


SUPPLEMENTAL COVER MEMO

DATE: October 7, 2004 (Supplemental Memo)
October 12, 2004 (Third Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

PRESENTED BY: Stephanie ~~Schultz~~ , 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 LC CHAPTER 10 DISTRICTS OF 'RR/U' RURAL RESIDENTIAL/INTERIM URBANIZING AND 'PR/BD/U/SR', PUBLIC RESERVE/ BEACHES AND DUNES / INTERIM URBANIZING / SITE REVIEW; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task No. 1)

I. ISSUES

The Board has responded to the public request for a continuation of the hearing on this matter in Florence, to provide access to citizens that consider the distance to Eugene and the afternoon time certain of the Board's Public Hearings a barrier to participation in the discussion. The continued hearing is scheduled for 7:00 p. m., October 12, 2004, in the Florence Events Center. A complete Ordinance is provided in this packet to incorporate the changes to the text and Exhibits C and D.

The Board requested additional analysis and response to three issues prior to the October 12th Hearing:

Need for Sewer Service

Is the need to provide an urban level of sewer service to these areas justification for expansion of the UGB? Are there documented septic system failures on the residential properties in area 1?

Goal 14-Urbanization

Is the need to expand the Florence UGB to provide an urban level of infrastructure services appropriate justification for this action and does this action then comply with Statewide Goal 14-Urbanization?

Technical Issues and Inconsistencies

There is confusion over which Florence Comprehensive Plan is being amended by this action, and how this action relates to the larger periodic review work program that the city has been conducting for the last few years. Citizens have raised concerns about lack of specificity in proposed plan designations, combining zones, and the notice of the public hearing.

II. BACKGROUND/ANALYSIS

Need for Sewer Service

This proposed amendment to the UGB is based on concerns for the environment (potential future septic tank failure, protection of Munsel Lake's water quality) and the interest in extending sewer lines to the affected areas is appropriate. Written and oral testimony at the September 15, 2004 hearing questioned the validity of this, and noted that the County Sanitarian had not provided direct input into the analysis. Refer to Attachment A for analysis by the County Sanitarian, who notes that small lots with old septic systems are clearly vulnerable to problems, but repairs have been achieved through either standard or pressurized distribution septic systems. The city is planning for a twenty year horizon to the future, and agrees that there is potential for failure. The June 21, 2004 letter (Exhibit 6, previously submitted) from the city acknowledges this fact, and further states 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. Attachment B identifies some of the parcels that have experienced sewage disposal issues within the UGB and a summary of some of the conditions that are reflective of potential problems. This UGB amendment proposal is considered as a preventative measure, rather than waiting for a problem to develop that needs a regulatory mandate to comply due to health danger reasons.

The Department of Land Conservation and Development (DLCD) has reviewed the Florence periodic work tasks and notes that areas outside of urban growth areas are generally not allowed to be serviced with urban services, particularly sewer service. These properties would need to be annexed into the city before any installation of municipal sewage is allowed, so the UGB expansion does not, in and of itself, allow for extension of sewer to these areas.

Goal 14-Urbanization

Testimony received disputes the city's reasoning that providing an orderly and economic provision for public facilities and services is a valid need to expand the UGB to facilitate the transition from rural to urban uses in these two areas. Florence is one of the fastest growing communities on the Oregon Coast. The city is responsible for providing public services to properties in this coastal city which is located in a geographically sensitive area given the nature of the soils and hydrology of the dunal land forms on which the city sits. Protection of the environment is very important, and requires consideration of not only sewer, but also of clean and efficient water service, an adequate transportation system in the city and for travelers, law enforcement with good response time, and consideration of the need to urbanize in the least impactfull way. The city is not allowed to provide these public services outside the city limits.

Looping of the water system is an important factor in bringing these two areas into the UGB, and eventually into the city. The water distribution system is not looped in this area, and residents experience a loss of pressure at times, and there is always a danger of stagnation in a dead end water line. The Interim Urbanization designation that is appropriate for both areas during the transition time, and the additional combining zones on the base zone in Area 2 will provide for further analysis of impacts to soils and the transportation system upon initiation of development.

This higher level of scrutiny is required by the Beaches and Dunes combining zone designation and the Site Review combining zone designation on Area 2. Considering transportation, the issue in regards to this proposal, is whether any future development would negatively impact the system. The proposed Site Review suffix provides a mechanism to review any future development that would be served by Munsel Lake Road and evaluate whether any road improvements are warranted.

Technical Issues and Inconsistencies

Testimony received showed there is confusion on the specificity of this action (it is only work task one of the city periodic review work program) and which plan the city is proposing to amend with this action. The *Realization 2020* Comprehensive Plan was adopted by the Florence City Council in 2003, however, it has not been adopted by Lane County nor acknowledged by DLCD, therefore, it is not the Comprehensive Plan that will be amended by this action. This proposed amendment applies to the 1988 Florence Comprehensive Plan which has been co-adopted by the County and acknowledged by DLCD. The errors and incorrect sections of the copy of the plan that was referred to in the Sept. 24th email applies to the *Realization 2020* version of the city's comp plan, and is not pertinent to this proposed action.

The proposed plan designations are from the city's 1988 adopted comprehensive plan. The zoning designations are from Chapter 10 of Lane Code and will apply until the city annexes the two areas into the city. This is called the transitional zoning, and, due to the sensitive nature of this environment, combining zones overlay the base zones in both area 1 and area 2, in order to have a thorough analysis of future impacts from future development. The Interim Urbanization overlay applies to both areas. The complex overlays on area 2 are necessary due to the nature of potential future development.

The Private Open Space plan designation proposed for Area 2 is appropriate for this transition time between acknowledgement of *Realization 2020* by DLCD and the current plan designation document. On the 1988 Comprehensive Plan Map the plan designation on the municipal well fields which are adjacent to Area 2 on the west is Open Space. The designation of Private Open Space for Area 2 provides a planning designation link from the 1988 adopted plan to the new *Realization 2020* plan. The Private Open Space designation was developed and applied to existing golf courses in the city that have residential housing associated with them. The city recognizes this type and configuration of land use pattern is very desirable for retirees, who are a large portion of the city residents. The city intends to keep this combination of uses as part of the community plan.

Continuation of the September 15, 2004 public hearing to Florence in October did not statutorily require notice. As pointed out, the courtesy notice that was first published in the Siuslaw News was in error. Staff had the notice republished in the next issue, added a notice to the Register Guard, placed fliers in the community, noticed on the city and county web site, and sent individual mailings to everyone who had submitted testimony or spoke at a hearing. These additional efforts should have corrected the wrong date publishing error.

III. ATTACHMENTS:

- Attachment A: Lane County Sanitarian memo
- Attachment B: City of Florence memo re: septic systems
- Attachment C: Ordinance No. PA 1214
 - Exhibit A: Official Plan Map Plot # 022
 - Exhibit B: Official Zoning Map Plot # 022
 - Exhibit C: Amended Florence Comprehensive Plan Designation Map
 - Exhibit D: Amended Official Zoning Map Plot # 022
 - Exhibit E: Finding of Compliance

MEMORANDUM

Date: October 4, 2004
 To: Stephanie Schulz, Planner (LMD)
 From: George Ehlers, Environmental Health Manager
 Subject: Ordinance No. PA 1214, Expansion of Florence UGB
 RE: Septic Systems



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I have reviewed the proposal from City of Florence to expand the UGB, a letter from Bruce Mower dated September 13, 2004, a letter from 1000 Friends of Oregon dated September 15, 2004, and viewed the appropriate portion of the BCC Public Hearing held September 15, 2004. I have also reviewed the Soil Survey of Lane County, driven around the area in question, and made a cursory review of the Tax Lot files at the Land Management Division.

My comments will be limited to "Area 1". The soils in the subject area are mapped as Yaquina loamy fine sand and Waldport fine sand. Both are windblown deposits (stabilized sand dunes), with permeable soils. Soils are generally well to excessively well drained, and in low lying "interdune positions" can be somewhat poorly drained.

Thirteen of the 18 tax lots have permitted septic systems; other lots are either undeveloped or predate permit requirements. None of the lots have documented drainfield failures. Three lots have septic system permits dating from the 1960's. The ten remaining permitted systems date from the 1990's or newer. Of those 10, four represent repairs of 1960's era systems. The older systems and subsequent repairs are generally sized for two-bedroom dwellings. Based on the fact that four septic systems from the 1960's have been repaired within the past decade, there is a moderate chance that the remaining older systems will fail at some point in the future. It should be noted that all the original permits outlined a replacement area for the repair drainfield.

The City of Florence letter cited 10 lots as being less than one-half acre in size; of those ten lots, five have already had Repair septic systems installed. None of the original septic systems, repair septic systems, or newer installations have been Sand Filter systems. Several were pressurized seepage beds, which require an area of 400-600 square feet, depending on number of bedrooms.

While small lots with old septic systems are clearly vulnerable to problems, the record indicates that repairs have been achieved through either standard or pressurized distribution septic systems. Limited space has resulted in sizing the repair septic system for the existing two bedroom dwellings. There are numerous areas north of Florence that fit a similar profile as the subject lots, i.e. small lots, municipal water supply, and older septic systems. The subject area does not appear to warrant any special consideration regarding sewer vs. septic.



Developments in the Florence Area that Are Experiencing Sewage Disposal Issues

Location	Type of Unit	Number of Units	Acreage	Units per Acre	Type of Sanitary Sewer Treatment	Year Improvements Installed	Condition
Rhododendron Trailer Park 87735 Highway 101	Mobile Homes	44 units	5.35 acres	8.2 units per acre	Package Treatment	1986	Deferred Maintenance Issues – under DEQ mandate to upgrade
Klahanie Subdivision	Single Family				Septic Tanks		Several lots cannot be developed until sewers are installed: Limited drain field area
Driftwood Shores 88416 1 st Ave	Motel Units	150 units	4.24 acres	34.1 units per acre	Package Treatment	1970	Fair
Munsel Lake Rd Area (across from LDS church) Map No. 18-12-24-32 Tax Lots 400, 500, 600, 700, 800, 900, 1000, and 1200	Single Family and Manufactured Homes	8 residences experienced contamination of their wells due to septic failure	Variable	Variable	Septic Tanks	1966 through 2002	Variable conditions – Poor to good
87233 Munsel Lake Rd Map No. 18-12-14-13 Tax Lot 2900	Single Family	1 unit	.55 acres	2 units per acre.	Septic Tank – currently failing	1962	Significant deferred maintenance
Idyllwild in the vicinity of Saltier Street	Single Family	High ground water has flooded yards and impacted septic drain fields			Septic Tank	1982	Variable conditions

Summary of Conclusions

1. The majority of reported sewer disposal systems that are experiencing problems are 20 years or more in age.
2. Maintenance of existing facilities plays a significant role in determining if the sewage disposal system will continue to function without problems.
3. Adequate area for installation of a drain field and/or area for a replacement drain field are keeping some parcels from being developed.
4. When parcels with higher densities rely on sewer package treatment facility, the effective operation and maintenance of the treatment facility plays an even more important role in assuring that the system functions properly.
5. In the Florence area, the high groundwater table in some areas restricts the use and efficacy of septic systems.

Submitted by the City of Florence, Planning Department
October 3, 2004

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/U' RURAL RESIDENTIAL/INTERIM URBANIZING AND 'PR/BD/U/SR' 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 Ordinance 859 and subsequent amendments in Ordinances 875, PA 1078, PA 1089 and PA 1150, 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;

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

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/U' RURAL RESIDENTIAL/INTERIM URBANIZING AND 'PR/BD/U/SR' PUBLIC RESERVE/BEACHES AND DUNES/INTERIM URBANIZING/SITE REVIEW; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task 1)

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 adopted and amended by the Lane County Board of Commissioners, 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/Interim Urbanizing' 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 authorize 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.

APPROVED AS TO FORM

Date 10-8-2004 Lane County

Stephen J. Vosker
OFFICE OF LEGAL COUNSEL

Chair, Lane County Board of County Commissioners

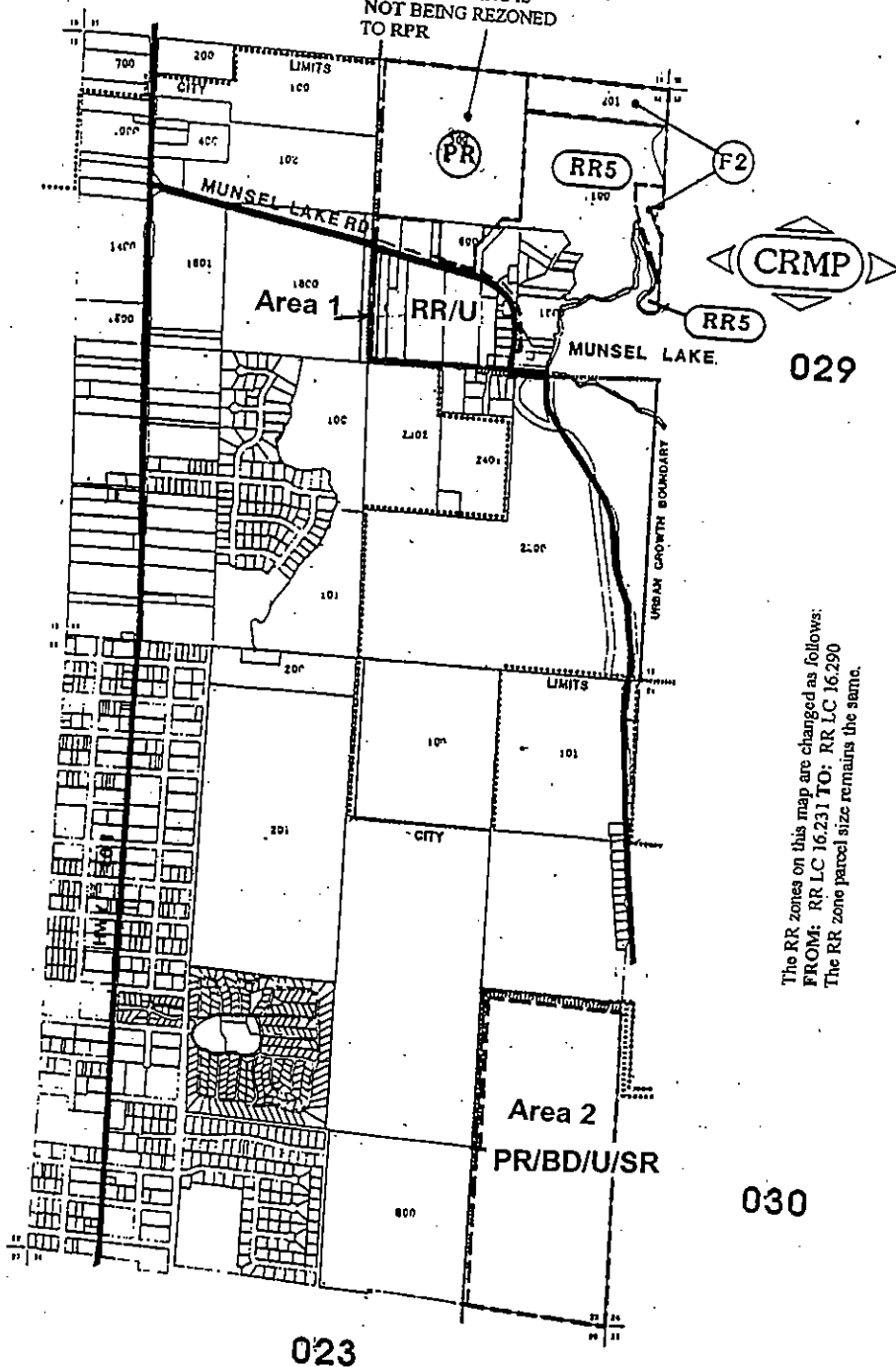
Recording Secretary for this Meeting of the Board

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/U' RURAL RESIDENTIAL/INTERIM URBANIZING AND 'PR/BD/U/SR' PUBLIC RESERVE/BEACHES AND DUNES/INTERIM URBANIZING/SITE REVIEW; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Florence Periodic Review Work Task 1)

BOOK 165 PAGE 1090
021

THIS PR ZONING IS
NOT BEING REZONED
TO RPR

FLOODPLAIN



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.

The zones on this map are changed as follows:
From: RG, RA To: RR2
From: CR, C1, C2, & C3 To: RC Rural Commercial
From: M1, M2, & M3 To: R1 Rural Industrial
From: PF To: RPF Rural Public Facility
From: PR To: RPR Rural Park & Recreation



ie county



OFFICIAL ZONING MAP

PLOT# 022

Township Range Section

18 12 14

18 12 23

ORIGINAL ORD. # PA 884

DATE 2/29/1984 FILE #

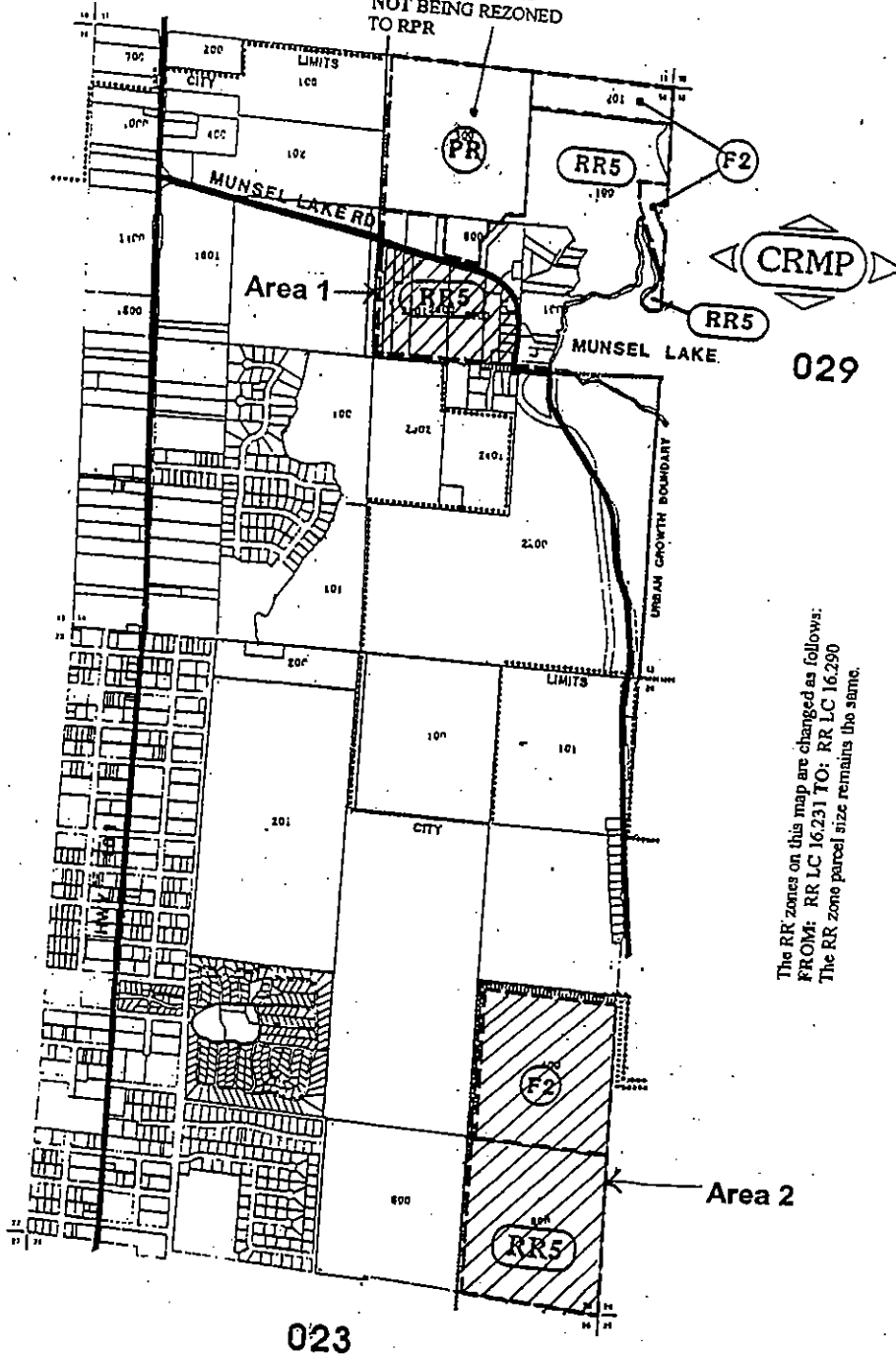
VISION # 4 ORD. # PA1074

DATE 6/27/95 FILE # PA2962-95

BOOK 165 PAGE 1090
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2 county



OFFICIAL ZONING MAP

PLOT # 022

Township Range Section

18 12 14

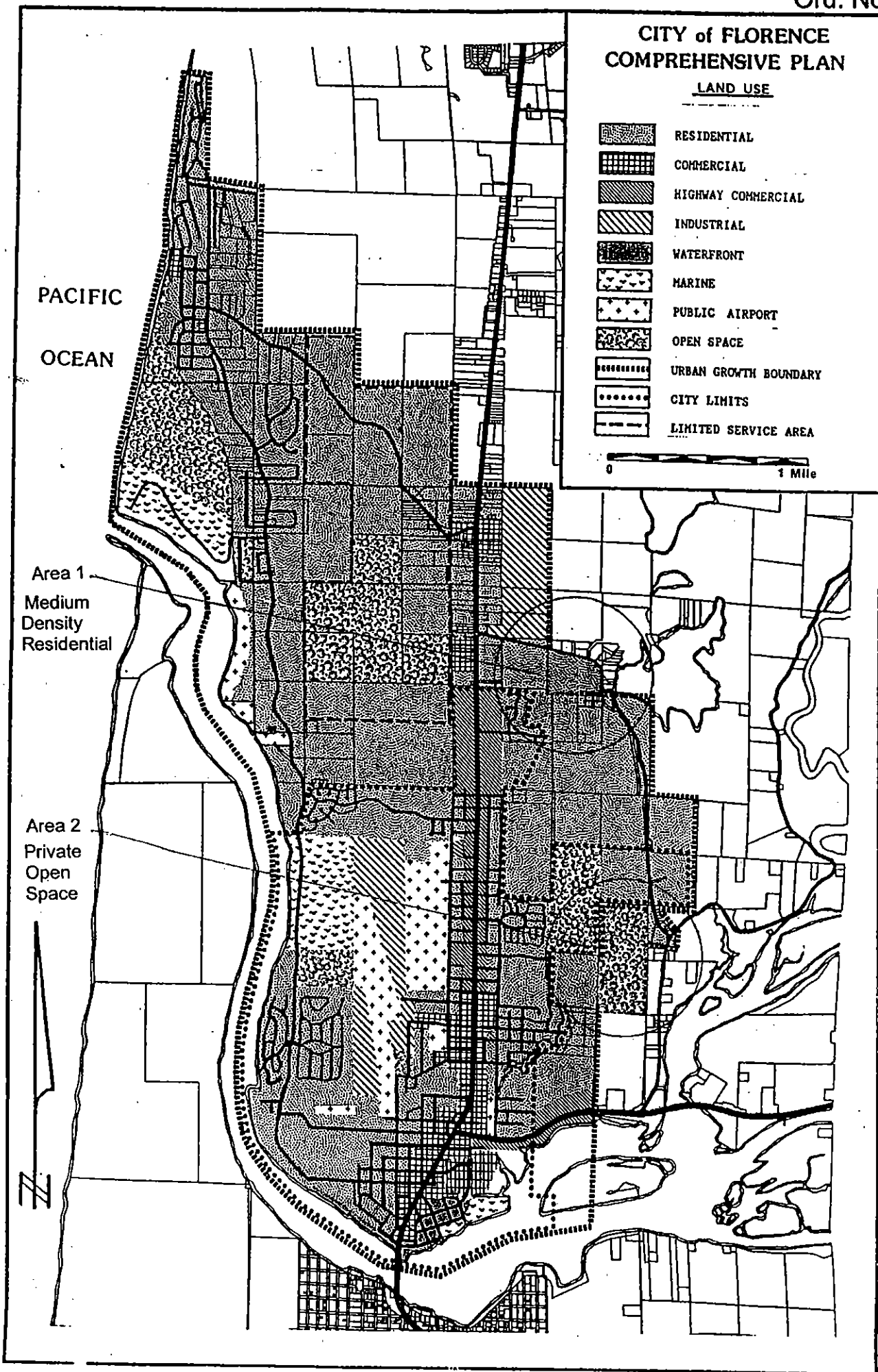
18 12 23

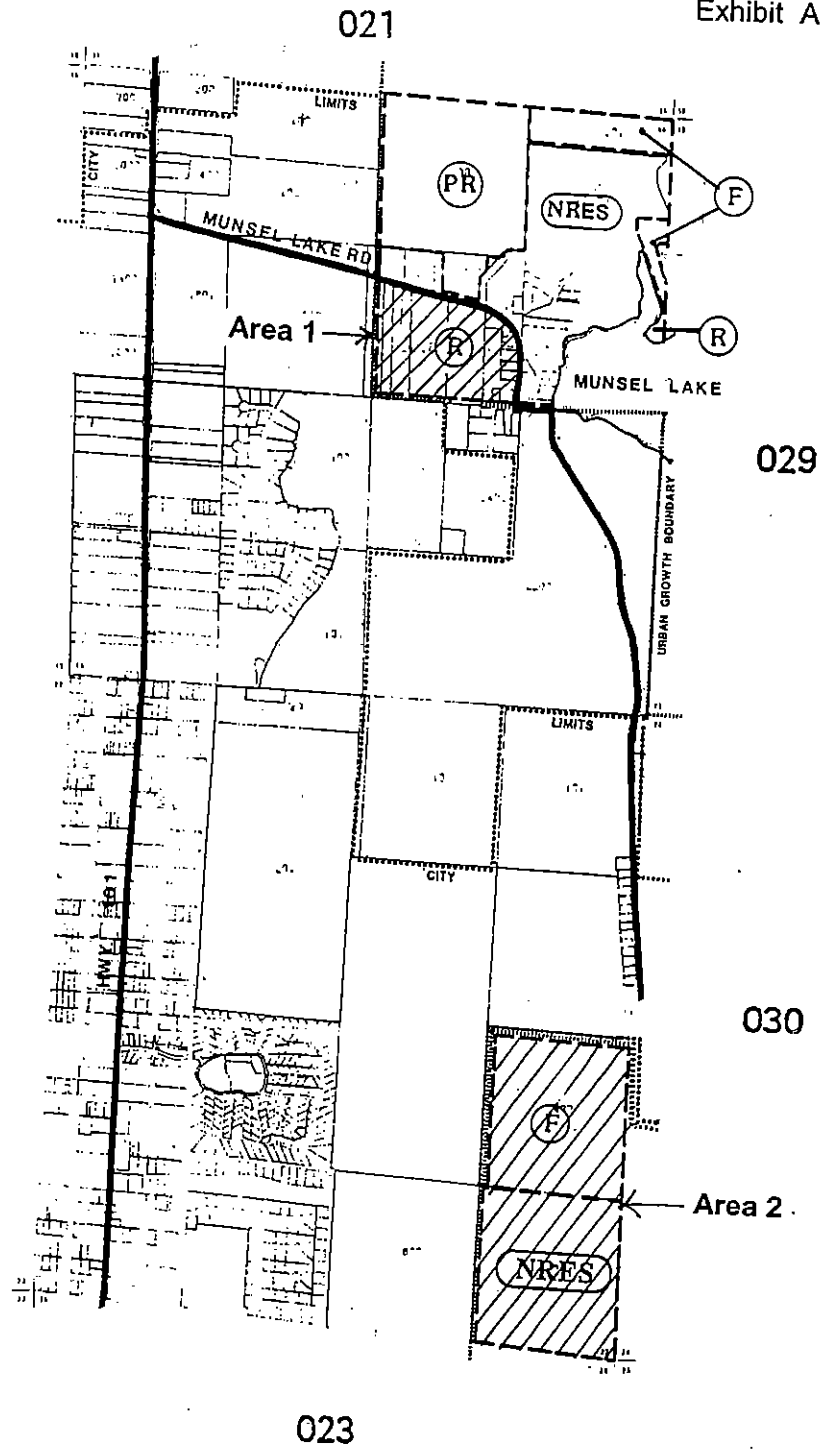
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DATE 2/29/1984 FILE #

ISION # 4 ORD # PA1074

DATE 6 / 27 / 95 FILE # PA2962-95





OFFICIAL PLAN MAP		PLOT# 022
Township Range Section		
18 12 14	18 12 23	()

ORIGINAL ORD. # _____ PA 884 DATE 2/29/1984 FILE # _____
VISION # 4 ORD. # PA1074 DATE 6 / 27 / 95 FILE # PA2962-95

**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 sewered 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 develop 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 extend 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.