

## AGENDA COVER MEMORANDUM

W. G. a. & b.



Memo Date: February 1, 2010  
Public Hearing Date: February 17, 2010

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works, Land Management Division, Planning Department  
**PRESENTED BY:** Stephanie Schulz, Metro and Small City Planner  
**AGENDA ITEM TITLES:** **Seventh Reading/Public Hearing: 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) (PM & NBA 11/5/08, 11/25/08, 12/10/08, 4/8/09, 7/22/09, 12/2/09)**  
  
**Sixth Reading/ Public Hearing: Ordinance No. 7-08 / In The Matter Of Amending Chapter 10 of Lane Code To Revise And Add Provisions For The Interim Urbanizing Combining District (U) Applicable Within The Florence Urban Growth Boundary. (LC 10.122-10, 10.122-13, 10.122-14, 10.122-15, 10.122-30, 10.122-31) (PM & NBA 11/05/08; 11/18/08; 4/8/09, 7/22/09, 12/2/09)**

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### I. AGENDA ITEM SUMMARY

The Board scheduled this public hearing to provide opportunity for testimony from the public on the final recommendation from the Lane County Planning Commission regarding Florence City Council action taken to endorse final Policy language in the Realization 2020 Plan in response to LCPC concerns. The Board hearing includes both the Ordinance to adopt policy documents and the Ordinance to adopt revisions to Lane Code Chapter 10, which is the applicable code section for land within the City of Florence and other small city urban growth boundaries (UGB's).

**Ordinance No. PA 1249** – Proposes Board co-adoption of the Florence Realization 2020 Comprehensive Plan (Comp Plan), including these refinement plans that are applicable within the UGB:

- Transportation System Plan
- Wastewater Facilities Plan
- Water Facilities Plan
- Stormwater Management Report
- Stormwater Design Report for the North Spruce Street LID.

**Ordinance No. 7-08** – Proposes Lane Code Chapter 10 text amendments to establish the implementation measures that would provide the basis for guiding future development in the UGB reflecting the policy amendments contained in the Realization 2020 Comprehensive Plan.

## **II. BACKGROUND/IMPLICATIONS OF ACTION**

### **Board Action and Other History**

The City of Florence submitted this application in 2008 as part of their Periodic Review Work Plan under DLCDD. The public review process has focused on the iterative evolution of language in a couple of places in the plan, which has taken considerable time. The timeframe was also impacted by the work the Board completed to develop a coordinated population forecast for the county and all twelve cities in the county. See Attachment 1 for the timeline of proceedings, including both city and county process which included four public hearings, which are required, under State law, to provide prior notice for each hearing, and other requirements that affected the process timeframe.

The city and county coordination process not only impacted city policy language in the comprehensive plan, the text of the Lane County Development Code Chapter 10 language applicable to urbanizable Florence underwent an evolution from a regulatory focus to the city seeking and being awarded funding for a monitoring and education study program. Successful competition for EPA funding resulted in a multi-year multi-agency contract under the Siuslaw Estuary Partnership Project. A three year Intergovernmental Agreement (IGA) between the city and county for Groundwater Monitoring in the North Florence Dunal Aquifer is proposed for Board consideration as a supporting coordinated action to these land use projects. The IGA has agreement at the staff level as presented here to inform the Board, and will be brought forward for formal approval and delegation of signature authority at an upcoming Board meeting. The IGA and the EPA Grant are attached here to inform the process to consider adopting the updated Comprehensive Plan and Lane Code amendments. (Attachment 5)

#### **Ordinance Updates**

Updated Ordinance language for final consideration by the Board is attached. (PA 1249, Attachment 2; No. 7-08, Attachment 3)

The revisions to the Realization 2020 text for Policy 12, 8, and 7, as now included in Ordinance No. PA 1249 was completed and adopted by the Florence City Council in response to Planning Commission concerns expressed mid way through the adoption process. (Attachment 2)

Ordinance No. 7-08 was updated as shown. This Ordinance is a Board decision only. (Attachment 3)

Readings of both ordinances should expressly include the latest recommendations of the LCPC to put the Board in position to enact each ordinance with those updates.

#### **Board Goals**

Adoption of the Ordinance's after conducting the public hearing and additional readings as necessary, 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.

Co-adoption of the Florence Comprehensive Plan by the Board will ensure consistency in land use expectations throughout the Florence urbanizable area.

#### **Financial and/or Resource Considerations**

The cost of processing this application has likely exceeded the application fee, given there have been four hearings, two in Florence, two in Eugene, and a three year timeline as shown on Attachment 1.

The financial consideration for the citizens of the affected area from this action would be the cost of future development. Co-adoption of the Florence Comprehensive Plan by the Board will ensure

consistency in land use planning for the Florence community throughout the urbanizable area surrounding the city. The land use policies and Lane Code Chapter 10 applicable implementation measures for the Florence UGB area currently date from the 1988 Comprehensive Plan. The Florence Realization 2020 Plan is now halfway through its applicable lifetime. Adoption of Realization 2020 by the Board will provide consistency for the urbanizable areas of Florence in policy direction that applies right now to city lands.

#### Referral Comments Received

There are over fifty exhibits in the public record for this project. There is a complete copy of all comments received in the County Administration Office (CAO), Land Management Division (LMD) office, and at the city of Florence Planning Department.

Notice of both Board hearings (2009 and 2010) was mailed directly to all affected property owners within the Florence UGB. Numerous phone calls resulted, and written submittals from the mailed notice of this second Board Hearing are attached to this memo. (See Attachment 4 and the Notebooks in CAO, LMD, and at the City)

### **III. ANALYSIS**

City of Florence obtains its drinking water from groundwater wells in the North Florence Dunal Aquifer, and there is legitimate concern for the continued health and safety of the groundwater for future needs. Heceta Water District provides drinking water to the urbanizable area north of Florence, and in the past, the city's wastewater plant did not have the capacity to serve the entire UGB at urban levels of service (municipal water and wastewater treatment). Development has occurred outside the city limits on relatively small lots in many cases with the need to provide separation between wells and septic systems. Under current law, policies and development code, (1988 Comp Plan) this is an allowable use, and property owners sign agreements to annex and connect to the city sanitary sewer when the city services are available. These agreements cause fear and concern for current property owners as they face uncertainty as to when/if they will be required to annex and pay sanitary sewer costs to the city.

The city and county have developed an IGA that details a testing and monitoring program for collecting up to date data on the current situation before taking appropriate measures to protect the water for current and future residents. Staff has come to agreement on the IGA, the policy text revisions, and the code text revisions that are in response to the Lane County Planning Commission concerns expressed a year ago. The application has been under review since 2008. There is a Siuslaw Estuary Partnership of local, state, federal, tribal and interested stakeholders with oversight on the next few years testing. Florence has adopted the update, and in order to move on from Periodic Review, the County now needs to co-adopt the Realization 2020 Plan and implementing code, instead of operating under a 1988 out of date Plan and code.

#### Criteria

Adoption criteria is summarized below. Ordinance No. PA 1249 adoption criteria is found in Lane Code (LC) Chapter 12, and criteria for Ordinance No. 7-08 is found in LC Chapter 10. The proposal is shown to comply with all criteria, including Statewide Planning goals and other applicable state laws in the Findings attached to each Ordinance. (see Exhibit H to Ordinance No. PA 1249 and Exhibit A to Ordinance No. 7-08).

#### **LC 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.*
- (2) The Board may amend or supplement the comprehensive plan upon a finding of:*
  - (a) an error in the plan; or*

- (b) changed circumstances affecting or pertaining to the plan; or*
- (c) a change in public policy; or*
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC12.005 below.*

**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.*

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**LC10.015 Purpose.**

*The purpose of this chapter is to provide procedures for dividing the unincorporated portions of Lane County into districts and to provide requirements pertaining to such districts in accordance with a comprehensive plan, and is adopted to protect and promote the public health, safety, welfare, and to promote the implementation of the Comprehensive Plan for Lane County. Such procedures and requirements are intended to achieve the following objectives:*

- (1) To encourage the most appropriate use of land and resources throughout the County.*
- (2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.*
- (3) To avoid undue concentration of population.*
- (4) To secure safety from fire, panic, flood and other dangers.*
- (5) To prevent the overcrowding of land.*
- (6) To provide adequate light and air.*
- (7) To lessen congestion in the streets, roads, and highways.*
- (8) To provide an environment of character in harmony with existing and proposed neighboring use of land.*
- (9) To preserve and enhance the quality of Lane County's environment.*

**LC10.315-05 Purpose.**

**As the Comprehensive Plan for Lane County is implemented, changes in District and other requirements of this chapter will be required.**

**LC10.315-20 Criteria.**

**Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.**

See Exhibit H to Ordinance No. PA 1249 and Exhibit A to Ordinance No. 7-08 for the complete responses to the above criteria.

**Alternatives/Options**

- Option 1. Approve the Ordinances as presented with the latest revisions after one additional reading.
- Option 2. Revise the Ordinances 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 Ordinances and deny the application.

**IV. TIMING/IMPLEMENTATION**

The land use policies and Lane Code Chapter 10 applicable implementation measures for the Florence UGB area currently date from the 1988 Comprehensive Plan. The Florence Realization 2020 Plan is

now halfway through its applicable lifetime. Adoption of Realization 2020 by the Board will provide consistency for the urbanizable areas of Florence in policy direction that applies right now to city lands.

## **V. RECOMMENDATION**

Staff recommends Option 1.

### **Planning Commission Recommendation**

The Lane County Planning Commission held a public hearing in Florence on the final updated policy and code language on January 26, 2009. The deliberations after the hearing resulted in a 5 to 2 vote to recommend the Board adopt the amendments to the Plan language and code. Planning Commission reasoning is set forth in the meeting minutes, Attachment 5 to this memo.

## **VI. FOLLOW-UP**

Notice of Board action will be provided to DLCD and all interested parties upon adoption by the Board.

If the Board further revises the Ordinance(s) as presented under Option 2, additional readings for the revisions would be scheduled for a date certain set at the close of the hearing.

## **VII. ATTACHMENTS**

1. Timeline of City-County Coordinated Process from application to second BCC hearing
2. Exhibit B from City Ordinance No. 18 for inclusion in County Ordinance No. PA 1249  
Exhibit H – Findings of Fact and Compliance with Statewide Planning Goals
3. Ordinance No. 7-08 - Replacement Pages, with legislative format  
Exhibit A – Findings
4. Public Record Summary of Testimony Received (supplemental)  
Full Record is available in County Administration Office and Land Management Office
5. Planning Commission Minutes  
November 17, 2009  
January 26, 2010 Public Hearing held in Florence
6. IGA for Groundwater Study and EPA Grant Agreement for Siuslaw Estuary Partnership, (Exhibit 50)

**Timeline for County Co-Adoption of the Florence Realization 2020  
Comp Plan Policies and Lane Code Chapter 10 Implementation Measures**

<b>Date</b>	<b>Florence</b>	<b>Lane County</b>
2004- 2007	Florence Realization 2020 Comprehensive Plan undergoes extensive update under DLCD Periodic Review Work Program. Co-adoption of the updated Comp Plan and associated refinement plans by city and county is PR Work Task No. 8.	
April 4, 2008	Council directs staff to apply to Lane County for Board co-adoption of the updated plans.	Application received, includes Realization 2020 Comp Plan and Map amendments, and co-adoption of refinement plans: Transportation System Plan, Stormwater Master Plan.
April 15, 2008		Lane County Planning Commission (LCPC) conducts work session on the scope of the application; propose Board also co-adopt additional refinement plans applicable within the UGB; Stormwater Design Report for Spruce Street LID, Water Facilities Plan, and the Wastewater Facilities Plan.
June 17, 2008		LCPC public hearing held in Florence, public testimony raised four concerns: 1 – coordination of population forecasts 2 – ability to provide safe and adequate water within UGB 3 – consider including Res. 8, Series 2008 in annexation policies 4 – A plan for Lane County and Florence to develop scientifically based standards and regular testing to determine if sewage from septic tanks is entering water supplies in the North Florence Dunal Aquifer (NFDA). A system to spot isolated problems and correct them immediately should be put in place. Such a system can assure safe drinking water and prevent the need for health related annexation
July 15, 2008		LCPC deliberations and recommendation for Board approval of proposed R2020 amendment upon further coordination to address the four concerns:

Sept. 5, 2008	Commissioner Fleenor, Mayor Brubaker, county and city staff meet to discuss LCPC recommendation and consider developing a response to LCPC issues that would need further city review and process at both city and county for final agreement. Agree on proposed policy amendments to R2020 and agree there is a need for additional implementation measures in Lane Code Chapter 10.	
Sept. 8, 2008	Council initiates further amendments to R2020 Policies	
Sept. 17, 2008		BCC 1 <sup>st</sup> reading of a revised Ordinance No. PA 1249 that includes additional text in response to concerns.
October 1, 2008		BCC 2 <sup>nd</sup> reading/public hearing on Ordinance No. PA 1249 and 1 <sup>st</sup> reading proposed Lane Code Chapter 10 implementation measures under Ordinance No. 7-08. (no public testimony but Board leaves record open).
October 26, 2008		BM56 Notice of Ordinance No. 7-08 mailed to all property owners in affected area.
October 27, 2008	Joint Council and PC Public Hearing on additional Comp Plan text amendments.	
November 3, 2008	Council and Planning Commission record closed.	
November 4, 2008		LCPC worksession for Ordinance 7-08 amendments to Lane Code Chapter 10 to implement the policy text amendments in Ordinance No. PA1249.
November 5, 2008	Planning Commission recommends approval of amendments.	
November 17, 2008	Council directs staff to prepare analysis of vacant lots and potential new septic system levels. Approx. 300 new septic systems could be installed under existing regulations in the UGB.	
November 18, 2008		LCPC public hearing on Ordinance No. PA1249 & Ordinance No. 7-08. Record held open until 2-6-09.
November 25, 2008		BCC 2 <sup>nd</sup> Reading / Public Hearing on Ordinance No. 7-08.
December 5, 2008		Ordinance No. PA 1249 Record Closed.
December 10, 2008		BCC 3 <sup>rd</sup> Reading/Deliberation on Ordinance No. PA 1249. Record held open until 3-4-09.
December 29, 2008	City Council discussion, city code title 9 exception language for municipal sewer hookup in UGB.	

January 21, 2009	City staff develops 3 maps; Affected taxlots in the UGB/NFDA interface, taxlots within 300 ft. of city sewer, and taxlots not within 300 ft. of sewer.	
January 26, 2009	City Council discussion: revise strategy from title 9 exception language for municipal sewer hookup in UGB to a solution of study and well monitoring of the North Florence Dunal Aquifer/UGB & coordinating a response to identified problems.	The clause prohibiting new land divisions in the UGB prior to annexation remains in Ordinance No. 7-08.
February 6, 2009		LCPC Record Closed for Ordinance No. 7-08.
February 17, 2009		LCPC deliberations & discussion on the revised strategy from city (groundwater study) and the one remaining regulatory clause prohibiting land divisions in the UGB under Ordinance No.7-08.  LCPC reopened the Planning Commission record for both Ordinance No. PA 1249 and Ordinance No. 7-08 until <u>one week after the Florence city council final action</u> . Deliberations to be scheduled on the next available LCPC meeting date after completion of city process.
February 18, 2009		BCC endorses city's application for grant funding from the EPA West Coast Estuaries Initiative For Coastal Watersheds for the groundwater study.
February 23, 2009	City Council discussion of submitting an application to EPA for grant funding for an aquifer wide groundwater study that would include a joint city/county/HWD project to study the actual condition of the aquifer.	
March 4, 2009		BCC Record closed for both Ordinance No. PA 1249 and Ordinance No. 7-08.
April 8, 2009		BCC 4 <sup>th</sup> Reading of Ord. No. PA 1249 & 3 <sup>rd</sup> Reading of Ord. No. 7-08. BCC record for both Ordinances reopened to allow additional time for completion of city process, including securing funding and developing the study and IGA.  The LCPC will consider the IGA as a separate tool for implementation of the groundwater study, and include consideration of that document in their recommendation to BCC.



April-July 2009	EPA grant funding is awarded to Florence. City and County staff draft IGA language to define scope and responsibilities of each party in conducting this study. Heceta Water District is no longer a party to this IGA.	
July 7, 2009		LCPC Worksession: Update from City of Florence to review products from city and conduct deliberations. City continuing development of final product, and related IGA language setting forth roles and responsibilities for the three year study. LCPC record is open. BCC record is open.
July 22, 2009		BCC 5 <sup>th</sup> Reading on Ord. No. PA1249 & 4 <sup>th</sup> Reading on Ordinance No. 7-08. No final IGA yet, so BCC record remains open for both ordinances and Board sets the next readings.
August/September 2009	City Council review of IGA and policy language revisions.	Staff continues to work towards final agreement on IGA language. Email versions of the draft document circulated.
November 16, 2009	City Council public hearing to consider IGA and policy 12 & 13 language. The council conducted a first reading and public hearing. Council closed the hearing on the Comp Plan amendments but kept the record open and allowed an additional week to receive comments on the IGA.	
November 23, 2009	City Record closes, no additional input.	
November 17, 2009		LCPC reviewed the IGA defining city and county roles and responsibilities for the groundwater study, and recommend the trigger level standards be set to state and federal standards and remove the 'shall not replace septs' language. LCPC record is open for both ordinances.
December 2, 2009		BCC 6 <sup>th</sup> Reading on Ord. No. PA1249 & 5 <sup>th</sup> Reading on Ordinance No. 7-08. BCC sets next reading and a public hearing for February 17, 2010 for both Ordinances. BCC record is open.
December 7, 2009	City Council conducts second reading, takes final action to finalize the Policy 12 & 13 language revision for the BCC to consider in co-adopting the Realization 2020 and associated refinement plans.	

January 26, 2010 Public Hearing		LCPC second public hearing on final policy language for Ordinance No. PA1249 and final implementation language for Ordinance No. 7-08.  The Groundwater Study IGA forwarded by Florence will be presented to the Board for adoption under separate action by County Environmental Services.
February 17, 2010 Eugene		BCC 7 <sup>th</sup> Reading/Public Hearing for Ordinance No. PA 1249 and 6 <sup>th</sup> Reading/Public hearing for Ordinance No. 7-08.
Date Certain 2010		BCC Deliberations, if needed.

## EXHIBIT B

**COMPREHENSIVE PLAN AMENDMENTS  
CITY OF FLORENCE ORDINANCE NO.18, SERIES 2009**

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Additions are shown in double-underline and deletions in strike-out.

A. Amendments to Florence Realization 2020 Comprehensive Plan  
Chapter 6: Air, Water and Land Quality

- Add new Policy 12:  
12. In an effort to protect the city's current and future water supplies, Lane County and the City of Florence shall develop a groundwater testing program to determine if there is contamination of the North Florence Dunal Aquifer and Clear Lake. In an effort to protect the recreation experience along the beach, the City and County will also test surface water within the Heceta Beach area. The City and County shall develop a system to spot isolated problems and correct them as soon as possible. Such a system may assure safe drinking water and prevent the need for health related annexations and ensure a safe, positive experience for beach recreation. If water quality testing reveals contamination within the UGB and immediate correction is not feasible, the county will work with the city in conjunction with appropriate regulatory agencies to develop an appropriate strategy to mitigate existing contamination and prevent future contamination.
- Add a new Recommendation 8:  
8. Lane County and the City of Florence will request that the Heceta Water District participate in the testing program of water supplies (Policy 12) in order to ensure monitoring of both Clear Lake and the sole source aquifer which are hydraulically connected.
- Add to background section to describe the problem and the basis for the policy:

**Background**

Based on scientific evidence at this time (2009), septic systems, whether failing or not, pose a threat to the North Florence Dunal Aquifer, the sole source of drinking water in the UGB. The threat to the groundwater and

the surface water from septic systems is documented in the North Florence Dunal Aquifer Study and the EPA Resource Document: For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer, both in Appendix 5 of this Plan. The policies in this Chapter are intended to be proactive and prevent possible future contamination.

It is acknowledged by both the City of Florence and Lane County that Florence's dunal aquifer is unique in Oregon because it is the only EPA-designated sole source aquifer in the State of Oregon. As stated in the 1987 EPA Report designating the aquifer sole source: "No feasible alternative sources to the North Florence Dunal Aquifer system exist in the area. Therefore, contamination of the aquifer would 'create a significant hazard to public health'." (page 9) "Rapid infiltration rates into the sand cover combined with a shallow water table make the North Florence Dunal Aquifer highly susceptible to contamination from surface activity." "Possible sources of aquifer contamination include fuel storage tank failure, accidental spills of hazardous material transported across the aquifer, septic tank effluent, storm runoff, pesticides, and chemical fertilizers." (Page 5) Furthermore, the "North Florence Dunal Aquifer Study, Final Report," June 1982, Finding 14 on page 104, states: "Subsurface disposal of sewage waste is the primary human caused source of nitrate-nitrogen. Except for the landfill, the school district and the golf course, there are no other significant human caused nitrate sources within the North Florence watershed."

**B. Amendments to Florence Realization 2020 Comprehensive Plan  
Chapter 14: Urbanization**

- Add a section title "Annexation Policies;" and add new policies 1 and 2:

Annexation Policies

1. The city will not use the Island Annexation provisions allowed by state law.
2. For properties within the North Florence Dunal Aquifer that are also within the Urban Growth Boundary, no land divisions shall be allowed prior to annexation to the City. The North Florence Dunal Aquifer boundary is delineated in the EPA Resource Document "For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer," EPA 910/9-87-167, September 29, 1987, Comprehensive Plan Appendix 5.

- Amend and re-number Policy #1 as follows:
  43. ~~Conversion~~Annexation of lands within the UGB outside City limits shall be based on consideration of:
    - a. orderly, economic provision for public facilities and services;
    - ~~b. availability of sufficient land for the various uses to insure choices in the market place;~~
    - e.b. conformance with the acknowledged Florence Comprehensive Plan; and
    - ~~d. encouragement of development within urban areas before conversion of urbanizable areas; and~~
    - e.c. consistency with state law.
- Add new policies #4 and #5, as follows:
  4. The City will send a referral requesting comments on annexations to Lane County. The comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.
  5. The City will send a referral requesting comments on annexations to the Heceta Water District, for annexations within the District's service boundary. The comments submitted will be considered in any action taken on the annexation request and will become part of the public record of the proceeding.
- Renumber policy #3, as follows:
  36. Annexed properties shall pay systems development charges as required by City Code.
- Add a new policy #7, as follows:
  7. As a matter of public policy, Lane County and the City of Florence share a substantial interest in development within the Urban Growth Boundary. Development within the Urban Growth Boundary shall require annexation in order to receive a full range of urban services provided by the City of Florence. However, it is also recognized that until annexation Lane County will retain primary permitting responsibility for those lands.
- Add a new section heading "UGB Policy," and re-number and amend policy #2, as follows:

## UGB Policy

21. Establishment and change of the UGB shall be a cooperative process between the City and the County. Boundary changes shall be considered only on an annual basis. Applications for boundary changes shall include documentation that the following criteria are met:

- a. The proposed change provides for a demonstrated need to accommodate long-range urban population growth requirements consistent with applicable LCDC goals and administrative rules. UGB expansions to accommodate the need for residential land shall be based on any coordinated population allocations adopted in accordance with state law, including applicable state statutes and administrative rules pertaining to coordinated population allocations.
- b. The proposed change is based on a demonstrated need for housing, employment opportunities and/or livability.
- c. The proposed change is necessary for, and/or will not hinder, orderly and economic provision for public facilities and services and will take into consideration water availability.
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area has already been provided for, and the boundary change will continue to provide maximum efficiency of land use, as prescribed in state law and administrative rules.
- e. An environmental, energy, economic and social consequences analysis has been performed showing that the land is suitable for urbanization at City land uses and densities and that the ultimate annexation of the UGB expansion area will be cost-effective for the City.

- Add the following statements to the Background section of Chapter 14

Oregon Statewide Planning Goals identify land within the UGB outside city limits as "urbanizable lands" that will eventually be annexed to cities and provided with municipal services following annexation, in accordance with City annexation and public facility extension policies and standards and state law.

- Remove reference to failing septic systems in second paragraph of the Background section of Chapter 14 as follows:

However, almost all of the UGB lands outside the city limits are, or can be, served by Heceta Water District. Provision of municipal water has allowed lot sizes in the range of 1/3 acre or less, subject to approval of on-site sewage treatment facilities. ~~Because of the high seasonal water table in some of this area of newer development, there are failing on-site sewage disposal systems. . . .~~

C. Amendments to Florence Realization 2020 Comprehensive Plan  
Chapter 2: Land Use:

- Amend sections discussing the West 9<sup>th</sup> Street planning area, because the industrially zoned property north of 12 Street has been rezoned to residential use and developed with the Park Village subdivision. Additionally, 12<sup>th</sup> Street is not planned for vehicle transportation and is planned as a multi-use path. The following sections are proposed for amendment:

Page II-20: West 9<sup>th</sup> Street Area

12th Street, from Rhododendron Drive east to Kingwood Street ~~the creek,~~ should not be opened except for a bicycle trail. ~~12th Street, east of the creek, should be opened to Kingwood Street to provide the industrially planned and zoned property to the north suitable heavy vehicle access. This Any street connection will require FAA approval, as it that crosses airport property and the airport glide path will require FAA approval.~~

Page II-26: West 9th Street Subarea Recommendations

Subarea 1: ~~A suitable buffer should be maintained between this and the industrially planned and zoned property to the north opposite 12th Street.~~

- Delete a sentence addressing the West 9<sup>th</sup> Street planning area, because recommendations regarding this planning area are not "policy," and it is misleading to refer to recommendations in a plan as City Policy. This sentence was added in the March, 2008 housekeeping amendments to the Comprehensive Plan, and it is proposed to be deleted in order to avoid confusion between actual plan policies vs. background information and recommendations pertaining to this planning area. The text is proposed to be amended as follows:

Page II-25: West 9<sup>th</sup> Street Planning Area

The West 9th Street Planning Area of Florence is shown as a Plan designation on the Comprehensive Plan Map. ~~The policies guiding development of this area are described in this section and in the Plan designation section of this chapter.~~

**D. Amendments to Comprehensive Plan Appendix 12: Transportation System Plan**

Amend the Florence Transportation System Plan, as follows:

1. Throughout the document, change the term "Scenic Drive" so that it is not defined as a functional class.
2. Make "Access Management" a stand-alone section in the Plan and include it as a separate category of surface transportation management.
3. Change the text in Policy 3, second row on page 17, to insert the word "Code."
4. On page 17, amend Policy 3 in the 3rd row that states "all new collectors and arterials will have bicycle and pedestrian facilities" to read "all new and reconstructed collectors and arterials will have these facilities."
5. Page 59-60, Table 12-5-B2: In the 4th column, remove the "C" in the heading, for "Lane County," and delete the "C" from the five projects where it is listed as a funding source.
6. Include the following statement in the financing section of the TSP:  
  
"Lane County SRS funding expired in 2006 and the Capital Projects Partnership Program has been eliminated. A one-time congressional reauthorization occurred in 2007 and 2008. Beyond 2008, it is almost certain that this funding source will disappear."
7. Amend the tables on the pages after page 60 to include a preamble that states, "The following Tables Show Information about Transportation Project Funding through FY 2005."
8. Page 65: Amend the text on this page to refer to County funding in the past tense.
9. Amend all references to the date of the Rhododendron Drive Integrated Transportation Plan (RDITP), from June 2007 to January 2008, because the RDITP was adopted by the City Council in January 2008 and all changes were incorporated into a the final adopted version, dated January 2008. References appear in the TSP on the Table of Contents page for Appendices P, as well as on pages 8, 34, 37, 40, 49 and 51 of the TSP.
10. Delete roadway cross-section diagrams from pages 111 through 113 of the



TSP, and amend references to these cross-section diagrams by replacing them with a reference to American Association of State Highway and Transportation Officials (AASHTO) standards as follows:

Page 50: ~~Generic cross-sections for two types of local streets have been provided, Type A and Type B (both with parking). Type A — for local streets serving very few adjacent lane uses, due to their discontinuous nature or short length; Type B — for local streets that serve a higher role in terms of neighborhood circulation.~~

Page 51: ~~Figure 12-R-1 illustrates typical roadway sections for each of the functional classifications above. Each functional classification has design options to meet the needs of the adjacent land uses and the access demand along a given roadway. The City's standards for roadway section for each of the functional classifications are based on the American Association of State Highway and Transportation Officials (AASHTO) standards. For facilities on Rhododendron Drive, see the Rhododendron Drive Integrated Transportation Plan (RDITP), ~~June 2007~~ January 2008.~~

Amend policies in Comprehensive Plan Chapter 12 accordingly.

## FINDINGS OF FACT

**CITY OF FLORENCE AMENDMENTS TO THE: COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP, TRANSPORTATION SYSTEM PLAN, STORMWATER MANAGEMENT PLAN, WASTEWATER FACILITIES PLAN, AND WATER FACILITIES PLAN FOR COMPLETION OF PERIODIC REVIEW WORK TASKS 2, 3, 4, 5, 7, and 8; AND UPDATED COMPREHENSIVE PLAN MAP AND COMPREHENSIVE PLAN TEXT AND TRANSPORTATION SYSTEM PLAN HOUSEKEEPING AMENDMENTS.**

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1. The City of Florence requests Lane County co-adoption of the Comprehensive Plan Amendments and refinement plans adopted by the Florence City Council through the Ordinances listed in the table below.

<b>Ordinance Number</b>	<b>Dates of Adoption By the City of Florence</b>	<b>City of Florence Ordinance Title and Summary</b>
No. 1 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Changing The Title To The Florence Comprehensive Plan – Realization 2000/2020, And Adopting Sections Titled Introduction, The Community, Plan Adoption, Amendments Review And Implementation, Comprehensive Plan Effectiveness And Organization, Coordination With Agencies, Population, Definitions. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 2 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 1 – Citizen Involvement. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 3 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 2 – Land Use. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 4 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 5 – Open Space, Scenic, historic and Natural Resources. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 5 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 9 – Economic Development. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>

<b>Ordinance Number</b>	<b>Dates of Adoption By the City of Florence</b>	<b>City of Florence Ordinance Title and Summary</b>
No. 6 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 11 – Utilities and Facilities. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 7 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 12 – Transportation Systems Plan. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 8 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapter 14 – Urbanization. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 9 Series 2002	1/14/02	<i>An Ordinance Amending The City Of Florence 1988 Comprehensive Plan By Adopting Chapters 6 – Air, Water and Land Quality, Chapter 7 – Development Hazards and Constraints, Chapter 10 – Housing Opportunities, Chapter 13 – Energy Facilities and Conservation, Chapter 16 – Estuarine Resources, Siuslaw Estuary and Shorelands, Chapter 17 – Coastal Shorelands, Ocean and Lake Shorelands, and Chapter 18 – Beaches and Dunes. Plan updated and new Plan sections adopted to comply with 1995 Periodic Review.</i>
No. 14 Series 2003	8/4/03	<i>An Ordinance Amending Chapter 12- Transportation Systems Plan and Appendix 12 of the Florence 2000/2020 Comprehensive Plan. Comprehensive Plan was updated to comply with 1995 Periodic Review. Amendments include incorporation of the Access Management Plan for Highway 101 between the Siuslaw River Bridge and the Highway 101/126 Intersection; incorporation of the LCOG traffic study related to density of development in the North Commercial Node and inclusion of that study in Appendix 12; and those amendments include deletion of all references and maps related to the extension of 18<sup>th</sup> Street east of its current terminus; and additional amendments in Exhibit A.</i>
No. 1 Series 2006	2/07/06	<i>An Ordinance Amending The 2000/2020 Comprehensive Plan, Adding Definitions for “Private Open Space” and “Public” Plan Map Designations. Plan updated and new Plan definitions adopted to comply with 1995 Periodic Review.</i>

<b>Ordinance Number</b>	<b>Dates of Adoption By the City of Florence</b>	<b>City of Florence Ordinance Title and Summary</b>
No. 6 Series 2008	3/24/08	<i>An Ordinance For The Adoption Of Housekeeping Amendments To The Florence Realization 2020 Comprehensive Plan Text; Comprehensive Plan Map; Appendix 11, Utilities And Facilities; And Appendix 12, Transportation System Plan; Amendments To Florence City Code Title 1 Chapter 10: Comprehensive Plans; And Declaring An Emergency. PAPA amendments to Comprehensive Plan text and map and TSP to correct scrivener errors, achieve internal consistency, and improve clarity and function; and to adopt an updated Comprehensive Plan Map.</i>
No. 18, Series 2009	12/21/09	<i>An Ordinance For The Adoption Of Amendments To The Florence Realization 2020 Comprehensive Plan ("Comprehensive Plan") To Complete Lane County Co-Adoption Of The Comprehensive Plan And Florence Periodic Review Work Task 8, By Adopting: Amendments To Comprehensive Plan Chapter Six (6) Air, Water And Land Quality And Chapter Fourteen (14) Urbanization, And Housekeeping Amendments To Chapter Two (2) Land Use; And Amendments To Appendix 12 To Adopt Housekeeping Amendments To The Florence Transportation System Plan. Additional amendments to the Comp Plan to clarify annexation and urban service delivery policy; protect water quality in the North Florence Dunal Aquifer; and to make additional clarifications to text in the Comprehensive Plan and TSP.</i>

2. **Periodic Review Amendments:** All of the above ordinances, except Ordinance No.6, Series 2008 and Ordinance No. 18, Series 2009, were adopted by the City in order to comply with the City's 1995 Periodic Review Order. These ordinances adopted amendments to the City's comprehensive plan and refinement plans that completed Periodic Review work tasks #2, 3, 4, 5, 7, and 8.

In addition, the City adopted ordinances in compliance with Periodic Review Work Task #1: Urban Growth Boundary, and these amendments have already been co-adopted by Lane County; and the City adopted a new Comprehensive Plan Map through Ordinance No. 10, Series 2002. The 2002 version of the Map is not submitted for co-adoption at this time because the Comprehensive Plan Map was updated in 2008 through Ordinance No. 6, Series 2008, as referenced in Finding #3, below; and the revised, 2008 Comprehensive Plan Map replaced the version of the Map adopted by the City in 2002.

3. **Updated Comprehensive Plan Map and Housekeeping Amendments:** On March 24, 2008, the Florence City Council adopted, through Ordinance No. 6, Series 2008, an Updated Comprehensive Plan Map and “housekeeping” amendments to the Florence Realization 2020 Comprehensive Plan and Transportation System Plan in order to achieve the following objectives: to make the text internally consistent; to improve readability, clarity, and function of the Plan; and to remove references that are outdated or will be outdated, e.g., “by 2001.”

On December 21, 2009, the Florence City Council adopted, through Ordinance No. 18, Series 2009, amendments to the Florence Realization 2020 Comprehensive Plan and Transportation System Plan to complete Lane County co-adoption by including additional amendments to the Comprehensive Plan as necessary in order to clarify annexation and urban service delivery policy of the City; to protect water quality in the North Florence Dunal Aquifer; and to make additional clarifications to text in the Comprehensive Plan and Transportation System Plan.

**Findings of Fact** adopted by the Florence City Council in support of the Updated Comprehensive Plan Map and Housekeeping Amendments (“Exhibit A to City of Florence Ordinance No. 6, Series 2008”) and the additional amendments to complete Lane County co-adoption of Realization 2020 and the Transportation System Plan (Exhibit A to City of Florence Ordinance No. 18, 2009) **are attached to and incorporated into these findings and adopted by the Board to the extent necessary to support County co-adoption.**

4. The City initiated the Periodic Review amendments in accordance with Florence City Code (FCC) Title 10, Chapter 1, Section 3-C:

*“A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.”*

5. Notice of the Comprehensive Plan Amendments was sent to DLCD in accordance with the Periodic Review requirements of state law. The hearings were noticed in the Siuslaw News as required by state law and the Florence Development Code.
6. Owners of property affected by Comprehensive Plan Map Changes received notification of the hearing in accordance with state law.
7. Referrals were sent to the Oregon Department of Transportation, Florence Police Department, Central Lincoln Public Utility District, Qwest, Charter Communications, Florence Public Works Department, Heceta Water District, Florence U.S. Postal Service, the Siuslaw Valley Fire and Rescue District, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and Lane County.

8. **Applicable Criteria:** The amendments are consistent with the following applicable criteria:

- a. **Florence City Code (FCC) Title 10: Zoning Regulations**  
Chapter 1: Zoning Administration, Sections: 10-1-1-5 Land Use Hearings; Section 10-1-2-2, Change of Boundaries on Zoning Map; 10-1-3 Amendments and Changes.
- b. **Oregon Revised Statutes and Administrative Rules:** ORS 197.628 through ORS 197.644; and OAR Chapter 660, Division 25: Periodic Review.
- c. **Statewide Land Use Planning Goals:** Goal 1 – Citizen Involvement; Goal 2 – Land Use Planning; Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 6 – Air, Water, and Land Resources; Goal 8 – Recreational Needs; Goal 9 – Economic Development; Goal 11 – Public Facilities and Services; Goal 12 – Transportation.

9. **Findings of Consistency with Applicable Criteria**

Applicable criteria are shown in bold and findings are in plain text below.

a. **FLORENCE CITY CODE (FCC) TITLE 10: ZONING REGULATIONS**

**CHAPTER 1: ZONING ADMINISTRATION**

**SECTION 3: AMENDMENTS AND CHANGES**

**FCC 10-1-3-C: LEGISLATIVE CHANGES**

- 1. **Initiation:** A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.
- 2. **Notice and Public Hearing:** Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

The amendments are consistent with the criteria in FCC 10-3-C because they were processed as legislative amendments to the Comprehensive Plan to comply with Periodic Review; they were initiated by a request of the Council to the Planning Commission and a recommendation by the Planning Commission was returned to the Council; and notice and hearing was as

prescribed by state law and the 1988 Florence Comprehensive Plan and Florence Realization 2020 Comprehensive Plan.

**b. Oregon Revised Statutes and Administrative Rules**

**ORS 197.628**

Periodic review; policy; conditions that indicate need for periodic review. (1) It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.

**ORS 197.629**

Schedule for periodic review; coordination.

**ORS 197.633**

Two phases of periodic review; rules; appeal of decision on work program; schedule for completion; extension of time on appeal.

**ORS 197.644**

Modification of work program; commission jurisdiction and rules.

(1) The Land Conservation and Development Commission may direct or, upon request of the local government, the Director of the Department of Land Conservation and Development may authorize a local government to modify an approved work program when:

(a) Issues of regional or statewide significance arising out of another local government's periodic review require an enhanced level of coordination;

(b) Issues of goal compliance are raised as a result of completion of a work program task resulting in a need to undertake further review or revisions;

(c) Issues relating to the organization of the work program, coordination with affected agencies or persons, or orderly implementation of work tasks result in a need for further review or revision; or

(d) Issues relating to needed housing, employment, transportation or public facilities and services were omitted from

the work program but must be addressed in order to ensure compliance with the statewide planning goals.

(2) The commission shall have exclusive jurisdiction for review of the evaluation, work program and completed work program tasks as set forth in ORS 197.628 to 197.650. The commission shall adopt rules governing standing, the provision of notice, conduct of hearings, adoption of stays, extension of time periods and other matters related to the administration of ORS 197.180, 197.245, 197.254, 197.295, 197.320, 197.620, 197.625, 197.628 to 197.650, 197.712, 197.747, 197.840, 215.416, 227.175 and 466.385.

(3)(a) Commission action pursuant to subsection (1) or (2) of this section is a final order subject to judicial review in the manner provided in ORS 197.650.

(b) Action by the director pursuant to subsection (1) of this section may be appealed to the commission pursuant to rules adopted by the commission. Commission action under this paragraph is a final order subject to judicial review in the manner provided in ORS 197.650. [1991 c.612 §6; 1997 c.634 §1; 1999 c.622 §5]

The amendments are consistent with Oregon Revised Statutes pertaining to periodic review work tasks because the Department of Land Conservation and Development approved the City's Periodic Review Work Program on November 3, 1995 and approved revisions to the Work Program on March 20, 1997, and left the Work Program Completion Date, "Open;" and DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

Work Task	DLCD Approval Order Number	Date Approved
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3: Coordination Agreements	001080	8/5/99
Work Task 4: Transportation Element	001436	2/24/03
Work Task 5: ESWD Study (Especially Suited for Water Development)	000706	12/13/96
Work Task 7:	001397	6/11/02



Natural Resources, Open Space and Recreation		
Work Task 8: Update plan, ordinance(s) and maps	001436	2/24/03

## **OAR Chapter 660, Division 25: Periodic Review**

The amendments are consistent with Oregon Administrative Rules pertaining to periodic review work tasks because the Department of Land Conservation and Development approved the City's Periodic Review Work Program on November 3, 1995 and approved revisions to the Work Program on March 20, 1997, and left the Work Program Completion Date, "Open;" and DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the above DLCD approval orders.

### **OAR-025-0080**

#### **Citizen Involvement**

**(1) The local government must use its acknowledged or otherwise approved citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review. Each local government must publish a notice in a newspaper of general circulation within the community informing citizens about the initiation of the local periodic review. The local government must also provide written notice of the initiation of the local periodic review to other persons who, in writing, request such notice.**

**(2) Each local government must review its citizen involvement program and assure that there is an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities must, at a minimum, include:**

**(a) Interested persons must have the opportunity to comment in writing in advance of or at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to propose periodic review work tasks prior to or at one or more hearings. The local government must provide a response to comments at or following the hearing on the evaluation.**

**(b) Interested persons must have the opportunity to comment in writing in advance of or at one or more hearings on a periodic review work task. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on a periodic review work task. The local government must respond to comments at or following the hearing on a work task.**

The amendments to comply with Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with this OAR because and DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the above DLCD approval orders; and::

- As discussed below in the findings of consistency with Statewide Planning Goal 1, the adoption of the Realization 2020 Comprehensive Plan was the result of a multi-year effort on the part of the City Council, Planning Commission, Citizen Advisory Committee, and the general public. Notice of the proposed amendments to the City of Florence 1988 Comprehensive Plan were mailed to every landowner in the City and published in the Siuslaw News.
- The City used its acknowledged citizen involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review.
- The City published notice of all public workshops and hearings at least three times in the Siuslaw News, a newspaper of general circulation within the community informing citizens about the initiation of the local periodic review; and the City provided written notice of the initiation of the local periodic review to other persons who, in writing, requested such notice.
- The City reviewed its citizen involvement program and assured that there was an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities included:
  - Interested persons had the opportunity to comment in writing in advance of or at all hearings on the periodic review evaluation. Citizens and other interested persons had the opportunity to present comments orally at all hearings on the periodic review evaluation. Citizens and other interested persons had the opportunity to propose periodic review work tasks prior to or at one or more hearings. The City provided a response to comments at or following the hearing on the evaluation.
  - Interested persons had the opportunity to comment in writing in advance of or at one or more hearings on a periodic review work task. Citizens and other interested persons had the opportunity to present comments orally at all hearings on the periodic review work tasks. The City responded to comments at or following the hearing on the work task.

**c. Statewide Planning Goals**

**Goal 1: Citizen Involvement [OAR 660-015-0000(1)]**

**3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

**Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.**

The amendments are consistent with Goal 1 and all other applicable Statewide Planning Goals because the Department of Land Conservation and Development approved City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 and found the amendments consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

<b>Work Task</b>	<b>DLCD Approval Order Number</b>	<b>Date Approved</b>
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3: Coordination Agreements	001080	8/5/99
Work Task 4: Transportation Element	001436	2/24/03
Work Task 5: ESWD Study (Especially Suited for Water Development)	000706	12/13/96
Work Task 7: Natural Resources, Open Space and Recreation	001397	6/11/02
Work Task 8: Update plan, ordinance(s) and maps	001436	2/24/03

The amendments are consistent with Statewide Planning Goal 1 because the all of the amendments were advertised three times in the Siuslaw News, notice was mailed to owners of the properties, and to property owners within 300 feet of these properties; and citizens were given the opportunity to comment on the amendments in writing or in person at public hearings before the Planning Commission and the City Council.

In addition:

- The adoption of the Realization 2020 Comprehensive Plan was the result of a multi-year effort on the part of the City Council, Planning Commission, Citizen Advisory Committee, and the general public. Notice of the proposed amendments to the City of Florence 1988 Comprehensive Plan were mailed to every landowner in the City and published in the Siuslaw News.
- Public forums were held by the Planning Commission on May 4, May 11, and May 25, 2000; and public hearings by the Planning Commission were held on June 1, June 8, and June 15, 2000. The Planning Commission forwarded its recommendation for adoption of the Plan to the City Council on June 27, 2000.
- The City Council held public forums on July 6, July 13, and July 20, 2000 and public hearings on August 3, August 10, and August 17, 2000 and on November 6, 2001; and adopted the Plan on January 14, 2002.
- Additional public hearings were held on all comprehensive plan and refinement plan amendments to comply with Periodic Review and these hearings provided the same public involvement opportunities as the adoption of the comprehensive plan.

**Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces;**

**Statewide Planning Goal 6 – Air, Water, and Land Resources;**

**Statewide Planning Goal 8 – Recreational Needs;**

**Statewide Planning Goal 9 – Economic Development;**

**Statewide Planning Goal 11 – Public Facilities and Services;**

**Statewide Planning Goal 12 – Transportation.**

The amendments are consistent with all applicable Statewide Planning Goals because DLCD found, based on findings and reasons in the DLCD approval files, that City of Florence Periodic Review Work Tasks 2, 3, 4, 5, 7, and 8 are consistent with state statutes and administrative rules and statewide planning goals through the following DLCD approval orders:

<b>Work Task</b>	<b>DLCD Approval Order Number</b>	<b>Date Approved</b>
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3: Coordination Agreements	001080	8/5/99
Work Task 4: Transportation Element	001436	2/24/03
Work Task 5: ESWD Study (Especially Suited for Water Development)	000706	12/13/96
Work Task 7: Natural Resources, Open Space and Recreation	001397	6/11/02
Work Task 8: Update plan, ordinance(s) and maps	001436	2/24/03

10. Conclusion:

The amendments to adopt Periodic Review comprehensive plan amendments to adopt a new, updated comprehensive plan, the Florence Realization 2020 Comprehensive Plan, and Comprehensive Plan Map, Appendices and the Transportation System Plan, Wastewater Plan, Water Master Plan and Stormwater Management Plan are consistent with applicable criteria in the Florence City Code, Oregon Revised Statutes, Oregon Administrative Rules, and Statewide Planning Goals.

**EXHIBIT "A"**  
**CITY OF FLORENCE FINDINGS OF FACT**  
**ORDINANCE NO. 6, SERIES 2008**

An Ordinance For The Adoption Of Housekeeping Amendments To The Florence Realization 2020 Comprehensive Plan Text; Comprehensive Plan Map; Appendix 11, Utilities And Facilities; And Appendix 12, Transportation System Plan; Amendments To Florence City Code Title 1 Chapter 10: Comprehensive Plans; And Declaring An Emergency. Post acknowledgement Plan housekeeping amendments to correct scrivener errors, achieve internal consistency, and improve clarity and function.

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**I. AMENDMENTS DESCRIPTION**

**Proposal**

The requested action is to adopt housekeeping amendments to the Florence Realization 2020 Comprehensive Plan. These amendments are to clarify existing, adopted policy and not to adopt new policy. The following four specific categories of amendments are proposed:

- Exhibit B: Comprehensive Plan Text Amendments
- Exhibit C: Comprehensive Plan Map Amendments
- Exhibit D: Transportation System Plan (TSP) Amendments
- Exhibit E: Stormwater Management Plan Amendments
- Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006

**Exhibit B: Comprehensive Plan Text Amendments**

Proposed amendments to the Comprehensive Plan text are shown in legislative format in the attached Exhibits:

- *Exhibit B: Comprehensive Plan Text Amendments, February 2008;*
- *Exhibit B Addendum #1, Additional and Revised Housekeeping Amendments to the Florence Realization 2020 Comprehensive Plan Text March 5, 2008; and*
- *Exhibit B Addendum #2, Additional and Revised Housekeeping Amendments to the Florence Realization 2020 Comprehensive Plan Text, March 24, 2008*

These amendments to the text of the Comprehensive Plan are proposed in order to achieve the following objectives:

- to make the text internally consistent;
- to improve readability, clarity, and function of the Plan; and

- to remove references that are outdated or will be outdated, e.g., "by 2001."

Please note that Exhibit B uses, as the original text, the *Realization 2020 Comprehensive Plan for the City of Florence, Oregon, January 2008 Reprint*. This is a reprint of the original Plan adopted by the City of Florence on January 14, 2002. This document is different from the original Plan. It was reformatted consistently throughout and it incorporates all adopted amendments to the text and maps since adoption. A table listing all of the adopting ordinances is included in the front of the Plan for convenient reference.

The most extensive text edits are to Chapter 2, Land Use, and Chapter 12, Transportation. Regarding Chapter 2, for the most part, the proposed edits clarify what is a Plan designation versus a zoning classification. The edits also propose re-organization of the text so that, for example, all of the discussion and description for each Plan designation category can be found in one place.

Regarding Chapter 12, in the original Plan as it was adopted in 2002, the entire Transportation System Plan (TSP) (minus the appendices to the TSP) was inserted into Chapter 12 of the Comprehensive Plan. This added 118 pages to the Comprehensive Plan and impaired the functionality of both Plans. To achieve consistency between Chapter 12 and the rest of the Comprehensive Plan, this amendments leaves the policy framework and TSP Map in Chapter 12 of the Comprehensive Plan in a format that is consistent with other Plan chapters, and replaces the entire TSP into a separate document with the appendices (under separate cover in the digital file).

### **Exhibit C: Comprehensive Plan Map Amendments**

All proposed amendments to the Comprehensive Plan Map are housekeeping amendments and are intended to make the Map consistent with the Plan text or the intent of the Comprehensive Plan. All Plan Map amendments are presented in Exhibit C and the specific areas on the Plan Map proposed for change are presented in the map in Exhibit C-1. These changes will be reflected on the adopted Comprehensive Plan Map, (Map 2-1 in Exhibit B), once they are adopted.

Two types of Plan Map amendments are proposed in Exhibit C-1: **Plan Designation Corrections** and **Plan Designation Changes**. Fourteen Areas are shown in the map in Exhibit C-1. Areas #4, #5, and #6 are Plan Designation *Changes*; all of the other Areas are Plan Designation *Corrections*.

### **Plan Designation Corrections**

### **Exhibit C-1: Areas #1, #2, #3 and Areas #7 through #14**

Three non-existent Plan designations are assigned to specific properties in the Plan Map: Limited Industrial, Manufactured Housing, and Multi-family Residential. This category of Plan Map amendment corrects the Plan Map for areas assigned these designations so that the designation matches the designation in the Plan text. For example, there is no Plan designation category Multi-family Residential in the Plan text. Properties that show this erroneous designation on the Plan Map will show a designation of Medium Density Residential which matches the zoning for these properties and the description of this designation in the text.

*Plan Designation Corrections* are legislative amendments because they apply to whole Plan designation categories. As stated above, these designations show on the Map but do not in fact exist.



## **Plan Designation Changes**

### **Exhibit C-1: Areas #4, #5 and #6:**

Areas proposed for a Plan Designation *Change* are proposed to change from one adopted Plan designation to another. For Area #4, the amendments is to change the Plan designation from Medium Density Residential to High Density Residential to reflect the existing parcel sizes and Multi-family zoning for these properties. For Areas #5 and #6, the amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the description or intent of the Medium Density Plan designation in the Plan text.

*Plan Designation Changes* are quasi-judicial changes because they affect a small, defined area rather than all properties in a category.

#### **Area #4**

The amendments is to change the Plan designation from Medium Density Residential to High Density Residential to reflect the existing parcel sizes and Multi-family zoning for these properties. This area is a total of 3.06 acres, located in southwest Florence, south of 9<sup>th</sup> Street, north of 7<sup>th</sup> Street, between Fir and Greenwood Streets. The area includes ten tax lots in multiple ownerships. The land is vacant. The parcels were platted as part of the Miller's Subdivision at parcel sizes approximately 3,125 square feet. The entire area has historically been zoned Multi-family residential. The High Density Residential Plan designation is consistent with the zoning and intended use for these properties.

#### **Area #5**

The amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the description of the Medium Density Plan designation in the Plan text.

This 30.18 acre area is the area currently designated Low Density Residential in the UGB that lies south of 12<sup>th</sup> Street, north of the commercial area along Highway 126, east of Spruce Street, and, between 11<sup>th</sup> and 12<sup>th</sup> Streets, east of Tamarack. There are numerous tax lots in numerous ownerships. There is a mix of vacant land and residential land uses, including single family and mobile homes and multi-family. The area has a mixture of zoning, including Single-family, Restricted Residential, and Multi-family.

The parcels in this area were originally platted as part of the Gallagher's and the East Dunes Subdivisions and the original parcels

were, for the most part, around 3,100 square feet. The area lacks cohesiveness in planning for land use, transportation access, and facilities. A "Special Area Plan" for the undeveloped portions of this area, both inside and outside the City limits in the UGB, is recommended, and, a Plan designation of Medium Density Residential is recommended in order to achieve consistency with the text of the Comprehensive Plan and to provide for a more consistent development pattern to be planned in this area.

The City should pursue grants to prepare a Special Area Plan for this area that puts in place a viable local street network and a cohesive plan for water, wastewater, and stormwater facilities. As the area develops, the uniformity of design afforded by the Medium Density Plan designation will provide a useful guide for these other plans to be developed and, as properties in this area apply incrementally for partitioning or re-platting, they will be required to address issues of access and facilities and utilities.

#### **Area #6**

The amendments is to change the Plan designation from Low Density Residential to Medium Density Residential to be consistent with the historical zoning of these properties and the intent of the Medium Density Plan designation in the Plan text.

This 2.04 acre area is the area in northeast Florence currently designated Low Density Residential in the UGB that lies east of 37<sup>th</sup> Street, east of Spruce Street, south of Munsel Creek Drive. Two of the tax lots are developed with a single family home and the other is vacant land. The lots range in size from 13,504 square feet to about one acre.

These lots are in three separate ownerships lying outside of platted subdivisions, with the Medium Density Residential Florentine Estates adjacent to the south and Medium Density to the east. Development of these lots for standard single family development is recommended, given their historical zoning of Single-family Residential, their location outside of any low density subdivision and their proximity to the adjacent Medium Density development to the south, east, and northeast.

#### **Exhibit D: Transportation System Plan (TSP) Amendments**

Amendments to the Transportation System Plan (TSP) are proposed in order to achieve the following objectives:

- to make the TSP a self-contained document that continues to be part of the Comprehensive Plan and is physically located, as a whole, in Appendix 12 of the Comprehensive Plan;
- to make the TSP internally consistent and consistent with the Comprehensive Plan;
- to improve readability, clarity, and function of the TSP; and
- to remove references that are outdated or will be outdated, e.g., "by 2001."

This separate TSP document (Exhibit D) continues to be adopted by reference into the Comprehensive Plan; the amendments is to physically locate the entire TSP in a separate document. Housekeeping text edits are proposed to the TSP and to Chapter 12 and the proposed edited versions of the TSP and Chapter 12 are included in this packet of Comprehensive Plan housekeeping amendments.

#### **Exhibit E: Stormwater Management Plan Amendments**

Amendments to the Stormwater Management Plan are proposed to make it consistent with adopted changes to the North Spruce Street Local Improvement District Design (Exhibit F).

#### **Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006**

This amendments is to adopt Exhibit F, *Stormwater Design Report for Spruce Street LID*, July 2006 as part of Appendix 11 of the Florence Realization 2020 Comprehensive Plan. This report was approved by City Council motion on September 5, 2006, as the design for the stormwater system in the north east Florence UGB.

On page 4 of Exhibit F, there is a discussion of the "Congruity with Stormwater Master Plan." The report states, "In designing the proposed stormwater system, an effort was made to ensure that the data, parameters, and assumptions made were consistent with information published in Florence's Stormwater Master Plan. Basin boundaries, modeling parameters, and assumptions about physical properties of the watershed were retained. Deviations were only made when errors were discovered or more precise information was acquired.

The original strategy outlined in the SWMP to serve the area included a plan to bypass water that currently floods Florentine Estates. Stormwater that currently overtops Munsel Lake Road was planned to be routed east along Munsel Lake Road and then be piped south to Munsel Creek upstream of the existing Florentine Estates outfall. While attempting to implement this plan local residents raised concerns about flooding and lack of capacity in

the downstream sections of Munsel Creek. In addition, the area along Highway 101 to the west was planned to be served by another set of storm drain pipes, also draining into Munsel Creek in the vicinity of Spruce Street and 37<sup>th</sup> Street.

In order to alleviate concerns of flooding in the original plan, the present design was proposed as an alternative. It combines the two recommended stormwater systems proposed in the Master Plan. Not only does this reduce the possibility of flooding upstream of 37<sup>th</sup> Street, but it also provides substantial cost savings over constructing two separate systems."

## II. NARRATIVE

When the Realization 2020 Comprehensive Plan Map was adopted on January 14, 2002 through City Council Ordinance No. 10, Series 2002, a thorough consistency analysis of the Map and the Comprehensive Plan text was necessary to ensure that all of the intended changes stated in the text were reflected on the adopted Comprehensive Plan Map and Zoning Map. Once that process was completed, the Comprehensive Plan and other planning documents were to be referred to Lane County for co-adoption, as per the *Joint Agreement for Planning Coordination between Lane County and the City of Florence*.

Following adoption of the Comprehensive Plan, several ordinances were adopted to bring the zoning map into consistency with the Comprehensive Plan and to make "housekeeping" edits to the Comprehensive Plan text and Map. In addition, the text, as adopted, contains internal inconsistencies and "scrivener errors" that make implementation of the Plan ambiguous and somewhat subjective. The amendments in this amendments are needed in order to complete this task. Once these housekeeping amendments are adopted by the City, the Lane County Planning Commission and Board of Commissioners will be asked to review and co-adopt the planning documents, as they apply to the County's joint planning coordination role.

This amendments is to adopt Comprehensive Plan housekeeping amendments to correct as many inconsistencies and scrivener errors as can be identified through an extensive analysis. The Planning Commission initiated these housekeeping amendments by resolution on October 9, 2007, as per Florence City Code (FCC) Title 10, Chapter 1, Section 3-C:

*"A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council."*

The January 2008 reprint of the Comprehensive Plan contains changes to the text and Map that have been adopted by the Florence City Council and acknowledged by the Department of Land Conservation and Development. Changes to the text and Map that have not been formally adopted must go through a formal adoption process. This formal adoption step is necessary because many of the edits are to bring the Map into consistency with the Comprehensive Plan text or scrivener edits, and such changes cannot be made without formal review and adoption by the City. As required by state law, notice to the Department of Land Conservation and Development (DLCD) was given 45 days prior to the first hearing and, following adoption, post-adoption notice must be sent to DLCD because the amendments have been submitted as post-acknowledgement amendments.

The Appendices to the Comprehensive Plan also needed to be updated to reflect adopted amendments to the Plan and inconsistencies with the Plan text needed to be addressed. The Appendices have been reformatted and restructured so that they contain only the currently adopted versions of technical reports. Housekeeping amendments are proposed to Appendix 12, the Transportation System Plan (Exhibit D). Housekeeping amendments are also proposed to Appendix 11, Utilities and Facilities. One set of amendments to Appendix 11 amends the Stormwater Management Plan to reflect changes to the design of the Spruce Street LID, approved by the City Council on September 5, 2006 (see Exhibit E). The second amendment to Appendix 11 of the Comprehensive Plan is to adopt the report, *Stormwater Design Report for the Spruce Street LID*, July 2006, into Appendix 11 (see Exhibit F).

Please note that the proposed edits are housekeeping edits only and they do not purport to set new policy direction. Following adoption, these planning documents will be referred to Lane County local officials for co-adoption as per the *Joint Agreement for Planning Coordination between Lane County and the City of Florence*.

### **III. NOTICE AND REFERRALS**

#### **1. Notice:**

Notice of the proposed Comprehensive Plan Amendments was sent to DLCD on January 9, not less than 45 days prior to the first (Planning Commission) evidentiary hearing as required by state law. The hearing was noticed in the Siuslaw News on February 23, February 27, and March 1, 2008, as required by state law and the Florence Development Code.

Owners of property affected by the proposed Comprehensive Plan Map Changes in Areas #4, #5, and #6 in Exhibit C received notification of the hearing in accordance with state law. These three areas are proposed for quasi-judicial housekeeping changes in Plan Designation because the

amendments is to change the designation on these properties from one Plan designation to another. The amendments to amend the Map for the remaining Areas shown in Exhibit C-1 is a legislative process because these Areas do not currently have a Plan designation that is recognized in the Plan text and the amendments is for those Areas to be appropriately labeled on the Map.

**2. Referrals:**

Referrals were sent to the Oregon Department of Transportation, Florence Police Department, Central Lincoln Public Utility District, Qwest, Charter Communications, Florence Public Works Department, Florence U.S. Postal Service, the Siuslaw Valley Fire and Rescue District, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and Lane County Land Management.

**IV. APPLICABLE CRITERIA**

- 1. Realization 2020 Florence Comprehensive Plan**  
Plan Adoption, Amendments, Review and Implementation; and various sections of the Plan as they pertain to proposed housekeeping edits (see Findings).
- 2. Florence City Code (FCC) Title 10: Zoning Regulations**  
Chapter 1: Zoning Administration, Sections: 10-1-1-5 Land Use Hearings; Section 10-1-2-2, Change of Boundaries on Zoning Map; 10-1-3 Amendments and Changes.
- 3. Oregon Revised Statutes:** ORS 197.175; ORS 197.610; ORS 197.763; ORS 227.186.
- 4. Statewide Land Use Planning Goals:** Goal 1 – Citizen Involvement, Goal 2 – Land Use, Goal 10 – Housing, Goal 11 – Public Facilities and Services, Goal 12 - Transportation

**V. FINDINGS**

Applicable criteria are shown in bold and findings are in plain text below for each of the following categories of housekeeping amendments:

- Exhibit B: Comprehensive Plan Text Amendments
- Exhibit C: Comprehensive Plan Map Amendments
- Exhibit D: Transportation System Plan (TSP) Amendments
- Exhibit E: Stormwater Management Plan Amendments
- Exhibit F: Stormwater Design Report for Spruce Street LID, July 2006

Unless a specific Exhibit or portion of an Exhibit is cited, the following criteria and findings apply to all categories of amendments ("the proposal").

## **Realization 2020 Florence Comprehensive Plan Introduction:**

### **Plan Adoption, Amendments, Review and Implementation**

**Amendments to the Plan may be initiated by citizens, citizen groups, the Citizen Advisory Committee, the Planning Commission or the City Council. In any amendment proceedings, the City Council shall obtain the recommendation of the Planning Commission and the Citizen Advisory Committee before taking action on a proposed major amendment. Minor changes which do not have significant effects beyond the immediate area of the change require the recommendation of the Planning Commission. Minor changes may be initiated at any time. Notice of a public hearing for a proposed plan amendment shall be required at least 45 days prior to the first Planning Commission hearing.**

The amendments is consistent with this Comprehensive Plan text because:

- The amendments was initiated by Planning Commission Resolution PC 07 33 ZC 03-1 on October 9, 2007;
- These are minor amendments because they are housekeeping amendments that do not have significant effects beyond the immediate area of the change;
- The Planning Commission will make a recommendation to the City Council; and
- Notice of the public hearing was sent to DLCD at least 45 days prior to the date of the first Planning Commission hearing.

### **Population**

The data on population in the Florence Realization 2020 Comprehensive Plan and the population projections were updated in March 2004 with the adoption of Comprehensive Plan amendments to incorporate the updated "Florence Residential Buildable Land Analysis" into the Comprehensive Plan and into Appendices 2 and 14. The updated analysis concluded:

**"This analysis indicates that there is enough buildable residential land supply within the Florence urban growth boundary to meet the projected 22-year housing demand."**

### **Finding:**

The amendments is consistent with this conclusion because the housekeeping amendments in Exhibits B, C, D, E, F and the Plan Designation Corrections in

Exhibit C do not affect the buildable lands supply: the Buildable Lands Analysis in Appendices 2 and 14 of the Plan assumed the Plan designations as they are proposed in these housekeeping amendments.

The Plan Designation Changes in Exhibit C: Areas #4, #5, and #6 are also consistent with this conclusion as follows:

- For Area #4, the amendments changes the designation of 3.06 acres from Medium Density Residential to High Density Residential. The parcel sizes and zoning are appropriate for multi-family uses, consistent with the Comprehensive Plan text.
- For Areas #5 and #6, the amendments changes the designation of 30.18 acres and 2.04 acres, respectively, from Low Density Residential to Medium Density Residential; these changes allow the potential for residential units of the same type (single family housing) without subtracting from the inventory of other types of residential land or from the supply of land in other land use categories. The result will have no effect on the buildable lands inventory for the City. In other words, the re-designation of the subject properties will increase the potential supply of single-family residential units within the Florence city limits, further substantiating this conclusion of the supply and demand analysis.

The net effect of the proposed changes would be to allow the potential development of additional single family units that would not be allowed under the Restricted Residential zoning classification that implements the current Low Density Residential Plan designation for these properties. In the Restricted Residential zoning classification, the minimum lot size is 9,000 square feet; and in the Single Family Residential classification, the minimum lot size is 6,000 square feet (6,500 for newly platted lots). Thus, some of the parcels that are subject to this request could potentially be re-zoned and partitioned to create additional lots under the Single-family zoning classification, adding additional housing of this type without subtracting housing from another housing category.

## **Chapter 2: Land Use**

### **Policies**

- 1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on**



**environmental, economic, social and energy factors.** (Florence  
Realization 2020 Comprehensive Plan, page 15)

### **Exhibit B: Comprehensive Plan Text Amendments**

The amendments is consistent with this policy in Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the Plan text in order to achieve the objective of making the Plan internally consistent.

### **Exhibit C: Comprehensive Plan Map Amendments**

The Plan Map Amendments in Exhibit C are consistent with this policy in Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the Plan Map in order to achieve the objective of making the Plan Map consistent with the Plan text.

The Plan Map Amendments in Exhibit C are consistent with this policy in Chapter 2 of the Comprehensive Plan text, as follows:

1. Remove the following text and designations from the Map legend:

- Streets
- Flotlots-N
- Flolots-S
- Wetlands
- Airport
- Limited Industrial
- Manufactured Housing
- Multi-Family Residential
- Neighborhood Commercial
- Water

#### **Findings:**

- Descriptive text in the legend that is proposed for deletion (e.g., street outline, wetlands, water, etc.), serves to obscure the underlying Plan designation and should be located on a separate map.
- There is no Plan designation “Airport” or “Limited Industrial” identified in the Comprehensive Plan text.
- The Manufactured Housing designation was specifically deleted from the Comprehensive Plan Map with the adoption of the 2020 Realization Comprehensive Plan. The Plan states:

*"However, the largest preference is for single family residences, either stick-built or manufactured homes, on individual lots. Now that Oregon law treats both housing types alike, the 2000-2020 Plan no longer differentiates between the two."* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 22)

- The Multi-Family Residential District is specifically referenced in the Comprehensive Plan as a zoning district, not a Plan designation; and the Plan text specifically refers to these areas as appropriately designated High Density Residential, as follows.

*"The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres."* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- There are no text references in the Comprehensive Plan to Neighborhood Commercial as a Plan category. It is an adopted zoning district (FCC 10-14).

2. Add the following Plan designation category to the Comprehensive Plan Map legend: "Business/Industrial Parks."

**Finding:**

The Comprehensive Plan text identifies this Plan designation category, as follows:

*"Business/Industrial Park*

*Other industrial lands include the 14-acre Airport Business Park, and the 70-acre Pacific View (Kingwood) Business Park."* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 31)

3. Change the titles of the following Plan designation categories in the Map legend to match the titles in the Plan text:
  - "Downtown District" to "Downtown"
  - "Highway Commercial" to "Highway"
  - "Neighborhood Commercial /Gateway" to "Neighborhood Commercial Gateway"

- “North Commercial Area” to “North Commercial Node”
- “Service/Industrial” to “Service Industrial”

**Finding:**

The amendments is consistent with the Comprehensive Plan because the proposed titles are consistent with the Plan text.

4. Correct the Comprehensive Plan Map to apply Plan designations to specific properties affected by the above changes to the legend, and for consistency with the Plan designation descriptions in the Plan text, as described below and shown in the map in Exhibit C-1.
  - a. Manufactured Housing: re-designate to “**Medium Density Residential.**” See Exhibit C-1, Areas #1, #2, #3 and Area #7.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts are Single Family Residential and Mobile Home / Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres.”* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- b. Multi-Family Residential: re-designate to “**High Density Residential.**” See Exhibit C-1, Areas #8, #9, #10 and #11.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*“The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres.”*

(Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- c. Limited Industrial: Re-designate these properties to **"Business/Industrial Park."** See Exhibit C-1, Areas #12 and #13.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*"Business/Industrial Park*

*Other industrial lands include the 14-acre Airport Business Park, and the 70-acre Pacific View (Kingwood) Business Park. Kingwood Street runs from 9th Street north through these two parks, and terminates at 35th Street." (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 31)*

- d. Airport: Re-designate this property to **"Public,"** consistent with the description of the Plan designation in the Comprehensive Plan, below. See Exhibit C-1, Area #14.

**Finding:**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below.

*"Public*

*is intended to identify existing public and semi-public uses including public parks, schools, community colleges, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other plan designations subject to need and appropriate review." (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 32)*

- e. Neighborhood Commercial: No re-designation of specific properties is proposed.

**Finding:**

The amendments is consistent with the Comprehensive Plan because the Plan text contains no description or discussion of a "Neighborhood Commercial" Plan designation; and the Plan Map

applied this designation to only one property at the southeast corner of 35<sup>th</sup> Street and Rhododendron Drive and that property was re-designated to Medium Density Residential by Ordinance No. 16, Series 2003, August 5, 2003.

5. Change the Plan designations of specific properties in three areas (Areas #4, #5, and #6 in Exhibit C-1) to make the Comprehensive Plan Map designation consistent with the Comprehensive Plan text description and the intended development for these properties.
  - a. Medium Density Residential: Change the designation of one specific area with a Medium Density Residential Plan designation in the Florence UGB to **"High Density Residential."** See Exhibit C-1, Area #4.

**Findings:**

**Area #4: North of 7<sup>th</sup> and west of Greenwood**

The amendments is consistent with the description of the Plan designation in the Comprehensive Plan, below and the historic development patterns and zoning in this area. The approximately 3,120 square feet parcels in this area were originally platted as part of Miller's Partition; the entire area is currently zoned Multi-family Residential; and the area is adjacent to the West 9<sup>th</sup> Street Mixed Use area. The Plan designation of High Density Residential is consistent with these densities, location, and zoning, as follows:

*"The High Density designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning districts are Multi-family and Mobile/Manufactured Home. The Mobile/Manufactured Home District allows single-wide units in mobile home parks. This designation comprises approximately 203 acres."* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

- b. Low Density Residential: Change the designation of two specific areas with a Low Density Residential Plan designation in the Florence UGB to **"Medium Density Residential,"** See Exhibit C-1, Areas #5 and #6.

**Findings:**

**Area #5: South of 12<sup>th</sup> Street in Southeast Florence UGB**

The amendments for Area #5 is consistent with the description of the Plan designation in the Comprehensive Plan, below and the pre-

existing development patterns in this area. The parcels in this area were originally platted as part of the Gallagher's and the East Dunes Subdivisions and the original parcels were, for the most part, around 3,100 square feet. The historic zoning for properties inside the city limits in this area is predominantly Single-family residential and the area is developed with a mix of single family homes, manufactured homes, and some multi-family.

*"The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts are Single Family Residential and Mobile Home / Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres."* (Realization 2020 Comprehensive Plan, January 2008 Reprint, page 21)

**Area #6 South of 37<sup>th</sup> Street, East of Spruce Street in Northeast Florence UGB**

The amendments for Area #6 is consistent with the description of the Plan designation in the Comprehensive Plan, above. This 2.04 acre area contains three tax lots historically zoned Single-family Residential. The lots lie adjacent to 37<sup>th</sup> Street. Two of the tax lots are each developed with a single family home and the other is vacant land. The lots range in size from 13,504 square feet to about one acre. These lots are in three separate ownerships lying outside of platted subdivisions, with the Medium Density Florentine Estates adjacent to the south. Development of these lots for standard single family development is recommended, given their location outside of the Low Density subdivision to the north, their location near 37<sup>th</sup> Street, their historic zoning for Single-family Residential, and the fact that the lands immediately adjacent to the south, east, and northeast are all Medium Density. This is consistent with the Plan text because these lands are part of the "majority of developable land remaining in the City."

6. Organize the labels for the Plan designation categories in the Plan Map legend into broad categories consistent with the Plan text, as follows:

**Comprehensive Plan Map Designations**

<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
<ul style="list-style-type: none"> <li>• Low Density</li> <li>• Medium Density</li> </ul>	<ul style="list-style-type: none"> <li>• Neighborhood Commercial-Gateway</li> </ul>	<ul style="list-style-type: none"> <li>• Service Industrial</li> <li>• Business/Industrial</li> </ul>

<ul style="list-style-type: none"> <li>• High Density</li> <li>• Heceta Beach Neighborhood Cluster</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• North Commercial Node</li> <li>• Recreational Commercial</li> <li>• Highway</li> </ul>	<ul style="list-style-type: none"> <li>• Park</li> <li>• Marine</li> </ul>
<b>Other</b> <ul style="list-style-type: none"> <li>• Public</li> <li>• Private Open Space</li> <li>• Downtown</li> <li>• West 9<sup>th</sup> Street Area</li> </ul>	City Limits Urban Growth Boundary	

### **Finding:**

These changes are consistent with Chapter 2 because they are housekeeping amendments that achieve the stated objective of improving the readability and functionality of the Plan.

### **Exhibit D: Transportation System Plan (TSP) Amendments**

The amendments is consistent with Chapter 2 of the Comprehensive Plan because the amendments is for housekeeping amendments to the TSP text and Map in order to achieve the objective of making the Plan internally consistent.

### **Exhibits E and F: Stormwater Management Plan Amendments**

These amendments are consistent with Chapter 2 because the amendments to the Stormwater Management Plan and Comprehensive Plan Appendix 11 are proposed to make these documents consistent with City Council-approved changes to the North Spruce Street Local Improvement District Design (Exhibit F), adopted by City Council motion on September 5, 2006.

## **Realization 2020 Comprehensive Plan, Continued**

### **Additional Findings Relevant to Exhibit C-1, Plan Designation Changes, Areas #4, #5, and #6:**

## **Chapter 2, Land Use**

### **Policies**

1. **Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation**

**network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.** (Florence Realization 2020 Comprehensive Plan, page 15)

The amendments is consistent with these criteria because the Plan designation of High Density Residential for the properties located in Area #4 and of Medium Density Residential for the properties located in Areas #5 and #6 is based on:

- an analysis of documented need for land uses of various types: the properties are located within the Florence Urban Growth Boundary and are designated for residential use with the designation of Medium and Low Density Residential. Designation to High from Medium Density Residential will achieve consistency with the existing parcel size and zoning of these properties; designation to Medium from Low Density will allow additional single family residential units to occur, although at potentially smaller lot sizes than would be allowed with the zoning of Restricted Residential, meeting the City's future need for housing.
- physical suitability of the lands for the uses proposed: no change in use is proposed in this application; the allowed uses in the Restricted Residential zoning district are the same as in the Single-family Residential zoning district and the existing use for the High Density amendments is the same as the future allowed use.
- adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use: the allowed uses in the Restricted Residential zoning district are the same as in the Single-family Residential zoning district and the parcel sizes and zoning for the High Density amendments is the same as the future allowed use. In addition, this amendments recommends a Special Area Plan be developed for Area #5 in order to address the transportation needs and utilities and facilities in a comprehensive, cohesive manner. As incremental partitioning occurs prior to the preparation of this plan, developers will be required by the Florence City Code to address issues of access and public facilities as part of any land division application.
- potential impacts on environmental, economic, social and energy factors: parcels in Area #4 and Area #6 are already zoned for the uses that would be allowed with this change; and there is no evidence to indicate that development of the subject properties in Area #6 at the densities allowed in the Single-family Zoning District would have environmental, economic, social or energy impacts that would exceed acceptable levels.

## **RESIDENTIAL**



## **Policies**

2. **The City shall initiate an evaluation of its residential ordinances within two years of adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.** (Florence Realization 2020 Comprehensive Plan, page 18)

The amendments is consistent with this policy because the end result of the re-designations will be to potentially increase residential densities with the High Density designation for Area #4 and with smaller lot sizes allowed in Areas #5 and #6.

3. **Where conventional subdivision techniques are employed for a residential development, no more than the base level of density under the applicable zoning district shall be considered available.** (Florence Realization 2020 Comprehensive Plan, page 18)

The amendments is consistent with this policy because the re-designation of these properties is the action proposed to allow the potential for increased densities and no densities greater than the base level under the applicable zoning district will be considered.

10. **Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.** (Florence Realization 2020 Comprehensive Plan, page 19)

The amendments is consistent with this policy because the proposed re-designations are High Density and Medium Density Residential, consistent with the existing development patterns in these areas.

**The Medium Density designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential and Manufactured Home. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use. This designation comprises approximately 1,413 acres.** (Florence Realization 2020 Comprehensive Plan, page 21)

The amendments is consistent with this policy because the subject properties in Area #5 are assigned a variety of residential zoning classifications, primarily Single-family Residential, and they were smaller than 6,500 square feet at the time they were platted; and the lots in Area #6 are zoned Single-family and are