

W7d  
PA 1214

**COVER MEMO**

**DATE:** August 25, 2004 (First Reading)  
September 15, 2004 (Second Reading/Public Hearing)

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**PRESENTED BY:** Stephanie Schulz, Planner  
Land Management Division

**AGENDA TITLE:** ORDINANCE NO. PA 1214 - IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE FLORENCE COMPREHENSIVE PLAN TO ENLARGE THE FLORENCE URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM RURAL COMP PLAN DESIGNATIONS OF RURAL, NON-RESOURCE, AND FOREST TO FLORENCE COMP PLAN DESIGNATIONS OF MEDIUM DENSITY RURAL AND PRIVATE OPEN SPACE; REZONE AFFECTED LANDS FROM LANE CODE (LC) CHAPTER 16 DISTRICTS OF 'RR' RURAL RESIDENTIAL AND 'F-2' IMPACTED FOREST LAND TO 'PR/BD/U/SR/UGB, PUBLIC RESERVE/BEACHES AND DUNES / INTERIM URBANIZING / SITE REVIEW / UGB;AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task No. 1)

**I. MOTION:**

Move to adopt the proposed amendment to the Rural Comprehensive Plan and the Florence Comprehensive Plan to enlarge the Urban Growth Boundary to include subject property and concurrently rezone those properties.

**II. ISSUE OR PROBLEM**

The City of Florence requests co-adoption of an amendment to the Rural Comprehensive Plan and the City Comprehensive Plan that proposes to expand the city UGB to the east and northeast for efficient and appropriate provision of urban services to two areas, totaling 105.86 acres. Area 1, adjacent to Munsel Lake Road is 25.92 acres, and Area 2, Ocean Dunes Golf Links property, is 79.94 acres..

**III. DISCUSSION**

**A. BACKGROUND**

The City of Florence is completing Periodic Review of their Comprehensive Plan. The approved Work Program identifies completion of an Urban Growth Boundary Study as work task No. 1. The city conducted an extensive public review process and considered several areas adjacent to the city for inclusion within the UGB. The two areas in this proposal were selected because of environmental concerns regarding groundwater and the potential for failing septic systems. The city has the capability and desire to provide essential urban services for sewer treatment and municipal water, and to

consolidate jurisdictional authority for the provision of road maintenance and repair of Munsel Lake Road under the city's jurisdiction.

The Lane County Planning Commission conducted a public hearing on June 15, 2004, the minutes are attachment B. Public comment has been received regarding this proposal, and the written comments and staff response is included as attachment C.

## **B. ANALYSIS**

The Citizens Advisory Committee to the City Council and the Florence Planning Commission conducted twelve meetings in the spring of 1997 to develop the Urban Growth Study. In January of 2002, the City Council adopted the Urban Growth Study as Appendix A of the City of Florence 2000/2002 Comprehensive Plan. In March of 2003, DLCD acknowledged completion of seven of the eight Periodic Review Work tasks on the City's Plan, and noted the completion of the final task, expansion of the UGB, would require joint review and adoption by Lane County. The Florence Planning Commission and the Lane County Planning Commission held a joint public hearing in March 2003 regarding the expansion of the UGB. At that public hearing issues regarding mapping discrepancies on which areas were in or out of the UGB proposal and public notice confusion were brought forward.

The UGB expansion proposal before the Board for adoption today contains two areas that the city has determined to be the most important for and intends to offer municipal services. The city proposes to be responsible for repair and maintenance of Munsel Lake Road, providing municipal sewer hookups, and providing water service. The municipal services will serve properties currently on septic systems in Area 1 and to provide for the looping of the municipal water system in both Area 1 and Area 2. The property owner of Area 2 has also offered additional water rights, for the municipal water system. Area 1 is currently provided water by the Heceta Water District, but does not have municipal sewer. Area 2 has private water and sewer systems serving the existing development on the golf course and associated residential lands.

In accordance with the criteria for a zone change in LC 10.315-20, and the purpose statement in LC 10.015, a Site Review (/SR) suffix is included in the proposed zone for Area 2. Depending on future development proposed, the Site Review process and the criteria in LC 10.335-20 may require a traffic impact analysis pursuant to LC 15.697. Access management provisions in LC Chapter 15.130 through 15.139, and other transportation-related requirements may also apply at the time of development.

*Lane Code 12.050 (2) The Board may amend or supplement the comprehensive plan upon a finding of:*  
*(b) changed circumstances affecting or pertaining to the plan*

The circumstances surrounding the municipal water supply in Florence have changed by the identification of the North Florence Dunal Aquifer as a Sole Source Aquifer by the Environmental Protection Agency. Providing municipal sewer service to properties that may experience septic system failure is critical to ensure these on-site systems do not contaminate the groundwater.

There are other materials that have been brought into the public record by reference from citizen input. These materials are available for in-depth review in Long Range Planning, Land Management Division office, in the basement.

### **C. ALTERNATIVES/OPTIONS**

1. Approve the request from the City of Florence to amend the Rural Comp Plan and the Florence Comp Plan to enlarge the UGB and change the Plan designation and zones of the affected lands.
2. Provide direction to staff for modification to the request to amend the proposal and/or provide further information as requested by the Board, and return for additional readings and discussion prior to making a decision.
3. Deny the request from the city to co-adopt the proposed expansion of the city's UGB and direct staff to write an order and develop findings in support of the denial prior to Order adoption and submittal to DLCDC.

### **D. RECOMMENDATION**

Option 1.

### **IV. ATTACHMENTS:**

- A: Ordinance No. PA 1214
  - Exhibit A Official Plan Map Plot #022, existing designation
  - Exhibit B Official Zoning Map Plot #022 existing zoning district
  - Exhibit C Proposed Plan Map Plot #022, Florence Comp Plan designations & expanded UGB
  - Exhibit D Proposed Zoning Map Plot #022, LC Chapter 10 zoning districts & expanded UGB
  - Exhibit E Findings of Compliance
- B. Minutes from July 20, 2004 Lane County Planning Commission public hearing and deliberations
- C. Public Comment Exhibits 1-9 and staff response

**IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON**

**ORDINANCE NO. PA 1214 ) IN THE MATTER OF AMENDING THE RURAL  
COMPREHENSIVE PLAN AND THE FLORENCE  
COMPREHENSIVE PLAN TO ENLARGE THE URBAN  
GROWTH BOUNDARY; REDESIGNATE AFFECTED  
LANDS FROM RURAL COMP PLAN DESIGNATIONS OF  
RURAL, NON-RESOURCE, AND FOREST TO FLORENCE  
COMP PLAN DESIGNATIONS OF MEDIUM DENSITY  
RESIDENTIAL AND PRIVATE OPEN SPACE; REZONE  
AFFECTED LANDS FROM LANE CODE (LC) CHAPTER  
16 DISTRICTS OF 'RR' RURAL RESIDENTIAL AND 'F-2'  
IMPACTED FOREST LANDS TO LC CHAPTER 10  
DISTRICTS OF 'RR/SR/UGB' RURAL RESIDENTIAL/SITE  
REVIEW AND 'PR/BD/U/SR/UGB' PUBLIC RESERVE/  
BEACHES AND DUNES/INTERIM URBANIZING/SITE  
REVIEW; AND ADOPTING SAVINGS AND  
SEVERABILITY CLAUSES (Florence Periodic Review  
Work Task No. 1)**

**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive plan; and

**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of an Ordinance, has adopted policies and provisions of the Florence Comprehensive Plan; and

**WHEREAS**, land within the Urban Growth Boundary of the Florence Comprehensive Plan but outside the City limits are within the political jurisdiction of Lane County, and are subject to County-adopted application of City Plan designations and County zoning provisions as set forth in Chapter 10, Lane Code; and

**WHEREAS**, the City of Florence adopted a diagram amendment that added land to the City Urban Growth Boundary; and

**WHEREAS**, the City of Florence has requested Lane County action in co-adopting the amendment to achieve city-county coordination of land use planning within the City Urban Growth Boundary, in the form of Lane County's removal of land from the planning jurisdiction of the Rural Comprehensive Plan and placement of it within the Florence Urban Growth Boundary, and application of a City Plan land use designation and the zoning provisions of Lane Code Chapter 10 to land added to the Urban Growth Boundary; and

**WHEREAS**, the Lane County Planning Commission conducted a public hearing on June 15, 2004 and recommended approval of the proposed amendments; and

**WHEREAS**, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapters 10 and 16 and the requirements of applicable state and local law and;

**IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE FLORENCE COMPREHENSIVE PLAN TO ENLARGE THE FLORENCE URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM RURAL COMP PLAN DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL AND FOREST TO FLORENCE COMP PLAN DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL AND PRIVATE OPEN SPACE; REZONE AFFECTED LANDS AS FROM LC16 DISTRICTS OF 'RR' AND 'F-2' TO LC10 DISTRICTS OF 'RR/SR/UGB' RURAL RESIDENTIAL/SITE REVIEW AND 'PR/BD/U/SR/UGB' PUBLIC RESERVE/BEACHES AND DUNES/INTERIM URBANIZING/SITE REVIEW; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task 1)**

WHEREAS, the Board of County Commissioners has conducted public hearings and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

**Section 1.** The Lane County Rural Comprehensive Plan is amended by the removal of territory from its planning jurisdiction, such territory being further identified on the Official Plan Map Plot #022, identified as Exhibit "A" attached and incorporated herein, and Official Zoning Map Plot #022, identified as Exhibit "B" attached and incorporated herein.

**Section 2.** The Florence Comprehensive Plan, as amended, is further amended by the addition of territory removed from the Rural Comprehensive Plan, placed within the Urban Growth Boundary of the City Plan, and redesignated with City Plan designations of "Medium Density Residential" and "Private Open Space." as identified on Exhibit "C" attached and incorporated herein; and rezoned with Lane Code Chapter 10 zoning designations of 'Rural Residential/Site Review' and 'Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review' as identified on Exhibit "D" attached and incorporated herein.

**Section 3.** The prior designation and zone repealed by this Ordinance remain in full force and effect to authorized prosecution of persons in violation thereof prior to the effective date of this Ordinance.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof

FURTHER, although not part of this Ordinance except as described above, the Board of County Commissioners adopts the Findings attached as Exhibit "E" in support of this decision.

ENACTED this \_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Chair, Lane County Board of County Commissioners

**APPROVED AS TO FORM**

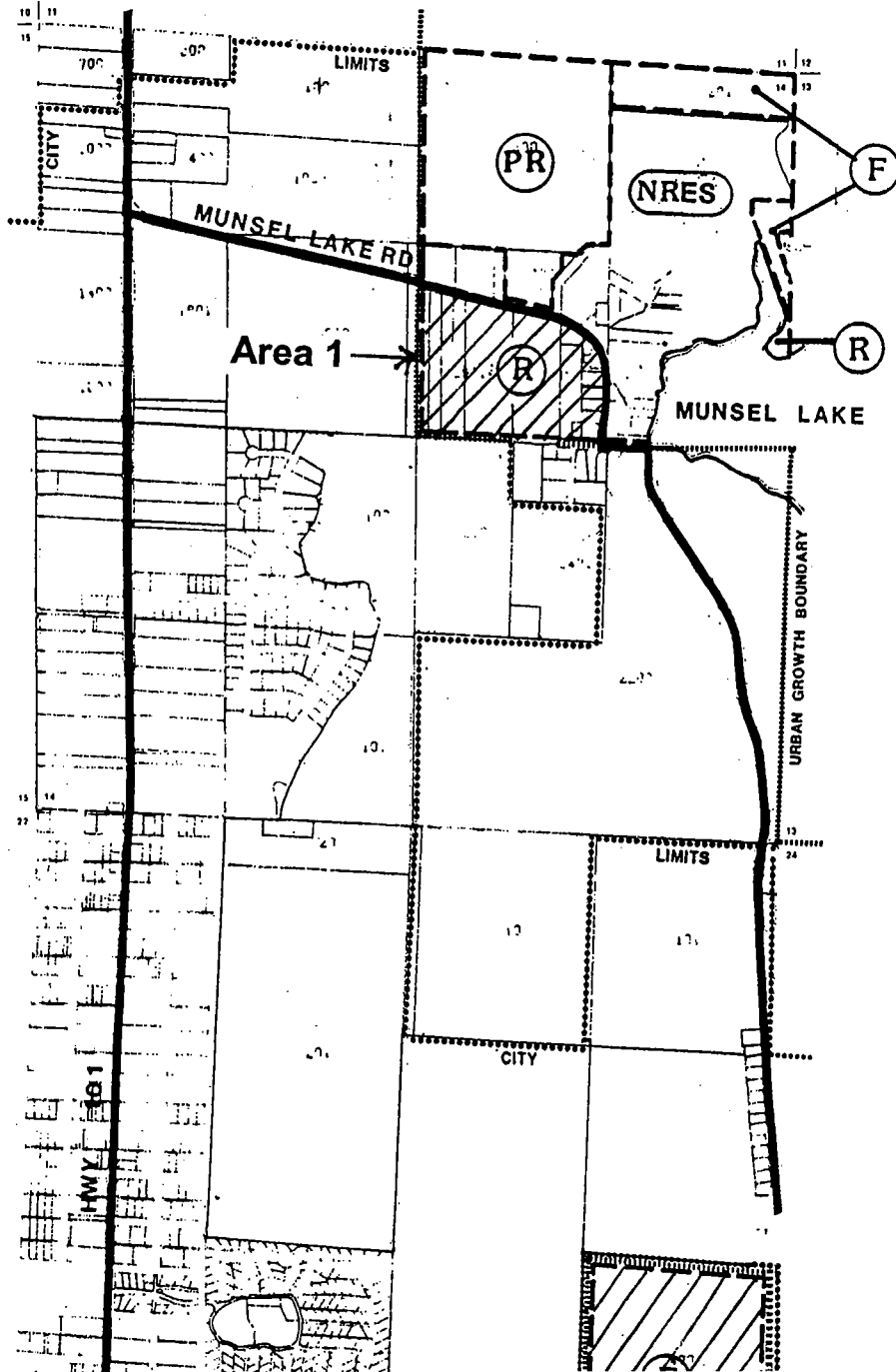
Date 8-17-2004 Lane County

  
OFFICE OF LEGAL COUNSEL

\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN AND THE FLORENCE COMPREHENSIVE PLAN TO ENLARGE THE FLORENCE URBAN GROWTH BOUNDARY; REDESIGNATE AFFECTED LANDS FROM RURAL COMP PLAN DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL AND FOREST TO FLORENCE COMP PLAN DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL AND PRIVATE OPEN SPACE; REZONE AFFECTED LANDS AS FROM LC16 DISTRICTS OF 'RR' AND 'F-2' TO LC10 DISTRICTS OF 'RR/SR/UGB' RURAL RESIDENTIAL/SITE REVIEW AND 'PR/BD/U/SR/UGB' PUBLIC RESERVE/BEACHES AND DUNES/INTERIM URBANIZING/SITE REVIEW; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task 1)

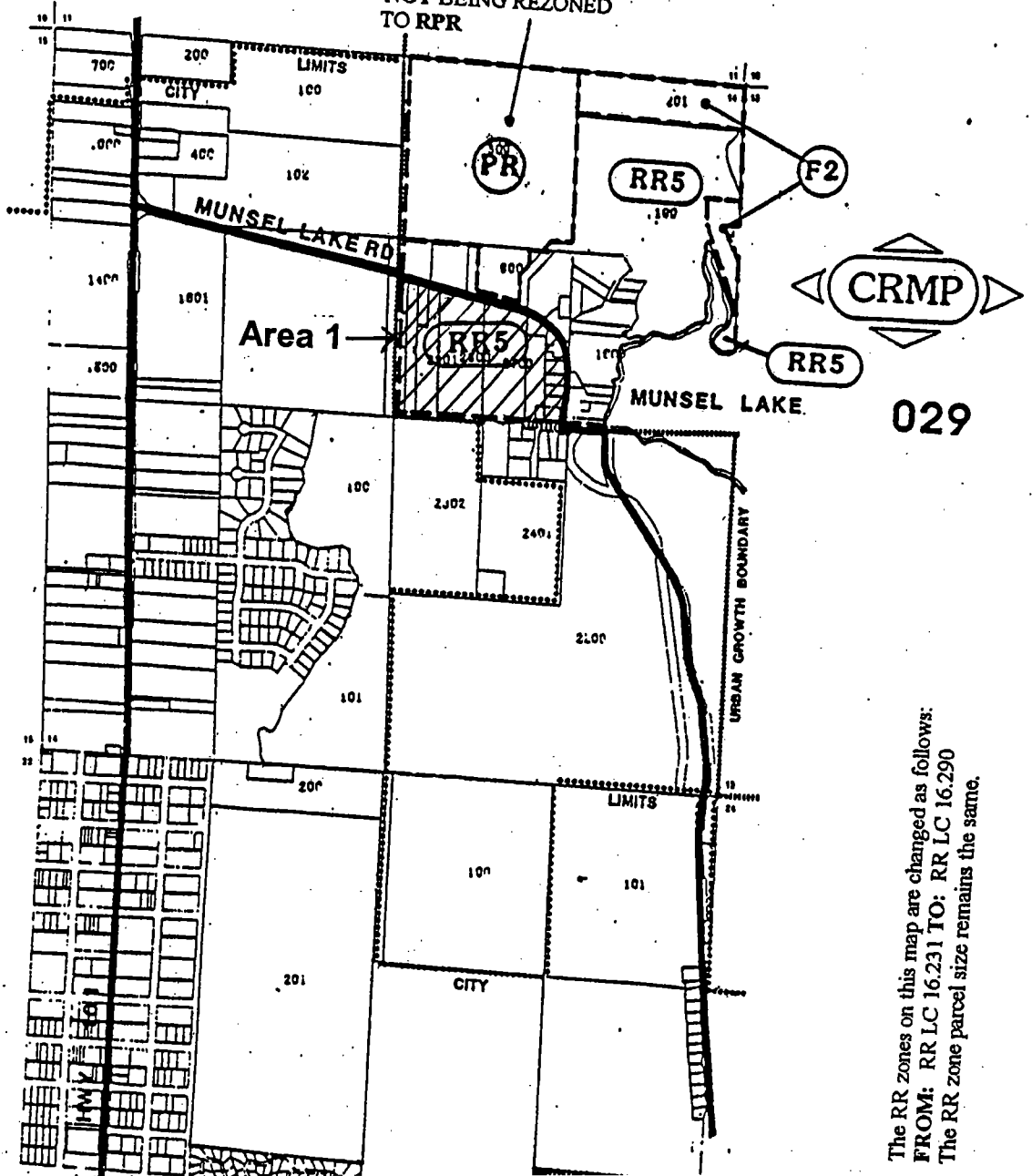
021



029

030

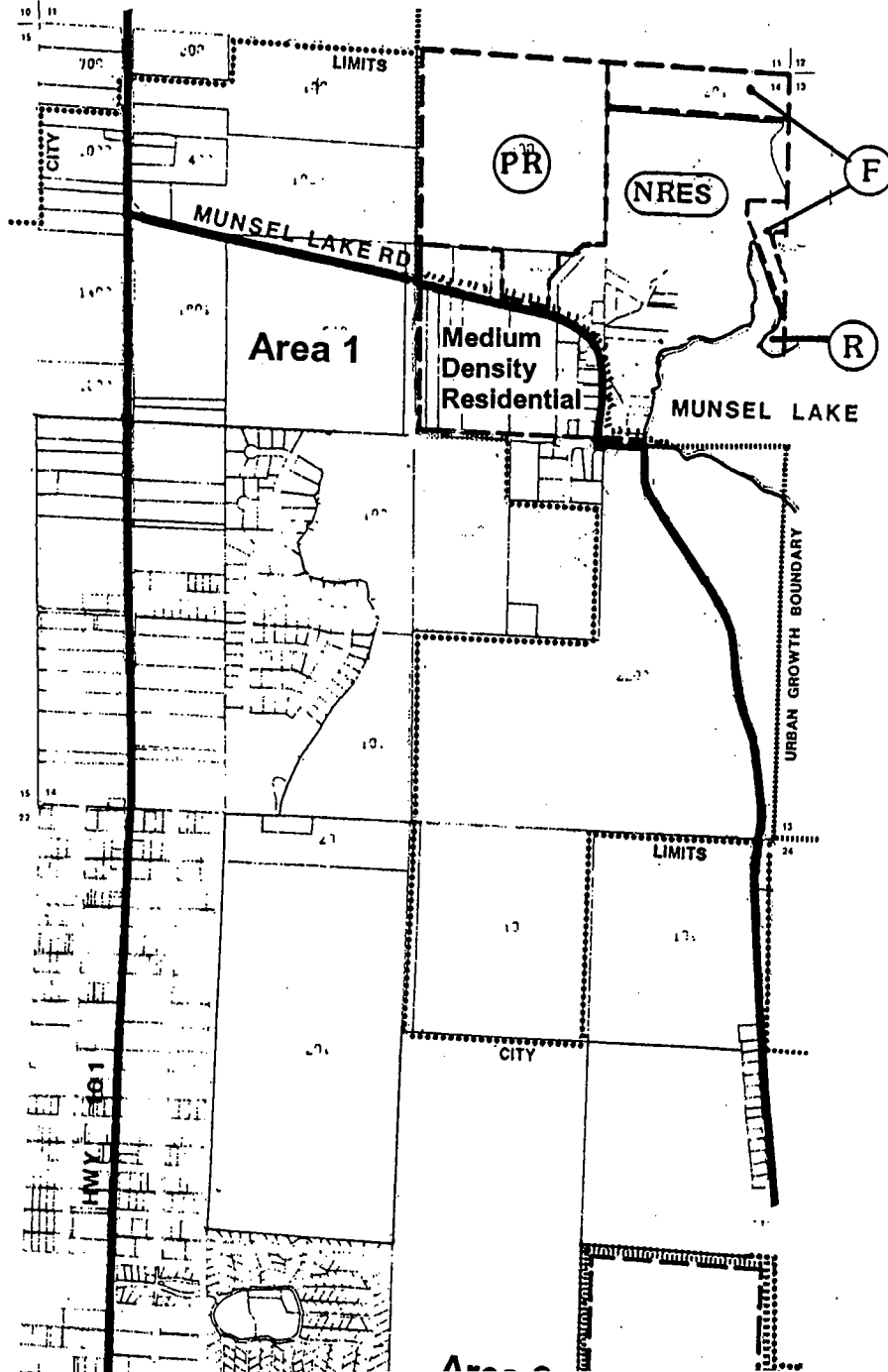
THIS PR ZONING IS  
NOT BEING REZONED  
TO RPR



The RR zones on this map are changed as follows:  
FROM: RR LC 16.231 TO: RR LC 16.290  
The RR zone parcel size remains the same.

# FLOODPLAIN

021



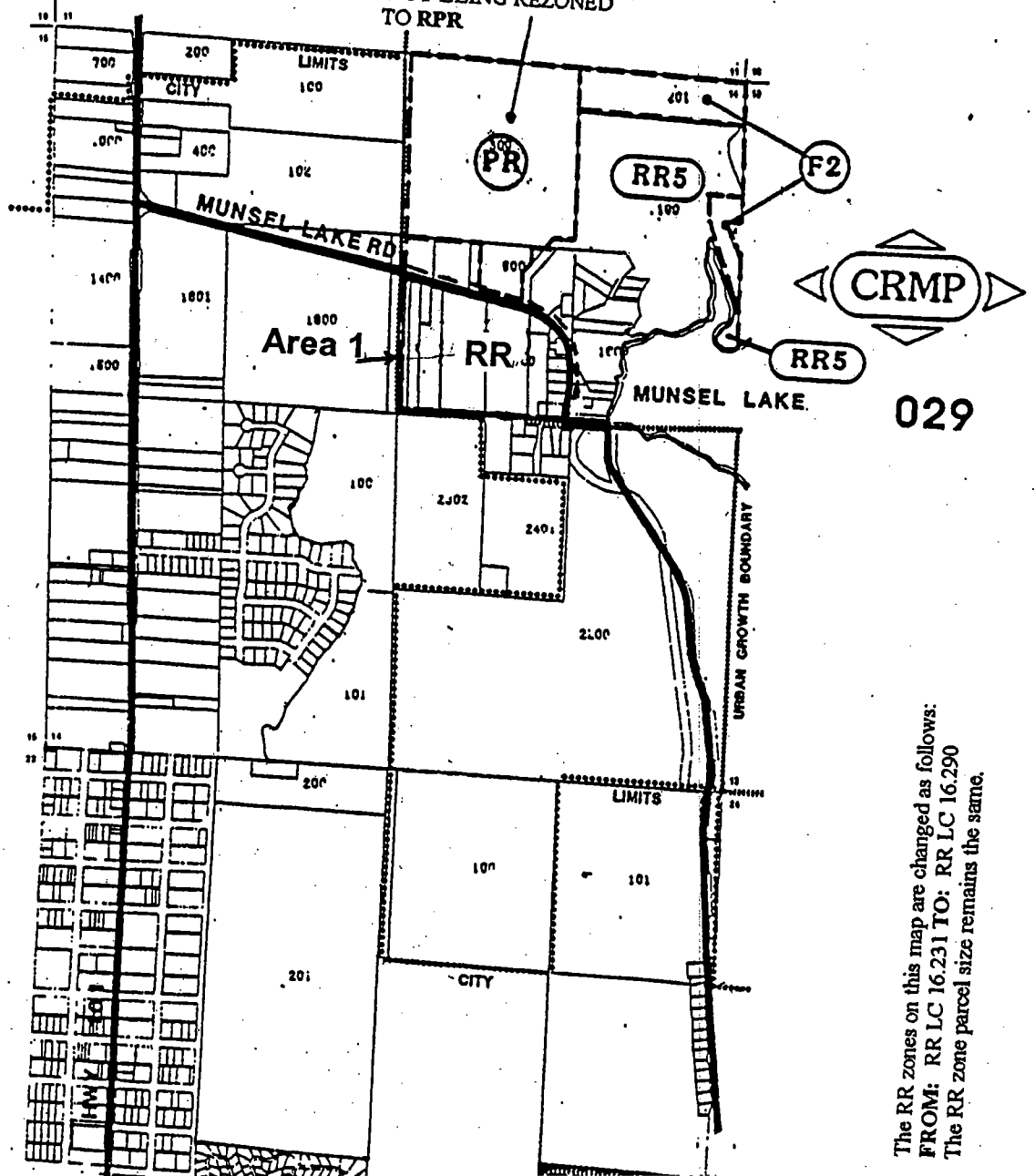
029

030



BOOK 165 PAGE 1090  
021

THIS PR ZONING IS  
NOT BEING REZONED  
TO RPR



The RR zones on this map are changed as follows:  
FROM: RR LC 16.231 TO: RR LC 16.290  
The RR zone parcel size remains the same.

# FLOODPLAIN

**Ordinance No. PA 1214  
Findings**

**Rural Comprehensive Plan Minor Amendment**

The application of the City of Florence (the City) includes an amendment to the Rural Comprehensive Plan to realign the Florence Urban Growth Boundary (UGB) to accommodate a UGB expansion. The parcels added to Florence's urban growth area would no longer be subject to plan designation under the Rural Comprehensive Plan. Criteria for amending the Lane Code Rural Comprehensive Plan are listed below in italics. Findings addressing each criterion follows:

Lane Code 12.050 (2):

*The Board may amend or supplement the comprehensive plan upon a finding of:*

- (a) an error in the plan; or*
- (b) changed circumstances affecting or pertaining to the plan; or*
- (c) a change in public policy; or*
- (d) a change in public need based on a reevaluation of factors affecting the plan;*

*provided the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.*

The proposed action is based on subsection (b): *changed circumstances affecting or pertaining to the plan*. The circumstances surrounding the municipal water supply to the City of Florence have changed by the identification of the North Florence Dunal Aquifer as a Sole Source Aquifer for the City's water supply by the Environmental Protection Agency of the federal government. The ability to provide municipal sewer service to properties that may experience septic system failure is critical to ensure these on-site systems do not contaminate the groundwater. In addition, the public need for municipal water and sewer service, as opposed to private service is *a change in public need based on a reevaluation of factors affecting the plan* as described in (d).

The proposed amendment does not *impair the purpose of the plan as established by LC 12.005*. That code section provides that *'[t]he general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.'* The proposed amendment, by better ensuring the quality of the City's groundwater, by improving the dependability of the City's water system and by consolidating jurisdictional responsibility for Munsel Road is consistent with the purpose of promotion of public health, safety, order, convenience, prosperity and general welfare. While the properties' inclusion in the UGB does not require them to be served by the City, the expansion of the UGB makes such service possible.

Lane Code 16.400 (6)(h)(iii):

*The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:*

- (aa) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.*

As these findings and the record demonstrate, the proposed UGB amendment meets all applicable requirements.

- (bb) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is*
- (i-i) *necessary to correct an identified error in the application of the Plan; OR*
  - (ii-ii) *necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR*
  - (iii-iii) *necessary to comply with the mandate of local state or federal policy or law; OR*
  - (iv-iv) *necessary to provide for the implementation of adopted Plan policy of elements; OR*
  - (v-v) *otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

The UGB expansion is ‘*necessary to fulfill an identified public or community need for the intended result of the component or amendment*’ as provided in (ii-ii), above, and is ‘*desirable and proper*’ per (v-v), above. There is an identified public or community need for the UGB amendment to allow the City of Florence to establish a system of public facilities that can provide City public services, most notably sewer service, to developed areas adjacent to the City.

The intended result of the amendment is to better ensure the community need for public health by eliminating potentially contaminating on-site sewer systems. In addition, the amendment will allow the City to provide a looped water system to address the community need for a dependable public water system and allow the City to take full responsibility for maintenance of a road system that serves the Florence area to address the community need for safe and efficient transportation facilities.

- (cc) *For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan and if possible, achieves policy support.*

The proposed UGB amendment is consistent with adopted policies of the Rural Comprehensive Plan.

The Lane County Rural Comprehensive Plan Policies are intended to guide actions and decisions that affect land use throughout the County. Policies 11, Public Facilities and Services, and 14, Urbanization, are most relevant to this proposal.

Goal 11: Public Facilities and Services Policies

Policy 1. Lane County shall provide an orderly and efficient arrangement for the provision of public facilities, services and utilities.

The change in the Florence UGB will allow the orderly and efficient arrangement of public facilities, and services and utilities in that it will make it possible for the City to extend such services as best serves the City and the served area. It will allow the area to be sewerred when the existing septic systems experience failure; an environmentally responsible solution to a problem that could otherwise pose health risks to the community. In addition, it will allow the City to developed a looped water system and allow a single jurisdiction to be responsible for a well-used roadway.

Policy 5. Lane County shall participate in the coordination of planning and development for various public facilities and utility services. The primary means of affecting this policy shall be through a system whereby land use applications are referred and coordinated with the various providers of services.

The City of Florence has adopted this proposed amendment to its Comprehensive Plan and is requesting Lane County's concurrence.

Goal 14: Urbanization Policy

Policy 2. The County shall provide for orderly and efficient transition from rural to urban land use while ensuring the supply of housing, employment, livability and other amenities, in order to accommodate the long-range growth of each city.

The areas subject to this application are included in the long-range vision of the City and are needed for inclusion in the UGB at this stage due to the livability / amenities issues described throughout this document and the City's application materials. The proposal to extent the UGB to include these areas supports and assists in the orderly transition from rural to urban land use.

Policy 3. The county shall provide for a cooperative UGB management process between the County and the cities in the County by

- a. establishing and periodically revising urban growth boundaries and the planning and implementation of common policies and procedures within the boundaries. and
- b. coordinated establishment approaches are desired.

The City and the County operate under an intergovernmental agreement that sets out the cooperative process for managing the UGB. That process is being followed in the City's request that the County approve this proposal.

*Policy 4. The county shall continue to comply with the planning coordination requirements and the urban growth management program requirements of LCDC.*

This proposal is made in accordance with the provisions of the Lane Code, and the Rural Comprehensive Plan, both of which have been acknowledged by LCDC, along with the above-mentioned inter-governmental agreement that governs such amendments.

*Policy 5. The County will seek agreement with each city to commonly determine the location of UGB's and the interim and long-term land use designations and public improvement project designations within the UGB's.*

See findings, above.

*Policy 6. Each city is regarded as the logical and ultimate provider of urban services within its UGB; Lane County will not approve any development nor encourage the establishment of urban services or facilities within the city's UGB that are contrary to city policy or agreement.*

In accordance with this policy, Lane County supports the expansion of the Florence UGB which will better enable the City to supply urban services within its UGB.

*(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.*

The proposed UGB amendment is compatible with the existing structure of the Plan and is consistent with the unamended portions and elements of the Plan. The change in UGB boundaries does not affect any textual provisions of the Plan and is consistent with the Plan structure. (See findings addressing applicable Plan policies, above).

### **Plan Designation Change**

Bringing properties into the UGB necessitates a change in those properties' comprehensive plan designations. Properties outside a UGB have Plan designations from the County's Rural Comprehensive Plan. Properties within the Florence UGB must have a designation from the City's comprehensive plan. The City has already approved the redesignation now proposed for

County approval. Per intergovernmental agreement, the County must also adopt the new comprehensive plan designation for it to be effective.

### Area 1

The eighteen tax lots in Area 1 are currently designated by the County's Rural Comprehensive Plan as 'Rural Residential -5 (RR-5).' The City requests that the County approve the application of Florence's Medium Density Residential plan designation.

The Medium Density Residential designation is the plan designation most appropriate for Area 1 since the portions of the Area (approximately 25.92 acres) are currently either partitioned or developed to an urban density. Two of the 18 tax lots meet the minimum standards for Lane County's RR-5 designation. Lots within City of Florence limits abutting Area 1 to the west, east and south are developed to City of Florence medium density standards (minimum 6,500 sq. ft. lots.)

The Medium Density Residential designation is compatible with properties surrounding Area 1. The surrounding areas within the UGB are designated as Manufactured Housing and Medium Density Residential. The properties are currently served by on-site sewer and public water (Heceta Water District), Lane County roads, and special district fire service.

As demonstrated by the findings addressing the Statewide Planning Goals, below, the change in designation is consistent with those Goals.

### Area 2

The County's Rural Comprehensive Plan currently designates two of the lots in Area 2 as Rural Residential - 5 (RR-5) and one of the lots as Impacted Forest (F-2). The City requests that the County approve the application of Florence's Private Open Space plan designation to each of the three lots.

The City's new comprehensive plan includes Private Open Space as a new plan designation. It is intended to be applied primarily to golf courses and course-related developments, making it the most appropriate designation for Area 2. The golf course on Area 2 is currently bisected by the concurrent UGB/City limit boundary. That portion of the golf Course already within the UGB and City is currently designated by the City's newly adopted comprehensive plan as Private Open Space. The City is in the process of developing a zone that will further implement this designation for courses that are within the City limits. The Private Open Space designation has also already been applied to the other golf course in the Florence area. The designation was created to delineate what already exists on site Open space to serve the owners as either passive or active recreation. The plan designation was not applied to any sites other than those already having those uses.

The Private Open Space designation is compatible with properties surrounding Area 2. The three tax lots in Area 2 total approximately 79.94 acres. Tax lot (TL) 400 is developed entirely as golf course fairways with dune features separating them. TL 900 also contains fairways while TL 901 (.27 acres) has a golf course maintenance structure. TL 900 is approximately 2/3 undeveloped eastward of its fairways.

Properties within the City limits surrounding Area 2 are zoned as Private Open Space with golf course to the north and Restricted Residential with minimum 9,000 sq. ft. lots to the Southwest and Northeast, and Public Open Space to the northwest. Developed properties are all served by City water and sewer systems. The southeast and southern abutting properties are outside the City's urban growth boundary. They include developing property to the south belonging to the Coos, Lower Umpqua, and Siuslaw Confederated Tribe and to the east developed private residential lands that abut Munsel Lake Road on the east. The only road or street abutting Area 2 is undeveloped Martin Street running north and south adjacent to TL 900 on the west. The City proposes to develop a west-east right-of-way along TL 900's southern property line with ingress and egress and water and sewer services to loop the existing services terminating at Munsel Lake Road. The TLs are currently served by on site water and sewer, Lane County roads and special district fire service.

As demonstrated by the findings addressing the Statewide Planning Goals, below, the change in designation is consistent with those Goals.

### **Zone Change**

Bringing properties into the Florence UGB necessitates a zone change. Lane Code's Chapter 16 zones implement its Rural Comprehensive Plan, while Lane Code's Chapter 10 zones implement its Comprehensive Plan for the Florence UGB area. The City's proposes to change the zoning of the eighteen tax lots in Area 1 from the Rural Residential-5 (RR-5) zone (Lane Code 16.290) to the Rural Residential (RR) zone (Lane Code 10.130). The City has applied to change the zoning of two of the tax lots in Area 2 from the Rural Residential-5 (RR-5) Zone (Lane Code 16.290), and the zoning of the other lot in Area 2 from the Impacted Forest Lands (F-2) Zone (Lane Code 16.211) to the Chapter 10 Public Reserve zone with the Beaches and Dunes Combining and Interim Urbanizing Combining overlay (PR/BD/U) zones (Lane Code 10.125, 10.270 and 10.122). County staff and the Planning Commission also proposed the /SR suffix to the Area 2 properties. No party made a substantive objection to that proposal.

Lane County evaluates zone changes based on the following criteria (shown in *italic*). The County's findings follow each criterion.

#### Lane Code 10.315-20

*The proposed change is consistent with the general purpose of Lane Code Chapter 10.*

### Area 1

The purpose of Chapter 10 is set out at Lane Code ' 10.015. The City's proposal to apply the Rural Residential (RR) zone to Area 1 is consistent with that purpose. Specifically, the proposal will directly or incidentally further the objectives listed in LC10.015 by applying zones and designations that encourage the appropriate use of land and resources, avoid undue concentration of population, prevent the overcrowding of land and provide an environment of character in harmony with existing and proposed neighboring use of the land. None of the lands subject to this action are currently planned or zoned for resource use. All 25.92 acres are planned and designated for rural residential use, acknowledging their lack of value as resource lands, their current use and the reasonableness of their use for residential purposes. There are no nearby agricultural lands that will be affected by this action.

The proposal facilitates the adequate and efficient provision of water, transportation facilities, sewerage facilities and will allow the City to make the environment safer from the dangers inherent in the current potential for malfunction of private septic systems. The amendment will also serve the purpose of preserving the quality of Lane County's environment. The groundwater in Florence has been designated as a 'sole source aquifer', the City wishes to protect its drinking water supply through UGB expansion. Much of the area near Munsel Lake was developed as rural residential development 20 to 30 years ago and failing septic tanks are anticipated. Pollutants can remain in the aquifer for up to 60 years. The area cannot be served by City sewer until it is within the UGB. Munsel Lake Road is identified on the City's TSP as a minor arterial as it provides an alternative route between US. Highway 101 and State Highway 126. This portion of Munsel Lake Road, is the only portion maintained by Lane County. Having the entire length of this road within the UGB will facilitate the acceptance of this street into its maintenance system in the future and will further implementation of the TSP recommendations related to minor arterials.

### Area 2

The purpose of Chapter 10 is set out at LC10.015. The City's proposal to apply the Public Reserve Zone and the Beaches and Dunes Combining and Interim Urbanizing Combining overlay zones (PR/BD/U) to Area 2 is consistent with that purpose. Specifically, the proposal will directly or incidentally further the objectives listed in LC10.015 by encouraging the appropriate use of land and resources, avoiding undue concentration of population, preventing the overcrowding of land and providing an environment of character in harmony with existing and proposed neighboring use of the land. The lands subject to this action are currently planned and developed for golf course uses. The Public Reserve Zone allows golf course uses.

The proposed change will also facilitate the adequate and efficient provision of water, transportation and sewerage services, secure safety from dangers and preserve the quality of Lane County's environment. The City proposes to develop a west-east right-of-way along TL 900's southern property line with ingress and egress and water and sewer services to loop the existing



services terminating at Munsel Lake Road. The TLs are currently served by on-site water and sewer, Lane County roads, and special district fire service.

*The proposed zone change is not contrary to the public interest.*

As discussed above, the public interest in safe and efficient provision of water, sewage and transportation facilities is better served by the adoption of the proposed changes.

*The proposed zone change is consistent with the specific purposes of the subject zones.*

### Area 1

Lane County Chapter 10 states the RR zone purpose is to ‘provide opportunities for persons who desire to live in a rural neighborhood setting.’ Lane Code 10.130-05. Area 1, while more urbanized than properties north and directly east of Munsel Lake Road, would be on the fringe of the UGB and would retain the rural residential setting that currently exists.

### Area 2

1) Lane Code does not include a ‘purpose’ for the Public Reserve District (PR) zone. 10.125-10 lists permitted uses, including (3)(f) ‘Parks, playgrounds, winter sports, golf courses and recreational uses.’ Applying the PR zone meets the purpose as can be seen by this list of allowable uses since the site is currently used and is planned for golf course/recreational uses.

2) The Beaches and Dunes Combining District (/BD) is: ‘intended to be used in conjunction with the underlying zoning District in all coastal beach and dune areas in order to ensure the protection and conservation of coastal beach and dune resources, prevent economic loss by encouraging development consistent with the natural capability of the land forms, provide for clear procedures by which the natural capability of dune land forms can be assessed prior to development, prevent cumulative damage to coastal dune resources due to the incremental effects of development, provide for such protection of beach and dune resources above and beyond that provided by the underlying zoning District.’ Area 2 is located in a dune area. Therefore, the /BD combining district is appropriate. The development as a golf course conforms with the natural capability of the land forms. The Lane Code sets out provisions for the District which address the purpose.

3) For lands within the Florence UGB, the Interim Urbanizing Combining District (/U) is ‘for the purpose of reviewing land within those areas that are considered transitional and/or marginal.’ Lane Code 10.122-25. Area 2 is transitional and marginal land. Area 2 ‘A’ is developed entirely as golf course use and abuts public open space. Area 2 ‘B’ is partially developed with golf course use and abuts both public open space and developed medium density residential.

*The proposed zone change is consistent with the proposed Comprehensive Plan designations*

### Area 1

The Rural Residential (RR) zone is consistent with the City's Medium Density Residential Plan designation, which is made up, primarily, of single family residential uses.

### Area 2

The Public Reserve/Beaches and Dunes Combining / Interim urbanizing Combining zone is consistent with the City's Private Open Space designation. The three tax lots in Area 2 total approximately 79.94 acres. Tax lot (TL) 400 is developed entirely as golf course fairways with dune features separating them. TL 900 also contains fairways while TL 901 (.27 acres) has a golf course maintenance structure. TL 900 is approximately 2/3 undeveloped eastward of its fairways. The property owner intends to keep the lots in use as a golf course and related uses. This use is consistent with the proposed zone and designation.

### **Statewide Planning Goal Findings**

*Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The County has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The subject proposal does not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 since it complied with, and surpassed the requirements of, the citizen involvement provisions.

The Citizens Advisory Committee to the City Council and the Florence Planning Commission conducted twelve meetings in the spring of 1997 to develop the Urban Growth Study. In January of 2002, the City Council adopted the Urban Growth Study as Appendix A of the City of Florence 2000/2002 Comprehensive Plan. In March of 2003, DLCD acknowledged completion of seven of the eight Periodic Review Work tasks on the City's Plan, and noted the completion of the final task, expansion of the UGB, would require joint review and adoption by Lane County. The Florence Planning Commission and the Lane County Planning Commission held a joint public hearing in March 2003 regarding the expansion of the UGB. At that public hearing issues regarding mapping discrepancies on which areas were in or out of the UGB proposal and public notice confusion were brought forward.

The Lane County Planning Commission public hearing notice was mailed to over 300 adjacent and interested parties. After the Planning Commission hearing, the record was held open for additional testimony. Notice and opportunity for participation in the Board's decision also complied with all applicable laws.

*Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The record shows that there is an adequate factual base to support the amendments proposed. Completion of the UGB expansion is the a task to complete under the DLCD approved work plan requiring action by both entities. The Goal 2 coordination requirement has been met thorough this process in which there has been substantial exchange between the County and the City. The County has used the information obtained in the exchange to balance the needs of the citizens.

There are no Goal 2 Exceptions required for this action. However, Goal 14 requires that the County address portions of Goal 2. That analysis is included under Goal 14, below. The amendments are consistent with Goal 2.

*Goal 3 - Agricultural Lands. To preserve agricultural lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

*Goal 4 - Forest Lands. To conserve forest lands.*

The 20 acres zoned F2 in Area 2 are impacted with developed golf course fairways interspersed with open dunal features present on the site. The Private Open Space plan designation is compatible with developed forest lands. Therefore, the proposal for this area is consistent with this goal.

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.*

These amendments do not create or amend the a list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site. The residential nature of Area 1 is enhanced by the presence of Munsel Creek that traverses the properties in this area. The City requires riparian setbacks for future development along Munsel Creek, under the safe harbor provisions of Goal 5 resource protection, which is in compliance with this Goal.

*Goal 6 - Air, Water and land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.*

The amendments enhance the City's ability to provide for clean water and land resources, consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To Protect life and property from natural disasters and hazards.*

Goal 7 prohibits or limits development in designated natural disaster or hazard areas without appropriate safeguards. The Goal also requires the evaluation of natural hazards that could result from new development. The Goal requires some consideration of the natural hazards associated with proposed development at the time development approval is contemplated by the governing body. Testimony indicates that portions of Area 1 are within the 100-year flood hazard area and that portions of the golf course are within the City-identified Tsunami Inundation Zone. If so, at the time that new development is proposed for those areas, Goal 7 will be implicated and appropriate safeguards that address development within a flood hazard area and/or Tsunami Inundation Zone will need to be identified. However, because the UGB expansion does not, in itself, allow for new development, Goal 7 does not apply at this time.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Area 1 is now and is expected to remain residential in nature, so compliance with this goal does not apply to Area 1. Area 2 is proposed for a plan designation of Private Open Space, which is applied to golf courses, a recreational facility, within the City under the new Florence Comp Plan. The proposed amendment is consistent with this goal.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon=s citizens.*

The amendments increase the commercial lands within the City since the Ocean Dunes Golf Links in Area 2 are an economic asset and benefit to the City. The removal of such property from a rural area is consistent with Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Area 1 will remain under a residential designation with this amendment, continuing to provide housing in the area and increasing the residential land supply within the UGB, although that increase is not the impetus for the amendments. The Public Reserve zone, applied to Area 2, also could allow dwellings as an approved use.

Goal 11 - Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

As discussed throughout these findings, the primary justification for the UGB expansion is to allow the City to provide municipal sewage treatment to those properties currently on septic

systems in Area 1, to provide for the looping of the municipal water system in both Area 1 and Area 2 and to address jurisdictional division of Munsel Lake Road. The property owner of Area 2 has also offered additional water rights, for the municipal water system.

Area 1 is currently provided water by the Heceta Water District, but does not have municipal sewer. Area 2 has private water and sewer systems serving the existing development on the golf course and associated residential lands.

*Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is not implicated by the amendments because the amendments providing for the UGB expansion do not significantly affect a transportation facility. They do not change the functional classification of an existing or planned transportation facility, change standards implementing a functional classification system, allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility, or reduce the performance standards of the facility below the minimum acceptable level.

Areas 1 and 2 currently take access directly or indirectly from Munsel Lake Road, and potentially North Fork Road, both County Roads functionally classified as Major Collectors. The portions of the County Road that will be located inside the Urban Growth Boundary (UGB) will be designated as "Urban" until annexed by the City. Outside the UGB County Roads are designated as "Rural". A facility permit is required for any development (including clearing, grading, or other work) within the right-of-way of a County Road (LC 15.205(1). Also, pursuant to LC 15.205(3) and (4), a facility permit is required for the following new development, whether or not a driveway exists on the lot or parcel to be developed, for:

- (a) a new structure on a vacant parcel;
- (b) a dwelling, except for replacement dwellings or temporary medical hardship dwellings; and
- (c) if specified as a condition of approval as part of a land use decision.

A Site Review (/SR) suffix will be added to the new zoning designation of Public Reserve and a Site Review permit will be required for any new or expanded development in Area 2. Upon adoption of the /SR suffix for Area 2, depending on future development proposed, the Site Review process and the criteria in LC 10.335-20 (as amended, effective 6-4-04) may require a traffic impact analysis pursuant to LC 15.697. Access management provisions in LC Chapter 15.130 through 15.139, and other transportation-related requirements may also apply.

*Goal 13 - Energy Conservation. To conserve energy.*

Energy consequences can be expected to be slightly positive. These lands are located in an area that allows the City to grow to the east rather than to the north, which is where much of the recent development has occurred. This will locate any new development closer to the center of

town, which should be a positive energy consequence (lower use of fuel for transit, lower costs for providing sewer and water (pumping), easier access and lower fuel consumption for police and emergency services, etc.). No negative energy consequences of adding these lands to the UGB have been identified above the normal consequences of their planned and designated use.

*Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.*

The establishment and change of urban growth boundaries shall be based upon consideration of the following 7 factors. Appropriate responses to these factors, taken as a whole, drive the need for the UGB to be expanded.

*1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.*

Florence has been one of the fastest growing cities on the coast for the past three decades. There is reason to believe that a relatively high rate of growth will continue through the planning period, though this growth rate is not expected to be as high as the 4.2% the City averaged for the period 1970-90. However, this amendment is not based on population growth rate requirements, as it appears that there is sufficient land within the current UGB to satisfy the community's needs for the planning period, which is projected to be 3.0% AAGR. Rather, this amendment is based on concerns for the environment and water quality (potential future septic tank failure) and interest in extending sewer lines to the affected areas, maintenance of roads (Munsel Lake Road), and protecting and enhancing livability and economic development opportunities (the golf course).

*2. Need for housing, employment opportunities, and livability.*

As stated above, this amendment is not based on needed housing or employment opportunities. However, the UGB expansion is essential to livability. The likelihood of future septic system failures in an area critical to the City's dunal aquifer threatens the safety of the areas residents. Unless Area 1 is added to the UGB, the City will be unable to provide public sewer service to the area. Area 2, a golf course property currently bisected by the UGB, is needed within the UGB to address a different livability issue. The City of Florence is currently operating a water system which is not 'looped,' but instead has a series of 'dead ends.' The lack of a looped system affects the reliability of the system for both domestic use as well as meeting fire flow requirements. Looped water systems allow water to be provided to the overall area in the event of a break in the line since the water can be routed in another direction. This redundancy also allows for consistent pressure to be maintained in the distribution lines.

*3. Orderly and economic provision for public facilities and services.*

The primary justification for expanding the UGB to include both Area 1 and Area 2 is for the orderly and economic provision for public sewer and water service, and for a more orderly jurisdictional responsibility regarding maintenance and repair of Munsel Lake Road. Including Area 2 in the UGB is essential for the easements necessary to loop the water system.

#### **Area 1 - Sewer**

This area contains 18 parcels. Ten of these parcels are developed with residences using septic systems for sewage disposal. Septic systems typically have a life span of 20-30 years before major repairs are needed. The most typical repair involves re-installation/replacement of the drain field. Septic drain fields are a series of pipes located underground where the water and waste material from household plumbing systems are settled out. The water portion of the discharge leaches into the ground. The waste solids decompose in the pipes. Over time these pipes plug up and thus need to be repaired and/or replaced.

Today, when parcels develop with septic systems, the parcels are required to be of an adequate size so that there is area for drain field replacement. Depending upon the soils and topography, this necessitates that parcels be at least one acre in size to allow for a replacement drain field. Ten of the lots are less than 20,000 square feet and may not have adequate area for replacement drain fields.

To date, none of the 18 parcels within the proposed area have documented septic failures. However, the potential for failure exists due to the age of the septic systems. Reported septic system failures have been documented in the area where similar conditions and parcel sizes exist.

In anticipation of the potential for addressing future problems and future needs within the existing urban growth boundary, the city of Florence expanded its sewer treatment facility capacity. With the recent expansion there is now adequate capacity to serve projected needs.

In summary, this proposed UGB amendment will allow this area to be sewerred when the existing septic systems experience failure. Due to the age of the existing systems and the small parcel size of the existing lots, the UGB amendment will allow the city to provide an environmentally responsible solution to potential problem and thus avoid future health risks due to failing septic systems. The city has expanded the capacity of the sewer treatment facility to ensure that there is the ability to provide treatment. This UGB amendment is a preventative measure, rather than waiting for a problem to develop.

#### **Area 1 – Water**

Area 1 is currently served with water from the Heceta Water District. Eventually, water service will need to be provided to other properties within the UGB that are south of Area 1. The most logical manner to provide service to this area is via Munsel Lake Road. This

allows for a loop system to be developed within the city's system but also recognizes that the existing 6" lines are too small to provide service to the larger area. While alternative routes can be drawn on paper, the natural rolling, hilly, dunal topography makes the Munsel Lake Road route the most logical and efficient route for serving the entire UGB area.

### **Area 2 - Water**

One of the reasons for desiring to include this area within the UGB expansion is predicated upon the desire to provide more reliable water service for existing city residents as well as serve the future land area. The existing system consists of a single 10" water main serving the eastern section of the city. The addition of the proposed area within the UGB will allow for the development of a looped system. This loop will provide more reliable service for those currently receiving water from the city and will also allow water to be extended to the area within the UGB area in the future. It should be noted that the Florence Water Facilities Plan did not propose this option although it is one of the most logical and direct routes to loop the system, when considering the natural topography of the area. The reason that it was not identified is because the Water Facilities Plan did not propose to install any improvements outside of the UGB.

The City is completing expansion of its water treatment plant for potable water. The expansion added 3 additional filters and 5 more dunal wells. This has added 1.4 million gallons per day and allows for an expanded capacity plant capacity of more than 3 million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1600 additional residential units, based on current Florence usage patterns. With the expanded capacity the city has the capacity to provide water to the expanded area.

### **Roads**

Munsel Lake Road is both a city street and a county road. This had led to confusion regarding maintenance and repair responsibilities. Additional confusion is also experienced by drivers of Munsel Lake Road as the speed limits for the roadway are very confusing due to different jurisdictions approach for regulating roadway speeds. One jurisdiction with responsibility for use and maintenance could resolve these issues.

### **Police**

As noted above, area 2 consists of an existing golf course. A portion of the existing golf course is already within the city limits. The owners of the golf course have had incidents in the past where they have needed police services. During these

*4. Maximum efficiency of land uses within and on the fringe of the existing urban area.*



The efficiency of the land uses on the fringe of the existing urban area is supported by this proposal. Urban development has already been established throughout Area 1 and the golf course on Area 2. An urban use that is sometimes permitted in rural areas already straddles the UGB.

*5. Environmental, energy, social and economic consequences (EESA).*

Environmental consequences are positive, as the amendment will allow these lands, which either have been or will be developed for residential uses, to be hooked-up to the City's sanitary sewer system. This will avoid potential groundwater pollution from septic tank discharge. As there is a groundwater recharge area for the City's well field and a sole-source aquifer, this action takes steps to protect the City's drinking water supply. No negative environmental consequences of adding these lands to the UGB have been identified above the normal consequences of their planned and designated use.

Energy consequences can be expected to be slightly positive. These lands are located in an area that allows the City to grow to the east rather than to the north, which is where much of the recent development has occurred. This will locate any new development closer to the center of town, which should be a positive energy consequence (lower use of fuel for transit, lower costs for providing sewer and water (pumping), easier access and lower fuel consumption for police and emergency services, etc.). No negative energy consequences of adding these lands to the UGB have been identified above the normal consequences of their planned and designated use.

Economic consequences will be positive because the golf course will be able to add more amenities and will be used more often by residents of the course. While the residential land needs analysis projects needed housing for residents it does not address the needs of a community that is dependent on tourism and recreational amenities. Second homes for vacationers and overnight accommodations are essential for the well-being of Florence's economy. This action will help provide opportunities for the City to meet these needs. This action will also improve the financial potential for the course and increase the likelihood of its being successful. Protecting the course is important to the community because as a vacation spot that is reliant on tourism the community must have activities that appeal to tourists, as does golf. A successful course increases business for restaurants, motels and other facilities in the area.

Social consequences will be positive. Protection of the environment will add to the protection of the investment of homeowners and the benefits of the golf course will enable the community to socialize and recreate at the course. By protecting the golf course the community will be improving its economy, which also provides social benefits through increased economic activity within the community.

*6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.*

There are no designated agricultural lands in the vicinity of Florence, so this factor does not apply to this proposal.

*7. Compatibility of the proposed urban uses with nearby agricultural activities.*

There are no designated agricultural lands in the vicinity of Florence, so this factor does not apply to this proposal.

The County adopts the above findings as consistent with the requirements of Goal 14. Further, the City adopts the following findings addressing Goal 2, Part II(c), as required by Goal 14.

*660-04-020(2)(a) Reasons justify why the state policy embodied in the applicable goals should not apply.*

The reasons for this action are addressed by the seven factors of Goal 14 (OAR 660-04-010), above.

The only land subject to this action planned or zoned for resource use is that portion of Area 2 that is zoned and designated as F-2, Impacted Forest. In fact, this area is dunal land that is developed with golf course fairways.

Much of Area 1 was developed as rural residential development 20 to 30 years ago. These developments are primarily located on small lots (less than one-half acre, which is small for rural development) using septic tanks and potable water from Heceta Water District. Such tanks typically have an expected life of 20 to 30 years. Some of the tanks can be expected to fail within the planning period. As the groundwater that could be affected by tank failure in Area 1 has been designated by EPA as a 'sole source aquifer,' the County is protecting its drinking water supply through this action.

The area cannot be served by City sewer until it is within the UGB. Therefore, the City proposes to include it in its UGB and plan for its eventual connection to the sanitary sewer system. Area 1 is served from a transportation standpoint by Munsel Lake Road, identified on the City's draft transportation system plan (TSP) as a minor arterial. Munsel Lake Road provides an alternative route between U.S. Highway 101 and State Highway 126, and bypasses the developed portion of town. This minor arterial is outside of the Florence UGB only at this location. Lane County is currently responsible for maintaining Munsel Lake Road and it has been proposed by the County for acceptance by the City of Florence. Having the entire length of Munsel Lake Road within the UGB will facilitate Florence's acceptance of this street into its transportation maintenance system in the future, and this will further implementation of TSP recommendations related to minor arterials.

Area 2, the Ocean Dunes Golf Course property, lies half in the City and half in the County; that half which is in the County is outside of the City's UGB. The objectives of economic

development also support the addition of the portion outside of the UGB to the UGB. Much of the economy of the Florence area is dependent on recreation and tourism, and the golf course is a substantial resource in that regard. It is time consuming and costly for the operators to have their property in two jurisdictions and subject to two sets of development and permitting regulatory bodies. Also, water service is an issue for the properties outside of the current UGB, as they are not served by the Heceta Water District. Though none are currently proposed, future housing and condominium units would stabilize the cash flow of the course, thereby positively affecting the economy of the area and offering important destination recreational activities to tourists.

*(b) Areas which do not require a new exception cannot reasonably accommodate the use.*

The concerns stated above are site specific and cannot be remedied except through including these specific areas in the UGB.

*(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.*

See (b), above. Locational maps identifying the sites are included in the City's application. The concerns stated above are site specific and cannot be remedied except through including them in the UGB.

*(B) To show why the particular site is justified it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use.*

*(i) Can the proposed use be reasonably accommodate on nonresource land that would not require an exception including increasing the density of uses on nonresource land? If not, why not?*

As stated above, the issues spurring this UGB amendment are site specific and cannot be accommodated on other sites within the UGB. In addition, the only resource land affected is impacted forest that is already developed with golf course fairways. While the City is working towards increasing the efficiency of land uses within the UGB by encouraging infill and increased density of residential uses these efforts will not resolve the problems of failing septic systems, water system inefficiencies, dual jurisdictional complications, or economic challenges for the golf course owners.

*(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?*

As discussed above, this UGB expansion does not affect uncommitted resource lands. All lands subject to this action are committed to nonresource uses, as is apparent from their zoning, approved uses and actual development.

*(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

The use can be accommodated within a UGB but not within the current UGB. The public facilities needed to address the City's concerns cannot be legally extended outside of the UGB.

*(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need address only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.*

The purposes of this action are to comply with prohibitions against providing City sewer service outside of a UGB and City waterlines outside the UGB and to address jurisdictional responsibilities for a road. The lands herein considered for addition to the UGB have site-specific concerns/issues attached to them that could not be addressed by inclusion of other lands.

*(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.*

As discussed above, the objective of this UGB amendment is not to allow a new use, as this criterion assumes. The record supports the conclusion that Area 1 will continue to be a residential neighborhood with rural characteristics and that Area 2 will continue to be in golf course use. Also as discussed above, no other area could be added to the UGB to meet the City's objectives. Nonetheless, an analysis of the listed consequence categories follows.

#### *Environmental Consequences*

The environmental consequences of adding the two subject areas to the UGB will, on a whole, be positive. The Munsel Lake addition may have the effect of protecting water quality of the lake and outlet stream, which are used by anadromous fish (steelhead, coho and chinook salmon, sea run cutthroat). Eventual elimination of septic tanks in that area is expected to eliminate potential

groundwater and surface water contamination from these sources. Since both of these areas are already largely developed and since this action will allow planning to proceed for sewerage the areas, the net results will be positive.

In some instances groundwater contamination can occur from fertilizer, herbicides and pesticides used in golf course grounds management. While the golf course is an existing facility and the situation could be seen as not being changed by this action, inclusion within the UGB will give the City the opportunity to review with the management of the golf course the use of fertilizers, pesticides and herbicide use by the grounds crew and identify opportunities to ensure that adequate groundwater protection practices are in place.

No sensitive species were identified in the review of data from ODFW. Because the areas are largely developed no changes in impacts to the environment are expected due to this action.

#### *Economic Consequences*

There are a few negative economic consequences foreseen by this action. Positive aspects include benefits to the golf course managers who will be dealing with one regulatory jurisdiction instead of the current dual jurisdictional situation. Providing easier permitting will help the golf course develop to serve the recreational and tourism golfers and is expected to make the golf course more successful in its endeavors.

As both of these areas are relatively close to the center of town, costs of providing City services will be minimized.

#### *Social Consequences*

The two areas that are subject to this UGB amendment are already largely developed, minimizing social impacts. The consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.

#### *Energy Consequences*

The two areas that are subject to this UGB amendment are already largely developed, minimizing energy impacts. They are also located close to the center of town. These two facts will minimize the energy costs of transportation for residents of the amendment areas.

Energy use for domestic purposes will not change because of this action except for areas that will develop in the future. New residential uses that will develop will be subject to UBC and utility requirements, which would be essentially the same whether developed under County or City regulations, as both have adopted the UBC and are served by the same utility company, which is Central Lincoln PUD.

*(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. @*

Both the residential uses on the Munsel Lake lands and the recreational and possible future residential uses on the golf course property are recognized by their current rural residential plan and zone designations. Residential uses, therefore, will not be incompatible with their existing nor their future residential development, nor will the golf course property's recreational uses be incompatible with any future residential uses that may be developed.

As is discussed throughout this document, the proposed UGB expansion is based on locational issues, not on the general need for additional land within the UGB. As such, it is not necessary to address the priority of lands set out in ORS 197.298. Even so, this UGB expansion is consistent with that statutory priority. Under that statute, first priority is assigned to land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan. The City of Florence does not have lands designated 'urban reserve.' The second priority under the statute is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Areas 1 and 2 are adjacent to the urban growth boundary. All of Area 1 and most of Area 2 is nonresource land. Those areas are designated for residential use. A portion of Area 2 is designated as Impacted Forest Land which is dunal in nature and on which a golf course has been developed. The expansion of the UGB to include these areas would be consistent with ORS 197.298.

*Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Goal 15 does not apply.

*Goal 16 - Estuarine Resources. To recognize and protect the unique ... values of each estuary and associated wetlands; and to... where appropriate develop, and where appropriate restore... values, diversity and benefits of Oregon's estuaries.*

This proposal to expand the UGB does not extend to the area of the City that has potential for impacting estuarine resources. Therefore, adoption of this amendment does not affect compliance with this goal.

*Goal 17 - Coastal Shorelands. To conserve...coastal shorelands,... manage resources in a compatible way with the characteristics of the adjacent coastal waters; ... protect and maintain water quality and water dependent uses,...and ... reduce hazards and adverse effect on Oregon's coastal shorelands.*

The two areas proposed for inclusion in the UGB are on the north and east edges of the City, away from Coastal Shorelands. Therefore, adoption of this amendment does not affect compliance with this goal.

*Goal 18 - Beaches and Dunes. To conserve, protect, where appropriate, develop, and where appropriate restore the resource and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

The two areas proposed for inclusion within the UGB are within the Beaches and Dunes combining district, which includes areas of old, stabilized dune formations. These two areas are currently developed. Future uses are expected to remain the same, and would require site analysis to determine effects.

*Goal 19 - Ocean Resources. To conserve the long-term values, benefits, and natural resources of the near shore ocean and the continental shelf. All . . . activities which affect the territorial sea shall be . . . managed . . . to enhance the long-term benefits derived from the near shore oceanic resources of Oregon.*

The UGB expansion does not have an affect on Ocean Resources. Therefore, the action does not affect compliance with this goal.

Attach. C  
AZC PA04-5216  
ORD No. PA1214  
Date 6-1-04  
Exhibit No. 1

5-28-04

In reference to your letter, received 5-27-04 file no PA 04-5216 , I am not an applicant as stated, to this proposal, and Roger McCorkle is not my agent , I have never spoken to this man, about any thing,  
In the year 2000 I sent the city a letter on the same subject, of not wanting to be annexed into the city, copy enclosed ,  
Roger McCorkle does not own my property and he does not pay my taxes ,or ins or up keep, therefore he does not have a say so about my property,  
I have talked to other people on this list , and they have not been contacted by Roger in any manner either, nor do they want to be annexed into the city either.  
I do not want anything changed about this neighborhood, leave it as is , county property,  
John R. Hans

*John R. Hans*

*Copy of letter to city on  
Back side of this sheet*

*Area I*

REC'D JUN 01 2004



Aug 2000

Comprehensive Plan for the City of Florence

As a property owner at 87244 Munsel Lake Rd. I am opposed to city the Extension Urban Growth Boundary, I DON'T want to be added to this , the city in my opinion cannot take care of the areas they have now, the Sewage problem is an on going thing, the Police can't take care of what they have to cover now,  
The added cost to me would not be in the best interest for what little I would get from being added to the city.

---

I would prefer the area to remain the same country setting that it is now. A country setting with minimal new residential development .

John R. Hans



PAZC 04-5216  
ORD No. PA1214  
Date 6-13-04  
Exhibit No. 2

ATTN: JANIE BARVES-WIEDERHOLD

541-682-3991

TESTIMONY FOR PLANNING  
COMMISSION HEARINGS  
TONIGHT

THANKS

DEBBY TODD

**Debby A. Todd**



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

June 15, 2004

Lane County Planning Commission                      via fax: 541-682-3991  
125 E. 8<sup>th</sup>  
Eugene, Oregon                      97401

**RE:    Public Hearing June 15, 2004  
       Florence UGB Expansion**

Commissioners:

I provided testimony during the UGB expansion hearings in Florence on many occasions. I submitted written testimony on:

- June 15, 2000    Florence Planning Commission
- August 30, 2000                      Florence City Council
- November 6, 2001                      Florence City Council
- March 18, 2003                      Florence Planning Commission and Lane County Planning Commission
- July 7, 2003                              Florence City Council

I request that this hearing be continued and re-convened in Florence for the following reasons:

1.     I did not receive notice of this hearing.
  
2.     This UGB expansion directly effects the residents of the Florence area, both within and outside city limits. A night-time hearing in Eugene requires a three-hour round trip for Florence residents, and places an undue burden on those who either do not have adequate transportation or cannot safely drive at night (as is the case for many of our seniors). The hearing on this matter should be held in a location that is convenient for those people who would be most effected.
  
3.     Maps and descriptions of this proposed expansion have been presented to the public in many, many different forms. Properties have been included, excluded, re-included, re-excluded so many times that many in Florence don't really know exactly which properties are proposed for expansion.
  - A.     The UGB Study was completed in 1997.
  - B.     The Comprehensive Plan, as it was presented to the public and adopted by the City

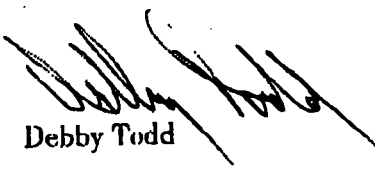
- Council in January 2002, contains a map (Land Use Map 2-1) which shows properties which are not in the present UGB expansion proposal (north of Munsel Lake Road and east of North Fork Road) as being included in the expansion.
- C. The Comprehensive Plan was amended by resolution of the City Council on August 4 2003.
  - D. The Comprehensive Plan was again amended by resolution of the City Council on August 5, 2003.
  - E. The City Council passed a resolution clarifying the 2003 amendment, in March 2004.

There may be other amendments or changes to the final plan of which I am not aware, as the files and records at the Florence Community Development Department have been in an unbelievably confused order for a number of years, and proper public notice and public participation requirements were often 'lost in the shuffle' during this entire process. The commendable efforts of the current staff to 'straighten out' this mess have greatly improved the situation, but these efforts cannot correct the accumulated problems of the past.

The Lane County Staff Report comments that there has been "ample opportunity" for public participation is misleading. True, there have been numerous public hearings. However, one complete, comprehensive, final Comprehensive Plan which includes the expansion of the UGB has never been provided to the Florence area residents. Evidence in the record clearly shows that the Comprehensive Plan was presented to the public in incomplete and piece-meal segments, often with missing or inaccurate data, reports, maps, etc., and with years between draft and final product.

As recently as January 2004, when there was a major turnover in the City's Community Development Department staff, the City did not have one complete version of the Comprehensive Plan which the public could review. Again, there have been many public meetings over the last few years, but there has been little opportunity for the public to review this proposed UGB expansion in the context of the entire Comprehensive Plan.

For these reasons, I request a continuance of this hearing and another hearing to be held by the Lane County Planning Commission here in Florence.



Debby Todd

# Citizens For Florence

Our Goal: To improve the livability of Florence through public education and community involvement.

PAZC 04-5216  
 ORD No. PA1214  
 Date 6-15-04  
 Exhibit No. 3

June 15, 2004

Fax to: (541) 682-3991

Lane County Planning Commission  
 125 E. 8<sup>th</sup>  
 Eugene, Oregon 97401

RE: Testimony - City of Florence UGB Expansion  
 Request Continuance of Hearing  
 Request Hearing be Held in Florence

## UGB Expansion Not Necessary for Work Task Completion

First and foremost, it must be recognized that this morass of comprehensive plan and zone changes has been precipitated by the City's unrelenting desire to expand the UGB. The Periodic Review requires a UGB Study, not expansion. The City and County could eliminate the expansion, accept the study, and the city could finally complete its periodic review.

## UGB Expansion Does Not Comply with Land Use Goals

The Lane County Staff Report dated June 15, 2004 is apparently based on an incomplete record, as it is in error in some significant respects. A review of the testimony submitted to the City of Florence demonstrates the following statements in the report are inaccurate:

1. "The two areas in this proposal were selected because of environmental concerns regarding groundwater and the potential for failing septic systems." (Page 2, Lane County Staff Report, 6/15/04) "Providing municipal sewer service ... that may experience septic system failure is critical ..." (Page 8, Lane County Staff Report, 6/15/04) "... improve public health by eliminating potentially contaminating on-site sewer systems." (Page 9, Lane County Staff Report, 6/15/04)

- Testimony provided shows there are no failing septic systems, nor potentially failing systems in the areas designated for the expansion. One parcel is a golf course, and contains no septic systems at all. Comments were made by City staff that Mr. Mower's testimony regarding the absence of failing septic systems only applied to the Hatch Tract. A careful reading of his testimony shows that comment to be incorrect. Mr. Mower's analysis which showed no failing, or even potentially failing septic systems, included the entire area.
- Testimony provided shows that the groundwater 'flow' in this area is southeasterly, away from the city's well field, and therefore groundwater contamination is of less concern here than in other areas. The city's future well field is to be located some distance away, northwest of these areas, and would not be affected by groundwater contamination in these areas. Inclusion of these properties inside the UGB will precipitate even denser development, (198 new houses) and increase the possibility of groundwater contamination by sources other than septic systems.

Zane Ziemer  
 President  
 Ali Shapiro  
 Secretary  
  
 Directors:  
 Nancy Archer  
 Jan Cole  
 Pip Cole  
 Craig Daniels  
 Ron Hogeland  
 Ali Shapiro  
 Howard  
 Shapiro  
 Nancy Sobotta  
 Debby Todd  
 Jenny Yellmy  
 Zane Ziemer

- Testimony and documentation in the record shows that these two areas were selected for reasons other than those stated in the staff report:

The problem the Planning Commission is now facing is a request to expand the UGB based on certain property owners' desires for more profitable development, not in the best interest of the residents of the City of Florence, and contrary to Oregon's Land Use Laws.

The city's original proposed expansion included land north of Munsel Lake Road, some east of North Fork Road, as well as the Hatch Tract, for exactly the same reasons presented in this expansion proposal. The Hatch Tract, as well as a number of other parcels whose owners objected, was later removed from the expansion. The logical conclusion would be that the City Council had determined that there were no failing septic systems which needed preventative measures, nor was it necessary to "loop" the city's water system through these areas.

Evidence in the record shows that the City Council was "persuaded" to remove the property north of Munsel Lake Road after the Gun Club submitted testimony opposing inclusion because of a "high potential for conflicts". The Hatch tract was removed from consideration because the Tribes "are no longer requesting city services for the development of the Hatch Tract.". Other properties east of the North Fork Road were removed because property owners objected. This 'pick and choose' application of land use regulations is contrary to Oregon Land Use Law.

- Evidence for one other reason for this expansion is also included in the record. The UGB Study states:

"Extension of water or sewer lines outside a UGB requires an exceptions process before the Lane County Local Government Boundary Commission. It is more efficient to include those lands within the UGB, and avoid additional hearings on extension of those water lines to provide a needed service." (UGB Study dated 6/30/03, page 12)

The City had already, possibly illegally, extended water and sewer lines across the golf course parcel (outside the UGB) in order to literally and figuratively "cut corners" on the expense of laying pipe. (See untitled map in UGB Study dated 6/30/03; Exhibits J and K in UGB Study dated 5/13/03; City of Florence Water Facilities Plan, Figure 4-3, showing existing city water and sewer lines running from Coastal Highlands area, across golf course property which is outside UGB, and into golf course housing development.) Rather than admit the error and go through the required "exceptions" process, the staff manufactured these non-existent "needs" and tried to slip in the UGB expansion at the last moment during the public hearing process. That effort failed, as the Lane County Planning Commissioners saw for themselves during the joint hearing that was held here in Florence. Nonetheless, City staff continued the charade, telling city Planning Commissioners and City Councilors that it was not necessary to show "need" as defined in the Land Use Goals. The City relied on those representations, and that is why we are here today. It should be noted that the current City staff was not involved in this process, nor the decision to push the UGB expansion.

2. "The city has the capability and desire to provide essential urban services for sewer treatment and municipal water..." (Page 2, Lane County Staff Report, 6/15/04)

- Testimony provided shows that the city does not have the capability to provide municipal water to these properties. According to a Florence staff report to the Planning Commission, a total of 198 new housing units will be possible if these properties are re-zoned. *(City staff memo to Planning Commission 5/15/03)* Each year, the city must purchase surplus water from Heceta Water District. The Water District is severely restricted in its ability to provide that surplus water. The City's Water Facilities Plan states that the next "step up" in water production will require a \$12 million expenditure for a treatment plant, the funding of which has not yet been addressed by the city. The city currently does not have the ability to provide water to these parcels.
3. "Area 2 ...An unimproved Road, Martin Street, runs north-south on the western edge of this property."  
"Access: undeveloped Martin St. on the west boundary of TL #900." (Page 3)  
"The primary justification ... to provide for looping the municipal water system in both Area 1 and Area 2."  
*(Page 6, Lane County Staff Report, 6/15/04)*
- The UGB Study stated that "The City's need to create a looped utility system can be met ... through the use of easements and the Martin Street right-of-way located west of the Hatch Tract." *(UGB Study, Page 7)* The County Staff Report indicated they had not had opportunity to review the Water Facilities Plan. We have. The City's Water Facilities Plan does **not** include any plans for "looping" of the water system in this area.
  - Since the UGB Study was conducted, questions have arisen about errors in the original platting of the city, combined with subsequent surveys, which has rendered the very existence of Martin Road questionable. Until this ambiguity is settled, it should not be assumed that "Martin Road" is available for any municipal purpose, either for access to the properties or "looping" utility systems. If Martin Street no longer "exists", looping of the water system via Martin Road is not a viable option, and therefore expansion of the UGB is not required to meet this perceived "need."
4. "Completion of the UGB expansion is the one remaining task to complete under the DLCD approved work plan." *(Page 4, Lane County Staff Report, 6/15/04)* "Adoption of the amendment to expand the UGB ... is the one remaining task to complete." *(Page 9, Lane County Staff Report, 6/15/04)*
- The Work Task consists of adoption of the **UGB Study and Map**, not the expansion.
5. "There are no agricultural lands in the vicinity of Florence..." *(Page 4, Lane County Staff Report, 6/15/04)*
- The City's staff report stated there were no "commercial" agricultural lands in the area. However, there are agricultural uses in the immediate vicinity of this proposed expansion, and there is testimony on the record that lands on the east side of North Fork Road are zoned Agricultural.
6. "These two areas are currently developed. Future uses are expected to remain the same ..." *(Page 8, Lane County Staff Report, 6/15/04)*
- Many of the individual parcels in the two areas under discussion are **not** developed, and future uses include the development of a total of 198 more homes.

**Private agreements between government staff members are not proper basis for zone changes.**

The staff report states: "...Private Open Space" and the County has agreed to use that future plan designation at this time contingent on the affected property owners approval ..." (Page 1, Lane County Staff Report, 6/15/04) "... the need for further definition ... and zoning criteria ... yet-to-be-adopted Comprehensive Plan." (Page 5, Lane County Staff Report, 6/15/04)

- The zoning criteria for "Private Open Space" does not exist in the Florence Comprehensive Plan.
- It is inappropriate, and possibly illegal, for the County staff to privately make agreements with City staff on matters which are yet to be decided by either the Planning Commission, County Commissioners, or DLCD.
- It is inappropriate, and possibly illegal, for the County staff to privately make agreements with City staff about "future plan designation" which would be "contingent on the affected property owners approval ..."

**The UGB expansion does not comply with the City of Florence Comprehensive Plan 2020**

The City's 2020 Comprehensive Plan, now adopted by the city and approved by DLCD, does not include any provisions for the UGB expansion for the primary purpose of facilitating development. This expansion does not comply with the following sections of the Florence Comprehensive Plan:

Goal 1: Citizen Involvement - not all those who testified during Florence Planning Commission and City Council Hearings received notice of this hearing.

Goal 6. Air, Water and Land Resources Quality - there has been no analysis of the impact of inclusion of the lands as it relates to increased pollution of air, water and land - from increases in housing density, traffic, non-point source pollution, storm-water runoff, etc., which is inherent in any change of land use zoning from a rural nature to one which is expected to allow urban uses. Documents in the record indicate that under the proposed zoning, the golf course property will be allowed to develop 97 more housing units and the Munsel Lake area would be able to develop 101 more housing units. The addition of 198 more housing units will have an effect on these resources, and must be addressed.

Goal 7. Areas Subject to Natural Disasters and Hazards - there has been no analysis of the impact of inclusion of the lands as it relates to the city's ability to respond to natural disasters and hazards such as Tsunami's or seasonal flooding. Portions of the golf course property lie within the Tsunami Inundation Zone as identified by the City of Florence. Absent access via Martin Road (which likely does not actually exist), 97 new homes to be built on the golf course property could be limited to only one avenue of escape (North Fork Road which lies fully within the inundation zone) from the effects of a Tsunami on the North Fork of the Siuslaw River.

Goal 9. Economic Development - there has been no analysis of the impact of the inclusion of the lands on the community's economy, including the increased competition with local businesses which will be brought about by the adjacent casino. In addition, any adjoining parcels of land which are subsequently purchased by the Tribe which owns the Hatch Tract will become tribal land, and will be potentially changed to heavy commercial use as well. The development of a commercial area, a "Florence East" if you will, on the existing economy and businesses in Florence has not been considered.



**Goal 11. Public Facilities and Services** - there has been no analysis of the impact the inclusion of the lands will have on the city's water supply and Water Facilities Plan. The Water Facilities Plan, an integral part of the comprehensive plan, does not include any provision for "looping" the water system in this area, nor does it address the demand that would be placed on the City's supply by the addition of an estimated 198 more dwelling units as planned in this UGB expansion. Additionally, Heceta Water District already serves the Munsel Lake area, and is better equipped to continue providing water service than is the City.

**Goal 12. Transportation** - there has been no analysis of the impact the inclusion of the lands will have on the city's Transportation Systems Plan, which does not include this UGB expansion. The references to Martin Street on the west side of one parcel must be clarified, as there is considerable debate over whether that street actually exists. Any changes to the TSP (such as addition of a Site Review suffix) will require further public hearings in Florence. Until those hearings are held, and the TSP is updated, it is not possible for Lane County staff to voice a determination that this UGB expansion complies with Goal 12.

**Goal 13. Energy Conservation** - there has been no analysis of the impact the inclusion of the lands will have on the city's plans for energy conservation, particularly as it relates to increased auto travel and overloading of city water and sewer systems, and the resultant costs to increase those services and systems to an acceptable level of production.

**Goal 16 - Estuarine Resources** - there has been no analysis of the impact the inclusion of the lands, and 198 more homes, will have on the Siuslaw River or the nearby (and downstream) estuary, tidal marsh lands, and on-site wetlands. Munsel Creek runs through one of these properties, and the map included in the Florence Comprehensive Plan (Land Use Map 2-1) shows there are wetlands on the golf course property - which contribute to re-charge of Munsel Creek. The Oregon Water Resources Department has placed restrictions on the City's wells in the area because of concern for over-pumping of groundwater which flows into Munsel Creek. Munsel Creek empties into the Siuslaw River estuary, and contributes to cooling of this temperature-limited River. Whatever goes into Munsel Creek ends up in the Siuslaw River estuary - whether it be more nonpoint-source contamination or less cooling water flow caused by development.

#### **Testimony on the Record:**

Citizens For Florence submitted testimony to the Florence Planning Commission and Florence City Council regarding the proposed expansion of the Urban Growth Boundary on:

2000, Jun 01	Florence Planning Commission (4 pages + 7 pages)
2000, Jun 01	Florence Planning Commission (5 pages)
2000, Jun 06	Florence Planning Commission (3 pages)
2000, Jun 08	Florence Planning Commission (5 pages + 1 page)
2000, Jun 15	Florence Planning Commission - Comprehensive Plan (2 pages)
2000, Jun 15	Florence Planning Commission - Comments (2 pages + 7 pages)
2000, Jun 19	Florence Planning Commission (41 pages)
2000, July 31	City of Florence (2 pages)
2000, Aug 03	Florence City Council (2 pages)
2000, Aug 30	Florence City Council (9 pages + 34 pages)
2001, Nov 06	Florence City Council (notebook)
2002, Jan 28	DLCD - Objections (copy to City of Florence)
2003, May 13	Florence City Council (4 pages)
2003, May 21	Florence Planning Commission (8 pages)

2003, May 27 Florence Planning Commission (2 pages)

As each of those documents is part of the "record", we would request that Lane County ensure that each of those documents is included in the "record" for this proceeding, and is available for review by the Planning Commissioners. If those documents have not been provided to Lane County, we hereby include each of those documents, by reference, into our testimony today.

We believe testimony provided to the City by the following people is also part of the "record" and should be included in the County's review of this proposal:

2000, Jun 27	Planning Department Director from Celia Barry, Lane County Assoc. Planner. (2 page)
2001, Oct 31	DLCD letter to Florence Community Development (letter from Dave Perry)
2002, Feb 06	Mower letter to DLCD, copy to Florence Community Development (9 pages)
2003, Mar 19	Bill Sage, Lane County staff, memo to Lane County Planning Commission
2003, Apr 16	Florence Community Development (letter re: remove Severy property, from David Clark)
2003, Apr 17	1000 Friends testimony to Florence Planning Commission (3 page)
2003, May 15	Staff memo to Florence Planning Commission re: information requested re: water usage

The City has undergone staffing changes that may have caused some this relevant testimony and documentation to be misplaced. If so, please notify us immediately and we will supplement our testimony to include any of those documents listed above which the City could not locate.

### **Request Record be Held Open**

We request record be held open to ensure that all of the testimony we have provided to the City of Florence is available to the Planning Commission. If those documents are not available, we will need at least one week after notification from County staff as to the documents which are missing, in order to copy and deliver them to the Planning Commission.

### **Request Continuance of Hearing in Florence**

We also request a continuance of this hearing so that the second "half" can be conducted here in Florence. The effects of this UGB expansion will have long range consequences to those of us living inside the city limits, as well as those living in the county because North Fork road serves as the only viable ingress/egress for many residents of Lane County. A great number of planning related issues have arisen since the City originally began this process in 1995. This expansion has been the source of a considerable amount of controversy in our area, and the residents of the Florence area deserve the opportunity to comment directly to the county on decisions that will have such a far reaching effect on their lives.

Zane Ziemer  
President

c: City of Floreccc



534 SW Third Avenue Suite 300 • Portland, OR 97204 • (503) 491-1000 • fax (503) 223-0073 • www.friends.org  
 Southern Oregon Office • 33 North Central Avenue, Rm. 429 • Medford, OR 97501 • (541) 245-4535 • fax (541) 776-0443  
 Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596

Attachment C

PAZC 04-5216  
 ORD \_\_\_\_\_  
 Date 6-15-04  
 Exhibit No. 4

June 15, 2004

TO: Lane County Planning Commission  
 FROM: Lauri Segel  
 SUBJECT: PA 04-5216, City of Florence Request for UGB Expansion

Commissioners:

After having reviewed the staff report in this matter, I have the following comments.

**Improper Notice:**

First, the proposal and mailed notice, are in error. There is no plan designation of "Rural Residential", "Medium Density Residential", or "Impacted Forest Land", in either the Rural Comprehensive Plan or the City of Florence Comprehensive Plan. The correct designations are "Rural Land", "Residential", and "Forest Land", respectively.

Likewise the zone ordinance listed in the notice and the report proposal are in error. The RR-5/RCP land is subject to LC 16.290, not LC 16.231 as listed. In addition, the staff's proposal leaves the impression that the Beaches and Dunes Combining zone is being initiated, rather than simply changed over from a Lane Code Chapter 16 to a Chapter 10 designation. Other zones, such as the Residential Shorelands Development zone, and the Floodhazard zone, both of which apply to some of the properties in Area 1, have been ignored altogether. The prime standards found in LC 12.050 are not mentioned in the notice.

Finally, neither the report proposal or legal notice contain any mention of the Site Review suffix proposed under Goal 12, on page 6 of the staff report.

All of the above errors and omissions constitute improper legal notice of this proposal. When the essential elements described below have been resolved, please instruct your staff to issue a proper renounce and to hold a hearing in Florence so that citizens can have a fair opportunity to understand and participate in this process, as required by Goal 1.

**Incomplete Record:**

The County's file of this Record appears to be incomplete. Having followed the City's proceedings on this UGB expansion request for almost 2 years, I have copies of documents submitted by both City staff and the Lane County sanitarian that contain

relevant information that has not been considered in the staff report. I have attached a May 15, 2003 letter from the Florence Planning Director to the Florence Planning Commission and a February 6, 2002 letter from Mr. Bruce Mower with attachments as examples of relevant Record information currently excluded from staff's file Record.

The record also is lacking a draft comprehensive plan map of the proposed Florence ugb expansion with indication of appropriate plan designations. Please instruct your staff to obtain and consider the full Record from the City of Florence prior to submitting findings for your review.

**Premature Proposal:**

Area 2 is proposed to be placed into a plan designation of "Private Open Space". However, the record shows that on April 20, 2004 the City contacted Lane County staff regarding 'amending' their proposal to designate Area 2 as Residential. No Lane County staff response is in the record to indicate how the County addressed, or plans to address, this requested amendment.

At this time, the Private Open Space (POS) plan designation is NOT defined in the Florence Comprehensive Plan. The LMD staff report (page 1) states that the plan designation "...is not fully articulated in the new Plan", and that the city has not yet developed the allowable uses for that designation. Staff also states in an undated email to city staff (probably sent in April 2004) that it is "pretty important" for the POS zone to be "fully adopted" in the City's comprehensive plan. If the plan designation has not yet been defined or adopted, this proposal is premature. The City will need to propose a post acknowledged plan amendment, which will need to be noticed and subject to at least 2 evidentiary hearings at the local level. It is too soon to evaluate whether the proposed zone is compatible with the plan designation, when the latter is not defined or even in the Comprehensive Plan. Staff's suggestion that the County and City have agreed to use a future plan designation at this time (page 1/Lane County staff report) "contingent on affected property owners approval" is out of line and inappropriate. The city must first adopt a complete plan designation, including the requisite open public process, before bringing this application before the commission.

**Goal 2:**

The staff response to Goal 2 (page 4) is inadequate. Goal 14 clearly directs the applicant back to Goal 2: "In the case of a change of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions". The exception provision in Goal 2 requires the applicant to "pencil out", without taking an actual exception, why the applicable Goals do not apply to Area 1 or 2. This has not been done for the F-2 land involved in this proposal.

**Goal 4:**

As mentioned above, the "Private Open Space" plan designation has not been fully articulated, therefore it is impossible to state that forestlands are accommodated under this designation.

**Goal 5:**

As stated above, the text of the “Private Open Space” plan designation has not yet been adopted. County staff states: “City staff recognizes the need for further definition of appropriate uses and zoning criteria under this category in the text of the yet-to-be adopted Comprehensive Plan. Completion of the text development will provide compliance with this goal”. A basic principle of planning is that one cannot make a finding of fact by deferring to some future possible action.

**Goal 6:**

If this UGB expansion “...does not have an affect [sic] on the quality of ....water... resources” (page 5), then the claimed “need” to expand in order to preserve/protect groundwater resources and Munsel Lake is disingenuous.

**Goal 7:**

Portions of Area 1 are within the 100-year floodhazard area. This hazard is unaccounted for in staff findings.

**Goals 9 & 10:**

The staff responses (page 5) betrays one of the true motives for the proposed UGB expansion; to allow the golf course owner to develop a subdivision of houses for golfers after annexation. However, and very importantly, no need for additional housing has been substantiated under Goal 14.

**Goal 11:** County staff states (page 6): “DLCD has approved the city’s periodic work task #2, an update to the Public Facilities Plan which should document the plans for looping the water system and provision of sewer service to both area 1 and 2. As of this morning, nothing in the record indicated that this document has been reviewed by county staff. If staff has not reviewed and included this document into the record, no finding of compliance with this public facilities goal can be made.

**Goal 12:**

OAR 660-012-0060, the Transportation Rule, requires a finding of “no significant affect” to the Transportation Plan. A traffic impact analysis has not been provided for the record. Compliance with the Rule cannot be deferred through staff suggested Site Review suffix. Goal 12 must be addressed in this current proposal, not deferred to a non-plan amendment procedure. In addition, county staff mentions (page 7) that the city has not yet responded to the Site Review idea, and that a “(F)inal determination of compliance with Goal 12 will be made after the city has an opportunity to review and respond to this request”. Once again, county staff is deferring a response to a Goal, rather than fully addressing compliance at this time.

**Goal 14:**

County staff (page 7) states that there is no need for additional housing for the city, and there is no mention of the need to expand due to population growth. These responses, and both the August 2003 Buildable Lands Analysis and June 2003 Urban Growth Study

Report demonstrate there is no need for additional lands outside the ugb to accommodate future population growth within the planning horizon of the comprehensive plan. The first two factors of Goal 14 have not been met, and the findings responding to factors #3 & #4 are simply assertions without supporting fact.

**Goal 18:**

Staff states (page 8) that “(F)uture uses are expected to remain the same, and would require site analysis to determine effects”. Yet, throughout the Record, City staff make it clear that uses are not to remain the same, that in fact housing development is the desire of the City and the owner of the golf course. One should wonder why, if future uses are to remain the same as current uses, a site analysis is needed.

**Lane Code 12.050:**

Staff states (page 8) that “(P)roviding municipal sewer service to properties that may experience septic system failure is critical to ensure these on-site systems do not contaminate the groundwater” (emphasis added). “May experience” is not a substantive finding. No factual evidence of septic failure in the Areas has been documented.

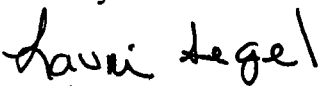
Staff also states in siting Lane Code 12.050 that “the circumstances surrounding the municipal water supply to the City of Florence have changed by the identification of the North Florence Dunal Aquifer as a Sole Source Aquifer for the city’s water supply by the EPA of the federal government.” However, this is not a new circumstance, as the study sited was adopted in 1986 or 1987, and did not site Area 1 or Area 2 as problem areas.

This document has not been added to the record.

**Coadoption:**

The City’s Ordinance No 15, Series 2003, simply ordains that the areas be included in the UGB. This ordinance bears little resemblance to the proposal before Lane County. No mention of a change to a specific plan or zone designations is made, comparative to the designations suggested by county staff. The Florence ordinance must reflect the pending county ordinance. The Planning commission should either recommend denial of PA 04-5216 based on unsubstantiated findings, and/or reject the proposal outright as undeveloped and premature, “remanding” it back to the city for their diligent attention.

Thank you.



Lauri Segel

**Attachments:**

- 1) May 15, 2003 one page memo from Sandi Young to the Florence Planning Commission
- 2) February 6, 2002 letter from Bruce Mower with five exhibits

May 15, 2003

MEMO:

To: Planning Commission

From: Sandi Young, CDD

Re: Information requested by Commissioners on 5/13/02

Acreage of parcels to be included in the UGB and estimated water usage:

Area 1: About 21 acres of vacant or redevelopable land. (956,548 sq. ft.)

Comp. Plan designation: medium density residential

Implementing zone: Single Family Residential, 6500 square foot minimum lot area

Less: 20% for streets and utilities (191,310 sq. ft.)

25 feet from the centerline of the creek x the length of the creek (104,728 sq. ft.)

Net estimated dwelling units: 101 (if developed as one combined parcel. Less if each parcel is developed individually)

Estimated population at average household size:  $2.02 \times 101 = 204$

Estimated water usage @ 188 gallons per capita per day: 38,356 gpd

Area 2: Approximately 27 acres of vacant land (1,167,408 square feet)

Comp Plan Designation: Private Open Space. Existing Munsel Lake Road housing, golf course housing and Rhodoview Dunes PUD are zoned Restricted Residential, 9000 square foot minimum lot area.

Less: 20% for streets and utilities: (233,482)

6% wetlands: (56,036)

Net estimated dwelling units: 97

Estimated population at average household size:  $2.02 \times 97 = 196$

Estimated water usage @ 188 gallons per capita per day: 36,484 gpd

Note: These calculations are based on estimated acreage. Mr. Robinson did not return calls.

Estimated cost of looped water line at \$60/linear foot - \$520,560

TSP/18<sup>th</sup> Street:

The adopted TSP (January 2002) does not speak specifically to the extension of 18<sup>th</sup> Street, or any other street. Rather, it states, on page 140, under "Other Local Street Improvements"

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

---

February 6, 2002

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

RE: Florence City Comprehensive Plan Review

Dear Mr. Hinman,

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

#### **LACK OF CITIZEN INVOLVEMENT**

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



## LACK OF JUSTIFICATION

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

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

## LACK OF ORDER EXPANSION OF SERVICES

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

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

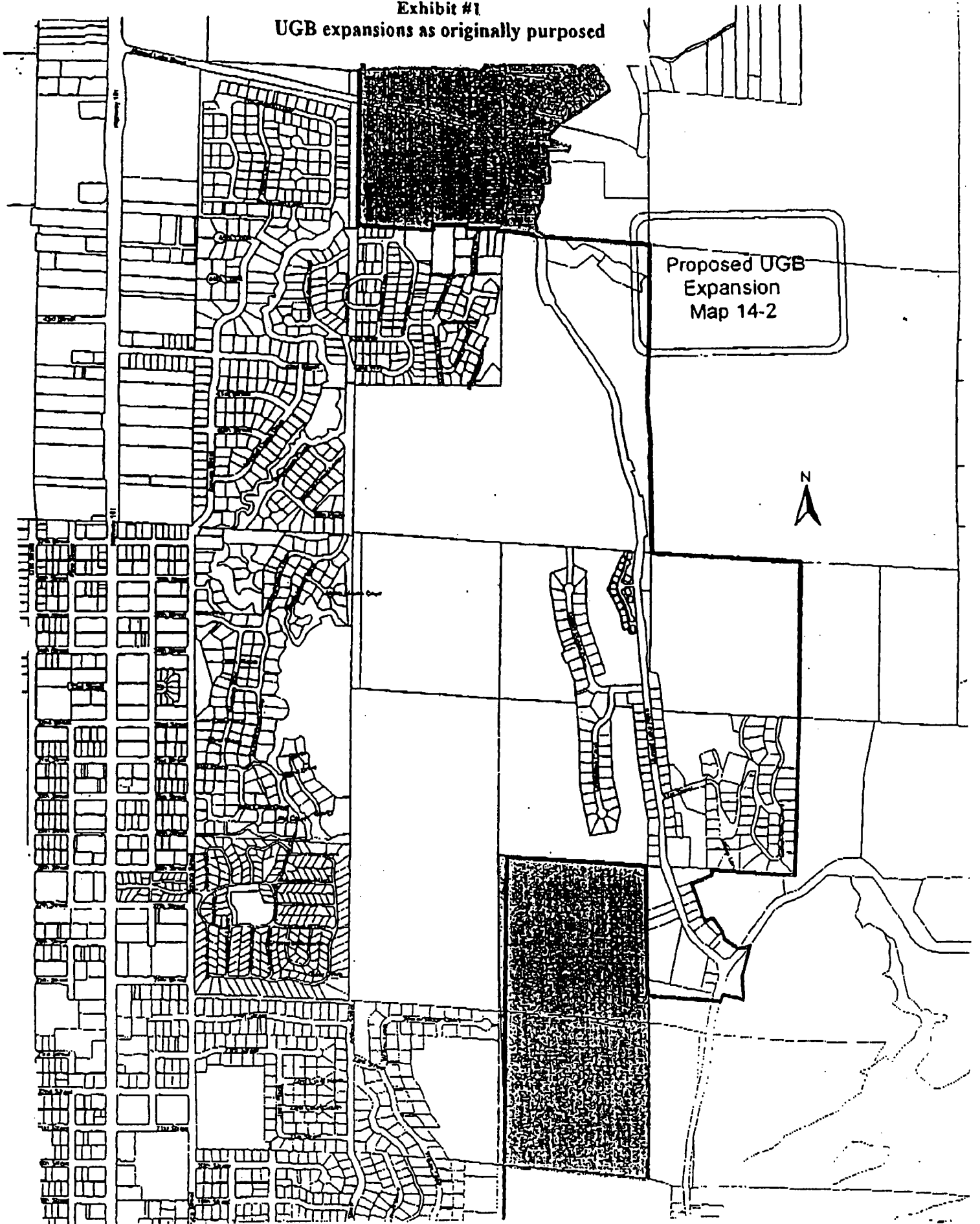
Sincerely,



Bruce Mower

cc: Florence Community Development Dept.

**Exhibit #1**  
**UGB expansions as originally purposed**



## Exhibit #2 *Urban Growth Boundary Study & Report*

### *Industrial Land Needs*

Industrial land needs are difficult to evaluate. Previous comprehensive plans for the city have avoided estimating this need because there was so little activity as to make such estimates unreliable. We do know that there are 187 acres of undeveloped industrial land in existing industrial parks and other privately-owned industrial land. The city's rate of industrial land usage, as pointed out in Issue Paper #1, attached, since 1988 has been very low. Staff believe that this inventory will accommodate needs for the planning period and plans to redesignate 40 of those 187 acres for residential use.

*D. analyze the City's ability to service new areas (water, sewer, drainage and transportation); coordinate with Task 2, below*

**Note:** Although residential demand does not require amendment of the UGB the city is proposing two areas for inclusion within the UGB, as discussed below and in Section I, following.

The Munsel Lake Road area is currently within the Heceta Water District's service area. As such, public water service is currently provided to all existing lots by the district. According to Ken Lanfear, City of Florence Public Works Director, this area would be sewerred from a proposed force main to be located parallel to Munsel Lake Road. This force main would lead to its connection with the future north Florence interceptor at the intersection of Munsel Lake Road and Highway 101 to the west. Undeveloped property located south of this location (TL 2201, Map 18-12-14) is already within the UGB, and lies in two different sewersheds. Development of the northern half of this tract would most likely require this sanitary sewer force main anyway, and such a force main is feasible. According to Lanfear, a sewer assessment district would be formed to pay for the force main and collector system.

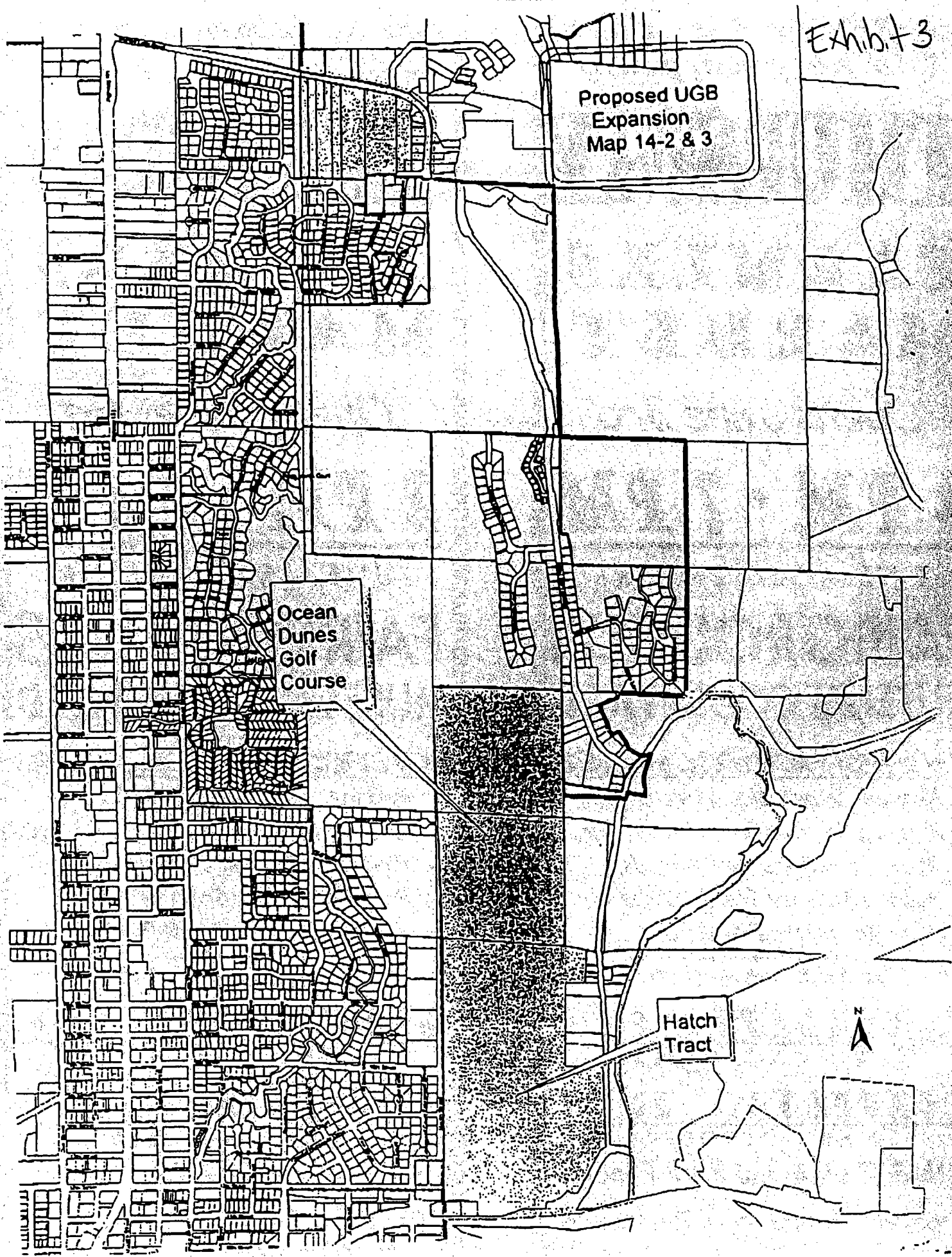
The Ocean Dunes Golf Course area south of the portion that is within the city is not within the Heceta Water District. Water and sewer would be the city's responsibility, and, according to Lanfear, extensions to serve this new area are feasible. A sewer pump station would be required to send the sewage west to tie into the transmission main along Highway 101. All costs for water and sewer, including the pump station, would be borne by the future developers of this area.

The city is currently under contract with a consultant (Brown and Caldwell) who will be reporting on capacity and system planning issues. The above information will be forwarded to them for inclusion in the study.

*E. in consultation with DSL and ODFW, inventory lands outside of the current UGB for urban use suitability, including identification of Goal 5 and coastal resources*

In 1996, a local wetland inventory (LWI) was conducted for the Florence area and the LWI was approved by DSL. This information was used to calculate the amount of land in the existing UGB available for residential, commercial and industrial needs. Maps showing wetland areas are attached in the appendix. The total acreage of wetlands was subtracted from the gross inventory acreage in an effort to be conservative in estimating how much land would be needed for the planning period. However, it is not a certainty that the city will choose to protect all wetlands in the UGB, given that the "safe harbor" provisions (where all wetlands, regardless of their resource value, are protected) are an option and not a requirement in Goal 5 areas.

Exhibit 3

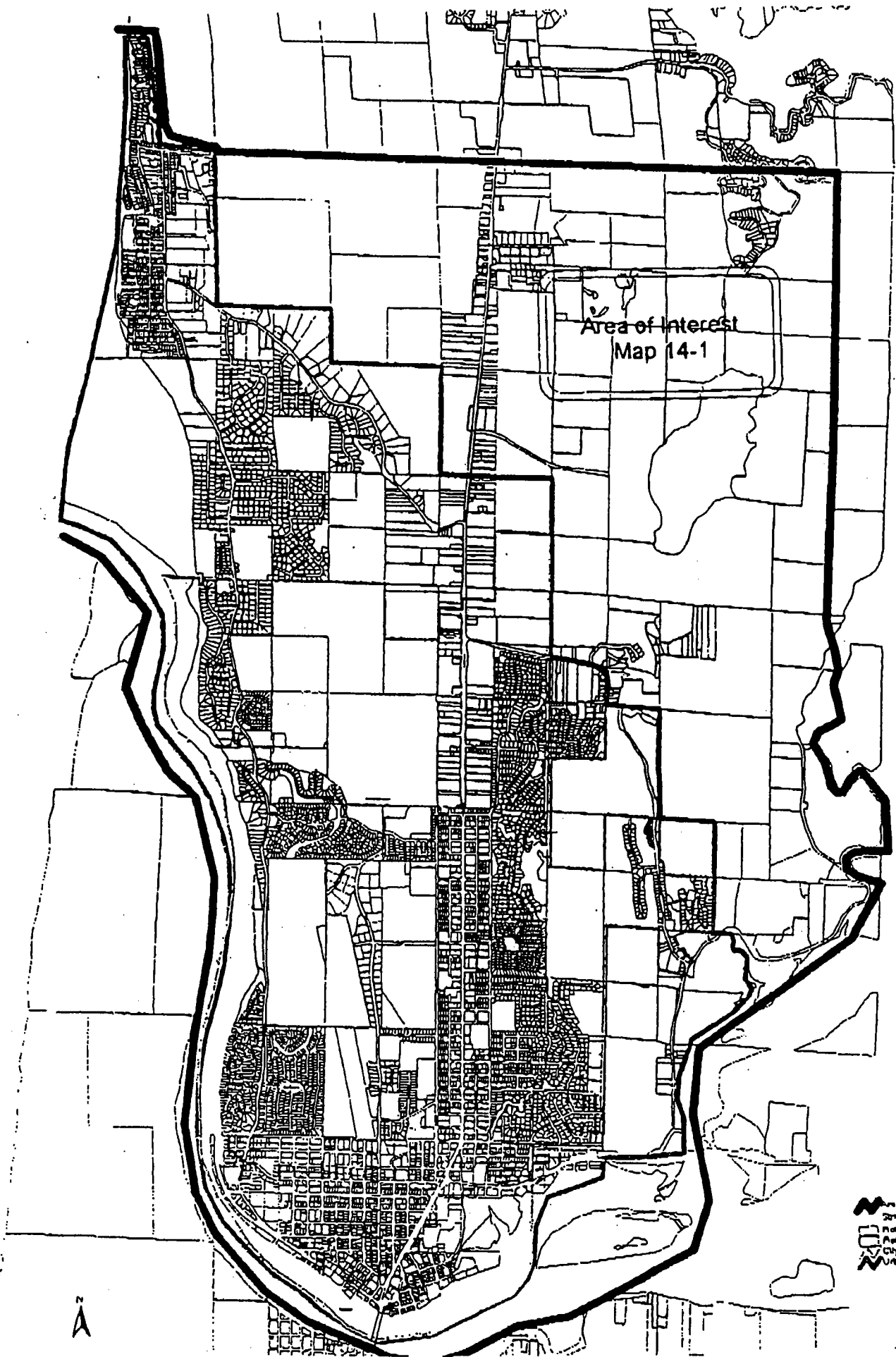


Proposed UGB  
Expansion  
Map 14-2 & 3

Ocean  
Dunes  
Golf  
Course

Hatch  
Tract

N

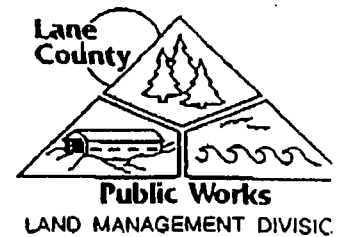


Area of Interest  
Map 14-1

- Area of Interest
- Streets
- Roads
- Rivers
- City Limits
- Urban Growth Boundary



Exhibit #4  
Lane County Letter to Florence City



July 27, 2000

Sandi Young, Community Development Director  
City of Florence  
P.O. Box 340  
Florence, OR 97439

RE: Realization 2020 Comprehensive Plan Draft

Thank you for the opportunity to comment on the City's Comprehensive Plan draft. It is plain that the city has invested a good deal of effort and thought in the draft.

The comments below are general in nature. It is anticipated that revisions to the draft will result from the City of Florence public hearing process, and as appropriate, specific suggestions and/or concerns will be offered once the City is ready to present the draft to the county for adoption.

Please note that the County Land Management Division did not review the Transportation System Plan. This portion of the draft will be reviewed and forwarded by the county's Public Works Transportation Planning Section. Please contact Tom Stinchfield with any concerns, comments, or questions, at 541/682-6930.

1. As we discussed 7/26/00 on the telephone, some of the policies indicate applicability of Florence development standards outside the city limits, inside the urban growth boundary. In particular, this is true for policies relating to Riparian Areas and Beaches and Dunes areas. Please clarify that development standards apply only inside the city limits or to lands only upon annexation.
2. It does not appear that the proposed urban growth boundary expansions in the areas of Munsel Lake Road and the Ocean Dunes Golf Links golf course have been adequately justified by findings pursuant to the procedures established by Oregon Administrative Rules (OAR) 660-004-0010(1)(c)(B). This is not meant to indicate opposition to (nor support for) the proposed expansion; rather a need for adequate findings. At this time the County has no position on the proposed expansion.
3. It is questionable whether the extensions of a sewer line through lands outside the UGB to serve lands inside the UGB would be in conflict with state land use goals; see OAR 660-011-0060 (3). However, this seems to be a significant justification for part of the proposed UGB expansion.
4. Concerns voiced by DLCD and ODOT in their letter to you dated April 7, 2000 regarding new commercial and industrial plan designations and consistency with the Transportation Planning Rule, appear to also have merit. However, the County Land Management Division takes no position at this time on these issues. It is hoped that resolution will be forthcoming as the City of Florence continues through its process in updating the draft Plan.

**Exhibit #5  
Sewage System Failure on North Fork Road**

**TAX MAP 18-12-24**

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

**TAX MAP 18-12-24.32**

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

**TAX MAP 18-12-26**

<b>TAX LOT NUMBER</b>	<b>DWELLING BUILT</b>	<b>SEPTIC REPAIRED</b>
100	REMOVED	-
100	REMOVED	-

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

**Exhibit #5  
Sewage System Failure on North Fork Road**

**TAX MAP 18-12-25**

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

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



Attachment

PAZC PA 04-5216  
ORD No. PA1214  
Date 6-21-04  
Exhibit No. 5

June 16, 2004

Reference: PA 04-5216

Stephanie Schulz/pPlanner  
Land Management Division  
125 East 8th Avenue  
Eugene, Oregon 97401

Attention: Stephanie Schulz/Planner

Dear Ms. Schulz:

SUBJECT: LAND USE CHANGE IN MY AREA

My name is Mark Ory and I am one of the owners of property under consideration to be annexed to the city of Florence, due to land changes and zoning changes (#PA 04-5216) Area 1.

I would like to state, for the record, that I am opposed to the change. I have invested ten years and have completely paid for my property. I am happy with things as they are now and would only approve of becoming part of the city of Florence if it didn't cost me anything, thereby causing undue hardship.

If I am forced to hook up to city sewer, pay for "improvements", or bring my property up to city codes, I would only lose.

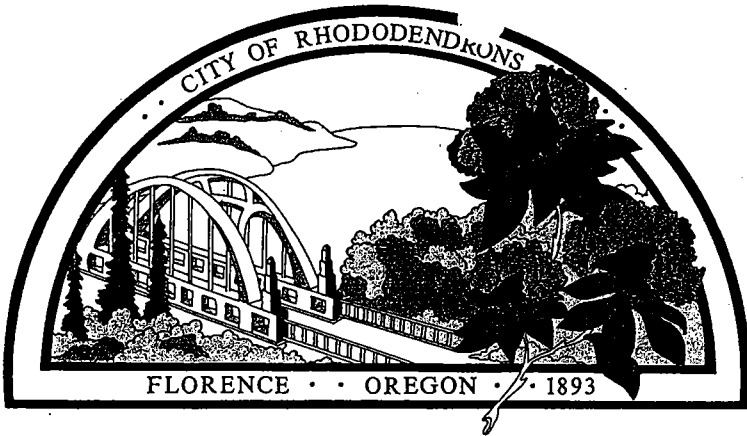
If I could be given, in writing, some assurance that this change was, at all, in my benefit, or that I would be exempt from assessments, I would be happy to change my opinion.

Sincerely,

Mark C. Ory



27248 MUNSEL LAKE RD.  
P.O. BOX 2188  
FLORENCE, OREGON 97439



# City of Florence

Community Development Department  
Planning, Building Inspection and Economic Development

250 Highway 101

PO Box 340  
Florence, OR 97439-0340  
TDD: 503/997-3437

PH: 503/997-8237  
FAX: 503/997-4109  
FAX: 503/997-6814

June 21, 2004

Lane County Planning Commission  
125 E 8<sup>th</sup> Street  
Eugene, OR 97401

PAZC PA 04-5216  
 ORD No. PA1214  
 Date 6-22-04  
 Exhibit No. 6

Dear Planning Commission:

On June 15, the Lane County Planning Commission considered the City of Florence's request to amend the City's urban growth boundary. A citizen requested that the written record remain open to allow for additional testimony. The following information addresses those issues and provides final written argument.

### Process

This proposed UGB amendment has been an on-going concern by the City of Florence. In past years variations of this proposal have been considered as different boundaries for the UGB amendment area were contemplated. These boundaries were modified in response to citizen comments and careful deliberations by the decision makers. These modifications are in accordance with the adopted regulations and reflect the intent of Land Use Goal 1 – Citizen Involvement.

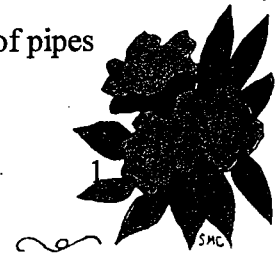
Also, during these past reviews, testimony has been submitted both in favor and in opposition to the proposal that was being considered at the time. However, this is a new application that is before the Lane County Planning Commission and should be considered based on the review criteria and evidence that is made part of the record during these proceedings.

### Adequacy of Public Facilities

The proposed UGB Amendment contains two distinct areas, both located along the easterly edge of the city. Each of these areas has unique characteristics and distinct issues. The UGB Amendment is in consideration of these issues.

#### Area 1

The northerly area, identified as Area 1, is comprised of 25.96 acres and 18 parcels. Ten of these parcels are developed with residences using septic systems for sewage disposal. Septic systems typically have a life span of 20-30 years before major repairs are needed. The most typical repair involves re-installation/replacement of the drain field. Septic drain fields are a series of pipes



located underground where the water and waste material from household plumbing systems are settled out. The water portion of the discharge leaches into the ground. The waste solids decompose in the pipes. Over time these pipes plug up and thus need to be repaired and/or replaced.

Today, when parcels develop with septic systems, the parcels are required to be of an adequate size so that there is area for drain field replacement. Depending upon the soils and topography, this necessitates that parcels be at least one acre in size to allow for a replacement drain field. Ten of the lots are less than 20,000 square feet and may not have adequate area for replacement drain fields.

To date, none of the 18 parcels within the proposed area have documented septic failures. However, the potential for failure exists due to the age of the septic systems is very high. Reported septic system failures have been documented in the area where similar conditions and parcel sizes exist. Recent water quality monitoring in nearby Munsel Creek (that receives the runoff from this area) has detected high fecal coliform counts. One potential source of fecal coliform contamination is from human waste. The most common source of this type of contamination is from improperly functioning septic systems.

In summary, this proposed UGB amendment will allow this area to be sewerred when the existing septic systems experience failure. Due to the age of the existing systems, the fact that there is fecal coliform in Munsel Creek (indicating that there is contamination entering into the water), and the small parcel size of the existing lots, the UGB amendment will allow the city to provide an environmentally responsible solution to a problem and avoid future health risks due to failing septic systems. This UGB amendment is a preventative measure, rather than waiting for a problem to develop.

## **Area 2**

This area is approximately 80 acres and consists of two large and one small parcel. The site currently is developed as a golf course and is proposed to be designated as Private Open Space on the Comprehensive Plan. The golf course is currently bisected by jurisdictional lines, with a portion of the course within the city and a portion within the county outside of the UGB. The portion of the golf course that is within the city is currently designated as Private Open Space on the City Comprehensive Plan.

The Private Open Space designation was chosen based on consistency for the entire parcel to be within the same Comprehensive Plan designation. Within the City of Florence, there is another existing developed golf course that also designated as Private Open Space. Lane County staff correctly noted that additional work is needed to address description of the Open Space Designation. That work is underway by the Florence Planning Commission. This lack of descriptive text does not change the fact that this designation exists and currently is being applied on other parcels within the city.

The testimony submitted by the 1000 Friends notes the process (post acknowledgement plan amendment) that the City of Florence will follow as it works to develop language for the Private Open Space designation. This language will be developed in accordance with an open public process.

### **Water Facilities Plan**

As was pointed out in the testimony from the Citizens For Florence, the “city’s Water Facilities Plan does not include any plans for “looping” of the water system in this area. While this is technically correct, this does not tell the entire story. Currently, the Florence Water Facilities Plan does not show any looping of any water lines. This is because the Florence Water Facilities Plan’s intended purpose states, “...the groundwork is laid for *major* (italics added) expansions to Florence’s water sources, treatment, distribution, and storage...” (Florence Water Facilities Plan – Executive Summary).

The focus on this plan was to identify the “major” new lines. Thus, a review of the proposed improvements for the entire 20-year period only notes the addition of two new water lines within the city and urban growth boundary for the next 20 years! However, included within the plan is Figure 1-2: Florence Distribution System Service Zones and Figure 2-1: Florence Water Study Area that clearly notes the inclusion of Areas 1 and 2 as “Proposed UGB Expansion Areas.” All other exhibits also include the proposed UGB amendment area as within the plan area (Figures 1-3: Florence Distribution System Chlorine Residual and 2-2: Zoning Map of Florence Area) study also noted on Figure 2-1-Florence Water Study Area.

### **Water Supply**

The City is completing expansion of its water treatment plant for potable water. Prior to the current expansion, gross production capability of the plant with six filters and 7 dunal wells was approximately 2 million gallons per day. The expansion added 3 additional filters and 5 more dunal wells. This has added 1.4 million gallons per day and allows for an expanded capacity plant capacity of more than 3 million gallons per day. Average summer peak usage in 2003 was approximately 2 million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1600 additional residential units, based on current Florence usage patterns. With the expanded capacity the city has the capacity to provide water to the expanded area and there should be no need to purchase water from the Heceta Water District, as has occurred in the past.

### **Buildable Lands Inventory**

The City of Florence prepared a Buildable Lands Inventory in 2003. The conclusion of the Buildable Lands Inventory was that there was adequate land to accommodate anticipated needs. While this inventory concludes that there is adequate land within the city for anticipated residential development this conclusion is not supported by a number of other factors. These factors include recent market trends with drastically increasing median home prices, the lack of market availability for moderate housing, the limited

number of available lots, and the rapid turnover of pre-owned homes. While these trends challenge the validity of the Buildable Lands Inventory, this amendment is based on the need to provide public facilities and services.

**Goal Consistency**

The City's 2020 Comprehensive Plan, adopted by the city and approved by the Department of Land Conservation and Development, proposed the addition of both Area 1 and Area 2 within the Comprehensive Plan. This proposal was included on the exhibit entitled "City of Florence Proposed Comp Plan" found after page 41 in the plan document. The Department of Land Conservation and Development in a letter dated February 24, 2003 noted that their review "...indicates that the city of Florence has complied with the requirements of the applicable Statewide Goals."

Thank you for your time and careful consideration in this matter.

Sincerely,



Ken Lanfear  
Public Works Director  
City of Florence



Linda Sarnoff, AICP  
Community Services Director  
City of Florence

Attachment



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

635 Capitol St. NE, Suite 150

Salem, Oregon 97301-2540

Phone (503) 373-0050

Director's Fax (503) 378-5518

Main Fax (503) 378-6033

Rural/Coastal Fax (503) 378-5518

TGM /Urban Fax (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

February 24, 2003

The Honorable Alan Burns  
Mayor, City of Florence  
250 Highway 101  
Florence, Oregon 97439



### PERIODIC REVIEW WORK TASKS #4 & 8 APPROVAL (ORDER NO. 001436)

Dear Mayor Burns:

We are pleased to inform you that the Department of Land Conservation and Development (department) has approved the city's periodic review work tasks #4 & 8 regarding the city's Transportation Element and Comprehensive Plan update. This letter constitutes the department's order approving the work tasks.

Letters objecting to these work tasks were received in response to the local government's notice. While the letters of objection were timely and raised important issues, our review indicates that the city of Florence has complied with the requirements of the applicable Statewide Goals. The department has determined that the city has successfully completed the work outlined in the periodic review work program for tasks 4 and 8.

Task #1, which concerns the amendments to the city's urban growth boundary (UGB), was submitted at the same time, but that task has been withdrawn by the city (letter of February 10, 2003). The city will refer this task to Lane County for consideration of the UGB amendments before this task is re-submitted to the department. Objections to task #1 will be considered at a later date.

The objectors identified in the attached report may appeal this decision to the Land Conservation and Development Commission (Commission). **A party seeking review must file a written appeal by March 17, 2002.** Appeals to LCDC are governed by OAR 660-025-0150 through 660-025-0160.

We appreciate the efforts of city officials and staff in completing these important periodic review work tasks. Please feel free to speak with Dave Perry, your periodic review team leader and field representative at (541) 563-2056, if you have any questions or need further assistance.

Sincerely,

Jim Hinman  
Urban Coordinator

Attachments: Report on Objections, City letter of 2/10/03

cc: Citizens for Florence  
Florentine Estates Homeowners Association  
Central Oregon Coast Board of Realtors  
Kenneth & Leita Kent  
Ron Gerber & Debby Todd  
Mark & Howard Skovira

Bruce Mower  
Sandi Young, City of Florence  
Kent Howe, Lane County  
Francis Somday, Coos, Lower Umpqua and Siuslaw  
Craig Daniels

JUN 22 2004

4:25 PM  
Anna Morrison

PAZC PA 04-5216

ORD No. PA1214

Date 6-22-04

Exhibit No. 7

To whom it may concern

We object to the proposed zone change put forth by the City of Florence area (1) from RR-5/RCP Rural Residential Zone (LC 16-231) to RR-UGB Rural Residential Zone (LC 10-130), file #PA5216.

Strong objections were made to the Three Rivers Casino by the City of ~~Florence~~ Florence. They said that they weren't capable of furnishing an adequate water supply to the casino nor were they equipped to handle the extra sewage. Thus, the casino drilled a well for their own water and also built a sew treatment facility of their own.

The road conditions within the city limits are in need of repair. Many streets with no sidewalks for pedestrian safety.

The City of Florence is having difficulty meeting the demands of their current responsibilities. They are not able to keep up with the amount of sewage that is

now going through the system, with many spill overs into the Suinslaw River, tainting the river and the Ocean. The City is unable to keep up with the water demand, they are currently buying water from Heceta Water District where we all get our water on Munsel Lake Road ~~this project~~

This project is being pushed upon the residents in the Munsel Lake area in order to develop the land with more housing.

There are a lot of open areas and lots inside the city limits for them to develop before forcing us to be incorporated into the U.C.B.

It is our position that The City of Florence must and upgrade their sewage treatment plant, water supply and meet all the various needs of these residents before acquiring more land and added service needs.

Sincerely Mary Adams  
+ Kendy E. Walker



06/21/2004

I the undersigned hereby concur with this petition put forthwith. We object to the proposed zone change for area 1, from RR-5/RCP Rural Residential Zone (LC16.231) to RR-UGB Rural Residential Zone (LC 10.130 file # PA5216, brought for the by the, (City of Florence). We do not wish to be included into the City of Florence, but rather stay as this area is currently zoned.

Signature	Printed Name	Address	Phone number
<del>John E. Hays</del>	John E Hays	87244 Munsel Lk Rd	997-1177
<del>Darlene J. Case</del>	Darlene J. Case	87224 Munsel Lk. Rd	997-6836
<del>Sheray DeLyria</del>	Sheray DeLyria	87204 Munsel Lake	902 1445
<del>Marla J. Adams</del>	Marla J. Adams	87254 Munsel Lk. Rd	997-2723
<del>Connie J. Rosenbalm</del>	Connie J. Rosenbalm	87166 Munsel Lake Rd.	541-997-8205
<del>Kristina Dunn</del>	Kristina Dunn	05624 Munsel Lane	997-8918
<del>Richard W. Gabe</del>	Richard W GABE	5611 munsel LN.	997-4272
<del>Vonnie K Gage</del>	Vonnie K Gage	5611 Munsel LN	997-4272
<del>Darlene J. Bennett</del>	DARLENE J. BENNETT	05623 MUNSEL LANE	997-2589
<del>John C. Hoaks</del>	JOHN C. HOAKS	05613 MUNSELLANE	997-6464
<del>Rod Howland</del>	Rod Howland	05616 Munsel Lane	907-1721
<del>Lawrence Heath</del>	LAWRENCE HEATH	0566 MUNSEL LANE	997-2725
<del>Bethy Heath</del>	Bethy Heath	05600 Munsel Lane	997-2725
<del>Colleen Miller</del>	Colleen Miller	05624 Munsel Lane	997-3830
<del>Larry Kenia</del>	LARRY KENIA	87197 MUNSSELLANE	997-2455
<del>Christine Dodd</del>	Christine Dodd	05625 Martin	997-8183
<del>David C. Gruesz</del>	DAVID C. GRUESZ	05635 MARTIN RD	997-2566
<del>Nancy K. Herzberg</del>	NANCY K. HERZBERG	05673 Martin Rd.	997-8171
<del>Jeff D. Metzler</del>	JEFF D. METZLER	87176 Munsel Lk Rd	997-3762
<del>Shonna Ingram</del>	SHONNA INGRAM	87190 Munsellane CE	902 9686
<del>Jana C. Ingram</del>	Jana C. Ingram	87190 Munsel Lk Rd	902 9686
<del>Barbara Kautla</del>	<del>BARBARA KAUTLA</del>	87197 Munsel Lk Rd	997-2455
<del>Steve Gray</del>	Steve Gray	87230 Munsel Lk Rd	997-9127
<del>Michael Stoddard</del>	MICHAEL D. STODDARD	87241 Munsel Lk. Rd, Flox. DL.	902-8502
<del>Shari Stoddard</del>	SHARI STODDARD	87241 Munsel Lake Rd	902-8502
<del>Finis Adams</del>	Finis Adams	87254 Munsel Lk Rd	997-2723
<del>Kerry C. Waller</del>	Kerry C. Waller	87254 Munsel Lk. Rd.	997-2723
<del>Mark C. Orv</del>	MARK C. ORV	87248 MUNSSEL LK RD	902-9075
<del>Shelly J Smith</del>	SHELLY J SMITH	87170 Munsel Lk Rd.	997-9726





534 SW Third Avenue, Suite 300, Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org  
 Southern Oregon Office • P.O. Box 2442 • Grants Pass, OR 97528 • phone/fax (541) 474-1155  
 Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596  
 Lane County Office • 120 West Broadway • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078  
 Central Oregon Office • P.O. Box 8813 • Bend, OR 97708 • (541) 382-7557 • fax (541) 382-7552

Attachment C

June 22, 2004

Lane County Planning Commission  
 125 East 8<sup>th</sup> Avenue  
 Eugene, Oregon 97401

PAZC PA04-5216  
 ORD No. PA1214  
 Date 6-22-04  
 Exhibit No. 8

**FILE No. PA 04-5216- Florence UGB Expansion Proposal**

**Commissioners:**

The proposal that staff has prepared for your review is an inadequate reporting of the required consistency with applicable criteria. As stated previously, even the Notice has technical errors which were incorporated by County staff from the City's application. These same errors were then carried over to the staff report. For the County planning director to state that the Notice did not contain errors was an inappropriate and dismissive remark – either he had not read the notice and staff report or he is unfamiliar with details in Lane Code and the Rural Comprehensive Plan. This action in itself is a warning that review of the staff report should be made with care and attention to detail.

I would like to retract one, and only one, assertion I made during the public hearing, and included in my written comments dated June 15, 2004. This proceeding *does* constitute a new record, and as such staff is not required to include the previous local level proceedings/record in this current record. However, City staff did submit select documents from the local level proceedings into this record, such as *some* of the written comments, including those from the owner of the golf course.

I would like to request that the previous record be included by reference into the current proceedings. This includes:

- \*\*the City's transportation system plan and public facilities plan (including the water service plan)
- \*\*the full text of the Citizens for Florence periodic review documentation
- \*\*all other written comments from the series of public hearings
- \*\*tapes of all proceedings (work sessions and public hearings) pertaining to periodic review tasks
- \*\*all periodic review related correspondence from the Department of Land Conservation and Development (including notice of remand on Task 1)
- \*\*the recently acknowledged, dated Comprehensive Plan and Plan Map (which evidently isn't on this record but should be)
- \*\*the full text of the August 2003 adopted Buildable Lands Analysis
- \*\*the full text of the June 2003 (or most recent) Urban Growth Boundary study, including the most recent amendments

By picking and choosing what documents to include from the previous, local level record into this county level record, it is easy for the applicant to skew any subsequent review of their proposal to expand the Florence UGB. Lane County staff should have at least familiarized themselves with the local level record prior to putting together their report to you.

Staff's comment that the City's proposal has been analyzed, and that staff "finds generally that the criteria has been met" is a problem in itself. **General compliance with criteria is not only NOT good enough, in this case it is not even true. Compliance with the following criteria has either not been addressed at all (as in the case of Goal 2 requirements pursuant to ORS 197.298) or has not been addressed adequately:**

- **Goal 2, specifically ORS 197.298, Priority of land to be included within urban growth boundary, requires that cities review all available options for expansion of the UGB.**

Staff merely states that the City's "UGB study had several alternatives proposed during the public process conducted by the city." **These 'alternatives' are not addressed in either the City's application or the Lane County staff report, and as such the application does not comply with statutory provisions:**

**ORS 197.298 states:** "(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands."

- Goal 14, **Urbanization**, states that urban growth boundaries shall be established to identify and separate urbanizable land from rural land, and that establishment and change of the boundaries shall be based upon considerations of seven factors.

Contrary to the comments from the City attorney, all seven factors of Goal 14 do matter. Factors 1 and 2 are meant to be the first level of consideration for ugb expansion, while factors 3 through 7 are meant to address locational considerations for a justified ugb expansion.

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

The City states it has no need to accommodate long-range urban population growth, but that it has "concerns for the environment - potential future septic tank failure, protection of Munsel Lake's water quality".

**County staff combines findings for factors 1 and 2, stating "The industrial land base is adequate within the city limits and the golf course in area 2 enhances livability". These comments do not have anything to do with need.**

**Neither of these statements is substantiated by any reports or studies.**

- (2) Need for housing, employment opportunities, and livability;

The City states "this amendment is not based on needed housing. However, the golf course is planning to add a housing development to its amenities and this will enable the business to be financially stable." There are two problems with this statement: First, the City states they don't need more residential land, but then state that the golf course is planning on adding a housing development if it is brought into the UGB. Second, the future financial status of a private property owner is unrelated to the requirement that the City substantiate their request for ugb expansion based on need.

- (3) Orderly and economic provision for public facilities and services;

**City staff states that it "intends to offer sewer service to the homes around Munsel Lake" (they won't be able to merely offer sewer service, they will have to provide sewer service) and that "this amendment will further this cause." EXACTLY – they WANT jurisdiction over Munsel Lake and Munsel Lake Road, but there is no substantial information on the record indicating that without such service the area of Munsel Lake is subject to some health and safety crisis.**

**County staff merely reiterates city statements. County staff fails to recognize that livability concerns follow substantiation of need. If there is no need for the expansion based on factors 1 and 2, livability is not an issue unless there is some well established documentation regarding some public health and safety considerations.**

- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

This factor speaks to locational considerations. Once a ugb expansion has been legally justified, city's look at the remaining factors to guide them

in determining what lands are most appropriate for inclusion in the ugb. The City of Florence has ignored the intent of factor 4. In any case, factor 4 is meant to address ORS 197.298, prioritizing lands for inclusion in a UGB based on specific criteria. In lieu of need, maximum efficiency of land uses within and on the fringe of the existing urban area is a moot consideration.

The City also states that all but one surrounding parcel are zoned Rural Residential; this statement excludes consideration of the zoning of the golf course, which is partially zoned F2 (although the record does not adequately confirm exactly how many acres of F2 zoning).

The County's 'finding of fact' on this goal 14 element is not nearly adequate enough to comment on - sorry.

**(5) Environmental, energy, economic and social consequences;**

The city has focused heavily on this factor as the basis for approval of their proposal. In their finding they state that their proposed ugb expansion "will allow lands that will be developed for residential uses to be hooked up to the city's sanitary sewer system." However, they have not shown a need for more housing, and potential septic tank discharge problems cited by the City as a reason for allowing more housing (!!!) are not documented.

**The economic argument by the City is laughable. "Economic consequences will be positive because the golf course will be able to add more amenities and will be used more often by residents of the course." This proposal is clearly customized to accommodate the desires of a private property owner, without regard for consistency with legal criteria, or the cost to the general public.**

**Subsequent comments from the City regarding the benefit to homeowners through protection of the golf course (what kind of protection does more upscale housing around the golf course offer? - protection from county rifraf?) are puzzling. There is more benefit and more protection for current homeowners by keeping it from becoming densified and keeping it more as open space.**

**County staff offers absolutely no information for it's position that "the consequences of expanding the ugb are minimal to the environment".**

**(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,**

**(7) Compatibility of the proposed urban uses with nearby agricultural activities.**

The City has not provided documentation supporting their statement that "there are no nearby agricultural lands that will be affected by this action." The county comprehensive plan diagram has not been included in the record.

**County staff's statement "there are no designated agricultural lands in the vicinity of Florence" should at least be substantiated by provision of the county's comprehensive plan diagram.**

This UGB expansion proposal has clearly not been legally justified by the applicant, and it is just plain wrong for County staff to take on the role of doing the City's bidding. The County's role in concurrence is to review the application just as it would any application for a plan and zone change – no more/no less expectation for consistency with all criteria. In this case, County staff seems to have taken the position that their job is to move the city one step closer to completion of periodic review. The City's completion of its periodic review program in and of itself should not be the County's primary concern.

## **OTHER APPLICATION DEFICIENCIES**

**\*\* The City has not articulated the Plan designation for Area 2 in its comprehensive plan. In other words, the comprehensive plan does not describe the full range of allowable uses for the category "Private Open Space". Yet, the County is agreeing to overlook the absence of plan designation parameters "contingent on the affected property owners approval in order to facilitate the completion of Periodic Review for the city and receive approval from DLCDC." Lane County staff even states that "clarification is needed around these issues," but overlooks this lack of "clarification" in recommending approval of the City's application. It is not up to a private property owner to determine whether or not articulation of a plan designation is okay or not. The City must initiate a post acknowledged plan amendment, hold public hearings, address consistency issues, and establish findings in support of their proposed action(s).**

**Lane County staff should require the City to establish consistency, via the full process, prior to concurring with the City's proposal.**

**\*\* The Comprehensive Plan map included in the County record does not show a Private Open Space plan designation. Rather, the Comprehensive Plan map in the record shows only an Open Space Designation. County staff at the very least should have requested an updated comprehensive plan map from the City.**

**\*\* Staff's assertion that the two areas in this proposal were selected because of environmental concerns regarding groundwater and the potential for failing septic systems has no science or professional technical reports substantiating such a claim. Whether or not the city has the capability and desire to provide essential urban services for sewer treatment and municipal water is irrelevant to these proceedings; this would be an issue of consideration during annexation proceedings. The City's desire to consolidate jurisdictional authority for the provision of road maintenance and repair of Munsel Lake Road is also irrelevant, and does not address the Goal 14 Urbanization factors.**

## **Referral Comments Received**

Staff states that "one letter has been submitted from a property owner in Area 1 that is not supporting the proposal and does not want to be included in the UGB" and that "staff has responded to two phone inquiries regarding this proposal."

**Please ask staff why ODOT was not sent a referral notice for this proposal.**

## Approval Criteria & Analysis

Staff states that “the request to expand the UGB by the city of Florence is characterized by the need to provide urban services to properties currently outside the city jurisdiction.”

**No need for urban services has been substantiated. This is a WANT, not a need.**

Staff states “Road maintenance, water system looping, and moving from individual septic tank systems to municipal sewage treatment for wastewater are the three areas of urban services the city desires (emphasis added) to provide to these two areas. “

**Desire does not establish need.**

## Statement of Criteria

### Plan Amendment

Staff sites the following as criteria that must be complied with:

1. Statewide Planning Goals 1, 2, 4, 8, 11, 12, & 14

**This listing erroneously excludes goals 6 (Air Water and Land Resources Quality) and 18 (Beaches and Dunes)**

## Analysis/Evaluation

Goal 6—Air, Water & Land Resources Quality - *To maintain and improve the quality of the air, water and land resources of the state.*

Staff states: “The proposal to amend the Comprehensive Plan by expanding the UGB does not have an affect on the quality of air, water or land resources.

**This statement conflicts with the City’s assertion that their proposal will provide positive environmental consequences for Munsel Lake.**

Goal 7—Areas Subject to Natural Disasters and Hazards - *To protect life and property from natural disasters and hazards.*

Staff states: “The proposal to amend the Comprehensive Plan by UGB expansion does not have an affect on hazards or disasters.”

**The proposal may not have an effect on hazards or disasters (!!)** but portions of Area 1 are within the 100 year floodhazard area. **This hazard should be accounted for in staff findings.**

Goal 9—Economic Development - *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

Staff states: “The Ocean Dunes Golf Links in Area 2 are an economic asset and benefit to the city. Including the entire site within the UGB will enhance potential future development.”

**Don’t confuse ‘enhance future development’ with ‘allow future development.’ Allowing future development does not in and of itself contribute to the economic vitality of the City of Florence, and in fact no Goal 9 economic analysis is included in the record.**

Goal 10—Housing - *To provide for the housing needs of citizens of the state.*

Staff states: “Area 1 will remain under a residential designation with this amendment, continuing to provide housing in the area.”

**Staff fails to address the increased density expectations related to urbanization. Rural residential is not the same at low or medium density residential as is assumed by this so-called finding.**



“The Public Reserve zone does have dwellings as an approved use, not at the density desired by the property owner, but upon annexation to the city, the desired density could be achieved.”

**This is outrageous – staff admits that housing density is the desire of the private property owner (golf course owner) and that the City will probably be able to accommodate that desire upon annexation. It is just wrong for the County to write a so-called finding that merely states the bidding of the applicant.**

Goal 12—Transportation - *To provide and encourage a safe, convenient, and economic transportation system.*

**Neither the City or County has addressed the Transportation Planning Rule (660-012-0060 – significant effect). Given the recent Court of Appeals ruling in Jaqua vs. City of Springfield, we would advise issuing a referral to ODOT and a complete overhaul of these Goal 12 findings.**

I would be happy to answer any questions you might have about this comments.

Thank you for your consideration.

Attachment  
C

July 9, 2004

Lane County Planning Commission  
125 East 8<sup>th</sup> Ave.  
Eugene, OR 97401

PAZC PA04-5216  
ORD No. PA1214  
Date 7-10-04 *rcvd. after*  
Exhibit No. 9

*LCPC  
comment  
period  
closed.*

Dear Planning Commission,

I have just recently become aware of Florence City's request for a change in the Urban Growth Boundary along the easterly edge of the City, in general along the North Fork and Munsel Lake Roads. I refer to the City's letter to the Commission dated June 12, 2004.

The City's June 21<sup>st</sup> letter contains many factual errors and omissions. The City's contends in the "Process" section of their June 12<sup>th</sup> letter that is a new application and should be considered only on the record that is part of the proceedings for this application. This present request (for Area 1) is nothing more that a rehash of an earlier UGB expansion by the City that was ruled incomplete by the Department of Land Conservation and Development, see copy of letter dated February 5, 2004 enclosed. The testimony presented on the earlier UGB expansion should be made a part of the proceeding on this application. This City is attempting to over look the adverse testimony on the initial UGB expansion by claiming that this is a "new application" and any testimony given earlier should be disregarded. The Commission should not accept this type of backdoor approach by the City.

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

The City's letter stated that "Septic drain fields are a series of pipes located underground where water and waste material from household plumbing systems are settled out. The water portion of the discharge leaches into the ground. The waste solids decompose in the pipes. Over time these pipes plug up and need to be repaired and/or replaced." These statements show a complete lack of understanding on the proper functioning of an On-Site sewage disposal system. In a properly maintained system all settling and digestion of household wastes is completed in the *septic tank* with only a liquid effluent going to the disposal system, *there is no decomposition of the solid wastes in the pipes of a properly maintained system.* Additionally, today's on-site sewage systems are more than a collection of pipes underground, there are many alternative sewage systems (pressurized, sand filter, effluent filters, etc.) that can treat and dispose of household sewage in an effective and efficient manner.

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

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

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

In conclusion, the City's lack of knowledge about septic systems, how they function, where they can be located and installed is evident to anyone who has worked with On-Site Sewage Systems. I personally have dealt with regulation and installation of household sewage systems in the Florence area for the past 15 plus years, including some of those included in "Area 1" of the City's proposal. The City's claims and justification regarding On-Site Sewage disposal in this area are totally unfounded and without any merit. The City has tried to rely on similar undocumented conclusions regarding sewage disposal systems in other UGB expansion proposals.

Lane County Planning Commission

July 9, 2004

Page 3

The Planning Commission would be well advised to require that Florence City provide concrete documentation and studies to back up their assertions concerning sewage disposal systems in this area before allowing any expansion of the UGB.

If the Commission has any questions please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Mower".

Bruce Mower  
3150 Munsel Lake Road  
P.O. Box 1504  
Florence, OR 97439



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Main/Coastal Fax: (503) 378-6033

Director's/Rural Fax: (503) 378-5518

TGM/Urban Fax: (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

February 5, 2004



Roger McCorkle, Planning Director  
City of Florence  
250 Highway 101  
Florence, Oregon 97439

### PERIODIC REVIEW WORK TASK #1 – URBAN GROWTH BOUNDARY

Dear Roger:

On October 15, 2003, the department received the city's Work Task #1 submittal. Work Task #1 consists of adopted amendments to the city's comprehensive plan and Land Use Map changing the acknowledged Urban Growth Boundary. For the reasons below, the department has determined that the submittal is incomplete and is not acting to either approve, remand or refer the task to LCDC at this time.

Not included in the submittal is Lane County's adoption of the revised Urban Growth Boundary (UGB) and any new plan designation(s) or policies that may be applicable to unincorporated lands included in the revised UGB. In addition, although a copy signed by the city was submitted we have not received the revised urban growth area management agreement signed by both the city and county.

ORS 197.629(2) provides that a county with portion of its population within the UGB of a city is to conduct periodic review for that portion of the county according to the schedule and work program set for the city. Therefore, the city's submittal is required to include the county's portion of the work task as well.

**Pursuant to OAR 660-025-0130(2), the department is notifying the city that Work Task 1 submittal is incomplete.** We understand that Lane County has established a timeline for completing their portion of this work. We believe the county's portion of this work is a major element needed in order to complete this work task. Upon completion of this task by Lane County, the city needs to resubmit the work task to the department and provide the required notice to interested parties.

Roger McCorkle  
PR Work Task 1  
Incomplete Task

-2-

February 5, 2004

If you have any questions please contact Dave Perry at (541) 563-2056.

Sincerely,



Jim Hinman  
Urban Coordinator

JH/DP/bkc

<j:\pr\city\florence\T1 incomplete sub II.doc>

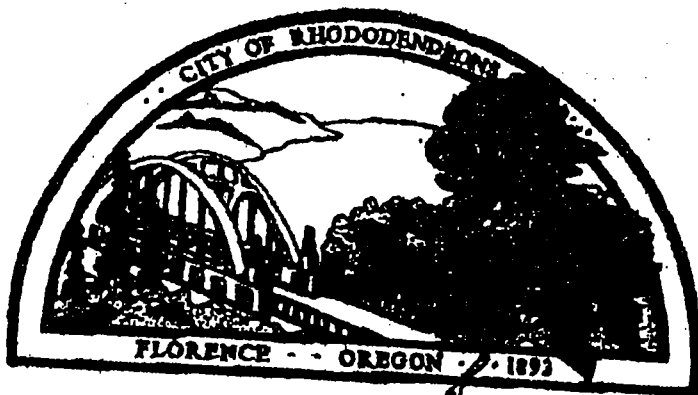
cc: Kent Howe, Lane County  
Citizens for Florence  
Central Oregon Coast Board of Realtors  
Kenneth & Leita Kent  
D. Ronald Gerber & Debby A. Todd  
Craig Daniels  
Alice & Howard Shapiro  
Bruce Mower  
Florentine Estates Home Owner's Association  
Periodic Review Work Task Files (4 copies)

dist: French

Electronic cc

Dave Perry  
Jim Hinman  
Periodic Review Assistance Team

FROM  
WED/ JUN/ 30/ 2004 01:11 PM



PO Box 340  
Florence, OR 97439-0340  
TDD: 503/997-3437

250 Highway 101

PH: 503/997-8237  
FAX: 503/997-4109  
FAX: 503/997-4814

June 21, 2004

Lane County Planning Commission  
125 E 8<sup>th</sup> Street  
Eugene, OR 97401

Dear Planning Commission:

On June 15, the Lane County Planning Commission considered the City of Florence's request to amend the City's urban growth boundary. A citizen requested that the written record remain open to allow for additional testimony. The following information addresses those issues and provides final written argument.

#### Process

This proposed UGB amendment has been an on-going concern by the City of Florence. In past years variations of this proposal have been considered as different boundaries for the UGB amendment area were contemplated. These boundaries were modified in response to citizen comments and careful deliberations by the decision makers. These modifications are in accordance with the adopted regulations and reflect the intent of Land Use Goal 1 - Citizen Involvement.

Also, during these past reviews, testimony has been submitted both in favor and in opposition to the proposal that was being considered at the time. However, this is a new application that is before the Lane County Planning Commission and should be considered based on the review criteria and evidence that is made part of the record during these proceedings.

#### Adequacy of Public Facilities

The proposed UGB Amendment contains two distinct areas, both located along the easterly edge of the city. Each of these areas has unique characteristics and distinct issues. The UGB Amendment is in consideration of these issues.

##### Area 1

The northerly area, identified as Area 1, is comprised of 25.96 acres and 18 parcels. Ten of these parcels are developed with residences using septic systems for sewage disposal. Septic systems typically have a life span of 20-30 years before major repairs are needed. The most typical repair involves re-installation/replacement of the drain field. Septic drain fields are a series of pipes



located underground where the water and waste material from household plumbing systems are settled out. The water portion of the discharge leaches into the ground. The waste solids decompose in the pipes. Over time these pipes plug up and thus need to be repaired and/or replaced.

Today, when parcels develop with septic systems, the parcels are required to be of an adequate size so that there is area for drain field replacement. Depending upon the soils and topography, this necessitates that parcels be at least one acre in size to allow for a replacement drain field. Ten of the lots are less than 20,000 square feet and may not have adequate area for replacement drain fields.

To date, none of the 18 parcels within the proposed area have documented septic failures. However, the potential for failure exists due to the age of the septic systems is very high. Reported septic system failures have been documented in the area where similar conditions and parcel sizes exist. Recent water quality monitoring in nearby Munsel Creek (that receives the runoff from this area) has detected high fecal coliform counts. One potential source of fecal coliform contamination is from human waste. The most common source of this type of contamination is from improperly functioning septic systems.

In summary, this proposed UGB amendment will allow this area to be sewered when the existing septic systems experience failure. Due to the age of the existing systems, the fact that there is fecal coliform in Munsel Creek (indicating that there is contamination entering into the water), and the small parcel size of the existing lots, the UGB amendment will allow the city to provide an environmentally responsible solution to a problem and avoid future health risks due to failing septic systems. This UGB amendment is a preventative measure, rather than waiting for a problem to develop.

#### Area 2

This area is approximately 80 acres and consists of two large and one small parcel. The site currently is developed as a golf course and is proposed to be designated as Private Open Space on the Comprehensive Plan. The golf course is currently bisected by jurisdictional lines, with a portion of the course within the city and a portion within the county outside of the UGB. The portion of the golf course that is within the city is currently designated as Private Open Space on the City Comprehensive Plan.

The Private Open Space designation was chosen based on consistency for the entire parcel to be within the same Comprehensive Plan designation. Within the City of Florence, there is another existing developed golf course that also designated as Private Open Space. Lane County staff correctly noted that additional work is needed to address description of the Open Space Designation. That work is underway by the Florence Planning Commission. This lack of descriptive text does not change the fact that this designation exists and currently is being applied on other parcels within the city.



The testimony submitted by the 1000 Friends notes the process (post acknowledgement plan amendment) that the City of Florence will follow as it works to develop language for the Private Open Space designation. This language will be developed in accordance with an open public process.

#### **Water Facilities Plan**

As was pointed out in the testimony from the Citizens For Florence, the "city's Water Facilities Plan does not include any plans for "looping" of the water system in this area. While this is technically correct, this does not tell the entire story. Currently, the Florence Water Facilities Plan does not show any looping of any water lines. This is because the Florence Water Facilities Plan's intended purpose states, "...the groundwork is laid for *major* (italics added) expansions to Florence's water sources, treatment, distribution, and storage..." (Florence Water Facilities Plan - Executive Summary).

The focus on this plan was to identify the "major" new lines. Thus, a review of the proposed improvements for the entire 20-year period only notes the addition of two new water lines within the city and urban growth boundary for the next 20 years! However, included within the plan is Figure 1-2: Florence Distribution System Service Zones and Figure 2-1: Florence Water Study Area that clearly notes the inclusion of Areas 1 and 2 as "Proposed UGB Expansion Areas." All other exhibits also include the proposed UGB amendment area as within the plan area (Figures 1-3: Florence Distribution System Chlorine Residual and 2-2: Zoning Map of Florence Area) study also noted on Figure 2-1-Florence Water Study Area.

#### **Water Supply**

The City is completing expansion of its water treatment plant for potable water. Prior to the current expansion, gross production capability of the plant with six filters and 7 dual wells was approximately 2 million gallons per day. The expansion added 3 additional filters and 5 more dual wells. This has added 1.4 million gallons per day and allows for an expanded capacity plant capacity of more than 3 million gallons per day. Average summer peak usage in 2003 was approximately 2 million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1600 additional residential units, based on current Florence usage patterns. With the expanded capacity the city has the capacity to provide water to the expanded area and there should be no need to purchase water from the Heceta Water District, as has occurred in the past.

#### **Buildable Lands Inventory**

The City of Florence prepared a Buildable Lands Inventory in 2003. The conclusion of the Buildable Lands Inventory was that there was adequate land to accommodate anticipated needs. While this inventory concludes that there is adequate land within the city for anticipated residential development this conclusion is not supported by a number of other factors. These factors include recent market trends with drastically increasing median home prices, the lack of market availability for moderate housing, the limited


number of available lots, and the rapid turnover of pre-owned homes. While these trends challenge the validity of the Buildable Lands Inventory, this amendment is based on the need to provide public facilities and services.

**Goal Consistency**

The City's 2020 Comprehensive Plan, adopted by the city and approved by the Department of Land Conservation and Development, proposed the addition of both Area 1 and Area 2 within the Comprehensive Plan. This proposal was included on the exhibit entitled "City of Florence Proposed Comp Plan" found after page 41 in the plan document. The Department of Land Conservation and Development in a letter dated February 24, 2003 noted that their review "...indicates that the city of Florence has complied with the requirements of the applicable Statewide Goals."

Thank you for your time and careful consideration in this matter.

Sincerely,

  
Ken Lanfear  
Public Works Director  
City of Florence

  
Linda Samoff, AICP  
Community Services Director  
City of Florence

Attachment

## Comments and Staff Responses Regarding Florence Urban Growth Boundary Expansion

This attachment summarizes by category the comments received by the Lane County Planning Commission in June, 2004 regarding the proposed City of Florence Urban Growth Boundary Expansion. Florence is currently completing periodic review.

### Notification Procedure

#### 1. **Public Notice Requirements for Lane Co. Planning Commission Hearings**

*Comment: I did not receive the notice of the public hearing. I am not an applicant to this proposal. (Exhibits 1, 2, and 4)*

**Staff Response:** There were over three hundred notices mailed to adjacent property owners, special districts and government agencies on the County referral list. The notices were mailed to all property owners at a given distance from the affected properties, which is those within 250 feet of the rural residential and non-resource zones and within 500 feet of the impacted forest zone. In addition to the notice mailing, a Legal Ad was published in the Register Guard on May 26, 2004 and twice in the Siuslaw News on May 26, 2004 and June 12, 2004. These actions meet the notice requirements of Lane Code 14.100.

**Staff Recommendation:** No change recommended. The correct notification procedure for County Planning Commission Public Hearing's was followed.

#### 2. **Improper Information in Public Notice**

*Comment: The proposal and mailed notice contain errors in plan designation and zoning district nomenclature. Notice was not sent to Oregon Department of Transportation. (Exhibits 3,4 and 8)*

**Staff Response:** There are amendments to the countywide Rural Comprehensive Plan proceeding under periodic review in a watershed-based framework that are being completed in the same timeframe as the Florence Comprehensive Plan Periodic Review. The errors in code specifics regarding plan and zoning designations as noted in comments received are obsolete designations. The acreage for Area 2 was misstated in one out of three places in the notice. The addition of the (/SR) Site Review overlay to Area 2 was proposed by County Transportation Planning after the notice was mailed, prior to the public hearing. Transportation access is via county and city roads, not State Highways.

**Staff Recommendation:** These changes will be made to the mailed notice and published legal ad that is required prior to the second Public Hearing, which will be held before the Board of County Commissioners. The staff report and analysis is typically revised and updated after the planning commission recommendation is finalized, and the proper, updated designations for both zoning and planning will

be used in the notice and documentation provided for the Board of County Commissioners.

**3. Request for Public Hearing Continuation and Location in Florence**

*Comment: This UGB expansion directly affects the residents of the Florence area, both within and outside city limits. An evening hearing in Eugene requires a three-hour round trip for Florence residents. Hold a hearing in Florence so that citizens can have a fair opportunity to understand and participate in this process. (Exhibits 2, 3, and 4).*

**Staff Response:** The City conducted two public hearings in Florence on this specific proposal, one at the City Planning Commission, and one before the City Council. The June 20<sup>th</sup> Lane County Planning Commission public hearing was conducted at a central location for the County. The Florence UGB expansion proposal was on the agenda with another proposal, from rural Lane County near Creswell. The nine member Lane County Planning Commission is committed to conducting public hearings in the rural areas of the county, close to the people, whenever possible. They minimize costs by car pooling and holding the away meetings to a reasonable number each year. When multiple proposals are not geographically linked, a central location is used for the hearing.

Because there was information submitted the day of the hearing, and in order to accommodate requests for more time from the public, the written record for this proposal was held open for seven days after the hearing, until June 22, 2004. Additional submittals have been received in that time, including a petition signed by 35 people objecting to Area 1's inclusion in the UGB.

**Staff Recommendation:** No change recommended. The Lane County Planning Commission will deliberate this topic on July 6, 2004.

**Incomplete Public Record, Relevant Testimony**

**1. Testimony Provided at Other Public Hearings Not Included**

*Comment: Citizens provided testimony during other UGB expansion hearings in Florence and submitted written testimony on several other occasions that is not included in the record. (Exhibits 2, 3, 4, and 8).*

**Staff Response:** This is not the same UGB proposal as others that have been proposed and discussed by the city. The City applied for this specific UGB amendment on March 15, 2004. The application submitted for consideration by the County planning commission at this time should be evaluated on it's own. None of the previous expansions that have been reviewed at the city are under consideration at this time by the Lane County Planning Commission. The written

record has now been augmented by inclusion by reference of much of the previous testimony submitted by interested parties.

**Staff Recommendation:** The specific documents listed in exhibits 2, 3, and 8 are now included in the written record for this proposal. They will be provided to the Planning Commissioners for their background and understanding of the issues.

## 2. Adoption of 2020 Florence Comprehensive Plan

*Comment: One complete, comprehensive, final Comp Plan which includes the expansion of the UGB has never been provided to the Florence area residents. The City's 2020 Comp Plan, now adopted by DLCD, does not include.... (Exhibits 2, 3, and 4).*

**Staff Response:** The proposal before the Lane County Planning Commission is for expansion of the UGB, not approval of the Comprehensive Plan. The Department of Land Conservation and Development Department has not yet adopted the Florence 2020 Comprehensive Plan. Until Lane County co-adopts all the amendments to the updated Florence Comp Plan, it can't be submitted to DLCD. This project, work task number one, is underway, and not yet complete.

**Staff Recommendation:** No change recommended. There will be public hearings scheduled at Lane County for the co-adoption process of the Florence 2020 Comprehensive Plan when all work tasks are completed.

## 3. Agricultural Lands in the Vicinity

*Comment: There are agricultural uses in the immediate vicinity... and... that lands on the east side of North Fork Rd. are zoned agricultural. (Exhibits 2 and 3).*

**Staff Response:** The agricultural zoned land along the North Fork Siuslaw River north of the subject properties is not considered to be in the vicinity of the subject properties under the property notice distance requirements.

**Staff Recommendation:** No change recommended.