

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.

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.

Ordinance Number	Dates of Adoption By the City of Florence	City of Florence Ordinance Title and Summary
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>

Ordinance Number	Dates of Adoption By the City of Florence	City of Florence Ordinance Title and Summary
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 18th 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>

Ordinance Number	Dates of Adoption By the City of Florence	City of Florence Ordinance Title and Summary
No. 6 Series 2008	3/24/08	<p><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. Post acknowledgement Plan housekeeping 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></p>

2. **Periodic Review Amendments:** All of the above ordinances, except Ordinance No.6, Series 2008, 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 coadoption 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."

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") **are attached to and incorporated into these findings.**

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 DLC

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: Natural Resources, Open Space and Recreation	001397	6/11/02
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:

Work Task	DLCD Approval Order Number	Date Approved
Work Task 2: Public Facilities Plan	001389	5/2/02
Work Task 3:	001080	8/5/99

Coordination Agreements		
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.

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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:

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: 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.

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.

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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 9th Street, north of 7th 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 12th Street, north of the commercial area along Highway 126, east of Spruce Street, and, between 11th and 12th 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 37th 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 37th 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 37th 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 10-1: 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 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)

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 35th 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 7th 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 9th 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 12th 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 37th 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 37th 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 37th 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

Residential	Commercial	Industrial
<ul style="list-style-type: none"> • Low Density • Medium Density • High Density • Heceta Beach 	<ul style="list-style-type: none"> • Neighborhood Commercial-Gateway • Commercial • North Commercial Node 	<ul style="list-style-type: none"> • Service Industrial • Business/Industrial Park • Marine

Neighborhood Cluster	<ul style="list-style-type: none"> • Recreational Commercial • Highway 	
Other <ul style="list-style-type: none"> • Public • Private Open Space • Downtown • West 9th Street Area 	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

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 use 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 surrounded by Medium Density Residential areas to the south, east, and northeast and are part of the "majority of developable land remaining in the City."

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. (Florence Realization 2020 Comprehensive Plan, page 21)

The amendments is consistent with this policy because the subject parcels in Area #4 are assigned a zoning classification of Multi-family Residential; are located adjacent to the West 9th Street mixed use area; and they were smaller than 5,000 square feet at the time they were platted;

Chapter 11: UTILITIES AND FACILITIES

WASTEWATER COLLECTION AND TREATMENT

Goal

To provide cost effective collection and treatment of wastewater consistent with projected population growth and development needs. (Florence Realization 2020 Comprehensive Plan, page 101)

The amendments is consistent with this goal because the potential additional housing units allowed with the amended designations will allow for the provision of more cost effective collection and treatment of wastewater than would be provided at the lower densities that would be allowed with the current designations; and there is sufficient capacity in the municipal wastewater treatment and collection system to serve development at the allowable densities. Area #6 can be served from an existing 8-inch sewer at 37th and Spruce Streets. The Florence Public Works Department reports that the applicant for any development amendments in Area #5 will need to show how sanitary sewer service will be provided; the existing 8-inch sewer line has capacity; and there are a number of options to provide sewer service to this area. Area #4 can be served with lines that now serve the existing, adjacent residential development. Ultimate alignment and connection of sewer system will be determined as development occurs; and, in Area #5, a Special Area Plan is proposed to address the system needs in the long term.

WATER SYSTEM SUPPLIES AND NEEDS

Goal

To continue to provide an adequate supply of potable water for domestic, business, and industrial needs, as well as sufficient water for fire protection,

all in a cost effective manner. (Florence Realization 2020 Comprehensive Plan, page 102)

The amendments is consistent with this goal because the amendments will allow the City to continue to provide an adequate supply of potable water for domestic, business, and industrial needs, as well as sufficient water for fire protection, all in a cost effective manner.

Adjacent development in Area #4 is already served and for Areas #5 and #6, the potential additional single family units allowed with the increased minimum densities will allow for the provision of more cost effective delivery of water for domestic needs and fire protection than would be provided at the lower densities under the current Plan designation; and there is sufficient capacity in the municipal water system to serve development at the densities allowed in the proposed Plan designation.

The Florence Public Works Department provided the following information related to these criteria: Area #6 can be served in the same manner as the surrounding properties; Area #5 can be served from various 6-inch and smaller water mains, some of which are looped and some not. As development occurs, water mains with a minimum diameter of 8-inch need to be extended "to and through" in order to create a grid system that has the capacity to provide not only domestic water service but also fire protection.

In addition, a Special Area Plan (i.e., refinement plan) for Area #5 is recommended to address all land use and facility design issues in the undeveloped portions of this Area.

STORMWATER MANAGEMENT

Goal

To provide a stormwater system that enhances and maintains livability through balanced, cost-effective solutions to stormwater management.

Policies

- 1. The City shall encourage on-site retention of stormwater. However, in instances where flows are in excess of that generated on-site, or where site conditions make this physically impracticable, a combination of piped systems and natural drainage systems may carry stormwater off-site to approved collection or dispersion facilities.**
- 2. The quality and quantity of recharge to the City's sole source aquifer shall be maintained consistent with use of the aquifer as a domestic water source.**

3. **Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance.**
4. **City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems.**
5. **Storm drainage facilities, as approved by the City, which may include culverts, drywells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards. Such facilities shall be a part of all subdivisions, planned unit developments, street construction or improvements, commercial and industrial development or other developments which may impact storm drainage patterns.**
6. **Stormwater shall be managed to protect water quality of streams, rivers, and other water bodies." (Florence Realization 2020 Comprehensive Plan, page 105)**

The amendments is consistent with this goal and these policies because the stormwater system of the City, reflected in the adopted Stormwater Management Plan, enhances and maintains livability through balanced solutions to stormwater management in a cost-effective manner and, as reported by the Florence Public Works Department, stormwater will be addressed as the parcels develop or redevelop; and the City will require the developers to demonstrate their ability to comply with the City of Florence Stormwater Management Plan, including compliance with all of the following:

- the City will encourage on-site retention of stormwater; and, if water flows are in excess of that generated on-site, or site conditions make this physically impracticable, a combination of piped systems and natural drainage systems will be installed to carry stormwater off-site to approved collection or dispersion facilities;
- the quality and quantity of recharge to the City's sole source aquifer will be maintained consistent with use of the aquifer as a domestic water source;
- the City will ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance;
- City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems;

- storm drainage facilities, as approved by the City, may include culverts, drywells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards; and such facilities will be a part of all developments and street construction in this area; and
- Stormwater will be managed to protect water quality of streams, rivers, and other waterbodies.

Regarding Area #4, there is a major drainage ditch on the west side of this area. Development in this area will need to address the special conditions of having a significant natural drainage system.

PARKS, RECREATION AND OPEN SPACE

Policies

6. **Within the Florence urban growth boundary, the City and Lane County shall designate lands for possible park development purposes. Lands so designated shall be reserved for future park system expansion upon annexation. (Florence Realization 2020 Comprehensive Plan, page 107)**

The amendments is consistent with this policy because the subject parcels are currently designated for residential use in the Florence Realization 2020 Comprehensive Plan; and they were previously designated for residential use in the 1988 Florence Comprehensive Plan, prior to and following annexation to the City.

PUBLIC SAFETY AND HEALTH RELATED SERVICES

Policies

7. **Street names and addresses shall be assigned so as not to duplicate existing street names or have similar sounding names to assist emergency responders in locating addresses in times of needs. All new street names shall be reviewed by the Fire Marshall. (Florence Realization 2020 Comprehensive Plan, page 116)**

The amendments is consistent with this policy because for any new streets proposed, street names and addresses will be assigned so as not to duplicate existing street names or have similar sounding names; and all new street names will be reviewed by the Fire Marshall.

Chapter 12 TRANSPORTATION

The amendments is consistent with the Transportation System Plan because:

- no change in use is proposed and the amendments will result in the potential

increase of single family residential units, an allowed use in the existing zoning districts;

- the areas are served by access to major arterials, and several local streets, and, in Area #5, a Special Area Plan is proposed to address local transportation network issues;
- the demonstration of adequate transportation access will be required as part of any partitioning amendments in these areas and transportation impact analyses will be required as part of the processing of any amendments that is likely to result in an appreciable impact to the transportation system.

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 is consistent with the criteria in FCC 10-3-C because:

- Exhibits B, C, D, E, F and the Plan Designation Corrections in Exhibit C are legislative changes to the Comprehensive Plan, affecting a large number of properties with broad policy application;
- The Planning Commission initiated the process by Resolution;
- Notice of the public hearing was sent to DLCD at least 45 days prior to the first Planning Commission hearing, consistent with the Comprehensive Plan and state law.

FCC 10-3-B: QUASI-JUDICIAL CHANGES

1. **Initiation:** A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

3. **Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.**

The amendments is consistent with the criteria in FCC 10-3-B, subsections #1 and #3 because:

- The Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C are quasi-judicial Comprehensive Plan changes that affect a discreet number of properties in a small, defined area;
- The amendments was initiated by Planning Commission Resolution; and
- Notice of the proposed change was provided in accordance with Code Section 10-1-1-5:

FCC 10-1-1-5: LAND USE HEARINGS:

A. **Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

B. **Notification of Hearing:**

1. **At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
2. **For a zone change application, notice of hearing shall be published three (3) times in a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.**

The amendments is consistent with these criteria as they apply to the Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C because:

- the Planning Commission held a public hearing on the request;
- notice was sent to all owners of record of property within 300 feet of the subject property; and
- notice of the hearing was published three (3) times in the Siuslaw News, a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.

OREGON REVISED STATUTES

ORS 227.186 NOTICE TO PROPERTY OWNERS OF HEARING ON CERTAIN ZONE CHANGE; FORM OF NOTICE; EXCEPTIONS; REIMBURSEMENT OF COST.

- (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

The amendments is consistent with ORS 227.186 as it pertains to the Plan Designation Changes in Areas #4, #5, and #6 in Exhibit C because:

- at least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the comprehensive plan map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this part of the proposal;
- the notice was approved by the City and described in detail how the proposed ordinance would affect the use of the properties;
- the notice contained the text required in ORS 227.186; and
- the amendments is to adopt an ordinance that will limit or prohibit land uses previously allowed in the affected zone.

ORS 197.610: LOCAL GOVERNMENT NOTICE OF PROPOSED AMENDMENT OR NEW REGULATION; EXCEPTIONS; REPORT TO COMMISSION.

- (3) A amendments to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The amendments forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

The amendments is consistent with ORS 197.610 because notice to DLCDC was sent on January 9, 2008, at least 45 days prior to the March 5, 2008 (first) Planning Commission public hearing and the notice contained the information required in this statute.

ORS 197.175: CITIES' AND COUNTIES' PLANNING RESPONSIBILITIES;

RULES ON INCORPORATIONS; COMPLIANCE WITH GOALS.

(2) Pursuant to ORS Chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

The amendments is consistent with ORS 197.175 because this staff report contains findings to conclude that the proposed comprehensive plan revisions are in compliance with the goals approved by the commission. Statewide Planning Goals 1, 2, 10, 11, and 12 apply to this proposal. A finding of "Not Applicable to this Proposal" is incorporated into these findings for all other Statewide Planning Goals not specifically cited below.

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 is consistent with Statewide Planning Goal 1 because the amendments was advertised three times in the Gluslaw News on February 23 and 27 and March 1, 2008; notice was mailed to owners of the properties in Areas #4, #5, and #6 in Exhibit C 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.

The Planning Commission and City Council held a joint work session and public hearing on March 5, 2008, heard public testimony, and, at the request of a citizen, left the record open for written comment for seven days and no written comments were submitted during this time; the Planning Commission met on March 18, 2008, deliberated, and approved Resolution 08 04 CPA 01, recommending adoption of the proposed amendments; and the City Council met and deliberated on the proposed amendments on March 24, 2008.

Goal 2: Land Use [OAR 660-015-0000(2)]

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during

preparation, review and revision of plans and implementation ordinances.

The amendments is consistent with Goal 2 because the proposed revisions to the Comprehensive Plan Map are to correct scrivener errors and achieve consistency with the Plan text; and citizens and affected governmental units have been provided an opportunity for review and comment on the proposal.

Goal 10: Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The amendments is consistent with Goal 10 because the proposed change in Plan designation and zoning will allow higher residential densities which will increase the number of single family residences, a needed housing unit type, at a price range that is more affordable than units built on larger lots.

Goal 11: Public Facilities and Services [OAR 660-015-0000(11)]

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendments is consistent with Goal 11 because the properties in Areas #4, #5, and #6 in Exhibit C are within the Florence Urban Growth Boundary and will be served in accordance with City facility management consistent with the Comprehensive Plan and for areas now outside the city, with annexation and service policies. Key facilities and services can be provided to the areas upon development, including water, wastewater, stormwater, and transportation, consistent with the policies in the Florence Realization 2020 Comprehensive Plan.

The amendments in Exhibit E and F to amend the Stormwater Management Plan and Appendix 11 of the Comprehensive Plan, respectively, will make that Plan consistent with approved amendments, consistent with Goal 11.

Goal 12: Transportation [OAR 660-015-0000(12)]

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive

plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The amendments is consistent with Goal 12 and these provisions in the Transportation Planning Rule because the amendments corrects map errors in an adopted Comprehensive Plan, adopts housekeeping amendments to the TSP to make it internally consistent and consistent with the Comprehensive Plan, and the additional single family residences allowed by the proposed Plan map changes in Areas #5 and #6 will not significantly affect a transportation facility, as follows:

(a) They will not cause a change in the functional classification of an existing or planned transportation facility;

(b) they do not change standards implementing a functional classification system; or

(c) as measured at the end of the planning period identified in the adopted transportation system plan:

(A) they do not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) they do not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) they do not worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

VI. CONCLUSION

The amendments to adopt housekeeping amendments to the Realization 2020 Comprehensive Plan Text and Map and the Transportation System Plan and Stormwater Management Plan is consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes, and Statewide Planning Goals.

DRAFT

EXHIBIT "A"
CITY OF FLORENCE FINDINGS OF FACT
ORDINANCE NO. 1, SERIES 2006

**An Ordinance Amending The 2000/2020 Comprehensive Plan, Adding Definitions for
"Private Open Space" and "Public" Plan Map Designations.**

Public Hearing Date: December 13, 2005
Date of Report: December 1, 2005

I. PROPOSAL DESCRIPTION

1. Proposal: Planning Commission recommendation to the Florence City Council to review and add definitions for Public and Private Open Space in the Florence 2020 Comprehensive Plan. These designations have been applied on specific properties yet no definitions for these designations exist in the Comprehensive Plan.
2. Applicants: The City of Florence
3. Location: This is a resolution which is applies to specific properties.
4. Surrounding Lane Use/Zoning: Various
5. Correspondence/Referrals: Notice was published in the Siuslaw News December^{3rd} and 10th 2005. As of the date of this writing no written correspondence was received.

II. APPLICABLE REVIEW CRITERIA:

1. Oregon Revised Statutes
197.628 Periodic review; policy; conditions that indicate need for periodic review.
2. Oregon Administrative Rules
660-015-0000, Oregon's Statewide Planning Goals & Guidelines: Goal 2, Land Use
Goal 5, Open Spaces, Scenic & Historical and Natural Resources

III. PROPOSED CHANGES:

OTHER

Goal To recognize there are a number of land use types that do not fit into the Residential, Commercial, or Residential land use designations.

Policies

The City should recognize unique land uses, sites, and/or ownership patterns and should provide for flexibility in the land use system to address unique situations while remaining consistent with City goals and policies.

Establishment of additional land use designations shall follow standard government process as set forth in this Comprehensive Plan, local ordinances, and state statute.

Public Designation 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.

Private Open Space Designation is intended to identify areas where the predominant character is a less intense development pattern consisting of natural uses or open areas. Uses may include crop production, recreation, animal grazing, fish and wildlife habitat, etc.... If development occurs in these areas, it shall be in such a manner that maintains the natural features of the site. Natural features include but are not limited to drainage ways, wetlands, scenic vistas, historic areas, groundwater resources, beaches and dunes, sensitive species, etc.... Development within a Private Open Space area may occur subject to the Planned Unit Development process.

- IV. **NARRATIVE:** The Florence Community Services Department with the assistance from Lane Council of Governments prepared language defining the lands identified on the Florence 2020 Comprehensive Plan Designation Map as "Public" and "Private Open Space." This proposed amendment adds language inadvertently omitted during the City's process of defining land use designations during its periodic review. Two goals are impacted by the text amendment.

State Land Use Goal 2, states "To establish a land use planning process and policy framework that provides a basis for all decision and actions

related to use of land and assures an adequate factual base for such decisions and actions." Goal 2, and its accompanying administrative rules, set out a process to designate and locate land uses. It states that the "designations 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."

In addition this proposed text amendment would provide a mechanism to support the goal of Chapter 5 (State Land Use Goal 5), Open Spaces, Scenic & Historical and Natural Resources, "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposed text amendment would create an "Other" section in Chapter 2, "Land Uses" and include a goal, 2 policies, and definitions for each of the designations "Public" and "Private Open Space". Two private properties, the Sandpines Golf Course and the Ocean Dunes Golf Links are presently plan designated "Private Open Space." A number of public facilities and parks are affected.

V. REVIEW OF APPLICABLE CRITERIA:

1. ORS 197.628 Periodic review; policy; conditions that indicate need for periodic review.

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 and to also ensure that the plans and regulations make adequate provision for needed housing, employment, transportation and public facilities and services.

The City of Florence, when reviewing, identifying, and defining land uses, set aside lands later designated on the Comprehensive Land Use Map as Private and Public Open Space. During Chapter 2's construction, the language defining those designations was inadvertently omitted. This proposed text change demonstrates the City's prior consideration of both the documented need and the physical suitability of the lands plan designated "Public" and "Private Open Space." Also, the language will provide a basis for making decisions and directing the course of actions related to the use of land. The inconsistency of having both an adopted Comprehensive Plan map that includes the designations of "Public" and "Private Open Spaces" and a Chapter 2, "Land Uses" that contains no defining language for those designations is "documented need" for the

requested plan change. The proposed text amendment, by providing definitions for those lands designated "Public" and "Private Open Space," meets the ORS criterion.

2. State Land Use Goal 2, "Land Use", and to a lesser degree State Land Use Goal 5, "Open Spaces, Scenic & Historical and Natural Resources."

State Land Use Goal 2, "To establish a land use planning process and policy framework that provides a basis for all decision and actions related to use of land and assures an adequate factual base for such decisions and actions." State Land Use Goal 5, "Open Spaces, Scenic & Historical and Natural Resources", "To protect natural resources and conserve scenic and historic areas and open spaces."

To date there is no explanation or definition of the "Public" designation. This designation applies to land held by a public entity such as the federal, state or county governmental agencies. These lands are generally used for open space or resource management but may also include the location of public facilities such as well fields, or other public facilities. The current Comprehensive Plan Map identifies these lands yet there is no corresponding comprehensive plan text.

Private ownership of open space is a concept that primarily coincides with the existing golf courses. These areas provide open space values but also have a recreational, commercial and community wide benefit. Other uses associated with "Private Open Space" are a limited amount of residential development. *When residential development is permitted within the "Private Open Space" designation, the golf course use must be the predominant use in order to be considered with the "Private Open Space" designation.* By adding definitions to the Comprehensive Plan for the "Public" and "Private Open Space" designations, compliance with OAR requirements can be made.

VI. Conclusions and Recommendations:

Staff concludes there is an adequate factual base for making these comprehensive plan text amendments based on reports and comment provided by county, state, and federal agencies during periodic review. Local, state, and federal agencies were notified and their concerns were considered and accommodated to the extent possible. The Comprehensive Plan text amendments are consistent with Goal 2. Staff recommends that the Planning Commission recommend approval to the City Council to add the definitions of "Public" and "Private Open Space" to the Florence 2020 Comprehensive Plan.

Approval shall be shown on:

"A" Findings of Fact

"B" Public and Private Open Space Definitions

"C" Comprehensive Plan

DRAFT