

SUPPLEMENTAL MATERIAL

W. T. A.

SUPPLEMENTAL COVER MEMO

SUPPLEMENTAL MATERIAL

DATE: October 20, 2004 (Supplemental Memo)
 October 27, 2004 (Fourth Reading/Deliberations)

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 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

Deliberation on the UGB expansion proposal for the city of Florence.

II. BACKGROUND

The Board conducted a public hearing in Florence on October 12, 2004, which was attended by over a hundred people. There were eighteen people who provided oral testimony, all in favor. There were twenty written comments submitted, two opposed, eighteen in favor of the proposal. The written comments are summarized in the attached spreadsheet, and copies of the written submittals are included as attachment C.

The public comment period was closed at the end of the hearing, and a fourth reading and deliberations were scheduled for October 27, 2004.

III. ATTACHMENTS:

- Attachment A: Written testimony summary
- Attachment B: Oral testimony summary
- Attachment C: Exhibits 19 through 38

ORDINANCE NO. PA 1214
Expansion of the Florence Urban Growth Boundary
Public Involvement

Written Input Received January through October 2004										
Last Name	First Name	Address	City	State	Zip Code	Affiliation	In Support	Against	Comments	Exhibit No.
Adams	Marla	87254 Munsel Lake Rd.	Florence	OR	97439	Area 1 property owner		X	testified at LCPC hearing, petition initiator, 35 signatures	7
Anderson	Marty	PO Box 649	Florence	OR	97439	Integrity Plumbing, Inc.	X		petition signed by 11 employees	20
Buchanan	John D.	2625 Highway 101 N.	Florence	OR	97439	Sluslaw Valley Fire & Rescue	X			11
Burch	Bob		Florence	OR	97439		X		testified at Florence BCC Hearing	36
City of Florence		PO Box 1340	Florence	OR	97439-0340	The Applicant	X			6
Cuellar	Roxle	2053 Laura Street	Springfield	OR	97439	Home Builders Assn. of Lane County	X		testified at Florence BCC Hearing	24
Gunderson	Maggie	1234 Rhododendron Dr.	Florence	OR	97439	Tulips Design Interior Dec. & Consulting	X			26
Hale	Buddy	9222 Phey Lane	Florence	OR	97439		X		testified at Florence BCC Hearing	27
Hans	John R.	87244 Munsel Lake Rd.	Florence	OR	97439-8837	Area 1 property owner		X	testified at LCPC Hearing	1
Henry	Barry	Waterford Downs	Florence	OR	97439	The Cottages Homeowners Assn.	X		petition signed by 14 members	38
Koning	Art	2825 Hwy. 101 N.	Florence	OR	97439	Terrace Homes	X			16
Larson	Perry	3231 Highway 101 N.	Florence	OR	97439	Copeland Lumber Yards	X		letter signed by 6 employees	23
Lemly	Fred	343 Northridge Drive	Florence	OR	97439				testified at City Council July 2004	39
Lewis	Chris	87481 Rhodowood Dr.	Florence	OR	97439	Chris H. Lewis Construction LLC	X			19
Momison	Zachary	790 Kingwood	Florence	OR	97439		X		testified at Florence BCC Hearing	21
Mower	Bruce	PO Box 1504	Florence	OR	97439			X	County sanitarian, retired	9, 10, 14
Murray	Laryn						X			31
Murray	Brent						X			32
Ory	Mark C.	27248 Munsel Lake Rd.	Florence	OR	97439	Area 1 property owner		X		5
Paul	Nancy						X			34
Phelps	Delbert L.	109 Evergreen Lane	Florence	OR	97439		X		petition signed by 19 people	22
Ramsey	Russell & Joanne	13 Waterford Downs	Florence	OR	97439		X			37
Robinson	Bill	Ocean Dunes Golf Links	Florence	OR	97439	Area 2 property owner	X		testified at Florence BCC Hearing	12, 15, 28
Robinson	Leslie						X			29
Rosecrans	Charles & Kathleen	PO Box 2636	Florence	OR	97439		X			25
Segel	Lauri	120 W. Broadway	Eugene	OR	97401	1000 Friends of Oregon		X	testified at BCC & LCPC hearing	4, 8, 13, 18
Todd	Debby	P. O. Box O	Florence	OR	97439			X		2, 14a
Walter-Sedlacek	Lisa	85276 Glenada Road	Florence	OR	97439		X			30
Ward	Rob	5441 Huckleberry Lane	Florence	OR	97439	Neighboring property owner	X		testified at LCPC hearing	
Willis	Laisle						X			33
Wright	Dawnell	2285 Spruce Street	Florence	OR	97439		X			35
Zeimer	Zane	P. O. Box 1212	Florence	OR	97439	Citizens For Florence		X		3, 17

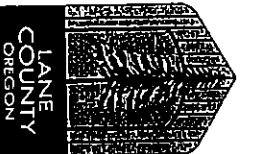
Oct 12, 2004

PUBLIC HEARING

If you wish to speak, please

PRINT

your name and address



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FAVOR

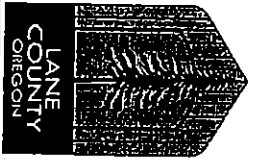
TOPIC:
Florence Urban
Growth Boundary

NAME	ADDRESS	SUBJECT	POSITION
P.T. Swain Smith	1600 Rhododendron	UGB Expansion	F
Rodger Bennett	250 Hwy 101	Flo UGB Expansion	F
Andy Johnson	100 Hwy 101	"	FOR
BEULAH ROBERTS	5441 LITTLE WOODYRICK	FLO UGB AREA #	FOR
BUDDY HALE	9222 PACE LAURE	FLO UGB AREA 2	FOR
Tim GOFEAR	4000 Munsel CR DR	FLO UGB AREA 2	FOR
TIM GAZES	#41 Deadwood Dr	Flo UGB AREA 2	FOR
FORWARD BARKLEY	936 30th WAY, Florence	UGB EXPANSION AREA 2	FOR
Rob Leonard	5441 Huntleyberg Ln	"	FOR
MARY FORRY	613 Greenbrook Cr.	FLORENCE " "	FOR
W. I. Burt Torryik	931 Rhododendron	Florence "	FOR
SHARY NEAL	2104 WILLOW LOOP	FLORENCE "	FOR
Phyllis Shuckland	14 Donaldson Ave	Florence "	FOR - bid not tested
Mark Stuckland	14 Donaldson Ct.	Florence "	FOR
Shelley Morrison	790 Kingswood	"	F
Roxie Collier	2053 Laura	Shelley Spier	FOR

POSITION
F = FOR
A = AGAINST
N = NEUTRAL

TOPIC:
 Florence VGB expansion
 Oct. 12, 2004

PUBLIC HEARING
 If you wish to speak, please
 PRINT
 your name and address



10 Favor

NAME	ADDRESS	SUBJECT	POSITION F = FOR A = AGAINST N = NEUTRAL
Bill Robinson	5441 Little Linn Ave	Area 2	FOR
Ron Schreiber	985 Alder St		FOR
Tom Grove	83605 Marzanti	Area 2	FOR
Del Phelps	107 Evergreen Ln	VGB All	FOR
Roger McCorkle	2060 45th St.	VGB Expansion	FOR
MIKE COCCOLO	OSWESTO Conroy rd	"	FOR
Dale Saker	85168 Pine St.	VGB Expansion	FOR
Mark Saker	165 Maple St		FOR
Van Hoeter	165 Maple St	VGB	FOR

Citizens For Florence

Attachment C

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

Zane Ziemer
President
Ali Shapiro
Secretary

Directors:
Nancy Archer
Jan Cole
Pip Cole
Craig Daniels
Ron Hogeland
Ali Shapiro
Howard Shapiro
Nancy Sobottka
Debby Todd
Jenny Velinty
Zane Ziemer

October 12, 2004

Lane County Commissioners
125 E. 8th
Eugene, Oregon 97401

FAZC 04-5216
ORD No. PA1214
Date 10-12-04
Exhibit 17

RE: Ordinance No. PA-1214
Adoption of Amendments to Florence Comprehensive Plan
Expansion of Urban Growth Boundary

Commissioners:

Following is CFF's testimony and response to Lane County Supplemental Cover Memo dated October 7, 2004.

QUESTIONS

We would request that the Commissioners determine the answer to these questions before completing any deliberations on the proposed UGB expansion.

1. The maps previously provided by the City indicate a wedge shaped parcel directly east of Area 2 as being part of the UGB expansion, presumably as an access for this property to North Fork Road. However, this wedge-shaped piece of land is not listed in any public notice as being proposed for inclusion in the UGB. **Is this wedge-shaped piece of property to be included in the UGB expansion, or is it already inside the UGB?** (See Exhibit C-4)
2. **Does Martin Street and the City's right-of-way actually exist?** This question has never been addressed by the City, and yet Martin Street is an integral part of the proposed "looped" water system - which is a primary reason given for inclusion of the golf course property.
3. The Supplemental Memo states that the action before the Commission relates only to the 1988 Comprehensive Plan. This does not seem reasonable. Much of the rationale and reasoning for the expansion is based on findings, studies, reports and conclusions made, and adopted, by the City of Florence and contained in their Realization 2020 Plan. **If the statement in the Memo is correct, does this proposed UGB expansion comply with the rest of the 1988 Comprehensive Plan?**
4. **Has the City entered into an intergovernmental agreement to continue provision of water to those properties on Munsel Lake Road currently served by Heceta Water District?** The testimony on the record indicates the City believes it necessary to provide both water and sewer service to the homes on Munsel Lake Road.
5. **How many Munsel Lake Road property owners object to inclusion of their property in the UGB**

expansion? The UGB expansion on Munsel Lake Road was not instigated at the request of the property owners there. A number of property owners signed a petition to the Lane County Planning Commission requesting their properties not be included inside the City's UGB, but was disregarded because the signatures had not been verified.

Public Participation

First, we wish to point out that the current City staff is not responsible for the actions of their predecessors. To the contrary, present City staff have been most diligent considering the difficult circumstances with which they are dealing. The deficiencies in staff expertise and veracity discussed below pertain to previous city employees.

One comment made in the Supplemental Memo is of great concern to CFF - "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 comprehensive plan, *and is not pertinent to this proposed action.*" (*Emphasis added*).

CFF would respectfully disagree with County staff on that issue. Florence residents have one primary source for City planning information - the City of Florence. Lane County no longer maintains an office in Florence, and unless a resident wishes to make a three-hour round trip to Eugene, they have no choice but to rely on the City of Florence for information. The City has repeatedly, and almost consistently, provided incorrect, misleading, and even outright untruthful information during this long process. Residents of Florence are frustrated and discouraged with the obstacles to meaningful public participation presented by the actions of the City.

While the many hearings may look like a heroic attempt on the part of the city to ensure public participation, they are more an indication of the City's decision makers response to inaccurate or incomplete documents provided by city staff at the time of the hearings. Numerous meetings are not necessarily an indication of meaningful public participation. What good is it to hold countless public hearings if the information presented to the public and decision makers is inaccurate? The record before the Commissioners tonight (previous CFF testimony which has been included in the County's record) is replete with complaints submitted to the Florence Planning Commission and City Council that the documents being discussed were either non-existent or incomplete at the time of the hearings before those two bodies.

The fact that the City has held numerous public hearings does not necessarily mean the public has been given the opportunity to meaningfully participate in this process. The very essence of public participation is the public's rightly-held expectation that the information provided to them is accurate, factual, and truthful so they can meaningfully participate in the decision making process. The very essence of decision making is the rightly-held expectation that information presented by staff is accurate, factual, truthful. Throughout this 8+ year process, neither of those expectations have been met.

This plethora of incorrect, inaccurate information previously provided to Florence residents and the City Council puts an even greater burden on the Commissioners to ensure that their decisions are based on factual information during this review level.

CFF response to specific comments made in Supplemental Memo

There are two distinct areas being considered for inclusion in the Florence UGB. The two areas are being proposed for inclusion for different reasons: Area 1 has potential failing septic systems; Area 2 is needed to loop the water

system to serve the golf course development and another subdivision. The October 7, 2004 Supplemental Memo attempts to present the City's basis for the expansion in a concise manner. CFF provides a response to that information below.

AREA 1 (Munsel Lake Road)

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." (10/7/04 County Supplemental Memo)

Concern for the Environment

1. Protection of Munsel Lake

We would request the Commissioners look carefully at the maps provided in the record. In particular, the groundwater map prepared by Lane County clearly shows the groundwater flow in this area (see attached Exhibit A). The City's concern for "protection of Munsel Lake's water quality" is obviously misplaced in this context. There has been no testimony demonstrating there is any actual threat to Munsel Lake's water quality from any of the properties proposed for inclusion in the UGB. There has been considerable testimony and documentation provided which clearly indicates that all of the properties proposed to be included in UGB are "downstream" (both via surface water and groundwater) from Munsel Lake. The stream flows, surface terrain and groundwater flow make it virtually impossible for failure of a septic system, or contamination in any form for that matter, on any of these properties to contaminate Munsel Lake. The golf course property is even further "downstream" and could not possibly contaminate Munsel Lake in any way.

2. Potential Future Septic Tank Failure

If inclusion inside the City's UGB were truly a 'preventative measure' as claimed by the City, or even a solution to failing septic systems, then none of the "issues" indicated in the City's chart would exist. The fact remains that the possibility of a future failure of a septic system is clearly not sufficient rationale for expansion of the City's UGB - any more than the belief a child may grow up to be a criminal is sufficient rationale for incarceration at age 8.

The City's recently compiled and submitted (but undated) chart showing Sewage Disposal Issues does not show septic failure problems, or even potential septic failure problems. It is a compilation of **issues**, most of which are unrelated to any current or expected septic system failure.

It should also be noted that the City has documented **only one failing septic system inside the entire existing UGB**. Rather than an indication of potential problems, it would appear to a reasoning person that the overwhelming majority of septic systems inside the City's UGB are functioning properly and require no intervention by the City or County.

A close review of the "issues" presented by the City shows the following:

Rhododendron Trailer Park - **No failure** of this on-site sewage treatment system indicated. There are "deferred

maintenance issues" that apparently are being dealt with by DEQ. This is the only "issue" area currently being considered for sewers by the city - and that proposal is being vigorously opposed by many property owners because of the expected cost of a proposed \$7.8 + million Local Improvement District (see attached Exhibit B).

Kla-ha-ne Subdivision - **No failure** of septic systems indicated. The "issue" indicated for this subdivision is not potential failure of any system, but the claimed limitation on development because of lot sizes. Even the smallest lot could be developed with alternative sewage disposal systems - if the developer is willing to invest the required funds to do so. What the chart should state is that several lots cannot be developed "cheaply" unless subsidized by City residents through their prior payment for the City's sewer system.

Driftwood Shores - **No failure** of this motel and restaurant's on-site sewage treatment system is indicated. Although not expressed in the City's chart, it is common knowledge in Florence that the motel complex understandably wishes to abandon its sewer plant and hook up to the City's sewer system as a profit-enhancing strategy for its business.

Munsel Lake Road Area, across from LDS church. **No failure** any septic systems at the current time. No indication of the year the claimed contamination actually occurred, nor the cause of the "failure", nor what corrective measures were taken, nor the results of those corrective measures. It seems unlikely that (1) the contamination continues to this date or (2) the corrective measures taken were ineffective. Even so, at least some of these septic systems are in "good" condition even under the City's subjective and illusive definition of "condition."

Munsel Lake Road, Lot 2900 - Indication that "septic tank currently failing." No indication of what corrective actions are being (or have been) taken by property owner or DEQ or Lane County. Even this "issue" appears to be the result of "deferred maintenance" - a situation that can, and undoubtedly will, be corrected in the near future without intervention by the City. As succinctly stated by former Lane County Sanitarian, Bruce Mower in his 9/13/04 letter to the Commissioners, "The issue is not if a system will fail, but if an effective and efficient repair of the system can be accomplished."

Idyllwild near Saltier - **No failure** of septic systems. The mere indication that a drain field was impacted during high ground water can be of no surprise to the County or City, nor cause for immediate alarm. Many, many properties in Lane County experience high groundwater every year, and yet their septic systems continue to function once the water has receded. In fact, the groundwater problem in this area was known at the time of development, and was one of the reasons the property owners were required to sign a waiver of remonstrance against future annexation by the City.

Most of these "issue" properties have been developed for over 15 years, one for over 40 years. Most have been inside the City's UGB for decades. **Even from the City's point of view, inclusion inside the City's UGB for the last two decades has not provided solutions to any of these "issues"** which the City infers must be corrected, nor has the lack of city sewer required the intervention by the DEQ, County or City to take 'preventative measures'.

3. Interest in extending sewer lines to affected areas

The City's use of the term "affected areas" is misleading. None of these proposed areas are "affected" by anything other than, perhaps, the desire of a property owner to more densely develop their property. None are in immediate need of sewer service for either health or public safety reasons. It is apparent that the City clearly has some interest

in expanding the UGB, but those interests have little to do with protection of the public from failing septic systems, nor are they a sufficient basis for expansion of the City's UGB.

4. Provision of sewer service inside UGB

If the statement in the memo is accurate - that the City cannot extend sewer services to properties outside City Limits, then claiming a possible potential need for future city sewer service as a justification for expansion of the UGB is disingenuous, at best.

If the City truly believed a failing septic system problem posed a contamination threat, then the City would be proposing annexation of these properties, not UGB expansion. Originally, the City staff reports stated that there were failing septic systems along North Fork Road, and the City was considering inclusion of those properties inside the UGB. But the City dropped those properties from consideration after the property owners objected.

AREA 2 (golf course area)

1. Private Open Space zoning

The record shows that the golf course property potentially could be developed at a density of about 280 houses if the property were included in the UGB. (79.94 acres total; 97 houses per 27 acres;) (see 5/15/03 memo to Florence Planning Commission from Florence Planning Director Sandi Young. Ms. Young incorrectly calculated the number of acres.) Testimony indicates that the current owner intends to develop residential condominiums on this property, and does not intend to retain the current "private open space" use of the property.

2. Original reasons for inclusion in UGB

Correction of illegal activity: Contrary to State statutes, the City has illegally installed water and sewer lines outside City Limits - crossing the golf course property which is currently being proposed for inclusion inside the UGB. (see Florence Water Facilities Plan maps, Exhibits C-5 and C-6). This is another original, but vaguely stated, reason for the City's perceived 'need' to include the golf course property inside the UGB when there are no septic systems, failing or otherwise, on the property at all.

Economic gain for golf course owner: The City's original Findings of Fact and Conclusions of Law re: amendment of the UGB stated: "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. Some housing is planned by the owner on the portion that is being added to the UGB. However, it is primarily for economic development reasons that the portion outside of the UGB is being added to the UGB ... The housing and condominium units will stabilize the cash flow of the course ..."

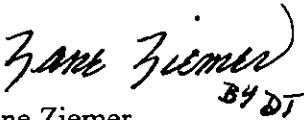
Looping of City water system: Another rationale for inclusion of the golf course given by the City is the need to 'loop' the water system in order to serve two subdivisions (Ocean Dunes Golf Course subdivision and Rhodoview Dunes). This planned 'looping' is based on the assumption that a right-of-way along the west boundary of the Hatch Tract and the golf course property (Martin Street) would be used. However, a review of County and City maps shows that there is considerable doubt as to whether or not Martin Street and this right-of-way actually still exists, due to shifting of lot lines and re-surveying of the Coastal Highlands neighborhood at the time of development. The City staff was asked about the status of Martin Street, and they could provide no definitive

answer.

Given the fact that it would be impossible for the City to condemn any right-of-way on the western border of the Hatch Tract (now held in Trust by the federal government), the full burden of providing the necessary right-of-way land would fall on the property owners living within City limits. If Martin Street no longer exists, and the City no longer holds any right-of-way along the western boundary of these properties, the validity of a plan to loop the water system for just two subdivisions comes into question. Additionally, the cost of purchasing a right-of-way along all those fully developed residential lots is troublesome, at best - and was not considered by the Florence City Council during their deliberations.

For these reasons, and those outlined in previous testimony, the Commission should reject the City's proposed expansion of the Urban Growth Boundary.

Thank you for your consideration,

Handwritten signature of Zane Ziemer in cursive, with the initials "ZJ DT" written below it.

Zane Ziemer
President

- A - Groundwater Flow Map
- B - Public Notice - Local Improvement District
- C - Florence Planning Commission Meeting Packet (5/13/03)
 - C, page 4 - Proposed UGB Boundary
 - C, page 5 - Map of existing water lines
 - C, page 6 - map of existing sewer lines

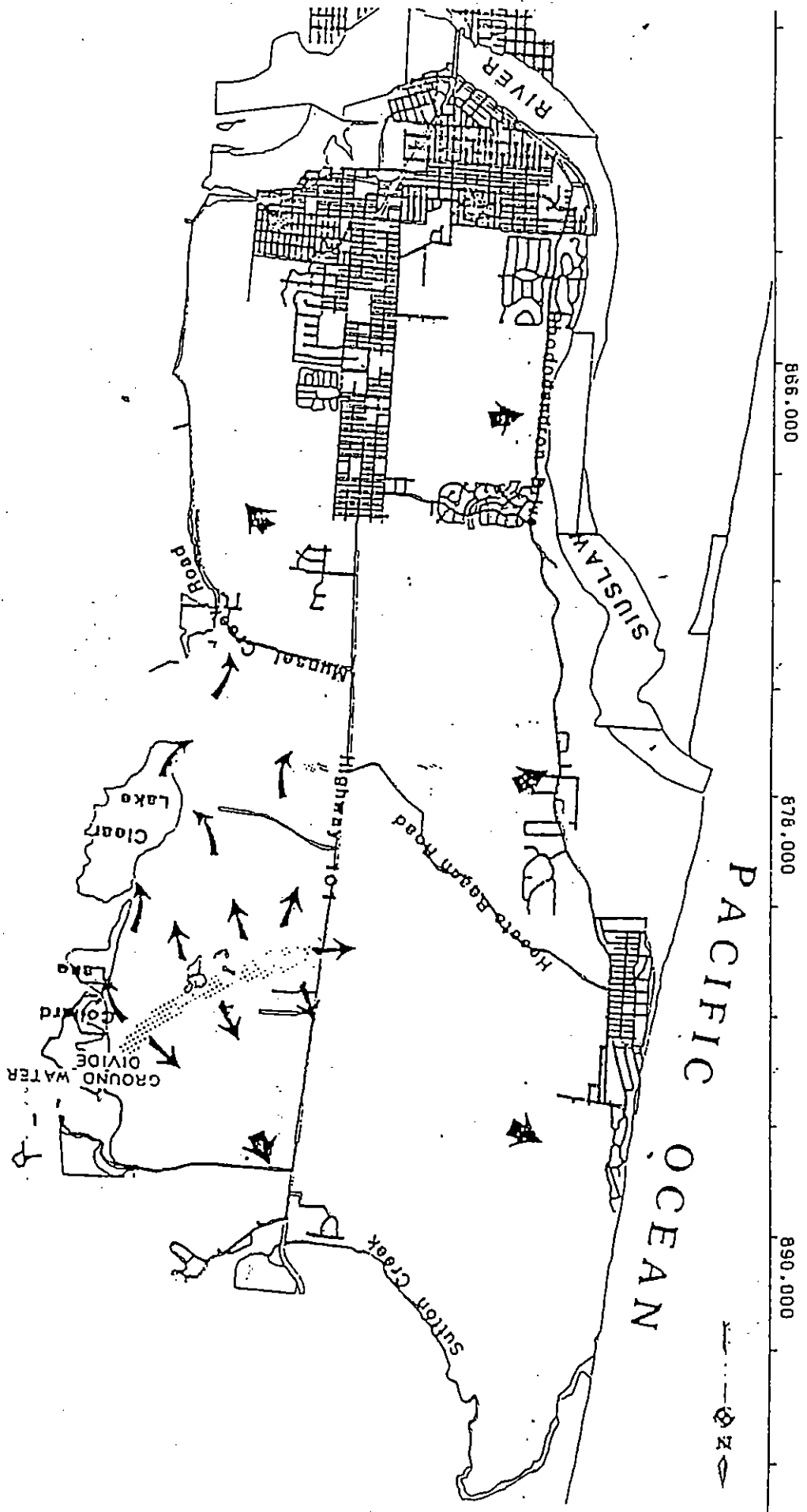
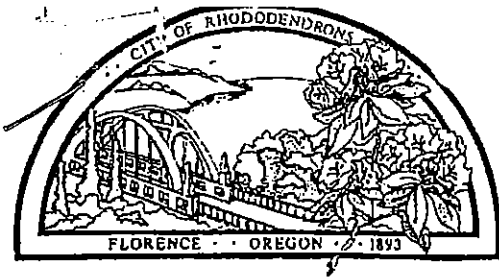


FIGURE 3. Generalized Ground Water Flow Directions and the Location of Major Ground Water Divide.

(A)



City of Florence
Community Services Department
Planning Division
250 Hwy 101
541-997-2141
Florence, OR 97439

NOTICE OF PUBLIC HEARING
Formation of a Local Improvement District
For Streets, Storm Drains, Sewers and Waterlines
In the Highway 101 – North Vicinity
September 7, 2004 – 7:00 p.m.
Florence Events Center
715 Quince Street

The Florence City Council is holding a Public Hearing to consider providing City services and infrastructure, including streets, water, sanitary sewer and storm drainage, to property, partially within the City Limits and partially within the Urban Growth Area. This area consists of a strip of land approximately 4000 feet wide, centered on Highway 101 from the area north of Fred Meyers to the area just north of Heceta Beach Road. The City Council directed that a detailed engineering study be prepared to further review needs in this area and provide a recommended course of action. The study recommends construction of a sanitary sewer interceptor and collection system on Highway 101; improvement of Spruce Street northerly from Munsel Lake Road to a point opposite Heceta Beach Road, then connecting to Highway 101; improvement of Oak Street northerly from 46th Street to Heceta Beach Road; extension of Munsel Lake Road westerly from Highway 101 to Oak Street; and storm drainage improvements. The complete study is available on the City Web site at www.ci.florence.or.us, or can be reviewed at the Community Services Department at City Hall, 250 Highway 101, Florence, Oregon.

The study proposes development of Oak Street and Spruce Street as 36' foot wide streets, with on-street bike lanes and sidewalks. Also included are sewer, water and drainage improvements for the future development of the properties. All improvements, except for roadway and sidewalks, are proposed to be installed underground. The estimated total cost for right of way acquisition, design, and construction is \$7,855,000, of which \$7,647,572 would be assessed to benefited properties within the assessment district. The remainder of the funding includes an estimated \$102,708 in System Development funds, and an estimated assessment of \$104,720 to properties in Florentine Estates Phase 3 and Phase 5.

The study discusses the possibility of making improvements in phases. The first phase, to be installed prior to any other improvements, would be the sanitary sewer pump station, force mains along Highway 101, and a gravity sewer collection system along the highway. Phase 2 includes the construction of Spruce Street with water, sewer and drainage improvements. Phase 3 is construction of Oak Street, also with water, sewer and drainage improvements. Oak Street could be further developed in two sections: north of Munsel Lake Road, and south of Munsel Lake Road. Phases may be developed concurrently.

Three methods of apportioning assessments to the benefited properties are considered: Scenario A assesses the Highway 101 sanitary sewer trunk collection and force main costs by area of benefited property and all other costs by front foot of abutting property; Scenario B assesses all costs by net area of benefited property; and Scenario C assesses Highway 101 sanitary sewer trunk and force main costs by net area and all other costs by a combination of abutting frontage and net area. The cost proposed for Florentine Estates Phase 4 is based on an estimate of the difference in cost from the existing 18" storm lines, and the 24" storm lines that would have been appropriate based on the size of the existing culverts crossing Munsel Lake Road, and that these costs would have been a development cost of the Florentine Estates Phase 3 and 5 parcels.

The proposed assessments for each of the benefited properties comprising the Local Improvement District are included within the following tables.

(B)

8. DISCUSSION ITEM

MAY 13, 2003

RESOLUTION 03-03-18-13 APPROVAL/READOPTON OF THE FLORENCE COMPREHENSIVE PLAN - 2000/2020 INCLUDING THE PROPOSED URBAN GROWTH BOUNDARY AND AMENDMENTS TO THE TRANSPORTATION SYSTEMS PLAN AND APPENDICES 2 AND 12.

EXHIBITS:

Urban Growth Boundary Study and Report, Exhibit A
Letter dated April 28, 2003 from Greene, Meyer & McElroy, Exhibit B
Resolution 03-03-18-13A, Exhibit C
Resolution 03-03-18-13B, Exhibit D
Resolution 03-03-18-13C, Exhibit E
Proposed UGB Expansion Map, Exhibit F
Ocean Dunes Golf Course Map, Exhibit G
Munsel Lake Area shaded Map, Exhibit H
UGB Boundary Map, Exhibit I
Existing Distribution System Analysis, Exhibit J
Florence Wastewater Collection System, Exhibit K
Ocean Dunes Golf Course Aerial Map, Exhibit L
Amended Tribal-State Compact Cover Sheet, Exhibit M
Oregon/Coos Class III Gaming Compact, Table of Contents, Exhibit N
Map, Exhibit O

The City is also actively involved in disaster preparation for the eventuality of earthquakes and potential tsunamis as the near coast ocean faults are projected to shift. The existing water and sewer lines traverse a portion of open dune, and are vulnerable to damage from earthquakes.

The inclusion of Munsel Lake Road and the portion of the North Fork Road generally south of the Munsel Lake Road intersection within the UGB allows the creation of a looped water and sewer system within an easily accessible right-of-way. However, with the withdrawal of the proposed agreement for the provision of city services to the Hatch Tract, the need for the inclusion of the North Fork Road right-of-way is decreased. A looped system can be created via easements and the use of the Martin Street right-of-way west of the Hatch Tract. to serve Ocean Dunes properties and Rhodoview Dunes subdivision (See Map)

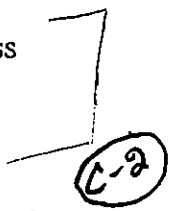
Area 2 – Ocean Dunes Golf Course. The Ocean Dunes Golf Course was built in 1961. The northerly approximately 80 acres was annexed into the city at a later date. Housing has been built on the east side of the northerly portion of the course within the City boundary. The clubhouse is also within the City. The southerly +/- 80 acres are still in the county and are proposed to be included in the UGB. Of the 80 acres, 40 are already fully developed as part of the 18 hole Ocean Dunes golf course. One-third to one-half of the remaining 40 acres is also developed as part of the course. (See aerial photo attached) The remaining vacant lands are intended for additional housing along the golf course. All of these lands are in the same ownership.

Area 3 – The Hatch Tract and neighboring lands on North Fork Road. In December 2001, the Associate Solicitor for the Division of Indian Affairs, US Department of Interior concluded that the Hatch Tract was land taken into trust as part of the restoration lands for an Indian tribe that is restored to Federal recognition. The determination that the Hatch Tract is restored lands means that gaming may lawfully occur on the site pursuant to the Indian Gaming Regulatory Act (IGRA).

In January 2002, the Florence City Council, in recognition of the fact that urban density development would occur on this site, included the Hatch Tract and other lands abutting the North Fork Road (to its point of intersection with Munsel Lake Road), within an expanded UGB, thus placing the City in the position to be able to negotiate with the tribes regarding provision of urban services (water, sewer, law enforcement, etc).

In 2002, then Governor Kitzhaber appealed the ruling of the Department of Interior. That appeal has not yet been resolved, but is scheduled for argument in early May in federal court. In the meantime, the City has negotiated an agreement with the tribes setting forth the conditions under which services would be provided, assuming that the appeal is not upheld. The agreement has not been signed, pending resolution of the appeal. On May 6, 2003, the Tribes withdrew the proposed agreement, and are no longer requesting city services for the development of the Hatch Tract.

The City's need to create a looped utility system can be met, although less efficiently, through the use of easements and the Martin Street right-of-way



located west of the Hatch Tract. (See Map) This is an undeveloped right-of-way, and will not allow the same degree of access to the facilities as location in the North Fork Road right-of-way. However, if the Tribes no longer desire services, the costs of extending service lines along North Fork Road would be borne largely by the few abutting residential owners, (with some use of City Systems Development funds for system looping).

There were several requests from property owners for inclusion within the UGB. A review of the map shows requests for inclusion of a small property north of North Fork Road adjacent to Rhodoview Dunes and inclusion of a developed property at the intersection of Munsel Lake Road and North Fork Road. There is another larger parcel north of North Fork Road between the city boundary and the small parcel which should also be included for efficient provision of services, if the other two parcels are included.

Consistency with State Land Use Goal 14 criteria.

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

The proposed UGB expansions are for the purpose of provision of services. Land use analyses have shown that there is no need to add additional lands to accommodate population growth within the planning period.

2. Need for housing, employment opportunities and livability.

The Residential Land Use Analysis completed in 1997 and included in Appendix 2 of the 2000/2020 Comprehensive Plan shows no need for additional residential lands. The industrial lands analyses completed in 1997, and updated in October 2001, demonstrates a need for additional large lots for large land area industrial uses, especially those associated with the construction industry. That need has been provided for within the existing UGB. No lands are being added to meet that need. There is an adequate inventory of vacant industrial lands to meet employment needs for the planning period.

The 2000/2020 Comprehensive Plan is very concerned with livability. It includes provision for a new Mainstreet District, and an Access Management Plan for the Mainstreet section of Highway 101, supports increased densities in the Florence Downtown with mixed use and building heights up to 50', provides for bike and pedestrian pathways, designates scenic streets and vistas, provides five Gateway plans for the entrances to Florence, includes the North Commercial Node, an area designed specifically for large retail uses, but with constraints on gross square footage based on a limited cross-section of Highway 101, and provision for architectural and design standards for all commercial and industrial development.

There is concern about continued livability of the community if the tribal gaming facility is located on the Hatch Tract. The entire community is concerned about the effects on local businesses, especially since the community has spent the last 10 years and considerable funds to develop an industrial park, the Florence Events Center and to revitalize the downtown area. There is concern about negative effects

(L-3)

Proposed UGB
Expansion
Map 14-2 & 3

Ocean
Dunes
Golf
Course

Hatch
Tract



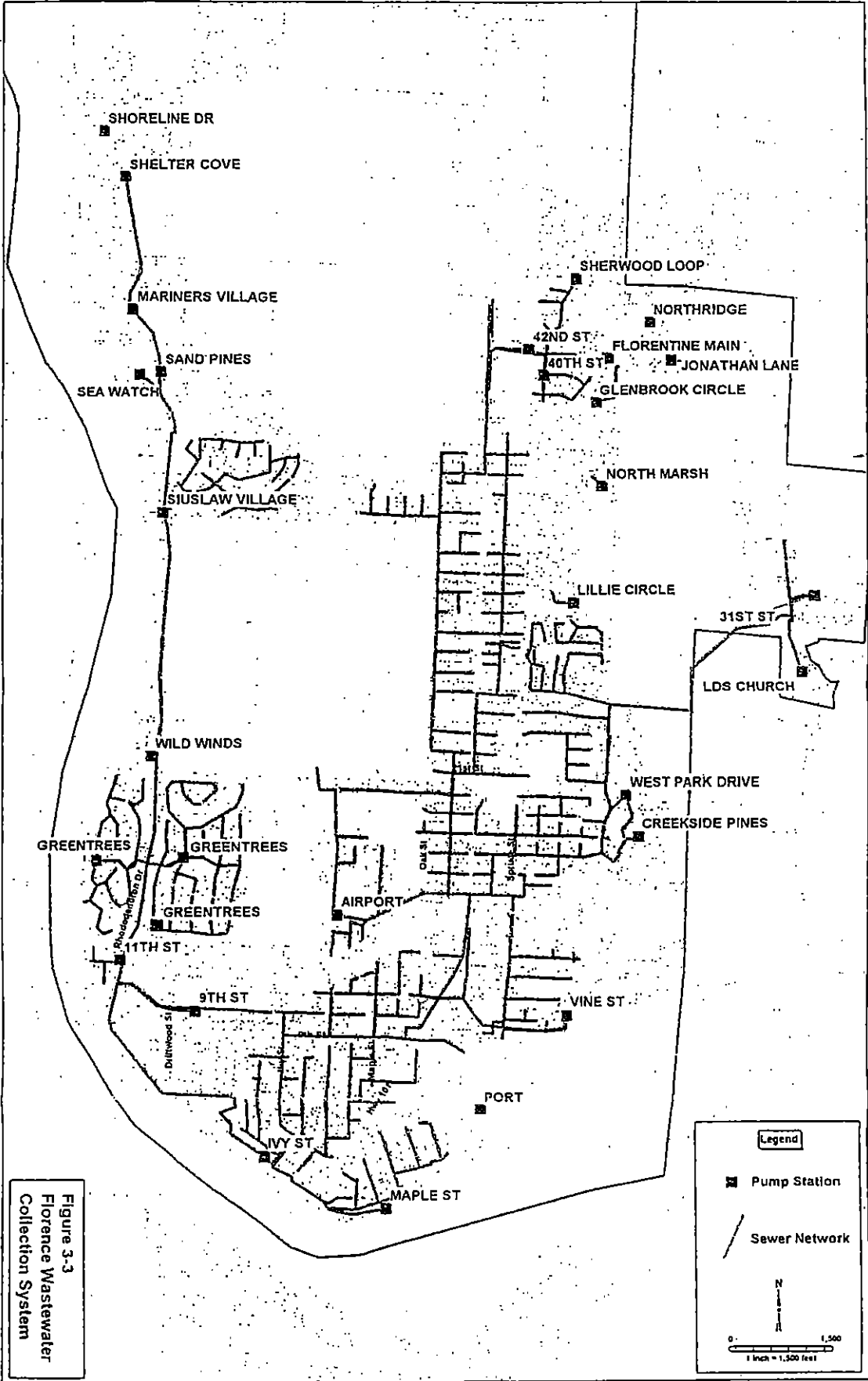
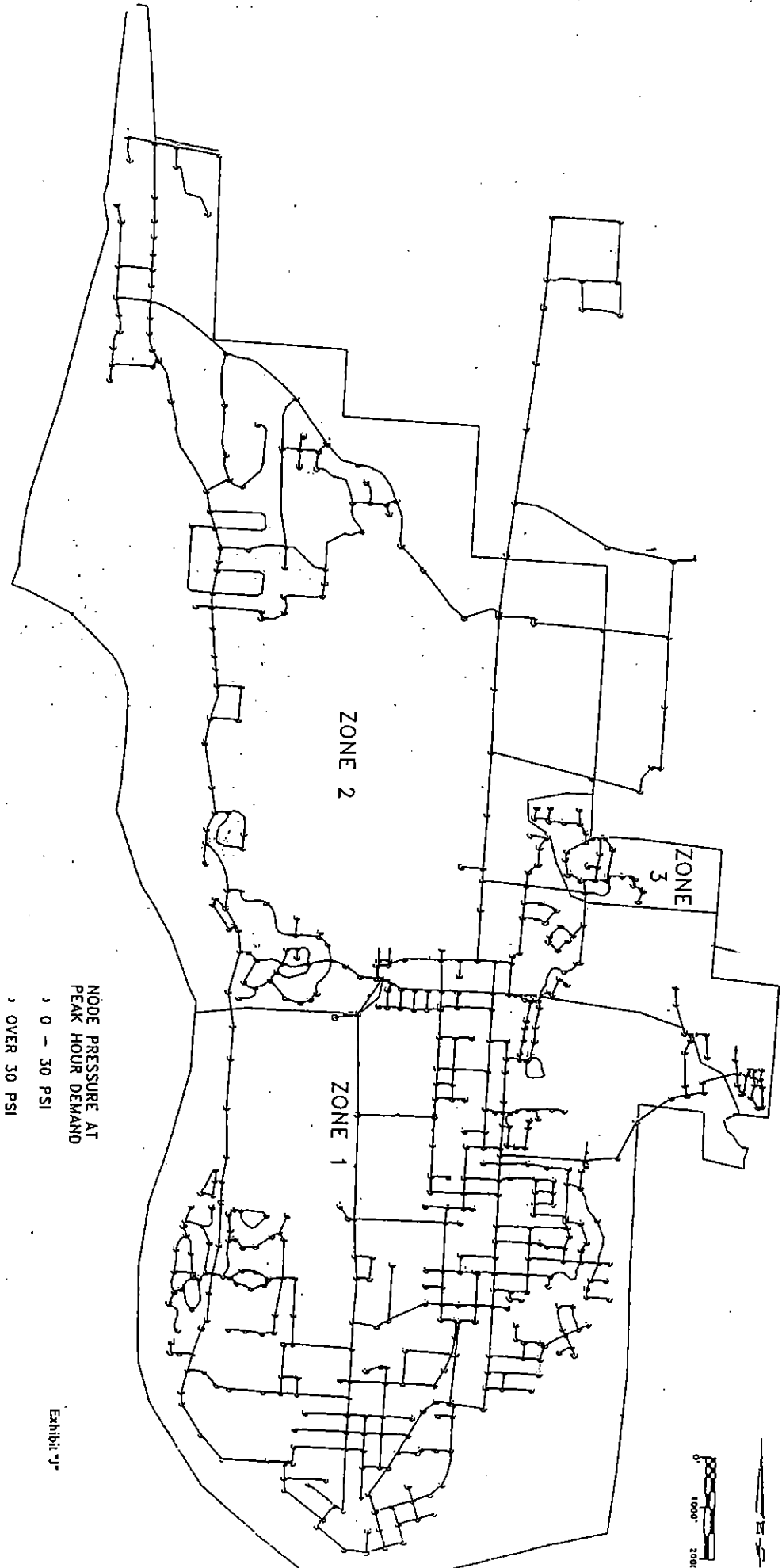


Figure 3-3
 Florence Wastewater
 Collection System

C-5



NODE PRESSURE AT
PEAK HOUR DEMAND
 } 0 - 30 PSI
 } OVER 30 PSI

Exhibit "J"

FIGURE 4-2
EXISTING DISTRIBUTIO
SYSTEM ANALYSIS

9-6

Exhibit "J"



534 SW Third Avenue • Suite 300 • Portland, OR 97204 • (503) 497-1000 • 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

PAZC04-5216
ORD No. PA1214
Date 10-12-04
Exhibit No. 18

October 12, 2004

Lane County Board of Commissioners
125 East 8th Avenue
Eugene OR 97401

Commissioners:

Thank you for your decision to hold this public hearing concerning the co-adoption by the County of Florence's UGB expansion here in Florence.

Tonight, I would like to raise a few points that haven't already been addressed.

COMPREHENSIVE PLAN

In the staff report for tonight's hearing (October 7, 2004), staff notes that the version of the Comprehensive Plan (Plan) that is relevant to the proposed action is the 1988 Plan, explaining that even though a new Plan has been adopted (2003) by the City, it has not been co-adopted by the County or acknowledged by DLCD. Staff's explanation, however, cannot stand in lieu of the adopting Ordinance, which unfortunately has not been put in the record, although I have requested that this be done.

The adopting Ordinance provides the policy direction on which comprehensive plan is currently in effect. A comprehensive plan, or a land use regulation for that matter, that has been approved but not acknowledged can be in effect, and the adopting Ordinance provides the policy direction on that question. Until the adopting Ordinance has been added to the record, however, staff cannot determine which of the two comprehensive plans is actually in effect. Please request that staff provide a copy of this ordinance prior to your deliberations on this proposal.

SEPTIC SYSTEM CONCERNS

Staff has mischaracterized the comments submitted by Mr. Ehlers, the Lane County Sanitarian, on October 4, 2004. For starters, staff writes that prior to the September 15, 2004 public hearing, the "County Sanitarian had not provided direct input into the analysis." This is an overstatement because, in fact, Mr. Ehlers had never been contacted by staff for a referral until after the September 15th hearing, although it was clearly necessary to do so. Secondly, staff summarizes Mr. Ehler's full page memo into one single sentence (*staff memo, page 2, section II-Background/Analysis, paragraph 1*) that erroneously frames the issue by stating that the "City agrees that there is potential for failure." In fact, it is the City that is claiming this 'potential for failure.' What Mr. Ehler's memo actually shows about Area 1 is the following:

- Of the 18 taxlots proposed for inclusion inside the UGB, 13 (72%) are developed and have permitted septic systems; 10 of these (77%) date from the 1990's or newer. The other 3 systems have permits dating from the 1960's, and the remainder are non-developed or have systems that pre-date permit requirements.
- Four of the 1960's era systems (permitted and non-permitted) have been repaired within the past decade, and all of the original permits outline a replacement area for the repair drainfield.

- There are numerous areas north of Florence that fit a similar profile as that of the subject lots: small sized lots, municipal water supply, older septic systems, and that the subject area does not appear to warrant any special consideration regarding sewer vs. septic.

URBANIZATION

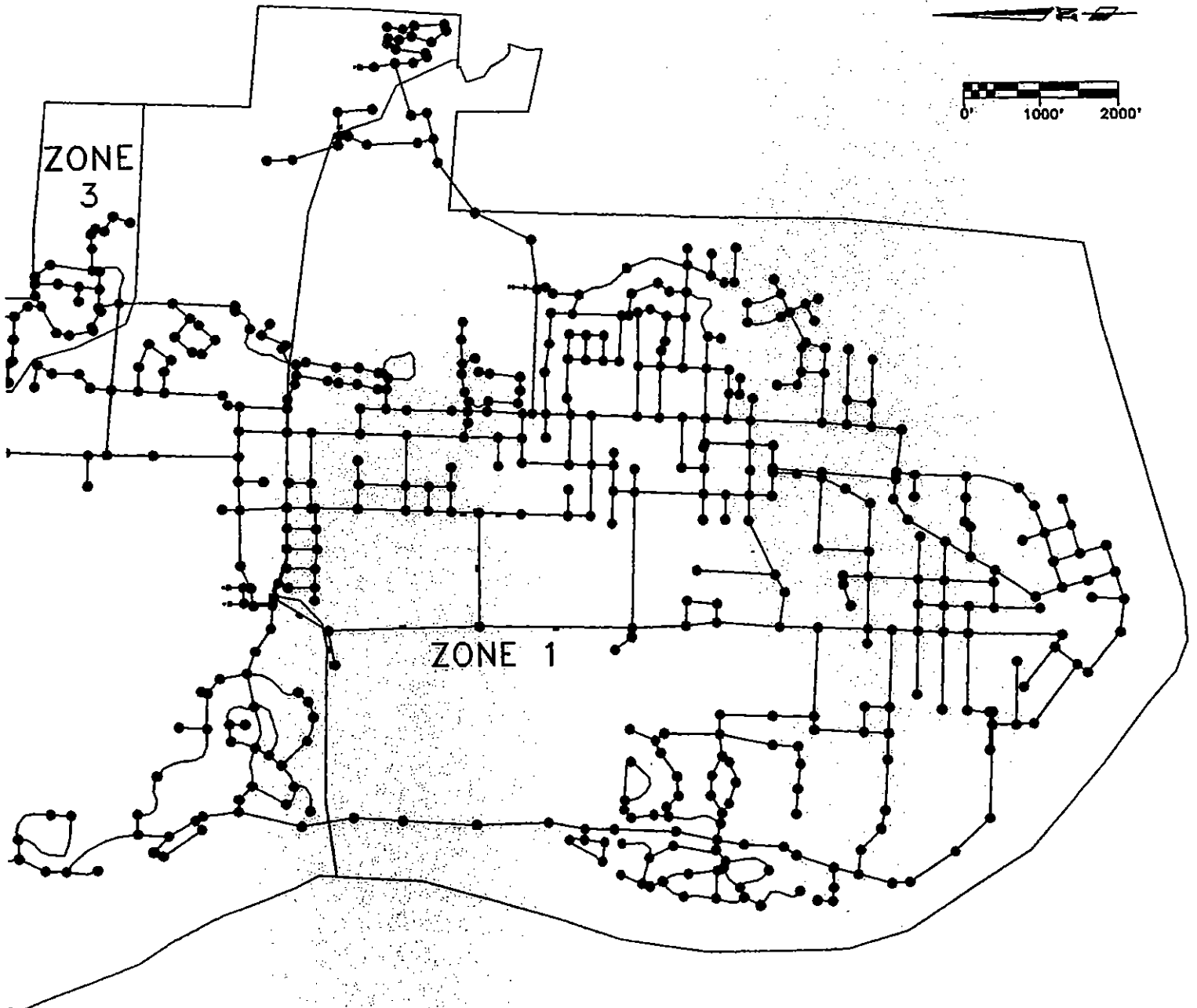
Staff states that "the water distribution system is not looped" and "residents experience a loss of pressure at times." However, there is no evidence in the record concerning loss of pressure, and staff has not addressed the fact that pressure loss has been identified to be a result of low water tank levels rather than lack of looping. Figure 4-2 in the Water Facilities Plan, "Existing Distribution System Analysis" shows a minor low pressure situation in Area 1 only. (*Attachment 1*). In addition, the "Future Distribution System Analysis" diagram, Figure 4-3, indicates that the Munsel Lake Road area is 'planned' for the installation of a 'Rhody Booster Pumping Station' as a relatively simple solution to this minor low pressure problem.

TECHNICAL ISSUES AND INCONSISTENCIES

There are still inconsistencies between the proposal and the planning documents. For instance, the 1988 Comprehensive Plan does not have a Private Open Space Designation, yet that designation is being proposed to be applied to Area 2. The fact that municipal well fields next to Area 2 are designated Open Space is irrelevant, because the record shows that the golf course clearly wants to develop as a 'retirement subdivision' once annexed to the City, whereas well fields need protection from development actions and other potential degradation activities.

Thank you again for this additional opportunity to comment on this proposal.

David Segel



NODE PRESSURE AT
PEAK HOUR DEMAND

- 0 - 30 PSI
- OVER 30 PSI

FIGURE 4-2

EXISTING DISTRIBUTION
SYSTEM ANALYSIS

CHRIS H. LEWIS CONSTRUCTION LLC

87481 Rhodowood Drive, Florence, OR 97439

Office (541) 902-2867 * Cell (541) 999-1341

October 6, 2004

04-5216
ADD No. PA1214
Date 10-12-04
Trakits No. 19

LANE COUNTY LAND MANAGEMENT DIVISION
125 E 8TH AVENUE
EUGENE, OR 97401-2926
ATTN: LANE COUNTY COMMISSIONERS
VIA HAND DELIVERY BY HBA LEGAL COUNSEL

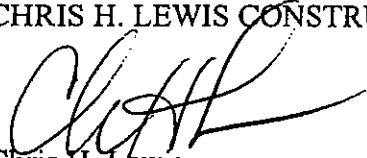
Dear Commissioners,

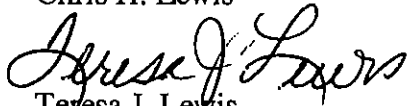
Please accept this letter as an indication of our "support" for the county to adopt amendments to the Rural Comprehensive Plan and the Florence Comprehensive Plan to enlarge the Florence Urban Growth Boundary and to re-designate and re-zone to City plan designations of medium density residential and private open space.

We feel that an affirmative decision to adopt these amendments will offer a more secure future for those of us who work and live in this community. The emphasis needs to be on the word "work." We don't just live here. Our livelihoods and our existence comes from the dollars we make at our profession and spend back in to the community.

In short please note that we support the expansion of the urban growth boundary; expanding public utilities to the new areas and expanding local land inventories, "ALL" for the greater good our industry and community.

Very truly yours,
CHRIS H. LEWIS CONSTRUCTION LLC


Chris H. Lewis


Teresa J. Lewis

Integrity Plumbing, Inc.
1775 Laurel Place #5
PO Box 649
Florence, OR. 97439
(541) 997-8753 phone
(541) 997-2919 fax
CCB #147926

04-5216
No. PA1214
Date 10-12-04
No. 20

eleven employees
signed this letter.

RE: Urban growth boundaries

10/12/04

TO: Lane County Land Management Division
125 E. 8th Avenue
Eugene, OR. 97401-2926

We strongly support the adoption of amendments that shall expand the UGB here in Florence OR.

The expansion of the UGB and extension of public utilities are of great value and are in the best interest of the Florence community.

We believe this revision and expansion has been untimely in it's planning stages.

We believe this expansion should be expedited to preserve the building industry and overall welfare and health of our growing community.

Signed Marty Anderson

October 12, 2004

Zachary Morrison
790 Kingwood
Florence, OR. 97439

04-5216
No. PA 1214
10-12-04
21

Lane County Land Management Division
125 E. 8th Avenue
Eugene, OR. 97401

RE: Expansion of Florence Urban Growth Boundary

Lane County Commissioners:

As a long time resident of Florence that had an opportunity to move away and has since returned I would like to express my support of the expansion of the urban growth boundary.

I represent one of the smallest minorities in Florence. I am an unmarried, college educated, professional male, under 30, with no children. This is where I grew up; I am glad that I had that opportunity as well as the opportunity to live in a large metropolitan area. I believe that I stand here representing the professional future of Florence.

The recent publicity that Florence has garnered being labeled the best place to retire in America coupled with a shortage of build able lots within the current city limits and urban growth boundary should make expansion an easy decision. The equation is simple: Growth, regardless of demographics, will happen. Without the expansion and increased availability of land that has access to city services, home ownership is a near impossibility for someone like myself.

I don't want to leave Florence, however I would hate to be forced into that decision due to the lack of foresight to expand the urban growth boundary. This expansion is critical to the healthy growth of this community.

Thank you,



Zachary Morrison

To: Lane County Board of Commissioners

04-5216
ORD No. PA 1214
Date 10-12-04

Subj: Proposal to expand the Florence Urban Growth Boundary

Page 22

Concerning Ordinance No. PA 1214 adopting amendments to the Rural Comprehensive Plan and the Florence Comprehensive Plan to enlarge the Florence Urban Growth Boundary, a total land area of approximately 105 acres, consisting of properties South and West of Munsel Lake Road, including Ocean Dunes Golf Links property.

Florence is experiencing an acute shortage of buildable lands. Even if all buildable lands inside the Urban Growth Boundary are annexed and provided services, Florence will still have far more demand than supply. There are natural barriers and other factors which will prevent Florence from growing to the East and North, so it is critical that Florence be allowed to grow in areas that are obviously in the path of natural development.

We urge the Lane County Board of Commissioners to adopt the ordinance paving the way for this limited and necessary expansion of the Florence Urban Growth Boundary.

PRINT NAME	ADDRESS	SIGNATURE
- Delbert L. Phelps	109 E. EVERETT LANE, FLORENCE	Delbert Phelps
- Anita L. ZIESKE	679 Siano Loop Florence	Anita Zieske
- Elizabeth GERRERAUX	9 ONADONE CT. FLORENCE	Elizabeth Gerreaux
- JEFF CRAYNE	7729 Seabreeze Ln Florence	Jeff Crayne
- HARRY GERRERAUX	9 ONADONE CT, FLO	Harry Gerreaux
- ROBERT P. FERRMAN	8762 Woodlawn Ave Florence	Robert Ferrman
- Shirley HUNT	95 OUTER DRIVE, FLORENCE	Shirley Hunt
- Linda RUSH	1601 Rhododendron Dr Florence	Linda Rush
- JERRI Buxton	20 Box 1737 Florence	Jeri Buxton
- KATHY SOHIMMELMAN	611 GLENBROOK Cir. FLORENCE	Kathy Schimmelman
- Pamela Emmingham	P.O. Box 1449 FLORENCE	Pamela Emmingham
- DARLENE AUSTIN	1600 Rhododendron Dr. S 2566	Darlene Austin
- DAVID BEALE	P.O. Box 3007 FLORENCE	David Beale
- DAVID TAYLOR	8206 S Woodlands Dr Florence	David Taylor
- Patrick Emmingham	P.O. Box 1449 Florence OR.	Patrick Emmingham
- Maria Eaton	85171 Laurel St Florence, OR	Maria Eaton
- MIRIAM COCCILO	05456 CANARY, FLORENCE, OR	Miriam Cocciolo
- SCOTT McCabe	83244 Clear Lake Rd Fl. OR 97439	Scott McCabe
- STEVE EARNSHAAS	77 EDGEWATER CT. FLO 97439	Steve Earnshaas

04-5216
No. PA1214
10-12-04
No. 23

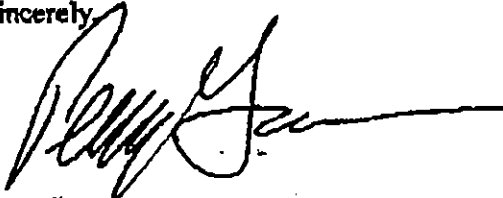
October 10, 2004

Lane County Land Management Division
125 8th Avenue
Eugene, OR 97401-2926
ATTN: Lane County Commissioners
Via Hand Delivery by HBA Legal Counsel

I want to express our support for the county to adopt amendments to the Rural Comp Plan and the Florence Comp Plan to enlarge the Florence UGB and redesignate and rezone to city plan designations of medium density residential and private open space.

We support the growth of the urban growth boundary for the greater good of our building industry and the community as a whole. The building industry in Florence is far reaching in the benefit to the community and expanding the local inventory of buildable property benefits many up and down the line in the town employed in many different professions.

Sincerely,



Perry Larson
General Manager
Copeland Lumber Yards
3231 Highway 101 North
Florence, OR 97439
(541)997-8474

Six employees
signed this same letter



04-5216
ORD No. PA1214
Date 10-12-04
Permit No. 24

August 12, 2004

Bobby Green, Board President
Lane County Board of Commissioners
125 East 8th Street
Eugene, Oregon 97401

Re: Proposed Florence UGB Expansion

Dear Commissioners:

The Home Builders Association supports the expansion of the Florence UGB and we will specifically address the need to include Area 2 in the UGB.

An urban growth boundary expansion requires a discussion of several state and local laws. For example, Goal 14 establishes the seven factors that must be considered to substantiate a change in a boundary. Goal 14 also requires that jurisdictions follow the Goal 2 exception process. Lane County also has an ordinance that explains the process required to amend or supplement the county's comprehensive plan. The Home Builders Association would like to examine specific parts of the Goal 14 criteria, as well as Lane Code 12.050(2)(d).

Goal 14 of the Oregon Statewide Planning Goals and Guidelines deals with urbanization and says in part that the purpose of Goal 14 is:

"To provide an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon consideration of the following factors:

- (1) Demonstrated need to accommodate long-range urban population requirements consistent with LCDC goals;
- (2) Need for housing, employment opportunities, and livability;
- (3) Orderly and economic provision for public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic, and social consequences;

- (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.”

Subsection (1) of Goal 14 pertains to the amount of land needed to provide for future growth in the community. The HBA provided testimony to the Florence planning commission and city council on their review of the residential land supply. It was our position then, and it continues to be our position, that the numbers supporting the residential land supply were seriously flawed. However, that part of periodic review has passed without appeal and we will not challenge here the shortage of a residential land supply.

Subsection (2) of Goal 14 is a different issue. It speaks to the need for housing, economic opportunities, and livability. That issue seems particularly relevant to Area 2. Area 2 is, essentially, a golf course. Part of the parcel lies within the UGB and part is outside the UGB. Some residential development is anticipated on the portion of the parcel located outside the UGB. Residential developments around golf courses are typically best constructed at higher densities in order to make the golf course itself more viable. The golf course itself keeps most of the parcel in open space. Requiring substantial, additional open space with each housing unit can make the project financially impracticable. For that reason, rural densities are usually not desirable for housing affiliated with golf courses. Bringing the entire parcel into the UGB would allow a more diverse type of housing, such as attached housing and single-family housing on smaller lots.

In addition, Florence needs more housing. There is an acute lack of building lots within the UGB, mostly because urban services, such as sewer and water, are not currently available to lands outside the city but inside the UGB. Area 2, abutted on three sides by developed residential neighborhoods inside Florence, has municipal services readily available when it is annexed into the city. This 80-acre parcel, therefore, has the potential to quickly provide building lots and housing units, both of which are in high demand and short supply.

Bringing Area 2 into the UGB would also allow for an “orderly and economic provision of public services (subsection 3)”. Principally, three types of public services are relevant – public safety, water, and sewer.

Half of the parcel is currently served by the Florence police department and half of the parcel by the Lane County Sheriff’s Department. Including all of the parcel in the UGB would eliminate duplication of services and confusion over jurisdiction – a more efficient and cost effective means to provide public services.

OAR 660-011-0065 allows the expansion of municipal water services to lands outside the UGB, but the service can not be used as a justification for developing the land at a higher density. That requires that the land be brought into the UGB. However, serving Area 2

with the municipal water system would be more efficient and cost effective for both the city and Area 2. It would help the city build the loop system that is needed while having Area 2 help pay for the cost of the system. Conversely, a municipal water supply would enable the golf course to build residential units at a higher density, but that requires that it be brought into the UGB.

Unlike water service, in order for the residential units at the golf course to connect to the city sewer system, the parcel has to be brought into the UGB. This would allow for a more efficient development of the municipal sewer system. It would allow the city to recover additional revenue to offset the cost of building its sewer system while allowing Area 2 to benefit from the city's sewer system.

Subsection 4 speaks to the maximum efficiency of land within and on the fringe of the existing urban area. It is difficult to imagine a parcel for which this provision is more applicable. As previously said, this parcel is half in and half out of the UGB. The maximum efficient use of this parcel is for it to be brought entirely inside the UGB and allowed to develop at urban densities.

Subsection (5) speaks to environmental, energy, economic, and social consequence. The part of Area 2 that has a plan designation of forest land would continue to be protected as open space within the golf course. However, the part of the land that can be developed can be most economically developed at a higher residential density that is permitted at rural densities. The city of Florence would also derive economic benefits from having the golf course be as financially viable as possible, as well as from the jobs that would result from residential units being constructed at a higher density. Often, residential units located on golf courses are vacation rentals, which would also increase tourism revenue, which is very important to Florence. Florence relies heavily on tourism for revenue. A fully developed golf course inside the city would increase those revenues.

In terms of social consequences, the parcel in Area 2 is principally surrounded by residential homes located within Florence's UGB. Constructing residential units consistent with the surrounding densities would help promote the inclusion of these units into the neighborhood. Building at rural densities would further separate these units from the neighborhood with which they should be involved and connected.

Neither subsection (6) or (7) is relevant to the inclusion of Area 2 in the Florence UGB, because the parcel does not contain agricultural lands nor is it adjacent to agricultural lands.

Amending the county's comprehensive plan to include Area 2 in Florence's UGB is justified under the county's code.

Lane Code 12.050(2) says:

“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;
- (c) a change in public policy; or
- (d) a change in public need based upon 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.

Florence's municipal water and sewer systems are most efficiently expanded through the "loop" design. Inclusion of Area 2 in that loop allows the water and sewer systems to be expanded to serve Florence's urban growth boundary in the most cost effective manner. At a time when Lane County public safety dollars are stretched beyond the county's ability to always provide effective law enforcement, including Area 2 within the jurisdiction of the Florence police department would be beneficial to the city, the county, and the owners of the golf course. Either subsections (b) and (d) would provide an excellent basis for amending the county's comprehensive plan to expand the Florence UGB to include Area 2,

The city's justifications for bringing Area 1 into the UGB are harder to defend. The administrative rules for Goal 11 allow the installation of sewer components outside the UGB if "such placement is necessary to serve lands inside the UGB more efficiently by traversing lands outside the boundary (660-011-0550)." Water service to rural lands under OAR 660-011-0065 only has the limitation that the service can not be used to increase the allowed density of the land that is served. If the UGB expansion of Area 1 is justified by the need for a loop configuration for water services, that can be probably be done without a UGB expansion.

If the justification of the UGB expansion is the possible future failure of the septic systems in Area 1, the memo from George Ehlers, Environmental Health Manager, to Stephanie Shultz, Lane County Planner, dated October 4, 2004, would appear to dismiss that rationale. Unlike Area 2, where the owners of the property are advocating their property be included in the Florence UGB, property owners in Area 1 are resisting the city's proposed UGB expansion.

The Home Builders Association encourages the Board of Commissioners to separate the two proposed UGB expansions so that each can be accepted or rejected on its on merits. In the event of an appeal, we believe that the inclusion of Area 1 into the UGB ~~would~~ be ~~very~~ difficult to defend and that the inclusion of Area 2 into the UGB would be highly defensible. As long as they are tied into a single ordinance, a remand by LUBA on Area 1 would inevitably affect the validity of Area 2.

Separating the two expansions into two different ordinances would lengthen the process initially, but would ultimately produce a better result, and one that exposes Area 2 to much less risk of a LUBA remand.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script that reads "Roxie Cuellar". The signature is written in black ink and is positioned below the word "Sincerely,".

Roxie Cuellar
Director of Government Affairs

Charles C. Rosecrans and Kathleen S. Rosecrans

P.O. Box 2636
5005 Barrett Creek Lane
Florence, OR 97439

04-5326
ORD NO. PAID
Date 10-12-04
Exhibit No. 25

October 11, 2004

Lane County Land Management Division
125 E. 8th Avenue,
Eugene, OR 97401-2926
Attn: Lane County Commissioners
Via Hand Delivery by HBA Legal Counsel

Dear Commissioners:

We write this letter to inform you of our great concern over rumors we have heard concerning some of the Commissioners intent not to expand Florence's Urban Growth Boundary. Florence has experienced a dramatic increase in prices due to the shortage of buildable land in our area. The majority of the affordable homes in this area are **no longer affordable** for the first time homebuyer.

If the Commissioners feel that limiting the available land for expansion is in the public interest we feel that they are not in touch with reality.

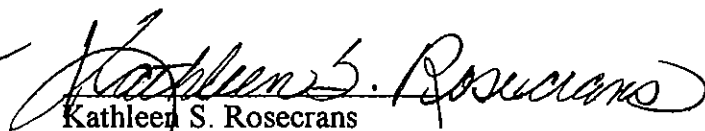
We would like to **give our support** to the County to adopt amendments to the Rural Comp plan and the Florence Comp Plan for the expansion of the Urban Growth Boundary, and expansion of the public utilities necessary to service that expansion. We also give our support to enlarge the Florence UGB and redesignate and rezone to city plan designations of medium density residential and private open space.

We feel that this would be for the greater good of our community, the building industry, and all small business in the Florence area.

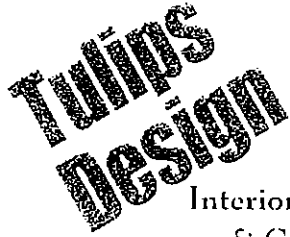
Sincerely yours,



Charles C. Rosecrans
P.O. Box 2636
Florence, OR 97439



Kathleen S. Rosecrans
P.O. Box 2636
Florence, OR 97439



Interior Decorating
& Consulting

04-5216
ORD No. PA1214
Date 10-12-04
26

October 11, 2004

Lane County Land Management Division
125 E. 8th Ave
Eugene, Oregon 97401-2926
Via Hand Delivery By HBA Legal Counsel

To Whom It May Concern:

As a business owner and member of the Home Builders Association in Florence, OR I am very concerned about the growth that Florence is experiencing. With Florence being such a wonderful place to live with its friendly people, great climate, health facilities and all of the recreational places it is no wonder that people from all over are coming here to make Florence home.

With this growth comes responsibility. This responsibility rests on all of our shoulders. With the lack of land in the city to build more homes it only seems reasonable that Florence expand its boundaries. This responsibility means that we need to expand our public utilities and expand local land inventory in order to provide new homes for this growth. The fact is Florence is going to grow. Why not do it with planning ahead of time instead of after the fact.

I sincerely feel that Florence can grown and expand without ruining the small town feel. We can keep the great friendly atmosphere and ambiance that draws people to our wonderful town but we can only do this IF we do it wisely and with planning.

Respectfully,

A handwritten signature in cursive script that reads "Maggie Gunderson".

Maggie Gunderson
Tulips Design Center

MY NAME IS BUDDY HALE. I AM A RESIDENT OF FLORENCE, A TAX PAYER AND A REGISTERED VOTER. MY WIFE AND I ARE MEMBERS OF OCEAN DUNES GOLF LINKS. OUR MEMBERSHIP IS AT THE WILL AND PLEASURE OF MR. BILL ROBINSON, AS WE DO NOT HAVE AN OWNERSHIP POSITION - ONLY AN ANNUAL MEMBERSHIP.

IT APPEARS THAT MR. ROBINSON WOULD LIKE TO CHANGE HIS STATUS AS THE OWNER OF THE GOLF CLUB BY SELLING IT TO THE PEOPLE OF THE COMMUNITY.

THIS WOULD PROVIDE AN OPPORTUNITY, FOR WE, THE MEMBERS, AND OTHERS OF THE COMMUNITY, TO SOME DEGREE, CONTROL OUR OWN DESTINY. THIS WOULD PROVIDE TO THE COMMUNITY A GOLF COURSE THAT IS BOTH BENEFICIAL AND AFFORDABLE. I, AND MANY RESIDENTS HERE IN FLORENCE, WOULD PREFER TO HAVE CONTROL OF OCEAN DUNES GOLF LINKS REMAIN WITH THE PEOPLE OF THE COMMUNITY, AS OPPOSED TO BEING UNDER THE CONTROL OF THE CASINO OPERATORS.

MR. ROBINSON IS DESIROUS OF SELLING HIS PROPERTY AND DEVELOPING THE VACANT LAND WHICH HE CURRENTLY OWNS. IT SEEMS TO ME THAT MR. ROBINSON'S PLAN IS CREATING A GREAT OPPORTUNITY TO THE CITY OF FLORENCE AND THE LOCAL COMMUNITY. THE CITY OF FLORENCE AGREES WITH MR. ROBINSON, IN THAT THEY HAVE APPROVED HIS PROPOSED DEVELOPMENT. BY GOING FORWARD WITH THIS DEVELOPMENT HE CAN CREATE A SITUATION WHICH WOULD BE GOOD FOR THE COMMUNITY --- THAT IS BY THE ADDITION OF AN INCREASE IN THE TAX BASE, BY PROVIDING EMPLOYMENT AND CREATING MORE RESIDENTIAL LOTS, (WHICH, AT THIS TIME ARE IN SHORT SUPPLY).

I BELIEVE THE DEVELOPMENT, AS IT HAS BEEN PRESENTED BY MR. ROBINSON, AND APPROVED BY THE CITY OF FLORENCE, WOULD BE MUCH MORE DESIRABLE AND BENEFICIAL TO THE COMMUNITY, AS OPPOSED TO A SALE TO THE CASINO OPERATORS. GOD ONLY KNOWS WHAT WE WOULD END UP WITH THEN.

MY ONLY CONCERN IS YOUR CONSIDERATION OF THE OCEAN DUNES PORTION OF THE PROPOSALS BEFORE YOU HERE TONIGHT. I AM NOT FAMILIAR ENOUGH WITH DETAILS OF THE OTHER AREA TO RENDER ANY OPINION.

ACTION NEEDS TO BE TAKEN NOW. THERE IS NO REASON TO POSTPONE OR DELAY APPROVAL OF A PLAN THAT HAS BEEN APPROVED BY THE APPROPRIATE AGENCIES. THIS PROPOSAL AWAITS YOUR APPROVAL SO THAT WE MAY PROCEED TO THE NEXT STEP.

THIS IS THE RIGHT THING TO DO AND THE RIGHT TIME FOR POSITIVE ACTION.

MY ADDRESS
9227 PHELY LANE
FLORENCE, GA 31743

VAZCOH-5216
ORD No. PA1216
Date 10-12-04
Exhibit No. 27

2004-5216
ORD No. PA1214
Date 10-12-04
Ord. No. 28

10/6/04

Bill Robinson
Ocean Dunes Golf Course

Dear Bill,
I'm sorry I won't be able to attend the meeting October 12 as I will be in New Orleans.

I want you - and the Commissioners to know that I fully support your proposed housing development on the 27 acres on the north side of the OD golf course.

This type of development with the high quality homes will benefit Florence in many ways besides the obvious tax benefits. These homes will attract individuals and families who will make valuable contributions to our city.

Please feel free to use this letter and wholehearted endorsement of your proposal in any

way that might be of help to
you.

Thanks for your many
contributions already made
to the development of Florence

Sincerely,

Don Chapin

Ocean Dunes Cottages #2

PAZG 04-5216
ORD No. PA1214
Date: 10-12-04
Exhibit No. 29

LANE COUNTY LAND MANAGEMENT DIVISION
125 E 8TH AVENUE
EUGENE, OR 97401-2926
ATTN: LANE COUNTY COMMISSIONERS

To whom it may concern:

I would like to voice my support for the expansion of the Urban Growth Boundary for the benefit of Florence and our residents. I feel that this is the best way to address the growing need for affordable housing. Rising home values have been disproportionate to wages for many of the folks who serve us here in our community. This can force many of these workers to live outside of Florence which means they must commute to and from their jobs. That will lead to more congestion on our roadways and increased pollution as well as a greater consumption of gasoline. All of which are ecologically unsound. Another fact to consider is that when these workers do not live in Florence they are not spending their money here supporting our local economy.

Also, a great deal of our local residents work directly in the building industry, or in some capacity supporting the building industry. It's no secret that we are in need of developable land, and the expansion of the Urban Growth Boundary is a big step in the right direction, and is exactly what we need right now.

Respectfully,



this same letter was submitted for
Exhibits 31, 32, 33, 34, 35,

AZC 04-5216
ORD NO PA1214
Date 10-12-04
Exhibit No. 30

October 10, 2004

Lane County Land Management Division
125 8th Avenue
Eugene OR 97401-2926

Attn: Lane County Commissioners

I would like to express my support for Lane County to adopt the amendments to the Rural Comprehensive Plan and the Florence Comp Plan to enlarge the Florence Urban Growth Boundary.

As a business owner for over 15 years and employer, I support the expansion of the UGB and expanding local utilities to the areas north of Florence as a way to expand the local land inventory for the population of Florence.

I have watched my employees this year have increasing problems with finding affordable rentals and first time buyer houses. My employees are being forced out of the housing market in the Florence area by the sharp escalation of prices driven by consumer demand and land shortages.

We need affordable houses for the Florence area population; we need the services these employees provide for our communities, the jobs they fill, and the children they bring to our school system. Presently, 25% of my workers live out of the Florence area due to housing issues (they live in Swisshome and Reedsport). The transportation costs they incur getting to work diminish their salaries, adding to financial hardships.

We have lived in the Florence area for over 25 years and value the quality of life we have and the planned growth that has occurred over the years. We support the UGB expansion as a way to continue the livability and viability of the Florence area's families and economy.

Sincerely,



Lisa Walter-Sedlacek
85276 Glenada Road
Florence OR 97439

10/12/04

AZC 04-5216
ORD NO PA 1214
Date 10-12-04
Exhibit No. 36

Good evening

My name is Bob Burch and I'd like to comment on the area 2 in your agenda. I've lived in Florence for 10 of my retirement years and thoroughly enjoy the many benefits here, which includes recreation. A major part of the recreational opportunities for me is the Ocean Dunes Golf Links where those of us on limited incomes can still afford to play golf. This is important not only to our residents, but it is a strong asset in attracting tourists- a major income source for Florence.

I must admit to near total ignorance with respect to zoning laws and procedures. But, as I understand it, the proposed zoning change has been approved by three levels of qualified City and County authorities who are charged with investigating the pros and cons of such proposals. Their approval would indicate that the highest and best use of the area 2 property is as proposed, and is in keeping with the best interests of the current and future residents of Florence. Further, it indicates that there is no downside to the balance of Lane County.

I voted for some of you with the understanding that your overall, primary goal is to make Lane County, and Oregon, a better place to live in. On that premise, I, for one, can't imagine how you could sincerely believe that this rezoning would not be beneficial to our residents, the City, the County and the State.

I, therefore, urge you to vote tonight and to yes on the area 2 rezoning. You have been studying this proposal for some time and if you vote yes tonight you are essentially saying that your review confirms that the various levels of City and County investigative authorities have done their job in a satisfactory manner.

If you vote no, it must mean you don't agree with those authorities. To reverse their decisions, you must have a better plan for the 80 acres. In that case, it seems logical that you share that plan with us tonight while the owner, along with City and County representatives are here to discuss it to your satisfaction.

A vote to delay on the area 2 proposal offers no advantages, but potentially many very serious disadvantages!

Therefore, I again urge you to vote tonight and to vote YES on the area 2 rezoning proposal.

October 12, 2004

PAZC 04-5216
ORD NO. PA1214
Date 10-12-04
Exhibit No. 37

Dear Commissioners:

The inclusion of the Robinson property into the Urban Growth Boundary is a logical move. All one has to do is look at the photo enlargement of the subject 80 acres. It is a small island bounded on three sides by city land and on the fourth by Indian land. Furthermore, city services are already to the property line.

Left as it is, it's a few sand dunes, a few trees and a few acres of Ocean Dunes Golf Course. Period.

Mr. Robinson's plan of developing, on a portion of this property, a tasteful and well thought out neighborhood of nice homes on large lots will add significantly to the Florence tax rolls. A wonderful idea, we think.

Since the City of Florence and the Lane County Planning Commission have already approved inclusion, we cannot conceive of any arguments you would have against it. A "No Brainer", if you will.

We speak as residents of the city of Florence and are not associated with any "Special Interest" group.

Thank you.

Russell and Joanne Ramsey
13 Waterford Downs
Florence, OR 97439

PAC 04-5216
URD NO. PA1214
Date 10-12-04
Exhibit No. 38

LANE COUNTY COMMISSIONERS
OCTOBER 12TH MEETING IN FLORENCE

Dear County Commissioners:

We, the residents of "The Cottages Home Owners Association" urge you to consider approval of Bill Robinsons' application to bring acreage into the City Urban Growth Boundary for housing development. Recently, all surrounding residents attended a question and answer meeting on this subject to better understand the impact upon our properties.

It is our desire to live in a nice community that carefully plans its future development. We believe the City Planning Commission and City Council have carefully created a steady, well organized, controlled long-range plan. Mr. Robinson's application appears to be within this plan and to be a logical and beneficial step in careful housing development.

Urban growth expansion that reaches out beyond sensible boundaries and only benefits a developer is shameful and hurts a city in the long run. This proposal does not reach out like tentacles far beyond city boundaries, but rather, encapsulates an area already bordered by the city on three sides. This request should be good for the city and county tax base, water well location & distribution and property values affecting our homes.

~~We~~ We hear rumors of certain "special interest groups" influencing your decisions on such matters. Well, if that is so, please include us as "A VERY SPECIAL INTEREST" in your deliberations, since we definitely have the most to gain or loose by what you decide. Our desire is to live in Florence and we want a well planned and governed community. Since our professional City leaders agree with this application, please consider us, the local residents, and promptly approve Mr. Robinson's development request.

Sincerely,

The Cottages Home Owners Association Board and Members.

MEMBERS OF THE COTTAGES HOME OWNERS ASSOCIATION:
Located on Waterford Downs in Florence, Oregon

Barry & Jenny, President

Pete & Lomenelli - VP/TREASURER

Joseph S. Offenbender

Dona G. B. Candela

William M. Fee

Mary & Mickey Moore

Jean Hempel

Barbara J. Osborne

Gene J. + Ailene Billings

Janice B. Fortney

Lonnie + Paul Saarinen

ROSE

Jean Sussler

Harry Mertes