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Memo Date: September 2, 2008
First Reading Date: September 17, 2008
Second Reading/Public Hearing Date: October 1, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: **Ordinance No. PA 1249 / In The Matter Of Co-Adopting The Florence Realization 2020 Comprehensive Plan and Associated Refinement Plans To Complete Periodic Review Tasks As Applicable Within The Urban Growth Boundary Outside Florence City Limits And Adopting Savings and Severability Clauses (File No. PA 08-5363, Florence) (Stephanie Schulz)**

I. MOTION:

For September 17, 2008: Move approval of the first reading and setting the second reading and public hearing on Ordinance No. PA 1249 for October 1, 2008 at 1:30 p. m.

For October 1, 2008: Move approval of Ordinance No. PA 1249.

II. AGENDA ITEM SUMMARY

Board co-adoption of the Florence Comprehensive Plan 'Realization 2020' and associated refinement plans; including but not limited to the Transportation System Plan, Wastewater Facilities Plan, Water Facilities Plan, Stormwater Management Report and Stormwater Design Report for the North Spruce Street LID. These are the refinement plans that have application within the urbanizable area of Florence that lies outside the city limits and within the Florence urban growth boundary (UGB).

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

City of Florence began periodic review around 1995. As part of that process, the city conducted a public involvement effort and referral process, extensively revised the 1988 Florence Comprehensive Plan and in 2002 adopted an updated Plan, 'Realization 2020' under the DLCD approved periodic review work program. The city subsequently adopted amendments to that Plan, both periodic review work tasks and post acknowledgement plan amendments (PAPA's).

Lane County adopted and has amended the 1988 Florence Comprehensive Plan as shown on Exhibit H to the Ordinance, the Findings. The chart shows a summary of city and county actions taken since the county adopted this first Comprehensive Plan that covers the entire city, including the urbanizable area outside the city limits and within the Florence UGB. Actions taken to update the Florence Comp Plan since 1988 include Lane County co-adoption where required. Co-adoption of the entire Plan presented by the city under this action, which includes applicable refinement plans, will complete city periodic review, includes subsequent PAPA's approved by the planning commission and recommended for co-adoption. See the planning commission minutes, Attachment 2.

B. Policy Issues

Policy issues include annexation, provision of water services in the UGB, and the countywide population forecast and it's role in current plans and actions to be undertaken by the Board. Further detail on these policy issues will be provided in a supplemental memo prior to the hearing.

Referral Comments Received

On May 28, 2008, Lane County sent notice to affected agencies and interested parties, and published a legal ad in the Register Guard announcing the LCPC public hearing on June 17, 2008, at Florence City Hall to provide opportunity for local testimony regarding this project. The record was held open an additional two weeks for written input. See Attachment 3 for all the written testimony received by the Planning Commission. City responses to issues raised are provided in Attachment 4.

C. Board Goals

Adoption of this ordinance after conducting a hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.

D. Financial and/or Resource Considerations

Application fees were paid by the city for processing of the Comprehensive Plan co-adoption by the Board of Commissioners. The Land Management Division is budgeted under a fee based system, therefore the city is required to submit the fee with the application in order to fund the public review and hearing process to complete the Board action as required under Statewide Planning Law for Land Use Actions.

E. Analysis

Criteria

12.050 Method of Adoption and Amendment:

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

Ordinance No. PA 1249 presents this amendment, and Findings of Compliance are included as Exhibit 'H' to the Ordinance.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

(a) an error in the plan; or

(b) changed circumstances affecting or pertaining to the plan; or

The city of Florence conducted an extensive public process to update their Comprehensive Plan and associated refinement plans in response to changed circumstances in the community since 1988, when the city and county co-adopted the first Florence comprehensive plan. The coastal economy that was once based on fishing and timber industry jobs has changed to a more service based economy. The population demographic of the city of Florence is aging, with associated changes in transportation and medical circumstances affecting the needs of people who live, work and travel through Florence. Economic circumstances in Florence now reflect a service economy with a larger percentage of retirees. Development in the city and in the urbanizable area will benefit from a single comprehensive plan for the urban areas surrounding Florence, especially to the north along Highway 101. Certainty in which rules apply and guide development will provide planning consistency in the urbanizable area of Florence upon co-adoption of the Florence Realization 2020 Comprehensive Plan by the Board.

(c) a change in public policy; or

(d) a change in public need based on a reevaluation of factors affecting the

plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC12.005 below.

The city's process included evaluation of all factors that affect the comprehensive plan in order to provide residents and others using the plan the most up to date reflection of the public needs for a twenty year period in the Comprehensive Plan and associated refinement plans. The amendments the city has incorporated into the Realization 2020 Plan do not impair the purpose of the county wide applicable Rural Comprehensive Plan. See Exhibit H to Ordinance No. PA 1249 for Findings of compliance with statewide planning goals that supports concluding a change in public need is met by co-adoption of the Florence Realization 2020 Comprehensive Plan. (Attachment 1, Exhibit H)

LC12.005 Purpose.

The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

The Florence Realization 2020 Comprehensive Plan is the guiding general purpose plan for the city of Florence. To best promote the coordination of public health, safety, order, convenience, prosperity and general welfare of the urbanizable area, the Board co-adoption of the Florence Plan and applicable refinement plans provides consistency in land use planning for the area outside the city limits and within the urban growth boundary.

LC16.400(6)(h)(iii)(aa) further requires the Board to make findings that the proposed amendment meets all applicable requirements of state and local law, Statewide Planning Goals and Oregon Administrative Rules.

Ordinance No. PA 1249, Exhibit H presents findings that address how the proposed amendment is consistent with all applicable requirements of state and local law, Statewide Planning Goals and Oregon Administrative Rules. See Attachment 1.

F. Alternatives/Options

Option 1. Approve the Ordinance as presented.

Option 2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.

Option 3. Do not approve the Ordinance and deny the application.

IV. TIMING/IMPLEMENTATION

Co-adoption of the Florence Comprehensive Plan by the Board will ensure consistency in land use planning for the Florence community out to the urban growth boundary.

V. RECOMMENDATION

Staff recommends Option 1.

The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions

Planning Commission Recommendation

The Planning Commission held a public hearing in Florence on June 17, 2008. Following the public hearing the record was held open for additional comment and rebuttal. The Planning Commission voted

to recommend adoption by the Board in a 6- 2 vote. The Planning Commission reasoning is set forth in the minutes of the meetings, see Attachment 2.

VI. FOLLOW-UP

Notice of Board action will be provided to DLCD and all interested parties as required under Statewide Planning Law. If the Board modifies or rejects the Ordinance as presented, notice of that action will also be provided. Should the Board choose option 3, an Order with findings setting forth the Board's reasons for denying the Ordinance would be prepared and returned to the Board on a date certain prior to sending that final decision to DLCD on the matter.

VII. ATTACHMENTS

1. Ordinance No. PA 1249
 - Exhibit A Realization 2020, The Plan
 - Exhibit B Realization 2020, The Plan Diagram
 - Exhibit C Transportation System Plan
 - Exhibit D Wastewater Facilities Plan
 - Exhibit E Water Facilities Plan
 - Exhibit F Stormwater Management Plan
 - Exhibit G Stormwater Design Report for the North Spruce Street LID
 - Exhibit H Findings of Fact and Compliance with Statewide Planning Goals
2. Planning Commission Minutes
 - April 15, 2008 Work Session
 - June 17, 2008 Work Session/Public Hearing – in Florence
 - July 15, 2008 Deliberations
3. Copies of comments received in response to planning commission hearing referral
4. Copies of City's responses to issues raised and comments received at the planning commission hearing.
5. DLCD letter regarding co-adoption of the Florence Plan.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

Ordinance No. PA 1249

In The Matter Of Co-Adopting The Florence Realization 2020 Comprehensive Plan, Comprehensive Plan Map, And Associated Refinement Plans, As Applicable Within The Urban Growth Boundary Outside Florence City Limits, And Adopting Savings And Severability Clauses (File No. Pa 08-5363, Florence Periodic Review Work Tasks No. 2, 3, 4, 5, 7 and 8, and an Updated Comprehensive Plan Map And Housekeeping Amendments)

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. 859 and subsequent amendments in Ordinance Nos. 875, PA 1078, PA 1089, PA 1150 and PA 1214 has adopted policies and provisions of the "1988 Florence Comprehensive Plan;" and

WHEREAS, land within the Urban Growth Boundary of the Florence Comprehensive Plan but outside the City limits is within the political jurisdiction of Lane County, and is subject to County-adopted application of City Plan designations and Plan policies; and

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 1214 co-adopted Florence Periodic Review Work Task No. 1, Urban Growth Boundary, on October 27, 2004; and

WHEREAS, the City of Florence adopted a revised comprehensive plan called the "Florence Realization 2020 Comprehensive Plan," a revised Comprehensive Plan Map, and new or updated refinement plans for water, wastewater, transportation, and stormwater, through the City's completion of Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8; and the City adopted and updated Comprehensive Plan Map and housekeeping amendments to the Realization 2020 Comprehensive Plan and the Transportation System Plan through City of Florence Ordinance No. 6, Series 2008; and

WHEREAS, the City of Florence has requested Lane County action in co-adopting the amendments to achieve city-county coordination of land use planning within the City Urban Growth Boundary, in the form of application of City Plan designations and Plan policies, including refinement plans, to land within the Urban Growth Boundary that is outside city limits; and

WHEREAS, the Lane County Planning Commission conducted a public hearing on June 17, 2008 in Florence and recommended approval of the proposed amendments; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of Lane Code Chapters 10, 12 and 16 and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners of Lane County, has conducted a public hearing and is now ready to take action.

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

Section 1. The "1988 Florence Comprehensive Plan" as adopted and amended by the Lane County Board of Commissioners, is now completely superseded and replaced by the "Florence Realization 2020 Comprehensive Plan," and the Florence Realization 2020 Comprehensive Plan, the Florence Comprehensive Plan Map, the listed refinement plans and the additional amendments described below are adopted and incorporated here by this reference for application within the Urban Growth Area outside the Florence city limits as contained in the following Exhibits:

Exhibit A	Florence Realization 2020 Comprehensive Plan and amendments
Exhibit B	Florence Comprehensive Plan Map
Exhibit C	Florence Transportation System Plan
Exhibit D	Florence Wastewater Facilities Plan
Exhibit E	Florence Water Facilities Plan
Exhibit F	Florence Stormwater Management Plan
Exhibit G	Florence Stormwater Design Report for the North Spruce Street LID

Section 2. The prior designations repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

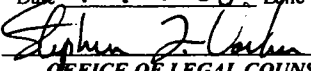
FURTHER, although not part of this Ordinance except as described above, the Board of County Commissioners adopts the Findings attached as Exhibit "H" in support of this decision.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 9-9-2008 Lane County


OFFICE OF LEGAL COUNSEL