



**OUR COASTAL VILLAGE, INC.
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January 8, 2025

Via Email planningdepartment@ci.florence.or.us

Florence Planning Commission
250 Highway 101
Florence, Oregon 97439

Re: Resolution PC 24 39 DR 13 Fir and Associated Streets – January 14 Meeting –
Agenda Item not known.

Dear Chair Harris, Vice-Chair Ubnoske, and Commissioners:

We offer this two-part written testimony on the abovementioned resolution for the continuation hearing scheduled for January 14.

I.

Contrary to the Community Development Department’s assertion,¹ the West 9th Street Planning Area (“W9”) provisions of the Comprehensive Plan (“CP”) do not prevent the construction of the intersection of 11th Street and Fir Street in the City’s “West 9th St. Infrastructure Project” (the “Project”).

The CP’s W9 provisions carefully balance valuable development opportunities against the desire to preserve a greenbelt along a significant drainage way that bisects the area. That balance is reflected visually in Map 2-4 and the CP’s text concerning W9. Finding that the intersection of 11th Street and Fir Street is part of “the drainage way” in Subarea 2 that 11th Street “cannot cross” would upset the City Council’s chosen balance between development and protection.

W9 “is an important component of the Comprehensive Plan because it is one of the last relatively undeveloped areas within the older part of the City” and has a “high development value to the community.” **Exhibit 1**, CP II-25.

A “significant drainage way” enters W9 “at the southern boundary of the City’s airport between Greenwood Street right of way and Fir Street right of way.” **Exhibit 1**, CP II-19. Map 2-4 shows that this “drainage way” (represented in dark green) moves west well north of the 11th Street right of way before heading south again through the City’s Elm Park Property at least thirty feet west of the Fir Street right of way. **Exhibit 3**, CP II-34. This “significant drainage

¹ AIS, Item 4, 12-17-24 page 2, PC 24 39 DR 13; Findings of Fact, 12-17-24, pp. 15-18, PC 24 39 DR 13.

way” has “evolved into” an “environmental feature worth protecting” by making it a “greenway” in “the overall buildout plan.” **Exhibit 1**, CP I-20.

Allowing development while protecting the “significant drainage way” requires a “street network which avoids impacting those features.” **Exhibit 1**, CP, II-20. The CP requires “special planning” in four W9 Subareas to achieve the desired balance between development and protection. **Exhibit 1**, CP II-26 & 27; **Exhibit 3**, CP II-34. Only Subarea 2 is near the Project, **Exhibit 2**, CP II-32, but the shaded area on **Exhibit 2** excludes the surrounding streets from Subarea 2.

Subarea 2 are the blocks (exclusive of exterior surrounding streets) between 12th Street on the north and 11th Street on the south, Rhododendron on the east, and Fir Street on the West. **Exhibit 2**, CP II-33. Even if the 11th and Fir intersection were within Subarea 2 (which it is not), the narrative under the “Subarea 2” heading provides that in Subarea 2, “11th Street shall not cross the drainage way.” Exhibit 1, CP II-26. “Cross” means “to go from one side of to another.” [Cross Definition & Meaning - Merriam-Webster](#). If the intersection were part of Subarea 2 (which it is not), “the drainage way” that 11th Street may not cross in Subarea 2 is at least thirty feet west of the Fir Street right of way, not at the intersection of 11th Street and Fir Street.

Map 2-4 confirms this. **Exhibit 3**, CP II-34. It identifies the “drainage way” (the deep green area) as crossing the 11th Street right of way into the City’s Elm Park property at least thirty feet west of Fir Street – not at the intersection. The Map contains the “street network which avoids impacting those features.” It shows that to protect “the drainage way,” 11th Street stops at Fir Street, as indicated by the yellow dotted line. (Just as Fir Street stops at 11th Street to avoid crossing the east-west portion of the drainage way.) The Map acknowledges that the intersection of 11th Street and Fir Street is not “the drainage way” that 11th Street cannot cross because its dotted yellow line shows 11th Street intersecting with Fir Street and Fir Street continuing south to 9th Street. Indeed, that intersection is a critical part of the “street network” the CP found necessary to its development objectives.

In short, the intersection of 11th Street and Fir Street is not within “the drainage way” that 11th Street may not cross. “The drainage way” that 11th Street cannot cross in Subarea 2 is thirty feet or more west of Fir Street, and the prohibition is accomplished by ending 11th Street’s westward march at Fir Street. And that intersection is part of the “street network” necessary for the W9 development objectives to be achieved.

The minor slope (122 square feet) identified at the northwest corner of the EPA Site in the Elm Park PUD Wetlands Report is not “the drainage way” that 11th Street “cannot cross” in Subarea 2. It is an area peripheral to “the drainage way,” and the City Council determined that its development objectives require the construction of the 11th Street and Fir Street intersection. The yellow dotted line on Map 2-4 clearly shows the City Council intended for the intersection to be built. It does not “cross” the peripheral area from one side to the other but merely runs along its southern edge.

II.

The Community Development Department asserts that all exemptions to the 65' setback for public facilities do not apply to the Project because it is not "included in the City's Public Facility Plan, as amended."² This assertion is false, as one exemption does not require inclusion in the Public Facility Plan. Regarding the two exemptions that require inclusion, the City Council's inclusion of the W9 "street network" in the CP itself should be deemed to satisfy that requirement, as the Public Facility Plan is only an appendix to the CP.

FCC 10-7-4-D-2-b exempts "installation or maintenance of public and private facilities and utilities (such as transportation, water, wastewater, and stormwater, electric, gas, etc.) in riparian areas." This exemption applies and is not dependent on inclusion in the Public Facility Plan. This makes sense because in approving the CP's W9 provisions, the City Council expected private developers, not the City, to construct its streets and utilities. In this case, to stimulate housing development that had stalled for decades, the City assumed the developers' obligations to build the infrastructure, funded by the state appropriation. The FCC 10-7-4-D-2-b exemption applies to the Project if it is "designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained." The revised plans Public Works submitted on January 8 fully and fairly address the design to minimize intrusion into the buffer zone.

FCC 10-7-4-B-3 and FCC 10-7-4-D-2-h do require that the infrastructure be identified in the City's Public Facility Plan which is Appendix 11 to the CP. However, in the CP's body, the City Council required the W9 "street network" shown on Map 2-4 to balance greenway protection with essential development opportunities. The City Council's choice to include this required "street network" in the CP itself rather than in an appendix should not render the exemption unavailable. The interpretation of a CP, like any other city council enactment, seeks to carry out "the intent of the legislature." *Whipple v. Houser*, 632 P.2d 782, 784 (Or. 1981). The City Council clearly intended the W9 "street network" to be built at specified locations. That it expressed that intention in the CP itself, rather than in Appendix 11's Public Facility Plan, is immaterial.

FCC 10-7-4-D-2-b clearly exempts the Project. The two exemptions referring to the Public Facility Plan should also be deemed applicable because the City Council specifically required the W9 "street network" to be built at the specified locations.

² Findings of Fact, 12-17-24, pp. 12-14, 16, PC 24 39 DR 13.

III.

This item on your January 14 agenda is critical to achieving the City Council's desired balance between protecting a greenbelt for the "significant drainage way" and building the "street network" required to achieve W9's essential development objectives. We urge you to approve it.

Sincerely,

OUR COASTAL VILLAGE, INC.

By



K. Layne Morrill, President.

EXHIBIT 1

Florence Comprehensive Plan (Excerpts)

Other Plan Designation Categories and Background

The following Comprehensive Plan designation categories are shown in the Plan Map and described below: Public; Private Open Space; West 9th Street Area; and Downtown.

Public

The Public designation is intended to identify existing public and semi-public uses including the airport, public parks, schools, community colleges, cemeteries, and other public buildings and lands 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. The implementing zoning districts for this Plan designation are: Open Space District and Public Use Airport Zone (for the airport). In addition, the Public Use Airport Safety and Compatibility Overlay Zone applies to the airport and to lands near the airport as defined in the description of the Overlay Zone in Title 10 of the Florence City Code.

Private Open Space

The 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, and other similar uses. 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, and habitat for sensitive species. Development within a Private Open Space area may occur subject to the Planned Unit Development process.

West 9th Street Area

The West 9th Street Area Plan designation applies to the area bordered by Ivy Street on the east and Rhododendron Drive on the west, and its boundary is shown on the Realization 2020 Comprehensive Plan Map 2-1 and Maps 2-3 and 2-4. Lands within the West 9th Street Area are zoned Professional Office/Institutional, except for the two areas that are zoned Open Space. A Plan designation of Public applies to these two Open Space areas.

The West 9th Street Plan area west of Kingwood Street has been re-zoned from Residential to Professional Office/Institutional. Medium and high density residential use of part of that area is envisioned. The Comprehensive Plan also recognizes the trend of development of professional office, government and institutional uses which has occurred with the establishment of the Peace Harbor Hospital in late 1989, the Health Associates office complex, and the Florence Justice Center in 1996. A more detailed discussion of recommendations for the West 9th Street Area is found in the Specific Plans section of this chapter.

Professional office development is a desirable local preference for land uses in this Plan designation, and a shift from residential to professional office/institutional uses is reflected on the Zoning Map. In addition to office use, sit-down restaurants, deli's, and other support services such as copy centers, pharmacies and day-care centers are also conditionally permitted land uses if clearly incidental to the principal office or institutional use. Apartments on upper levels of these commercial buildings can also add to the activity level within the planning area and should be a requirement of any retail or service commercial use proposed for the planning area.

Public space in the form of government buildings, parks for passive recreation, and pedestrian trails, is key to the mix within this professional office/institutional designation. City Hall may be relocated to this area in the future and should be designed as part of a larger government campus consisting of the Justice Center, City Hall, public parking and adjoining public park land north of 9th Street. The City should undertake a master planning process for this campus, and should encourage adjoining properties to enhance rather than detract from that campus master plan.

Continued residential development in the northerly sections of the West 9th Street Area should achieve relatively high densities. Although some single-family development has already started to occur at Juniper and 9th Street, single family or manufactured homes are not considered an efficient use of this available space. Townhouses and garden apartments, when proposed as part of a planned residential development, are strongly encouraged within the 9th Street West area. Senior-oriented developments like the Spruce Point assisted living project are also appropriate. Any Restricted Residential or Single Family Residential District zoning should be removed from this western planning area, and the City's planned unit development process should be utilized to yield innovative, high quality, urban developments.

Office developments along 9th Street have sited on relatively large (½ acre or more) lots to accommodate generous street setbacks for buildings, berming to hide surface parking, and attractive landscaping. Office developments adjoining low-density residential development have used solid fencing and landscaped buffers of 25' to aid in compatibility. Future developments should demonstrate compatibility with adjoining land uses through the use of attractive architecture, vegetative buffers, significant building setbacks from streets and trails, low-profile exterior lighting for buildings and parking lots, berms to hide parking and extensive site landscaping. Natural contours should be observed in site design, and protection of significant vegetative stands should be encouraged through the City's design review process and vegetation clearing permit requirements. Paved trails and sidewalks should provide convenient access between office, commercial, residential and public uses.

A significant drainage way enters the West 9th Street Area at the southern boundary of the City airport between Greenwood Street right-of-way and Fir Street right-of-way. It continues south through the planning area and, after leaving the area, eventually outfalls to the Siuslaw River. A second drainage way, a smaller tributary of the above described drainage way, borders this planning area at the southern airport boundary between Juniper and Ivy Street rights-of-way and continues south to 9th Street. At 9th Street, this natural

drainageway is culverted, and a pipe conveys this drainage west under 9th Street to its outfall with the larger drainage way. A small wetland where this tributary enters the culvert at 9th Street is reflected in the City's 1997 Local Wetlands and Riparian Inventory. Both of these drainage ways are also shown as riparian areas on this inventory.

These drainage corridors create challenges for street improvements based on the platted right-of-way, and a street network, which avoids impacting these features, is necessary. These corridors have evolved into environmental features worth protection, and shall be incorporated as greenways in the overall build-out plan, rather than being piped or paved over. A paved trail with one or more bridge crossings will parallel the main greenway and provide pedestrian and bicycle access from Rhododendron Drive to the City's future park land north of 9th Street.

Glenwood Street is the main north south through-street connections within the West 9th Street Area. 9th Street shall be the only east-west through street connection within this planning area. 12th Street, from Rhododendron Drive east to Kingwood, should not be opened except for a multi-use path. Other street recommendations are found in the sub-area planning sections of the Specific Plans section of this chapter.

Downtown

The Comprehensive Plan designation Downtown applies to the area identified as Downtown in the Comprehensive Plan Map. This designation applies to the area bounded by Highway 126/9th Street on the north, Kingwood Street on the west, and the Siuslaw River on the south and east. On the north boundary, the area loops north to include the Quince Street area north of Highway 126 including its intersection with Highway 101.

The area designated Downtown on the Realization 2020 Comprehensive Plan Map has three implementing zoning districts: Old Town District, Mainstreet District, and Waterfront-Marine (for the area west of the Marine designation in the Downtown area). Policy guidance for development in this Plan designation is presented below and is further discussed in the Specific Plans section of this chapter and in the Downtown Implementation Plan which has been incorporated by reference into this Comprehensive Plan and is physically located in Appendix 2.

Under the guidance of the Downtown Implementation Plan, the Waterfront Zoning District has been expanded and renamed "Old Town District," and the language in the implementing Zoning District has been revised to provide for: building alignment at the rear of sidewalks, wider sidewalks, interior parking lots, and architectural guidelines. No changes are proposed to the Port of Siuslaw property zoned Waterfront-Marine, consistent with the ESWD amendments adopted by the City and County in 1996 and later acknowledged by DLCD. This action increased the area now zoned Waterfront-Marine. Lands zoned Old Town on the Zoning Map are suitable for retail, office, and service commercial uses, hotels, bed and breakfast uses, and other tourist-oriented establishments. Residential use of lands in the form of second story apartments over ground floor commercial uses is strongly encouraged. During the early part of the 20-year planning period, the Port of Siuslaw's boardwalk project near Nopal Street should be completed

by the City and ODOT. Bicycle lanes shall be provided along Highway 101, Munsel Lake Road, the northern extensions of Oak and Spruce Streets, and the new east-west street.

Other infrastructure improvements which need to occur to fully accommodate planned development within the NCN include construction of the North Florence sanitary sewer transmission main west of Highway 101. The timing for construction of the interceptor will be determined by the pace of development and annexation in the northern part of the Urban Growth Boundary. A second sanitary sewer main proposed within Munsel Lake Road may serve portions of this area as well. There is no schedule for development of this main. Storm drainage improvements will be necessary due to a relatively high water table and to stormwater flows through this area. The City's Stormwater Management Plan will determine the timing, size and location of those facilities.

Buildings within the NCN shall be interesting architecturally and shall use materials and color patterns that invite, not demand, attention. Corporate images shall not dictate local design decisions. Ample landscaping shall be employed on all sites. Landscaping shall be used to minimize the view of parking lots from Highway 101 and other abutting streets, and shall be designed to continue the North Gateway concept begun at the Heceta Beach Road/Highway 101 intersection. This does not intend that the specifics of site design of the Neighborhood Commercial Gateway designation or the Service Industrial designation would be applied here, but rather that a Gateway appearance be maintained. Where the NCN abuts residentially planned or developed land, effective undisturbed or landscaped buffers shall be incorporated into commercial or other non-residential development plans, as well as the use of attractive barriers or walls.

West 9th Street Planning Area

The West 9th Street Planning Area of Florence is shown as a Plan designation on the Comprehensive Plan Map. The policies guiding development of this area are described in this section and in the Plan designation section of this chapter. This area is an important component of the Comprehensive Plan because it is one of the last relatively undeveloped areas within the older part of the City. It is platted into blocks and relatively small lots created for residential development. Public street rights-of-way are platted in grid-like fashion throughout, although many remain unopened. Because of its high development value to the community, it merits special planning attention.

The West 9th Street Planning Area lies west of Highway 101. In the 1988 Comprehensive Plan, the area was divided into commercial and residential Comprehensive Plan designations. The line previously used to divide residential and commercial plan designations and zoning district boundaries was Maple Street, although in actuality, that line was crossed many times by non-residential developments.

The Peace Harbor Hospital was constructed west of that line in 1990 near 9th and Elm Streets. Due to that development, other professional (medical) office buildings have been established west of that line. In addition, the city owns several vacant blocks of land in the 9th Street area, and in 1997, the City constructed the Florence Justice Center: a city/county combined police station, sheriff's office, city and county courthouse, and city detention facility. All of this non-residential development, west of the Plan's residential/commercial dividing line, was permitted

conditionally under the City's Multi-family Residential Zoning District. The residential plan designation and dividing line shown on the 1988 Comprehensive Plan Map are no longer practical for serving the long-term planning needs for this area.

For planning purposes, the West 9th Street Planning Area is formed by Ivy Street on the east and Rhododendron Drive on the west, and its boundary is shown on the Comprehensive Plan Map. The West 9th Street Area is further divided into several planning subareas to address specific development issues. Maps of these subareas are included in this chapter, but are not shown on the Comprehensive Plan Map.

West 9th Street Subarea Recommendations (See Subareas in Map 2-3):

Subarea 1

This L-shaped area lies west of the City's property reserved for the airport landing glide-path, and northeast of the Justice Center. It is bounded on the east by Ivy Street, contains four full blocks, is currently undeveloped and is suitable for medium and high density residential development. The block adjacent to 9th Street may also be developed with office uses. Hemlock Street shall run north-south through the subarea, providing access to 9th Street and Park Village. Ivy Street be developed with a multi-use path due to environmental impacts if this street was constructed. 10th Street and 11th Street should not be built to cross the eastern drainage way. The drainage way is to be protected with undisturbed buffers of 50'.

Subarea 2

This rectangular shaped area lies between the 11th and 12th streets rights-of-way on the northwest corner of the West 9th Street Planning Area. It contains approximately four full blocks and is currently undeveloped. A large vegetated sand dune is located in the eastern half of the subarea, and any development of this subarea should work with that feature rather than eliminate it. Medium to high-density residential development is suitable for this subarea, utilizing the City's planned unit development (PUD) process. Office development may also be appropriate, provided vehicular access is obtained internal to the subarea, and not directly from Rhododendron Drive.

Any development should also be sensitive to the City's park land property located on Blocks 58 and 59. 12th Street should not be opened to vehicular traffic. 11th Street may be opened for vehicular traffic from Rhododendron Drive to provide access to this subarea, but should either be terminated at Driftwood Street right-of-way or drawn northward away from the City's park land. **11th Street shall not cross the drainage way.** Driftwood Street may extend north from 9th Street and curve into 10th Street avoiding the wetland.

The multi-use path within the 12th Street right-of-way provides a buffer between this property and the Greentrees residential mobile home planned unit development to the north. The drainage way bordering the east side of this subarea is to be protected with an undisturbed buffer of 50'. There shall be a multi-use path that connects from 12th Street to the City Park. That path is shown on Map 2-4 as being located within the Driftwood

Street right-of-way as the most logical location given the topography, but could instead be located at Elm Street or Fir Street or anywhere in between.

Subarea 3

This subarea is a rectangular shaped area on the western edge of the West 9th Street Planning Area, between the Peace Health medical complex and Rhododendron Drive. It slopes upward from Rhododendron Drive. Formerly planned and zoned for large lot residential development, it is now planned for medium or high density residential development. It may also be appropriate for office development, hospital or clinic expansion or medical complexes, provided vehicular access is obtained internal to the subarea rather than from Rhododendron Drive.

Subarea 4

This area lies south of 9th Street and immediately east of the Peace Health medical complex. Its eastern boundary is formed by the eastern edge of the greenway, and its southern boundary is 6th Street. The 3.5 block subarea is bordered by the major north-south drainage way. A medical office building currently exists in the northwest corner of this subarea, which is otherwise undeveloped and heavily vegetated. Office or medium to high density residential development is appropriate within this subarea.

Greenwood Street shall run north-south to the east of this subarea, providing access to 9th Street, but not to Rhododendron Drive to the south. Fir Street will be left unopened due to environmental impacts of constructing that portion. It may be vacated, provided the drainage way is placed in a protective easement or dedicated to the City as park land. 6th, 7th, and 8th Street may extend west from Greenwood Street in order to provide access to the properties within the subarea.

The drainage way is to be protected with an undisturbed buffer of 50 feet. A multi-use path extending north from Rhododendron Drive through the alleys between Elm and Fir Streets shall be constructed as part of an adjoining development. This path would connect to 8th Street.

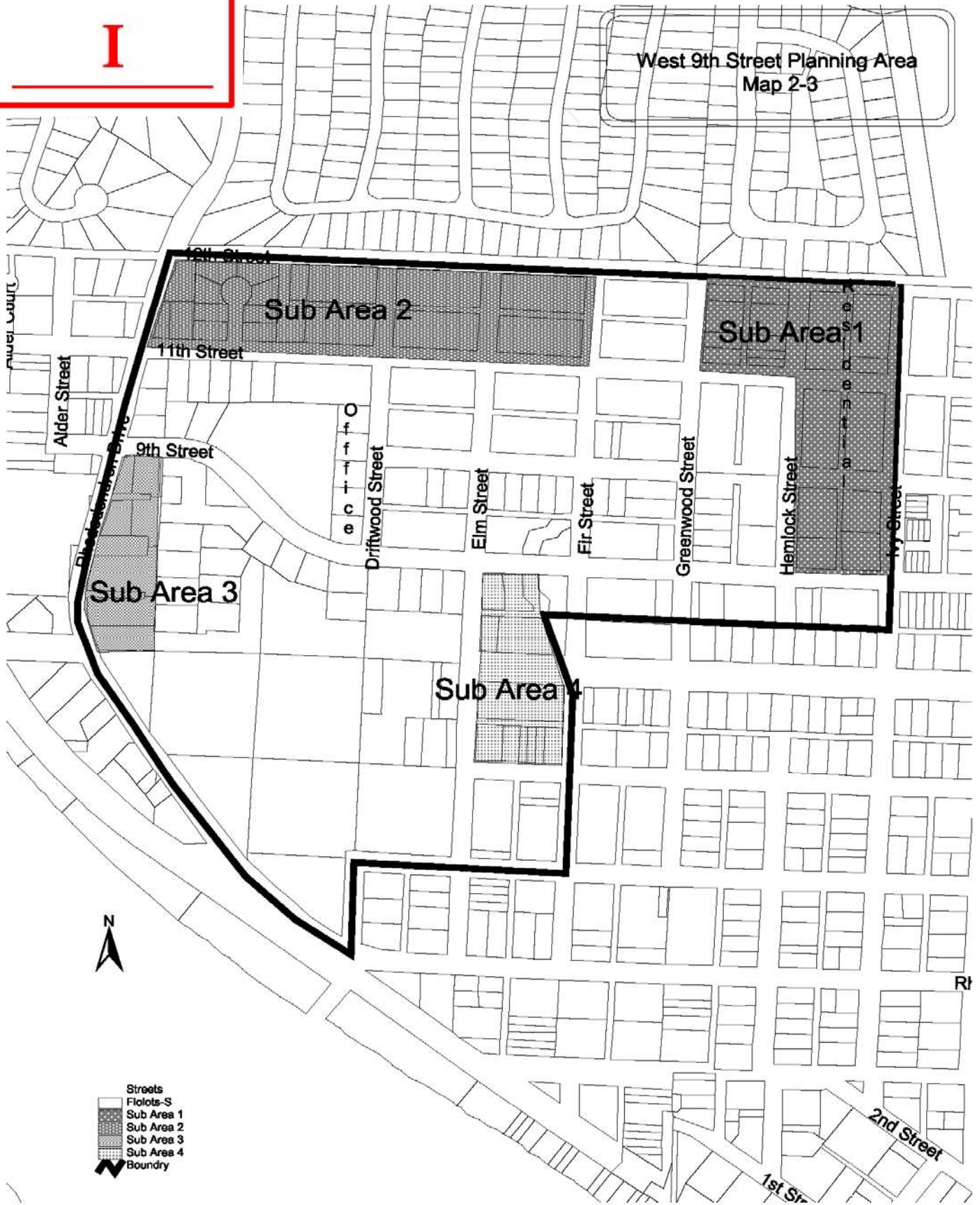
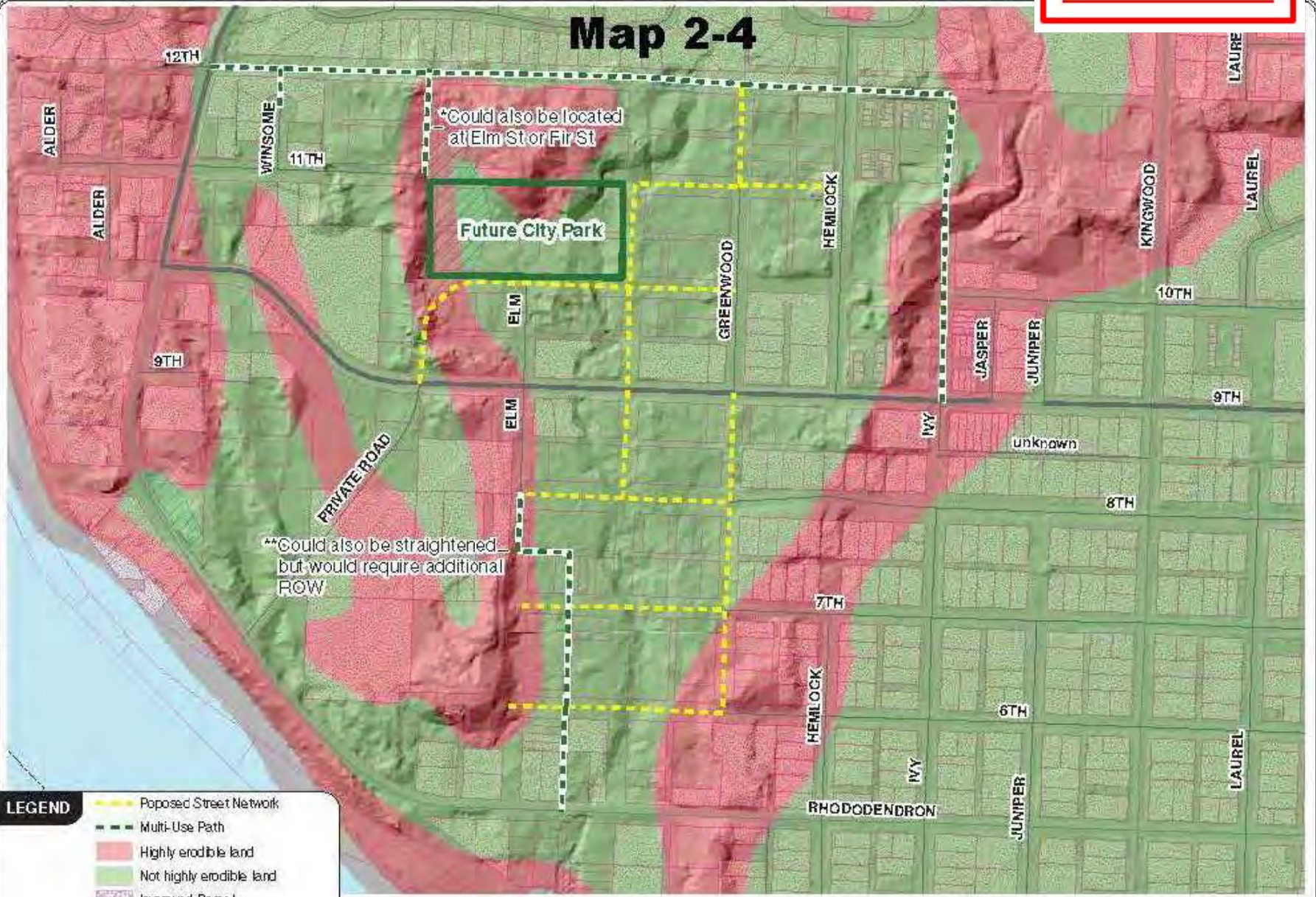


EXHIBIT 3

EXHIBIT I

Florence Transportation System Plan

Map 2-4



LEGEND

- Proposed Street Network
- Multi-Use Path
- Highly erodible land
- Not highly erodible land
- Improved Parcel
- Unimproved Parcel
- Wetland

**WEST 9TH STREET AREA LOCAL STREET NETWORK
FLORENCE, OREGON** **FIGURE 5-5**

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