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AGENDA CHECKLIST

Account Code 3624 124 040

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.1, Sec. 2) (Photo-copy of Agenda Checklist is acceptable)

Agenda Packet
One Original/Hard Copy plus
One As-Complete-As-Possible
copy e-mailed to Lane County
Agenda Review mailbox

Material Due
Due by 5 pm Wednesday preceding
the week it will be **approved** for
inclusion on the agenda. (Check
Future Agenda for due dates.)

AGENDA TITLE: *Ordinance No. PA 1214 - IN THE MATTER OF ADOPTING AMENDMENTS TO 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 IMPACTED FOREST TO CITY 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 'F2' IMPACTED FOREST TO LC CHAPTER 10 DISTRICTS OF 'RR-UGB' RURAL RESIDENTIAL AND 'PR/BD/U/SR-UGB' PUBLIC RESERVE/BEACHES AND DUNES/INTERIM URBANIZING/SITE REVIEW COMBINING; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES; (Florence Periodic Review Work Task No. 1)*

DEPARTMENT *Public Works/Land Management*

CONTACT *Stephanie Schulz* EXT *x3958*

AGENDA DATE: *1st. reading August 25, 2004*
2nd. reading/public hearing
Sept. 15, 2004

THIS ITEM WILL INVOLVE:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Consent Calendar | <input type="checkbox"/> Report | <input type="checkbox"/> Appointments | <input type="checkbox"/> Committee Reports |
| <input type="checkbox"/> ORDER/Resolution | <input type="checkbox"/> Discussion & Action | <input type="checkbox"/> Discussion Only | |
| <input checked="" type="checkbox"/> Ordinance/Public Hearing | <input checked="" type="checkbox"/> 1st Reading | <input checked="" type="checkbox"/> 2nd Reading | <input type="checkbox"/> 3rd Reading |
| Public Comment Anticipated? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Estimated Time (<i>1 hour.</i>) | |

NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE

Department Manager: _____

Date _____

Legal Staff-Review by: _____

Date _____

Management Staff-

Date

Review by: _____

Human Resources-

Date

Review by (if required): _____

☐ Yes ☐ No

File Note Attached?

☐ Yes ☐ No

Information for Agenda Setting Committee Only?

☐ Yes ☐ No

To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER

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**SUPPLEMENTAL
COVER MEMO**

DATE: August 25, 2004 (first Reading)
September 8, 2004 (Supplemental Memo)
September 15, 2004 (Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

PRESENTED BY: Stephanie Schulz, Planner
Land Management Division

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

I. MOTION:

Move to adopt the proposed amendment to the Rural Comprehensive Plan and the Florence Comprehensive Plan to enlarge the City's Urban Growth Boundary to include subject property and concurrently rezone those properties. *(no change from original cover memo)*

II. ISSUE OR PROBLEM

The City of Florence requests co-adoption of an amendment to the Rural Comprehensive Plan and the City Comprehensive Plan that proposes to expand the city UGB to the east and northeast for efficient and appropriate provision of urban services to two areas, totaling 105.86 acres. Area 1, adjacent to Munsel Lake Road is 25.92 acres, and Area 2, Ocean Dunes Golf Links property, is 79.94 acres.. *(no change from original cover memo)*

III. DISCUSSION

As stated previously, the City of Florence conducted an extensive public involvement process and has selected these two areas for inclusion into the UGB because of environmental concerns regarding groundwater and the potential for failing septic systems. The city has the capability and desire to provide essential urban services for sewer treatment and municipal water, and to consolidate

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

The Lane County Planning Commission conducted a public hearing on June 15, 2004. The written record was left open for seven days, until June 22, 2004, and the applicant then had an additional seven days for rebuttal, with all written material due into the record on June 29, 2004.

Planning Commissioners are required to review any material from meetings at which they were absent, including listening to the tapes. Because of this requirement, deliberations were delayed until July 20, 2004. The minutes from the public hearing and the deliberations are attachment 'B' to this cover memo.

Attachment A is the table of contents that summarizes the documentation contained in the Public record that has been received. This material is available for review in Long Range Planning, including the Florence Comprehensive Plan and Appendix's.

Criteria for approval of Rural Comprehensive Plan amendments are met. Detailed responses to the amendment criteria, including compliance with Statewide Goals, is found in the Findings attached to Ordinance No. PA 1214, distributed in the original Board Agenda Packet.

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

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

IV. ATTACHMENTS:

- A. Table of Contents to Public Record in Land Management, located in Long-Range Planning
- B. Minutes from June 15, 2004 Lane County Planning Commission public hearing and July 20, 2004 deliberations and recommendation to BCC

Ordinance No. PA 1214
Public Record Table of Contents
Expansion of the Florence Urban Growth Boundary (UGB)

Testimony Submitted into the Record for County Ordinance No. PA 1214 In the Matter of Enlarging the City of Florence UGB, Redesignating and Rezoning affected lands. Documentation from previous proceedings listed below were incorporated by reference through the public involvement process for this application and are included in the public record.

Pink 3-Ring Binder

1. Florence Comprehensive Plan and Map, Realization 2020 -- DRAFT
Includes Appendices

Florence Refinement Plans Accordion File

2. Florence Transportation System Plan -- October 1995
3. Florence Stormwater Management Plan -- October 2000
4. Florence Wastewater Facilities Plan -- October 1997
5. Florence Water Facilities Plan -- September 1998

Black 3-Ring Binder

6. Florence Urban Growth Boundary Study #1
7. Florence Buildable Lands Analysis -- November 2003
Ordinance No. 4, Series 2004
8. Letters from DLCD
Status of DLCD Acknowledgement of City Comp Plan -- March 7, 2003;
Comp Plan Map Change to Private Open Space - February 7, 2003
9. Florence City Council Minutes -- July 19, 2004;
10. Florence Planning Commission Minutes and Agenda's
March 18, 2003; April 22, 2003; May 13, 2003;
May 27, 2003;
11. Memo from Bill Sage, County Senior Planner to Lane County Planning
Commission clarifying existing Zoning Districts in the vicinity -- March 19, 2003
12. Memo from Celia Barry, County Transportation Planner to Florence Planning
Director; comments on the DRAFT Realization 2020 Comp Plan -- July 27, 2000

13. Summary of written testimony submitted into the public record prior to January 2004. (see # 18 below for full testimony)
14. Summary of written testimony submitted into the public record after March 15, 2004 (see # 19 below for full testimony)
15. Written input from Citizens For Florence (CFF) to Florence Planning Commission
June 1, 2000; June 8, 2000; June 15, 2000;
June 19, 2000; August 3, 2000; August 30, 2000;
May 13, 2003; May 27, 2003
May 21, 2003, which includes the letter to Florence Planning Director from David Clark requesting the removal of the Severy property
16. 1000 Friends of Oregon Testimony submitted to Florence Planning Commission April 17, 2003
17. Letter from Florence Planning Director to Florence Planning Commission; May 15, 2003

Florence UGB Public Involvement accordion file

18. Testimony from People Against A Casino Town (PACT) to Florence Planning Commission prior to January 2004.
19. Exhibits 1-9 to Ordinance No. PA 1214
Public Involvement file for PA 04-5216, includes written input, legal ads, mailed notices and mailing lists for this project.

MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

June 15, 2004
5:30 p.m.

PRESENT: Jacque Betz, Chris Clemow, Marion Esty, Mark Herbert, Juanita Kirkham, Vincent Martorello, Steve Dignam, James Carmichael, members; Kent Howe, Stephanie Schulz, Staff;

ABSENT: Ed Becker,

I. WORK SESSION: PA 04-5216

Ms. Kirkham convened the meeting at 5:30 and called for public comments not related to the items on the agenda. Seeing no one wishing to speak, she called for a discussion on PA 04-5216.

Stephanie Schulz provided a brief overview of the application. She said staff were recommending approval of the project but noted that there had been a letter in opposition to the proposal from a property owner in Area one.

In response to a question from Mr. Dignam regarding the request to reconvene the public hearing in Florence, Ms. Schulz said there was no requirement to hold the hearing in Florence but Mr. Howe added that there were yearly attempts to hold meetings in other areas if there were contentious issues. He noted that the commission had already held a meeting in Florence that year.

In response to a question from Ms. Kirkham regarding whether the hearing held in Florence was relevant to the night's hearing, Mr. Howe said there were some relationships but noted that the night's hearing should be viewed as a first hearing since the proposal had changed.

Mr. Herbert acknowledged Mr. Dignam's concern over not being in Florence while discussing Florence issues. He said it was a fairness issue.

Mr. Howe noted that the commission was working on a constrained budget and not all hearings for the county could be held in the city which was concerned.

Mr. Herbert commented that budget concerns could be used as a crutch. He stressed the need for public outreach in areas which had issues concerning specific cities. He added that it was not less expensive for private citizens to drive to Eugene. He noted that the application was a contentious issue.

In response to a question from Ms. Kirkham regarding whether clarification had been received around private open space, Ms. Schulz said detail had been received and noted that Florence staff were present to answer questions.

Emily Jerome, City Attorney for Florence, said the planning and comprehensive plan work had been done working closely with County staff. She said that the Periodic Review work task which is concerning Goal 14, LCDC had asked Florence to determine the location of its urban growth boundary. Calling attention to exhibit D in the meeting packet, Ms. Jerome said the City had completed all required tasks and had updated its report. She noted that the update was included in the meeting packet. She noted that urban growth boundary placement needed to comply with the seven factors of goal 14. She said the City study had determined that the UGB needed to be expanded in two places. She said Florence needed to establish a looped system for water but noted that legal complications prohibited the City from extending services beyond its UGB.

Regarding public involvement for the project, Ms. Jerome noted the City of Florence had held twelve public comment sessions that had been carefully considered before submitting the application. She added that notice for the hearings had been properly given. She asked that the commission make a recommendation that evening.

Ms. Jerome noted that the staff report recommended that site review be added to area two and noted that city staff concurred with that recommendation.

Regarding Private Open Space, Ms. Jerome said County staff was concerned that the City's comprehensive plan language would be amended to add more definitive language in that area.

Linda Sarnoff, City of Florence, said the first expansion was 25 acres and the second expansion was 80 acres. She noted that the additions were the minimum needed to provide essential services. She added that the expansions would help address the housing need in the City.

Ms. Sarnoff noted that public hearings in Florence had recognized concern from citizens over water supply. She said storage capacity and peak load capacity had been increased by one third. She said the new capacity would be able to supply all new development for the City. She noted that the City desired to "loop" its system so water could be supplied from either direction. She showed an overhead projection showing the current system and the proposed loop system which was desired. She said looping the system, and adding a secondary loop, would provide safety redundancies which currently did not exist.

Ms. Sarnoff noted that the sewer system had also been expanded to meet a target population of 15,000 which was nearly double the current population. She said the households in the expansion areas would need to renovate their septic systems and noted that the newly expanded sewer system could be used to take care of that problem. She added that the second expansion area could also be served with sewer capacity. She stressed that none of the septic systems had failed yet and reiterated that the City was ready to serve those areas so septic systems would no longer be needed.

Ms. Sarnoff said she concurred with the staff report and expressed her willingness to answer questions.

In response to a question from Mr. Dignam regarding whether the golf course is currently only partially within the UGB, Ms. Sarnoff acknowledged that it was.

In response to a question from Mr. Dignam regarding what kind of uses were allowed on Public Reserve zoning, Mr. Howe read the permitted uses from Lane Code.

In response to a question from Mr. Dignam regarding the goal 14 requirement to accommodate urban population growth, Ms. Jerome said the population expansion of the City was not pushing out the UGB expansion, but noted that need for orderly and efficient provision of public facilities was the main impetus.

Ms. Sarnoff added that the market was showing a different reality than that showed by the buildable lands inventory.

In response to a question from Mr. Herbert regarding whether the current application was being revealed to the public for the first time, Ms. Jerome said it had been reduced from the original application.

In response to a question from Mr. Herbert regarding testimony received from the group 'Citizens of Florence' on the new zoning, Ms. Jerome said it *(note to Joe: check the tape please, I think 'it' means the City Planning Designation of Public Reserve. If that's correct, please put the words Public Reserve in place of it)*, had been applied already in the City limits. She acknowledged that it was a new piece of work but had been approved by the City Council.

In response to a question from Mr. Herbert regarding whether approval had been received by adjacent property owners, Ms. Jerome said the property owner from Area two would be testifying in favor of the application that evening.

In response to a question from Mr. Herbert regarding Area two and the plans for expanding the water system, Ms. Sarnoff said it had always been the intention to loop the system.

In response to a question from Ms. Kirkham regarding how dense development could occur in Area one while it was outside of the UGB, Mr. Howe said it had been developed before 1984 and had not expanded since.

In response to a question from Ms. Kirkham regarding who would pay to hook up to City Sewer, Ms. Sarnoff said each property owner would be financially responsible for hooking into the City sewer system.

Mr. Dignam said goal 14 needed to play a large role in the commission's decision.

In response to a question from Mr. Dignam regarding what would happen if the seven factors of goal 14, Mr. Howe said the seven factors were to be weighed by their importance but noted that not all of the factors needed to be met.

In response to a question from Mr. Carmichael regarding public comment about needed sewer services, Ms. Sarnoff said the City had increased capacity by 50 percent in the last three years.

In response to a question from Mr. Carmichael regarding what the water source for Florence was, Ms. Sarnoff said the water source for the City came from Dune wells.

In response to a question from Mr. Carmichael regarding whether effluent had been detected in Munsel creek, Ms. Sarnoff acknowledged that fecal matter had been detected but noted that the source had not yet been identified.

Mr. Martorello noted that septic contamination could happen with or without the UGB expansion. He questioned what incentives were planned to get people to hook up to the City sewer system.

Ms. Sarnoff noted that it would be possible to hook up to the sewer upon annexation. She added that it was more financially viable to hook up to the sewer than to try to fix a failing septic system.

Wendy Farly, Assistant City Planner, noted that it was city policy that hook ups were required with new development or with expansion.

Ms. Esty said there was an obligation on the part of the City to notify property owners about hooking up to the sewer system.

Ms. Jerome said that was a legal requirement but noted that the area had not yet been annexed into the City. She said notification would be given once the area was within the City.

The meeting adjourned at 6:50 pm.

(Recorded by Joe Sams)

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MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

June 15, 2004
7:00 p.m.

PRESENT: Jacque Betz, Chris Clemow, Marion Esty, Mark Herbert, Juanita Kirkham, Vincent Martorello, Steve Dignam, James Carmichael, members; Kent Howe, Thom Lanfear, Stephanie Schulz, Staff.

ABSENT: Ed Becker, member.

I. PUBLIC HEARING: PA 04 -5216, Expansion of the Florence Urban Growth Boundary

Ms. Kirkham convened the meeting at 7 pm. She noted that agenda item 2 would take place first.

Ms. Kirkham invited public comment on items not related to the agenda items for the evening. Seeing no one else wishing to speak she moved to the first agenda item.

Stephanie Schulz provided the staff report. She said staff was recommending approval of the proposal.

Ms. Kirkham called for declarations of *ex parte* contacts or conflicts of interest. None were declared.

Ms. Kirkham opened the public hearing and called for testimony from the applicant.

Emily Jerome, 310 East 10th, Eugene, spoke as the applicant's attorney. She said the proposal related to the Goal 14 urbanization which the City of Florence needed to complete. She noted that the City of Florence could not extend urban services outside of its UGB and noted that the annexation would enable the City to provide a "looped" water system which would provide service redundancies and added capacity for providing water. She added that the sewer system had also been expanded to enable the City to provide service to the newly annexed areas.

Linda Sarnoff, City of Florence, showed an overhead projection of the areas proposed for annexation. She noted some public testimony had expressed concern over the ability of the City to provide water and said the City had increased its ability to provide water by one third. She reiterated that the annexation would enable the City to provide a "looped" water system.

Ms. Sarnoff noted that the City had also increased its sewer capacity to be able to handle a population of twice the size of the current population and stressed that the City could provide water and sewer services to the newly annexed areas. She said she concurred with the staff report and stressed that the application met all approval criteria.

In response to a question from Mr. Martorello regarding how a looped system could be closed without expanding the urban growth boundary, Ms. Sarnoff noted that it would look possible on the map but noted that topography would not allow it in reality. She added that area one for annexation had aged sewer systems that needed to be hooked up to the city sewer.

Rob Ward 5441 Huckleberry Lane, Dunes City, said he was the owner of property adjacent to Area 2. He said it would make sense to support the position of the city so a higher level of services could be provided to Florence citizens.

Bill Robinson, PO Box 2709 Florence, noted that his golf course was only half included in the City limits which was causing jurisdictional problems for law enforcement. He urged approval of the application.

Ms. Kirkham called for testimony from those in opposition to the application.

Laurie Segel noted that notice requirements had not been met. She added concerns over the proposed zoning for the lands to be annexed. She called for a hearing to be held in Florence to allow more citizens to testify. She said the application was premature. She said the City had not established any need to expand the UGB. She added that there were items missing from the public record related to the application.

John Hans, 87442 Munsel Lake Road, Florence, said the existing water system was adequate for the needs of the area. He raised concern over having to pay for hooking up to the City sewer system.

Marla Adams 87254 Munsel Lake Road, said she was happy with the existing water system. She said the septic systems in place were handling the needs of the area. She said she did not see the need to expand the UGB and asked to be left alone.

Seeing no one else wishing to speak, Ms. Kirkham called for applicant rebuttal.

In response to a concern raised by Mr. Carmichael regarding the possibility of appeal, Lane County Planning Director Kent Howe said all applications were open to appeal. He said the County felt the application had met the requirements of the code.

In response to a question from Mr. Dignam regarding site review for Area Two, Ms. Schulz said it was included in response to transportation planning staff concerns regarding Goal 12 implementation in the application. She said under the site review clause, transportation impact analysis would happen if new development is proposed in the expanded UGB area.

Mr. Herbert raised concern over proceeding without addressing some of the concerns raised by Ms. Segel.

Mr. Dignam said he was confident when staff assured him that notice requirements had been met. He said he did not know how to address whether items were missing from the public record.

Ms. Esty said what Ms. Segel had cited as missing was for a different application four years previously.

Mr. Howe noted that the evening's hearing was a new proceeding with the record starting with the application filed. He noted that the previous application was a different proceeding with a different record.

Mr. Herbert reiterated his concerns over Ms. Segel's comments and said he would have those concerns addressed by county counsel.

Ms. Kirkham noted that there had been a written request to keep the record open.

Mr. Howe noted that the request to hold the record open was for the commission to receive the entire record and said the commission had received the full record.

Mr. Martorello commented that leaving the record open would require a decision as to whether the hearing would be continued in the City of Florence.

Mr. Howe commented that the appropriate thing to do would be to close the hearing and decide when the commission would deliberate and make a recommendation to the Board of Commissioners.

In response to a question from Mr. Herbert regarding whether Ms. Jerome was comfortable in differing from Ms. Segel's comments, Ms. Jerome said she was comfortable with keeping the record open for seven days and would address Ms. Segel's comments in her rebuttal statement.

Ms. Kirkham close the public comment period.

Mr. Martorello called for data from Florence public works regarding the need for a looped system.

Mr. Dignam, seconded by Mr. Herbert, moved to hold the record open for seven days and finish the hearing in Eugene.

Mr. Martorello raised concern over not deliberating in Florence.

Mr. Herbert said no more spoken testimony was going to be received. He said deliberating in Florence would not be significantly different than doing so in Eugene.

Mr. Carmichael reiterated Mr. Herbert.

Mr. Herbert called for a date certain for deliberation and action.

Mr. Howe said the July 6, meeting was open for any deliberation.

The motion passed unanimously.

II. PUBLIC HEARING: Rescheduled from May 4; PA 03-5901

Thom Lanfear provided the staff report. He distributed an e-mail from the applicant addressing an issue raised in the staff report. He showed overhead projections of the subject property representing ownership from 1978 – 1992.

Mr. Lanfear said he had tracked down soil classifications from the 1980's and distributed written copies of the data. He said the soils had been identified as class 6 soils. He said the applicant had met the requirements for marginal lands zoning.

Ms. Kirkham called for declarations of *ex parte* contacts or conflicts of interests. None were declared.

Ms. Kirkham opened the public hearing and called for testimony from the applicant.

Harry Taylor PO Box 1420, Veneta, spoke as the applicant's representative. He stressed that the property was sloped and 80 percent covered with a variety of trees. He said the zone change to marginal lands was very consistent with surrounding areas. He stressed that surrounding areas also had class 6 soils which was required for a marginal lands designation.

Mr. Carmichael confirmed that EWEB was administering the water system for the area and that there was capacity to meet the needs of the proposed new lots.

Ms. Kirkham called for opposing testimony.

Jim Just, 39625 Almond Drive, Lebanon, opined that 87 percent of the soils on the subject property were class 3 or better. He said the applicant's argument would not withstand legal challenge. He stressed the importance of using the latest data instead of data from the 1980's. He surmised that the land could be profitably used for farming or logging activity.

Mr. Just said there was some question over the legality of the lots in the application. He said it would be impossible to know a soil classification if no one knew the legality of the lot.

Ms. Kirkham called for applicant rebuttal.

Mr. Taylor said the statute was very clear regarding what data was supposed to be used to rate soils. He said the data was published and quite clear.

Regarding legal lot verification, Mr. Taylor said the legality of the lot had been confirmed by the County. He said a building permit could not have been issued if that were not the case.

Steve Cornachia reiterated that the soil classification statutes were very clear and well established.

Regarding the legality of lot lines, Mr. Cornachia said counties were not required to regulate lot line adjustments. He added that the F2 dwelling permit also proved the legality of the lot.

Ms. Kirkham close the public hearing and called for deliberations from the commission.

Mr. Herbert said it was clear that the applicant had established the soil classification.

Mr. Herbert, seconded by Ms. Esty, moved to approve the application.

Mr. Dignam said he would support the motion. He noted that the surrounding lands were similar in nature and were marginal lands.

The motion passed unanimously.

(Recorded by Joe Sams)
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MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

July 20, 2004
7:00 p.m.

PRESENT: Ed Becker, Jacque Betz, , Juanita Kirkham, Marion Esty, Steve Dignam, James Carmichael, members; Stephanie Schulz, staff, Mark Metzger, Springfield Senior Planner.

ABSENT: Mark Herbert, Vincent Martorello, members.

I. PUBLIC HEARING: Eugene-Springfield Metro Plan Amendment to Adopt the Springfield Goal Five Natural Resources Inventory for the Area Outside the City Limits and Within the Urban Growth Boundary

Ms. Kirkham convened the meeting at 7 pm. She called for public comment on items not being addressed by the commission that evening. There were no members of the public wishing to speak.

Ms. Kirkham called for *ex parte* contacts or conflicts of interest from the commission. None were declared.

Stephanie Schulz provided the staff report. She said the City of Springfield was requesting a recommendation to approve the Springfield Goal 5 Natural Resources Inventory for the area between the city limits and the Urban Growth Boundary. She noted that city staff provided a good overview during the work session earlier this evening and Metro Plan Amendment criteria in Lane Code has been met.

Mark Metzger, City of Springfield, said the proposal met the criteria for approval for amending the Metropolitan Area General Plan. He made himself available for questions from the commission.

Ms. Kirkham called for public testimony. Seeing no one wishing to speak she closed the hearing and called for deliberations from the commission members.

Ms. Betz said the work session earlier was very productive and she was comfortable with approving the amendments and allowing Springfield to move on with its Goal 5 work. Ms. Esty agreed with Ms. Betz.

Mr. Carmichael thanked Springfield staff for a good presentation and said he would support the amendment. He said there were enough safeguards in the process for protecting lands into the future.

Mr. Dignam, seconded by Ms. Esty, moved to approve the Metro Plan amendment to co-adopt the City of Springfield Goal 5 Inventory for application outside the city limits and within the UGB.

Mr. Dignam said the amendment was consistent with statewide planning goals. He added that the same action had been taken with the City of Eugene.

The motion passed unanimously.

II. DELIBERATION: PA 04-5216; Expansion of the Florence Urban Growth Boundary

Ms. Kirkham said there would be no further public comment that evening. She confirmed that all commissioners had read the material provided and listened to the recordings of previous testimony given regarding this topic. Ms. Kirkham called for *ex parte* contacts or conflicts of interest.

Ms. Betz noted that she was an employee of the City of Florence but noted that she worked for the Police Department and had no contact with anyone dealing in the matter before the commission.

Ms. Kirkham noted that she had received an e-mail from Laurie Segal and noted that it had been distributed to the entire commission.

In response to a question from Mr. Dignam regarding a letter received that expressed concern over being forced to hook up to Florence sewer system, Ms. Schulz said the man would have to be annexed into the City before being able to be hooked up to the Florence Sewer system but acknowledged that even then he would not be forced to hook up to the City sewer system.

Mr. Becker asked if there had been any testimony regarding developing the properties for future homes. He remarked that approval of the application might enable future development. He questioned whether the City of Florence had explored the implications of that kind of future development and further questioned how approval could happen if those implications had not been explored.

Ms. Kirkham noted that Area 1 was zoned for rural residential lots of five acres. She said the issue was only hooking up to Florence Sewer systems.

In response to a question from Ms. Kirkham regarding the definition of the zoning in Area Two and whether it allowed development, Ms. Schulz said it would not.

Planning Director Kent Howe noted that approval did not necessitate development but noted that development at urban levels was expected to occur eventually. He said such development would require a property owner to come before the commission for a plan designation amendment and to change the zoning for a specific lot.

Mr. Dignam suggested analyzing the matter by focusing on Goal 14 considerations as outlined in the June 15 packet. He acknowledged that there were contingencies involved but reiterated that the seven factors of Goal 14 should be the focus of discussion under consideration.

In response to a question from Mr. Carmichael regarding whether the Golf Course could further develop lands surrounding it without being in the UGB, Ms. Schulz said part of the lands were zoned F2 and would require a zone change before further development.

Mr. Carmichael thanked the Florence City Staff for their hard work. He remarked that the work was probably not complete. He opined that there had not been enough public involvement and added that he was concerned over the looping of the sewer system. He said the City of Florence had not been specific enough about what it wanted to develop. He said he had not seen enough Goal 12 traffic analysis about impacts of the additions of land to the City. Regarding Goal 14 issues, Mr. Carmichael acknowledged that more housing was needed in the community but said there was no evidence that affordable housing had been considered. He said the land in question did not lend itself to that type of development. He said development should be done in such a manner that the bulk of the community could participate. He said he would not support approval.

Ms. Betz said she would support approval. She remarked that there had been a high degree of public involvement. She said any future developments would require transportation site review and stressed that the City of Florence would still have to meet development standards. She emphasized that raw sewage was leaching into the groundwater in the area and said the further development of water and sewer treatment systems would prevent future health issues.

Mr. Dignam said he would support the application. He said all of the requirements had been met and added that he believed that there had been sufficient public involvement. He added that the public good outweighed any concerns that were raised. He stressed the importance of addressing public health issues.

Ms. Esty said she would support the application. She noted that the septic systems in the areas in question were approaching the end of their useful lives. She added that transportation issues would be thoroughly studied in the event of further development.

Mr. Becker said there had not been enough analysis on the part of the City regarding all of the economic, environmental, social and energy impacts of bringing the land into the city limits.

Ms. Kirkham commended the City of Florence for addressing community concerns in its application and adding text language in the Plan around Private Open Space. She said she was concerned about the petition signed by over 80 percent of the people residing in Area One. She said she feels more comfortable with the proposed zoning for the golf course as Public Reserve and Beaches and Dunes, which is an appropriate designation. She said there are other areas outside the UGB with these same concerns, adding that including the two proposed areas into the City cleaned up the UGB line. She said she had not yet made a decision.

In response to a question from Mr. Dignam regarding whether Ms. Kirkham could objectively make a decision, Ms. Kirkham said she felt like she was not sure she could. She reiterated that she had had no *ex parte* contacts but commented that the City was small and she had heard rumors about what would happen if the application were approved.

Ms. Betz reminded Ms. Kirkham that she represented the City of Florence and expressed her desire to see Ms. Kirkham vote. Ms. Esty expressed her agreement with Ms. Betz and her understanding of the difficulty in making a decision on a controversial issue when residing in a small town when opinions on both sides are strong. She noted you can't escape it, and it is important to look at the whole, for the public good.

Mr. Carmichael reiterated that he had not heard enough data from the City of Florence and opined that the City was being held to a lower standard than a private party.

Ms. Betz disagreed and expressed her confidence that the City would meet all criteria.

Mr. Dignam, seconded by Ms. Betz, moved for approval of the application. The motion passed 4:2 with Mr. Becker and Mr. Carmichael voting in opposition.

The meeting adjourned at 7:50 pm.

(Recorded by Joe Sams)
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