

FEBRUARY 2012 PLANNING REPORT

1 - General Comments

Deployment

Senior Planner Wendy Farley will be deployed at the beginning of May for training and service in Afghanistan. We are looking at the best options for managing her work in her absence.

Idylewood Fourth Addition

Community Development Director Sandra Belson, Assistant Planner Michelle Pezley, and City Engineer Dan Graber met with county staff to discuss the application to Lane County for a fourth addition of Idylewood. As this property is within the urban growth boundary, the developer is seeking county approval of the subdivision but intends to provide city sewer to the property upon annexation to the City of Florence. At the meeting we discussed the city's role in review and approval of the public facilities within the subdivision which will require an intergovernmental agreement. City and county staff are currently working on a draft agreement that would ultimately be presented to Council for approval. City and county staff will also be meeting together with the developer to discuss timing of the public improvements relative to the land use approval process. The developer has waived the time limit for obtaining a local land use approval. Although the public comment period is closed, the county has not yet issued a decision on the tentative subdivision plan.

Business Expo

The Community Development Department set up a table at the Business Expo at the Florence Events Center to share information about lots available in the Pacific View Business Park, city zoning information, and applications/nomination forms for Greener Florence Awards. Chairperson Nieberlein and Council Xavier both helped Director Belson "staff" the booth.

Lane County's Co-Adoption of Annexation Policy

The Lane County Board of Commissioners continued its public hearing from Jan. 31 to March 21 to take testimony on annexation policy to be included in the Florence Realization 2020 Comprehensive Plan.

2 - Current and Recently Approved Land Use Applications

APPLICATION NAME	APPLICATION #	LOCATION	STATUS
Administrative Design Review for an addition to the First Baptist Church	AR 12 01 DR 01	1935 25 th Street	Staff granted approval on Feb. 10.
Conditional Use Permit and Phase II Site Investigation Report to place riprap along the Siuslaw River	PC 12 04 CUP 03	16 Seawatch Court	The Planning Commission held a public hearing on Feb. 14 and approved the application.
Conditional Use Permit and Design Review for Siuslaw Interpretive Wayside	PC 12 02 CUP 01	Siuslaw Bridge and 1250 Bay Street (vacant lot next to Waterfront Depot)	The Planning Commission held a public hearing on Feb. 28 and approved the application.
Conditional Use Permit and Design Review for Port Office	PC 12 05 CUP 04	100 Harbor Street	The Planning Commission will hold a public hearing on March 13.
Conditional Use Permit for Central Lincoln Public Utility District's temporary office building	PC 12 03 CUP 02	966 Highway 101, northeast corner of the intersection of Hwy. 101 and 126	The Planning Commission will hold a public hearing on April 10.
Administrative Design Review for addition of drive-thru to AM/PM Station	AR 12 02 DR 02	1839 Highway 101	Application is incomplete.
Administrative Design Review for addition onto Lane Interiors building	AR 12 03 DR 03	1361 1 st Street	Currently under staff review.

Siuslaw Valley Fire and Rescue submitted a request for an adjustment to sign code requirements to allow the image to change more than once per hour. Since the sign code is no longer in the Zoning Code, the request was not processed as a land use application. The City Council held a public hearing on the request at its January 3 meeting and made a decision on January 17 and formalized the decision in a resolution at the February 21 meeting.

3 – Committees and Grants

This section of the Community Development monthly report describes activities of committees and progress on grant-funded projects.

CITY COMMITTEES STAFFED BY COMMUNITY DEVELOPMENT

Environmental Management Advisory Committee (EMAC), Wendy Farley
February 16th Regular Meeting – The committee reviewed the additions to the Solid Waste Rate Review Report submitted by Bell & Associates following the meeting with Chris Bell on January 31st. Amendments included adding language regarding the break out of services provided to county residents, adding more size and regionally appropriate cities to the jurisdictional comparison. The EMAC set draft goals for 2012 that staff will type up and provide to EMAC for final review in March. The committee nominated and voted for Chair and Vice Chair, Robert Forsythe and Bonnie MacDuffee respectively. Staff distributed the yard debris schedule for 2012, discussed the Green Fair table content, changes to the City Hall kiosk—possibility of taking prescription bottles, and the format for the volunteer appreciation night. Bonnie MacDuffee agreed to present for the committee sharing their responsibilities and projects.

Next Meeting –The next EMAC regularly scheduled meeting is March 15th however it may be moved up to the 12th or 13th to accommodate a public hearing on the rate increase. Topics will include: review final goal/task setting for 2012, Greener Florence program, website, and staffing updates.

Planning Commission, Sandra Belson

The Planning Commission is meeting twice a month to hold public hearings for land use applications and will hold a public hearing on the update of the Transportation System Plan.

GRANT FUNDED PROJECTS

Update Transportation System Plan (TSP), Community Transit Plan, and Capital Improvement Plan (CIP) for transportation improvements

Transportation & Growth Management (TGM) Grant managed by Sandra Belson
\$155,000 - *joint program of DLCDC and Oregon Department of Transportation (ODOT), financed in part by federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and State funds*

An Open House on February 1 provided an opportunity for the general public to comment on the draft Transportation System Plan and Community Transit Plan. About 40 members of the general public (in addition to the Project Advisory Committee and staff) attended the Open House. The Project Advisory Committee met following the Open House and identified changes to the Draft TSP in response to the public comments. The Planning Commission initiated the adoption of the TSP at its meeting on Feb. 14 and will hold a work session and public hearing on March 27. For more

information about the update of the Transportation System Plan, check out the project website at <http://sites.kittelson.com./FlorenceTSP>.

Siuslaw Estuary Partnership

West Coast Estuaries Initiative for Coastal Watersheds managed by Sandra Belson
\$566,797 - *United States Environmental Protection Agency (EPA)*

The Siuslaw Estuary Partnership is in its third and final year of the project. The Interdisciplinary Team continues to meet to provide staff support for the project and we are into the third round of public involvement. The brief summary below provides a quick snapshot of where the project stands today.

Project Elements Update:

- I. **SCIENTIFIC INVESTIGATION:** The Interdisciplinary Team continued to provide staff support for the project.

- II. **PUBLIC EDUCATION AND STEWARDSHIP:**
 - The Community Stakeholders met on Wednesday, February 15 from 5:00-6:20 to review and comment on the Aquifer Protection Plan and the Surface and Groundwater Quality and Quantity Monitoring results. The Elected Official Stakeholders met for the same purpose on the same night from 6:30-8:00. The agenda packets for those two meetings is posted to the web site: www.SiuslawWaters.org. The next meeting for the Community Stakeholders is Wednesday, March 21, 4:30-6:30 and for Elected Official Stakeholders it is Thursday, March 22, 6:00-8:00 p.m. The topic for the March meetings will be continued discussion of protecting the city's current and future water supply; and wetland and riparian areas. Additional meetings will be scheduled for mid-April for the Siuslaw Estuary Trail and Key Estuary Wetlands.

 - The draft newsletter has been prepared and is currently being formatted. The newsletter will be re-formatted for distribution with city utility bills and will be sent to property owners who own property that includes a wetland or riparian area or that is in the capture zone for existing and future wellfields.

 - The third Open House is scheduled for April 30, 2012 at the Florence Events Center. Draft reports for products due to be completed this year will be presented for public comment. The Open House format will include in-depth presentations on each of the draft products along with a Question and Answer session. We will also accommodate those who just drop-in. This format allows people to participate at the time their topics of interest are presented as well as providing staff support related to all topics at the time that is most convenient for individuals.

III. WATER QUALITY AND QUANTITY:

- DEQ is currently reviewing the “North Florence Dunal Aquifer Discussion Paper: Options to Protect Surface Water and Groundwater Quality in Response to Contamination Threats.” This paper documents the results of the discussion from the January 25, 2012 meeting with the City Manager, Community Development Director, and Public Works Director, Lane County staff and the DEQ Regional On-site Program Manager and DEQ surface water and drinking water program staff, along with Planning Consultant Carol Heinkel and GSI hydrogeology consultant Dennis Nelson.
- Aquifer Protection Plan:
 - The Oregon Health Authority (OHA) is continuing its certification process for the delineations of the existing wellfields. The Community Stakeholder Group convened on February 15 and included the following additional members who represent residents and businesses in the delineated capture zones for the existing and future wellfields: Randy Curtola, Ocean Dunes Golf Links; Mary McGuia, Coast Village; Deacon Matthews, Sand Ranch; Art Koning, Koning and Cooper; and Nola Xavier, Florentine Estates. Dave Twombly, Recycling and Garbage Collection; Del Phelps, Florentine Estates; and Gary Cooper are also participating although they could not make the February 15 meeting.
 - The delineations (Drinking Water Source Area or DWSA) within the North Florence Sole Source Dunal Aquifer, once certified by the OHA, will be considered a “significant groundwater resource” under Goal 5 because the “public water system served by the wellhead area . . . has more than 3,000 service connections and relies on groundwater from the wellhead area as the primary or secondary source of drinking water.”[1] As such, it will be adopted as part of Florence’s Comprehensive Plan along with policies to protect the resource.
 - DEQ will certify the Aquifer Protection Plan for the Source Water component. Local adoption is not required for that to occur; but the City and the County both have to “sign off” on the Plan before DEQ will certify it. This “sign off” could occur by motion after a work session with the City Council and the Board of Commissioners. It could conceivably be a joint work session. Staff could put the item on the agenda and ask for a motion of support for the Plan and then it would be submitted to DEQ. Then, the Comprehensive Plan and Code amendments would be submitted to the Florence Planning Commission and Council with the goal of City adoption by September 30, 2012. County co-adoption could occur after City adoption; but co-adoption was not promised in the EPA grant work plan.

[1] OAR [660-023-0140](#) (5).

City and County staff could ask to have this item go before the elected officials in the Spring, after the April 30 Open House. That way, staff can report on any public comments received at the Open House.

- Siuslaw Interpretive Site: The Planning Commission held a public hearing on and approved the land use applications with conditions on February 28, 2012.

IV. WETLANDS AND RIPARIAN AREAS PLAN:

On March 6, 2012, the Wetlands and Riparian Area Team met and expressed concurrence with the proposed significance criteria and protection measures for wetlands and riparian areas. The next step is to prepare draft Code language and to make that available for public comment at the April 30 Open House.

■ Wetlands

For wetlands, the proposed protection measures are to:

- a. apply the Safe Harbor approach in Statewide Planning Goal 5 to protect significant wetlands;
- b. include a Variance procedure that recognizes the rights of a property owner to develop property (avoids unconstitutional “taking” of private property without just compensation); and
- c. Use the ESEE (Economic, Social, Environmental, and Energy) Analysis prescribed in Statewide Planning Goal 5 to address conflicts between the construction of planned infrastructure projects and resource conservation in the Florence UGB. The ESEE analysis for public utilities and transportation facilities will evaluate these conflicts within the urban growth boundary and propose the appropriate level of resource protection in these areas.

The proposed criterion for determining significance of non-Goal 17 wetlands in the Florence urban growth boundary (UGB) is wetlands that score at or above the 75th percentile in either Function or Value for one or more of the following Grouped Functions, as defined in the Oregon Rapid Wetlands Assessment Protocol (ORWAP):

- a. Hydrologic Control (water storage and delay or “flood control”); or
- b. Water Quality (sediment retention and stabilization, phosphorus retention, nitrate removal and retention, and thermoregulation); or
- c. Habitat for fish, aquatic, or terrestrial species.

In applying this criterion to the Draft Florence Area Inventory, the sixteen non-Goal 17 wetlands in the Florence UGB are significant.

■ Riparian Areas

The proposed significance criteria for non-Goal 17 riparian areas in the Florence urban growth boundary (UGB) are as follows.

- a. Use the “Safe Harbor” provisions of Statewide Planning Goal 5 to determine as a “significant riparian resource” the riparian corridor with boundaries 50 feet from the top of bank, along Munsel Creek, the only fish-bearing stream in the Inventory, except for the RMC-C Reach. The RMC-C Reach is an agenda topic for the March 6, 2012 Team Meeting.
- b. Determine as “significant riparian resources” the inventoried widths of all Riparian Reaches that scored at least one High Value in the Riparian Functional Assessment, completed as part of the 2010 Riparian Inventory.

The only two Reaches that do not meet this threshold, and thus will not be deemed “significant,” are RAIR-A and RAIR-C. RAIR-A is cleared and channeled via Siuslaw High School, the airport runway, and Greentrees to 12th Street. RAIR-C runs from the south airport fence to 9th Street; and restoration of this reach is questionable.

- c. Clarence Lysdale, the City volunteer who conducted the inventory, will conduct a site visit with National Marine Fisheries Service (NMFS) staff to determine the appropriate width for RMC-C, a side channel of Munsel Creek in the Coast Village and Florentine Estates area.

The proposed protection measures are as follows:

- a. For all significant Riparian Corridors, use the Safe Harbor protection measures in Goal 5 [OAR 660-023-0090(8)] by adopting an Overlay Zone and Ordinance that contains the following provisions. The specific Code language will be drafted based on an analysis of relevant existing Comprehensive Plan provisions and City Code requirements in FCC 4-6, Vegetation Preservation; FCC 9-5, Stormwater Management; and Title 10, Zoning Regulations.
 - (1) Prevent permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:
 - (A) Streets, roads, and paths;
 - (B) Drainage facilities, utilities, and irrigation pumps;
 - (C) Water-related and water-dependent uses; and

- (D) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- (2) Control the removal of riparian vegetation, except for:
 - (A) removal of non-native vegetation and replacement with native plant species; and
 - (B) removal of vegetation necessary for the development of water-related or water-dependent uses;
- (3) include a procedure to consider hardship variances, claims of map error, and reduction or removal of the restrictions under subsections (a) and (b) of this section for any existing lot or parcel demonstrated to have been rendered not buildable by application of the ordinance.

The proposal is to use a combination of Safe Harbor with incentives to improve the continuity of the riparian corridor in situations where lots would be rendered unbuildable by the setback; and to owners who are severely impacted by the requirements but not to the point of rendering their lots unbuildable. Such incentives may include such allowances as alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights, or density bonuses, among others.

V. KEY ESTUARY WETLANDS:

The Siuslaw Watershed Council (SWC) and sub-contractors (McKenzie River Trust (MRT), Green Point Consulting (GPC), and Habitat Contracting (HC)) are wrapping up the majority of the Partnership-EPA funded actions on the Key Estuary Wetlands component of the Partnership. As noted previously, the Partnership-funded work associated with North Fork Marsh is complete. GPC completed the collection and analysis of monitoring data under the EPA scope. Trained volunteers continue to collect water quality and invasive species data. The SWC, MRT, HC, GPC and partners are progressing with restoration actions including infrastructure removal preparations and analysis of design options. Technical review continues on The Waite Interim Management Plan. The partners continued to work on project development and to communicate with technical partners and advisors. The SWC continues to manage sub-contractors and facilitate Key Estuary Wetland Team communication at the SWC's Technical Team meetings. Work associated with the North Fork Marsh and the Waite Ranch Restoration Site is funded by the Partnership-EPA, Oregon Governor's Fund, WWRI, ODFW R&E, OWEB, and other sources.