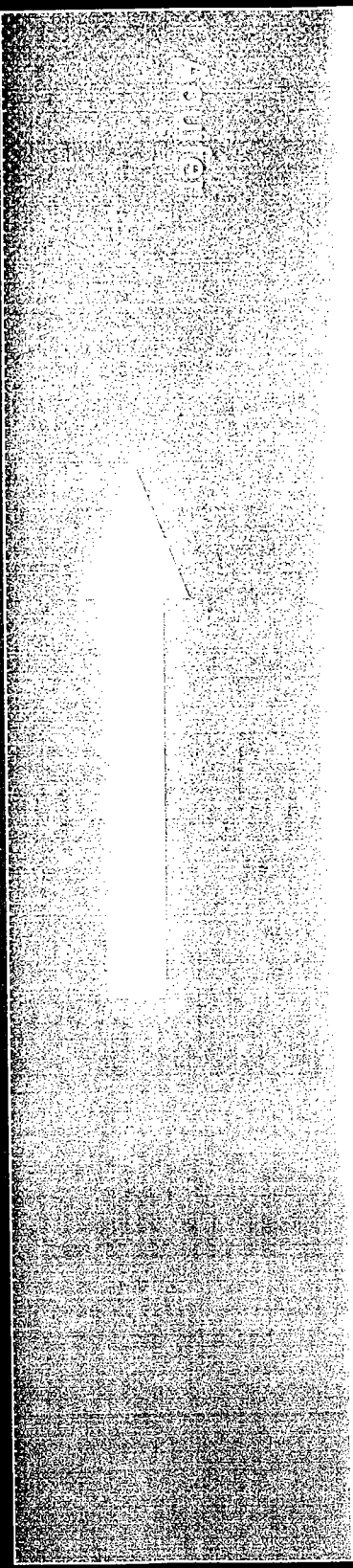
Pathogens and  
some chemicals  
removed

Nitrate and  
some  
chemicals

Unsaturated flow

Slow

Movement

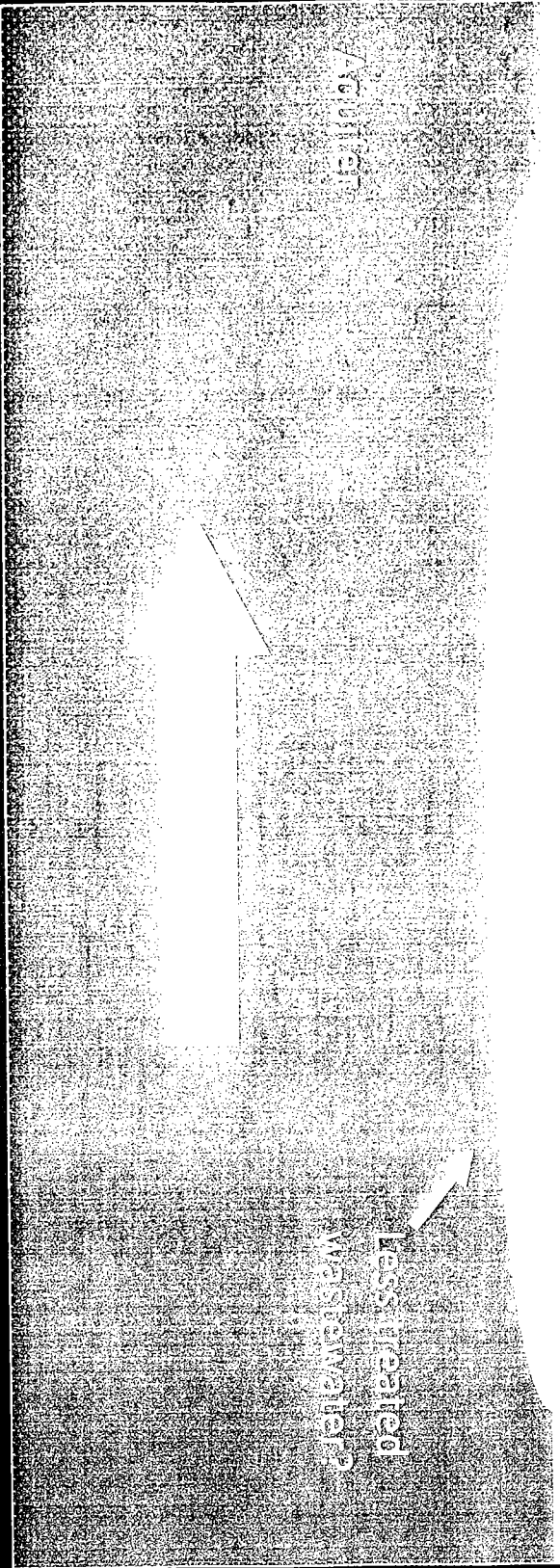


# Wastewater Movement: Winter



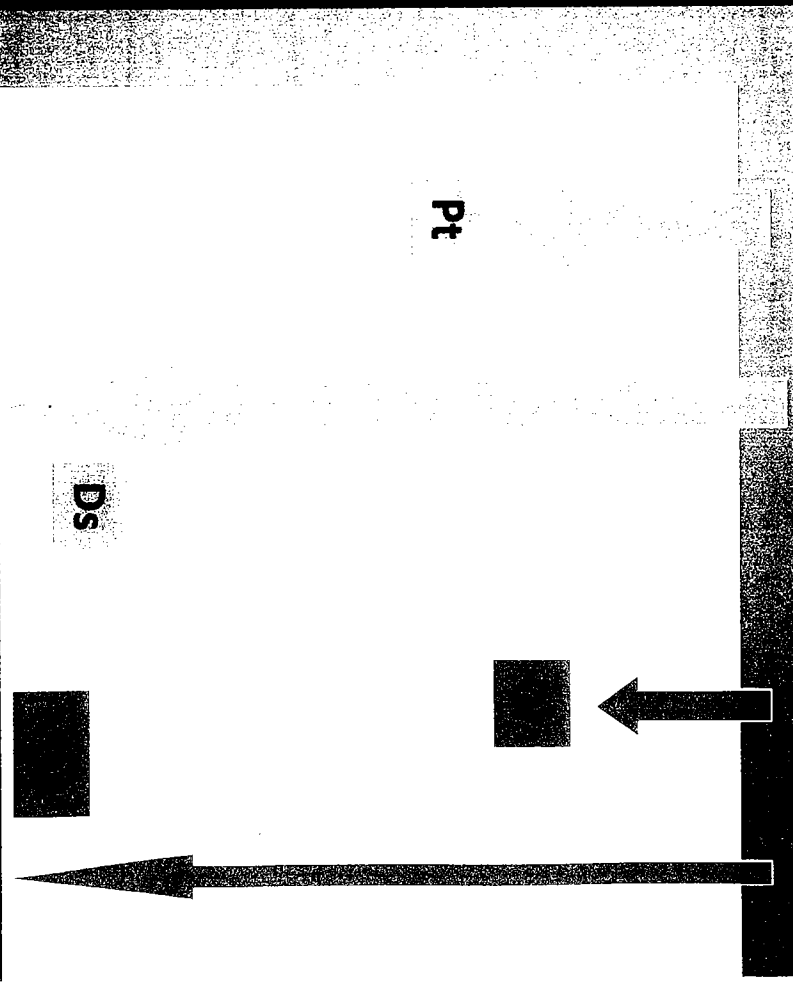
Unsaturated flow

Pathogen  
Removal?



# Potential for Groundwater Contamination

- Soil and subsurface materials as filtering mechanism
  - Particulates (Pt)
  - Dissolved (Ds)
- Chemical processes affect dissolved constituents: Organic ( ) vs. Nitrate ( )

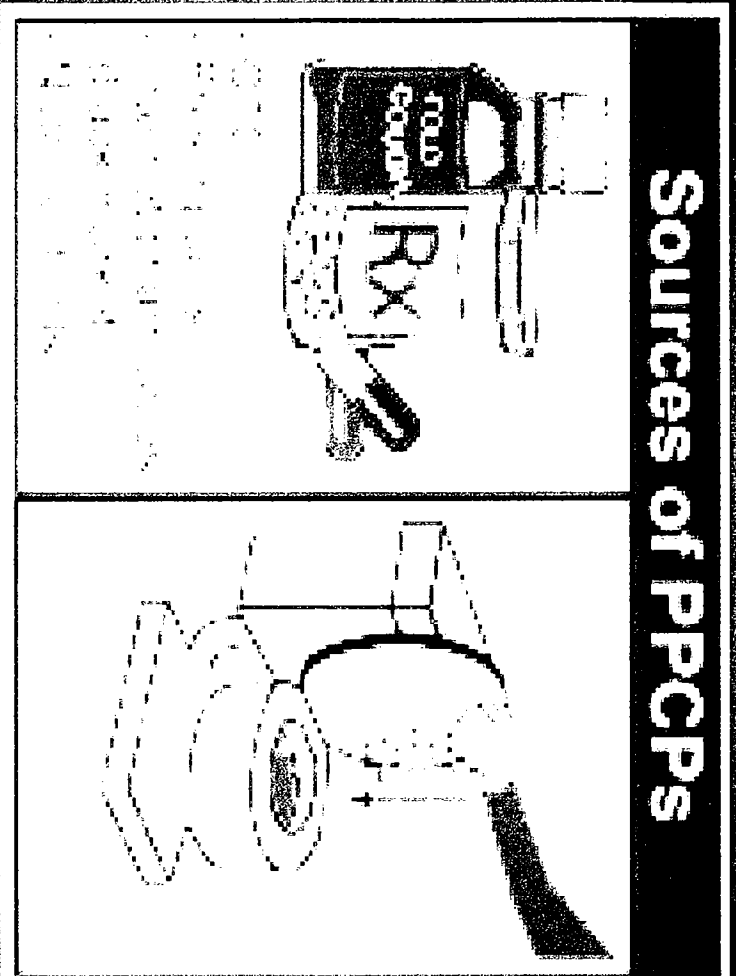


Relative Movement of Contaminants



# PPCPs Not Fully Metabolized by the Body

## Sources of PPCPs



**Discarding unused drugs and personal care products down the toilet is a common but poor disposal method.**



Figure 5.9

## GROUNDWATER CONTAMINANTS IN THE UNITED STATES

Number of States Reporting as Major Contaminants

Source: US EPA National Water Quality Inventory, 1986 Report to Congress EPA-440/4-87-008.

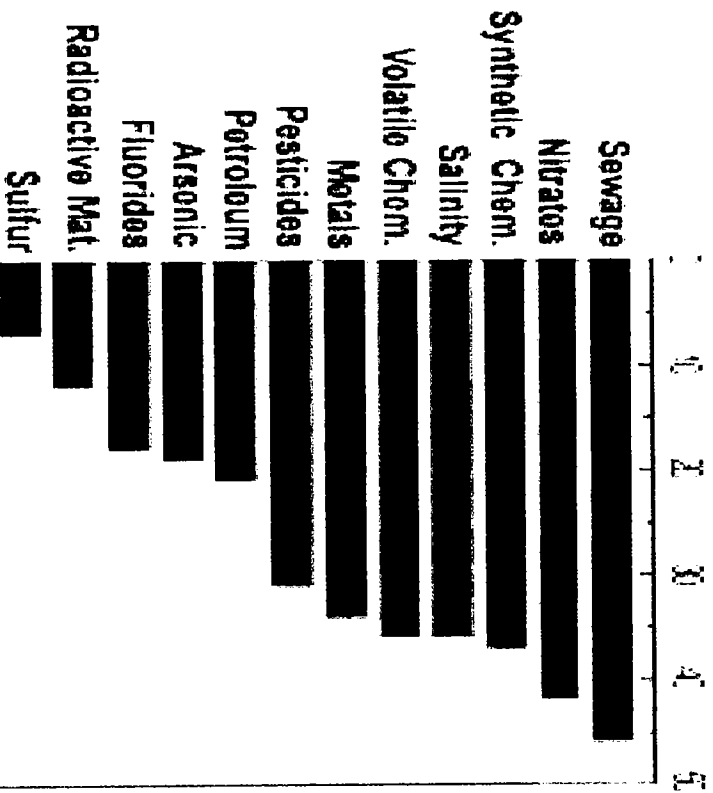
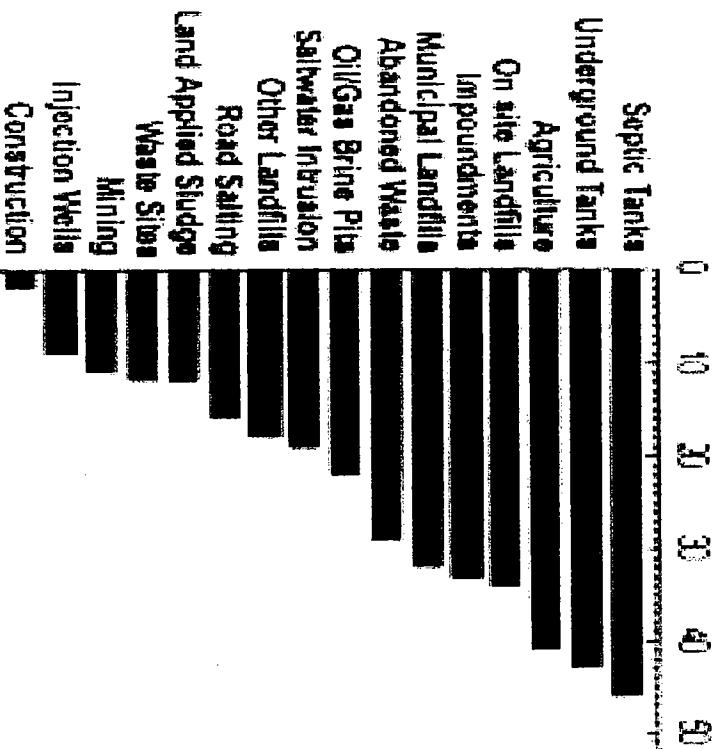


Figure 5.10

## SOURCES OF GROUNDWATER CONTAMINATION IN THE US

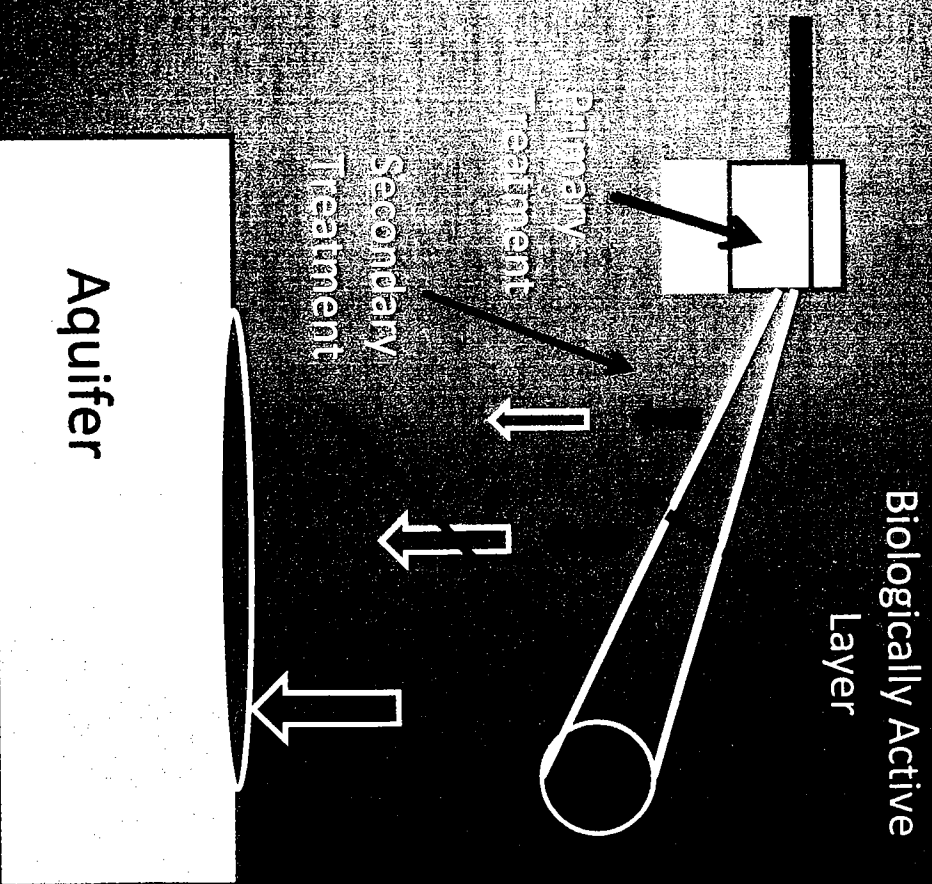
Number of States Reporting Source

Source: US EPA National Water Quality Inventory, 1986 Report to Congress EPA-440/4-87-008.



# Septic Systems: Level of Treatment

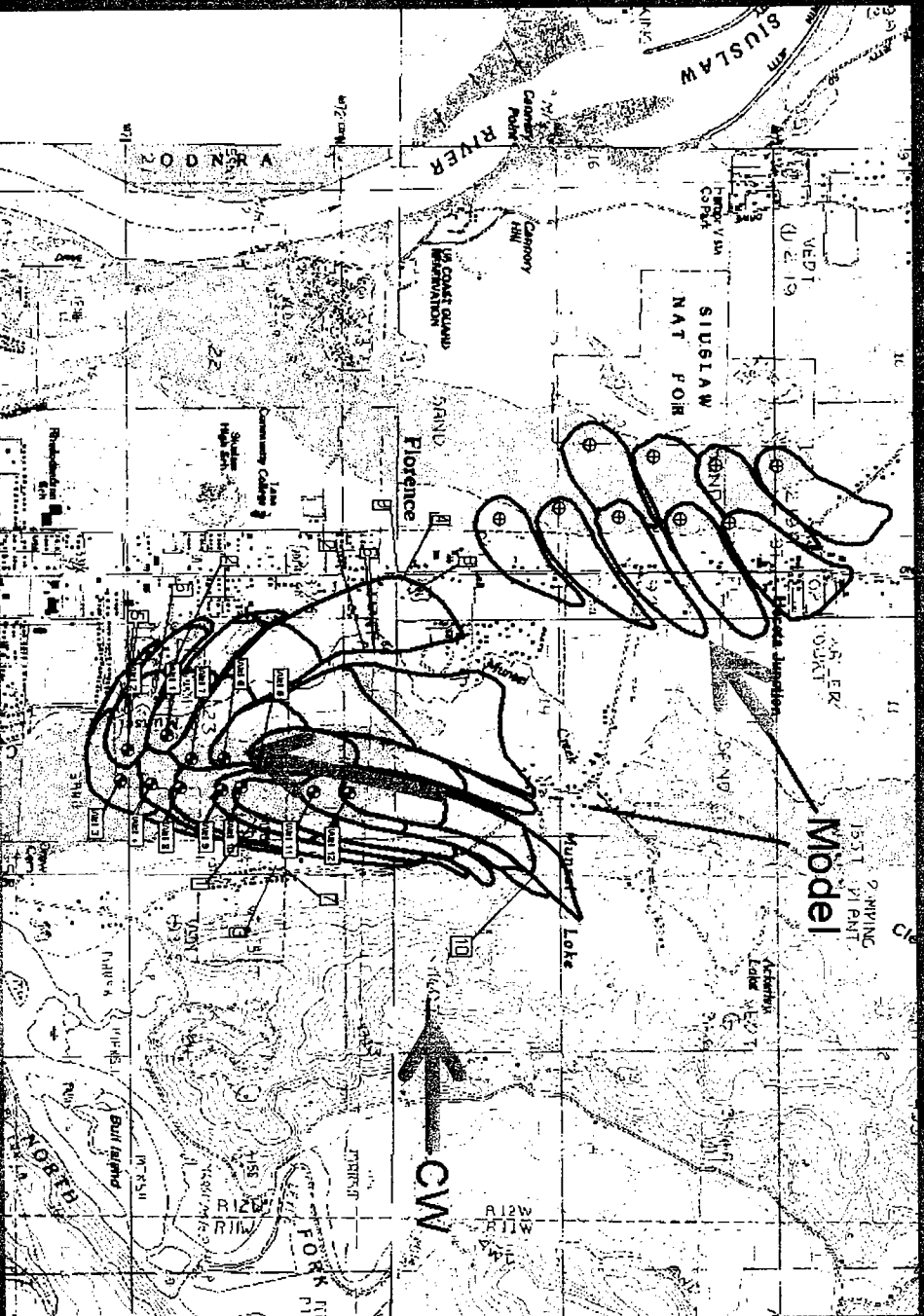
- Primary treatment: produces clarified wastewater in tank
- Secondary treatment: clarified wastewater percolates into subsurface
- Alternative treatment technology (ATT): enhanced removal of contaminants, reduces nitrate by ~50%



# Long-Term Protection

- Individual onsite treatment  
  - Individual over a long period of time
  - Potential for problems if no one is on site, on the aquifer exists
- Municipal level  
  - Established treatment processes
  - Existing staff and expertise
  - Ongoing monitoring
  - Risk of failed onsite system eliminated
  - Potential impacts to the aquifer greatly decreased

# Florence: Planning for Future Supplies



# Summary

- Florence aquifer is shallow and susceptible to contamination.
- Septic systems can remove most pathogens (viruses) but do not remove nutrients or pharmaceuticals
- Florence water table stays low for most of winter months
- Septic systems do not remove nutrients leading to threaten groundwater
- City should consider long-range need for drinking water source(s).