

**From:** [Meg Olson](#)  
**To:** [EICHNER Lindsey A](#)  
**Subject:** Note to Lane County Board of Commissioners for Public Hearing on December 13, 2016, RE: Ordinance Numbers PA1334 and 16-11  
**Date:** Friday, December 02, 2016 9:05:23 AM

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Dear Commissioners,

As I understand, these proposed ordinances will change the criteria upon which the Hazards Checklist/Preliminary Investigation, Beaches and Dunes Combining Zones approval is based. My application was approved by Lane County on May 23, 2016. I urge you to clarify that this approval remains valid when and if you change the criterial for such approval. I spent a significant amount of money to obtain the Hazards Checklist/Preliminary Approval: the Lane County application fee, an engineer to make a Wetland Delineation Report, and the Division of State Lands fee to review and approve the Wetland Delineation Report.

I would like to see my approved application, and all similar such applications, upheld by specifically including language in the new ordinances to this effect. My purpose for getting Hazards Checklist approval was to assure prospective buyers that these lots are buildable. I fear this effort will be made invalid or put into an ambiguous category without explicit wording in the ordinances to validate my existing approval.

With appreciation of your consideration, sincerely,

Margaret Olson  
385 Strawberry Lane  
Ashland, OR 97520

541-690-2000

PS: Lindsey, I am not sure if I am referring to the correct ordinances in the subject line. Please let me know if I need to correct this.

Many thanks for your help.

B L A C K

H E L T E R L I N E LLP

A T T O R N E Y S   A N D   C O U N S E L O R S   A T   L A W

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December 13, 2016

VIA ELECTRONIC AND REGULAR MAIL

Lane County Board of Commissioners  
c/o: Lindsey Eichner, Senior Planner  
Land County Land Management Division  
3050 N. Delta Hwy  
Eugene, OR 97408  
[Lindsey.eichner@co.lane.or.us](mailto:Lindsey.eichner@co.lane.or.us)

Reference: Florence Realization 2020 Comprehensive Plan Amendments  
Proposals for Co-Adoption of Amendments to Coastal Goals and  
Lane County Zoning Maps as Applicable with the UGB, Outside  
Florence City Limits  
File No. **509-PA16-05276**, Proposed Ordinance **PA 1334**

Adopting Amendments to Chapter 10 of Lane Code  
File No. **509-PA16-05276**

Co-Adopting Amendments To The Florence Realization 2020  
Comprehensive Plan Parks And Recreation Policies And The  
Florence Comprehensive Plan Map  
File No. **509-PA16-05277**, Proposed Ordinance **PA 1335**

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To the Board of Commissioners:

I am writing on behalf Heceta Lake Joint Venture, the developer of a subdivision named The Reserve at Heceta Lake<sup>1</sup> in the northern part of the Florence Urban Growth Boundary. Most of the platted lots of the subdivision are inside the Urban Growth Boundary of

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<sup>1</sup> The Reserve at Heceta Lake Phases 1 and 2 are located in the NE ¼ of Section 10, T18S, R12W, with some lots bordering on the shore of Heceta Junction Lake. There are about 12 lots in one part of the subdivision that is outside the UGB.



the City of Florence, but well outside of the city limits. The current proposals would have a direct effect on the land within this subdivision.

The current proposal for amendments contain several provisions that continue to be a concern to my client. We respectfully request that the current hearing be continued to a Third Reading to allow for further discussion by the commissioners and the opportunity to submit further testimony on issues raised in this letter. As an alternative to continuance, we would ask that the code include an express exemption for previously approved subdivisions.

Heceta Lake Joint Venture has participated in the earlier processes to amend the Florence Realization 2020 Comprehensive Plan Amendments, including Lane County Ordinance PA 1249 and Ordinance No. 7-08, which were prior proposals to amend policies, plans and code for land within the Florence UGB. They participated in the discussions of the Intergovernmental Agreement in 2010 that created a groundwater testing program within the North Florence Dunal Aquifer (Aquifer Protection Plan). On behalf of Heceta Lake Joint Venture, I refer the Commission to the earlier letters submitted by their prior counsel, Michael J. Lilly, including but not limited to:

- Letter dated March 4, 2009, "City of Florence – Comprehensive Plan Co-Adoption Proposal";
- Letter dated January 25, 2010, "Heceta Lake Joint Venture comments on City of Florence 2020 Plan and IGA"

Copies of each of these two letters are attached. At this time we offer the following comments.

*Amendment to Comprehensive Plan Chapter 17: Coastal Shorelands: Ocean, Estuary, and Lake Shorelands.*

*Policy 14(d.) "Land Divisions outside city limits within the Florence UGB shall not be allowed prior to annexation to the city."*

Heceta Lake Joint Venture objected to a similar proposed provision in earlier drafts of the amendments, because it represents an illegal moratorium on development under ORS 197.505-540. These statutes allow a local government to institute such a moratorium in urbanizing land, but not without the required findings as set forth in ORS 197.520. The current proposal does not include findings sufficient to support a complete moratorium on land divisions in all areas of the Florence UGB. There should be findings to address ORS 197.520(2)(a), (b) and (c), to demonstrate that the moratorium is "reasonably limited to those areas of the city, county, or special district where a shortage of public services would otherwise occur;..."



*Application of the Natural Resource Conservation Combining Zone, proposed Lane County Code Section 10.250, to a band around Heceta Junction Lake.*

According to the proposed code and Map 17-1, it would create a Natural Resource Conservation Zone that would be a 100-foot wide band from the high water line of Heceta Junction Lake (PA1334, Exhibit A, Page 43 of 57). Added to this is the provision for an additional 50 foot building setback under Section 10.250-35. In the subdivision The Reserve at Heceta Lake, there are at least 20 lots bordering on the lake, and these lots range from approximately 101 feet to approximately 200 feet in depth. The developers worked diligently to obtain septic permits for all lots in the subdivision, so that all lots would be ready for the new owners to apply for building permits. However, with this new provision, the entire lot depth could be taken up in the required buffer and building setback.

The new code provides for an accommodation for this situation in Section 10.250-30 (1):

(1) For existing lots which are too small to accommodate the combined required setback in the underlying zone and the buffer, development will be allowed within the setback required in LC 10.250-35 only with approval of a variance issued under LC 10.330. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

Standards for a variance are high (Lane Code 10.330-20(a-d)), and in this case would require the County to find a balance between the four criteria. Notwithstanding that both city and county staff have represented that these proposals were not intended to take away any existing development rights, Heceta Lake Joint Venture remains concerned that this provision would make the application process for a building permit more onerous and expensive, and may make these lake shore lots unbuildable should the county or city decide not to issue variances at the time building permits are submitted. We request that the county include an express exemption for previously approved subdivisions.

*The Requirement for Annexation to receive city services, vs. prohibition against annexation of any areas of active dunes.*

Chapter 18, Policy 5:

"5. The City shall not include active dunes in the UGB through any future UGB expansions."

In the Reserve subdivision, there is a small area that is mapped as Dune Land on Map C Appendix 7, the NRCS Soils Map. The lots in the area served by the northern leg of Dunewood Drive and Star View Drive in Phase 2 are in part of this area. My client has no



current need or desire to annex the lots in this subdivision, but would anticipate that at some point the city may expand to the edge of the current UGB. Based on these proposals, we may not be allowed to annex some of the subdivision's lots.

*The Requirement for Site Investigation Reports.*

From our review of the proposed code and maps, the lots within the Reserve at Heceta Lake subdivision would be required to submit a Site Investigation Report (SIR), Phase 1 at a minimum. This would increase the cost of development to an owner of any of these lots. If there is a way to avoid this requirement through the demonstration of adequate site review under the septic permitting process, that would make the process easier and less expensive. One suggestion would be to allow for an SIR to cover a number of lots that have the same soil characteristics as set out in Map C, Appendix 7, the NRCS Soils map.

On the other hand, we want to make sure that the SIR, or another process in the city or county's planning procedures, would allow a developer to challenge the boundaries of the mapped conservation areas, or the mapped soils classifications, or the capacity for the land to support a single family dwelling under the code. There seems to be enough uncertainty about the extent of the mapped boundaries to allow for such challenges.

*The Current Proposal does not include a designation of the base zone for our subdivision.*

It does not appear that the current proposed code and maps show what base zoning designation the land in the Reserve at Heceta Lake subdivision within the UGB would be applied. The land adjacent to the UGB to the east is an area that is zoned RR1 or Rural Residential 1-acre minimum. It is difficult to adequately assess the effects of the current proposal without knowing what the city and county's plan is for zoning this area. That designation may be part of a later process at the City of Florence, but it would be helpful to know if there is a plan for zoning designations for this area.

*Designation of Heceta Junction Lake as a Key Wildlife Area.*

Exhibit A, Ordinance PA 1334 contains the following provision in at page 43 of 57:

**"Heceta Junction Lake Shorelands** extent is measured by a band measured horizontally from the high water line of the lake 100 feet in width but extending only to Heceta Beach Road on the southwest.

Rationale is:

- a. Significant biological areas;



- b. Recently stabilized dunes;
- c. Occasionally Wet Interdune area.

The Coastal Resource Inventory designates this as a key wildlife area and as it is developed, care must be taken to protect wildlife habitat."

As far as we can tell, this is the only mention of "key wildlife area". There are no other plan or code provisions addressing it. In discussing the Coastal Resource Inventory, staff points out that it has not been updated since 1980. It does not show up on the County website as part of the rural comprehensive planning documents. Until we are able to review the inventory, we cannot evaluate how this designation came to be applied to the lake, what wildlife habitat the plan is referring to, and whether there are sufficient findings of wildlife features to justify the designation. Without code to implement it, we are left with a vague standard that does not provide a developer with any definite criteria to meet. We request that until findings are included that justify this designation, that the final sentence of the section quoted above be omitted from the comprehensive plan policies.

*Ordinance PA 1335, Parks and Recreation Comprehensive Plan Amendments*

The newly proposed Chapter 8. Parks, Recreation and Open Space contains proposed new Policy No. 8:

8. The City shall require new residential and mixed-use developments to pay systems development charges for park and recreation facilities, open space, and pedestrian access to adjacent parks and open space consistent with the capital improvement plan and recommendations identified in the latest Florence Parks and Recreation Master Plan) and with the standards in Florence City Code.

Heceta Lake Joint Venture, as a developer, understands the reasoning behind System Development Charges. They provide for public benefit and a way to offset the impacts of development on public services such as parks and recreation facilities. We urge the City of Florence and Lane County to adopt a reasonable rate for this new SDC. Florence, like most small cities, has issues with affordable housing, and any additional charge at time of development will increase the costs of new housing. We suggest that there be incentives included for developers who address affordable housing needs. In addition, it is not clear from the proposal whether this SDC will apply to the urbanizeable land outside of the city limits but within the UGB.

We applaud the efforts of staff to revise the code and make it less burdensome on properties that have already received some entitlements for their properties. We remain concerned, however, that the revisions are not yet where they should be.

In summary, we are requesting:



1. The prohibition on land divisions be modified to allow division of property within the UGB where it can be demonstrated that adequate public services are available, and impacts are addressed.
2. The code in section 10.250-30(1) be modified to provide an express exemption from the building setback for previously approved subdivisions.
3. The code should include provisions that allow a developer to challenge the mapped areas for high water mark, wetland areas, and soils classification through the SIR process or other process during permitting.
4. The sentence, " The Coastal Resource Inventory designates this as a key wildlife area and as it is developed, care must be taken to protect wildlife habitat" be removed from the comprehensive plan until findings can be included that justify the designation.
5. The System Development Charge proposed for Parks and Recreation facilities be implemented such that a reasonable rate structure is included, and some provision for incentives for affordable housing.

Thank you for your attention.

Very truly yours,



Philip J. Wuest

Enclosures

cc: Wendy Farley-Campbell,  
Florence Planning Department

PJW:tch  
1232999



RECD MAR 05 2009

Michael J. Lilly  
Attorney at Law  
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ORD. NO. PA1249  
P.A. NO. \_\_\_\_\_  
DATE: \_\_\_\_\_ EXHIBIT NO. 44

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March 4, 2009

Lane County Board of Commissioners  
c/o Stephanie Schulz  
Lane County Planning Department  
125 East 8th Avenue  
Eugene, OR 97401

By Hand Delivery and Mail  
Re: City of Florence - Comprehensive Plan Co-Adoption Proposal

Dear Commissioners:

The staff of the City of Florence has proposed a monitoring and testing program for the Florence North Dunal Aquifer. As of the date of this letter the City of Florence has held no public hearings on this proposal.

I doubt that anyone will oppose a monitoring and testing program. However, the plan changes proposed by the City staff are much more than that. The City Staff proposal imposes an immediate and illegal land division moratorium inside the Urban Growth Boundary; and the City Staff proposal gives the City the power to require Lane County to prohibit the installation of new septic tank systems inside the Urban Growth Boundary.

**A. The City Staff proposal requires the County to implement an immediate and illegal moratorium on all land divisions inside the UGB.**

Policy B.2. proposed by the City Staff would provide as follows:

"For properties within the North Florence Dunal Aquifer that are also within the Urban Growth Boundary, no land divisions shall be allowed prior to annexation to the City."



The City Staff has proposed this as an amendment to the Florence Comprehensive Plan and City Staff has asked Lane County to co-adopt it. This type of freeze on land development is directly prohibited by ORS 197.520, unless the City and County have met the requirements of ORS 197.520. At this point the City has given no indication that it intends to provide the justification required by the statute.

**B. The City Staff proposal requires the County to impose an illegal moratorium on septic tanks inside the entire UGB if the City decides that the testing program discovers a "problem."**

Section A.13. of the Staff's Comprehensive Plan proposal provides:

"If a problem is identified in the 'Area of Concern' and immediate correction is not feasible, the county shall not allow the installation of any new septic system, replacement septic system, or expansion of an existing septic system until the county and city mutually agree on appropriate measures to stop the contamination." [emphasis added]

1. "Problem" is undefined in the City Staff proposal, and no action standards are proposed. The problem could be anything from a local spill causing a temporary increase in nitrates well below EPA/DEQ standards; or it could be Staff's subjective perception of an early warning signal.
2. The City Staff proposal assumes that all "problems" are related to septic tanks and ignores other likely sources of contamination. Fertilizers, leaks in city sewer lines, and coliform contamination from pets and wildlife are all treated as if septic tanks are the source of all "problems."
3. The City Staff proposal assumes that all "problems" automatically justify a septic tank moratorium on the entire aquifer. A "problem" in the northwest corner of the Urban Growth Boundary, down gradient from all existing and anticipated wells is assumed to be sufficient to close the entire UGB to development—see City's FAQ's:

**"3. What happens if the testing of the aquifer or a surface watercourse shows that the groundwater or surface water is contaminated?"**

Once a problem is identified, the City and County would conduct further tests to attempt to identify the cause of the contamination.

The City and County would then determine the appropriate 'fix' to the problem. In order not to exacerbate the problem, until the fix is identified, the County would put a hold on the issuance of any septic permits within the Florence UGB." [emphasis added]

Again, this would be another illegal moratorium violating ORS 197.520.

4. The City Staff proposal provides no process for decision making, and ignores the fact that the State and County have programs in place to impose moratoriums and to deal with contamination from Septic Tanks and other sources. See OAR 340-071-0460. Only the Environmental Quality Commission is empowered to create such moratoria. ORS 454.685.

The County should not authorize the City to preempt its planning authority with these moratoria.



Michael J. Lilly

Enclosure

cc: City of Florence, City Council  
City of Florence Planning Commission  
Lane County Planning Commission

Based on scientific evidence at this time (2009), septic systems, whether failing or not, pose a threat to the North Florence Dunal Aquifer, the sole source of drinking water in the UGB. The threat to the groundwater and the surface water from septic systems is documented in the North Florence Dunal Aquifer Study and the EPA Resource Document: For Consideration of the North Florence Dunal Aquifer as a Sole Source Aquifer, both in Appendix 5 of this Plan. The policies in this Chapter are intended to be proactive and prevent possible future contamination.

It is acknowledged by both the City of Florence and Lane County that Florence's dunal aquifer is unique in Oregon, and thus, highly susceptible to future contamination due to the nature of septic systems in this sensitive aquifer.

It is also acknowledged that inherent in the 19 goals (specifically Goals 1 and 2) established by the Department of Land Conservation and Development, that cities are the logical provider of municipal services, and as such, all areas within Florence's UGB shall ultimately be served by city sanitary sewer.

B. Amendments to Florence Realization 2020 Comprehensive Plan Chapter 14: Urbanization, "Policies:"

- Add a section title "Annexation Policies;" add new policies 1, 2, and 3, and 4:

Annexation Policies

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

- Re-number and amend Policy #1 as follows:

13. Conversion Annexation of lands within the UGB outside City limits shall be based on consideration of:
  - a. orderly, economic provision for public facilities and services;
  - b. availability of sufficient land for the various uses to insure choices in the market place;

AMENDMENTS TO THE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN ("COMPREHENSIVE PLAN") TO COMPLETE LANE COUNTY CO-ADOPTION OF THE COMPREHENSIVE PLAN AND FLORENCE PERIODIC REVIEW WORK TASK 8, BY ADOPTING: AMENDMENTS TO COMPREHENSIVE PLAN CHAPTER SIX (6) AIR, WATER AND LAND QUALITY AND CHAPTER FOURTEEN (14) URBANIZATION, AND TO ADOPT HOUSEKEEPING AMENDMENTS TO THE FLORENCE TRANSPORTATION SYSTEM PLAN

Additions to the Realization 2020 Comprehensive Plan are shown in double-underline and deletions in strike-out. Items in italics have been added or changed since November 17, 2008 for this discussion draft.

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

- Add a new Policy 12:

12. Lane County and the City of Florence shall develop and jointly pay for scientifically-based standards and a regular testing program to determine if sewage or chemicals from septic tanks is entering the North Florence Dunal Aquifer in a location that could potentially impact Clear Lake, our current water supply or future water supplies, or impact the beach along the ocean (the "Area of Concern"). A system to spot isolated problems and correct them as soon as possible will be put in place. Such a system may assure safe drinking water and prevent the need for health related annexations and ensure a safe, positive experience for beach recreation.

13. If a problem is identified in the "Area of Concern" and immediate correction is not feasible, the county shall not allow the installation of any new septic system, replacement septic system, or expansion of an existing septic system until the county and city mutually agree on appropriate measures to stop the contamination.

- Add a new Recommendation 8:

8. Lane County and the City of Florence will request that the Heceta Water District participate in the testing program of water supplies (Policy 12) in order to ensure monitoring of both Clear Lake and the sole source aquifer which are hydraulically connected.

- Add to background section to describe the problem and the basis for the policy.

amendments are adopted. If someone is currently allowed to install, expand or replace a septic system, s/he will still be allowed to do the same after these policies are adopted. The only new limitations would be that a property owner could not divide land without annexation.

3. *What happens if the testing of the aquifer or a surface watercourse shows that the groundwater or surface water is contaminated?*

Once a problem is identified, the City and County would conduct further tests to attempt to identify the cause of the contamination. The City and County would then determine the appropriate "fix" to the problem. In order not to exacerbate the problem, until the fix is identified, the County would put a hold on the issuance of any septic permits within the Florence UGB.

4. *What is the City trying to achieve with these policies?*

The proposed policies, in the context of the Comprehensive Plan, attempt to achieve three objectives:

- a. Limit sprawl and premature expansion of the UGB caused by inefficient development at low densities.
- b. Ensure that the City will be able to provide city services in an orderly, economic manner.
- c. Protect the City's current and future water supplies and ocean beach.

**TESTING PROGRAM:** It is the City's goal to maintain and protect a sustainable drinking water resource, from water quality and water quantity perspectives. The City is interested in protecting its current drinking water supply and protecting future water supplies within all portions of the North Florence Dunal Aquifer. The key elements of a groundwater protection program are:

- Identification of, or refinement of, the source water protection area(s)
- Identification of potential sources of groundwater contamination
- Implementation of control strategies (land use planning, zoning, ordinances) to help prevent releases that could degrade groundwater quality
- Periodic groundwater monitoring to characterize natural conditions and ensure that unacceptable contaminants are not affecting the use of the water for drinking

The City also has concerns about surface water contamination, particularly as it affects Heceta Beach. Thus, the testing program would also include testing of drainages that may indicate areas of septic tank failures. As outlined in a technical memorandum from GSI Water Solutions, up to 19 groundwater locations and six surface locations would be tested for chemical constituents in order to achieve a comprehensive groundwater monitoring program.

- All wells would be analyzed for the common ions, pH, temperature, oxidation reduction potential, conductivity, total organic carbon, and coliform bacteria.
- Wells in the City's commercial areas also would be tested annually for organic chemicals (volatiles and pesticides) for which there are established drinking water standards. The frequency of testing could be reduced if the results are favorable.
- Wells in the northern residential area should be tested once for organic chemicals (fuels, solvents and pesticides) to confirm their absence in the residential area.

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ORD. NO. PA1249 & 7.08  
P.A. NO.  
DATE: \_\_\_\_\_ EXHIBIT NO. 54

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January 25, 2010

Lane County Planning Commission  
c/o Stephanie Schulz  
Lane County Planning Department  
125 East 8th Avenue  
Eugene, OR 97401

By Facsimile and Hand Delivery

Re: Heceta Lake Joint Venture Comments on City of Florence 2020 Plan  
and IGA

Dear Planning Commissioners:

I am writing on behalf of the Heceta Lake Joint Venture, which has developed "The Reserve" subdivision in the northern part of the Florence UGB. We think the most recent version of the Florence 2020 Plan and IGA with the County are substantial improvements over the prior versions, but some problematic sections from the old versions remain. We have three particular concerns.

**I. The City Plan Contains Inaccurate Findings.**

The City proposes a "Background" finding in exhibit B that:

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

This generalization is repeated several times in the Plan but it is simply incorrect. There is no support for it in the scientific literature and no support in the two sources cited by the City.

Even worse is the City finding on page 24 of exhibit A. According to the City:

"The EPA states that the aquifer is 'highly susceptible to contamination' from septic systems (not just failed systems)..."

In fact the EPA makes no such statement. The "highly susceptible to contamination" phrase is used by the EPA to refer to contamination from surface activity, and nowhere does the EPA state or imply that the aquifer is highly susceptible to contamination from septic systems that have not failed. The full quote from the EPA, in proper context, appears later on page 24 of the plan document.

Neither the North Florence Dunal Aquifer nor the EPA resource document support the City's proposed findings. The City has not pointed to any page number or quote that supports these findings. In fact the North Florence Dunal Aquifer study reached the opposite conclusion. It focuses on providing the City and County with density development restrictions that allows septic systems to be used safely, so that they do not pose a threat.

#### Quotes From North Florence Dunal Aquifer Study 1982

Page	Quote
99	Thus, conventional low-head (on-site septic) systems could be established at a density of 2.9 dwelling units per acre and sand filter systems might approach five per acre before the 58 lb/acre/year limit is reached. This calculation applies only to the unsewered areas of the North Florence aquifer that are not tributary to Clear Lake.
105	22. Based on the planning standard of 5.0 mg/L nitrate-nitrogen calculations indicate an additional loading of 58 lbs. per acre per year nitrate-nitrogen will not exceed this value using a stirred tank model. This translates to 2.9 d.u. per acre with on-site systems using loading rates of 20 lbs. per d.u. per year.
107	As applied to areas outside the Clear Lake Watershed and beyond the Urban Service Boundary, it is not clear that treatment or removal would provide more benefits that (sic) an adequately functioning on-site system.
108	General Aquifer: For the remainder of the aquifer, the nitrate-nitrogen planning limit of 5.0 mg/L is applicable and implies that planning alternatives are unnecessary after revision of the regional rule.

In contrast to the City's findings, an EPA report to Congress has encouraged the use of septic systems. A full copy of the report is in the record and it is quoted below.

QUOTES FROM EPA RESPONSE TO CONGRESS ON USE OF  
DECENTRALIZED WASTEWATER TREATMENT SYSTEMS - April 1997

Quote

Pg. i i Benefits of Decentralized Systems

Protects Public Health and the Environment. Properly managed decentralized wastewater systems can provide the treatment necessary to protect public health and meet water quality standard, just as well as centralized systems. Decentralized wastewater systems can be sited, designed, installed and operated to meet all federal and state required effluent standards. Effective advanced treatment units are available for additional nutrient removal and disinfection requirements. Also, these systems can help to promote better watershed management by avoiding the potentially large transfers of water from one watershed to another that can occur with centralized treatment.

Additional Benefits. Decentralized systems are suitable for ecologically sensitive areas (where advanced treatment, such as nutrient removal or disinfection is necessary).

Pg. 4 Managed decentralized wastewater systems are viable, long-term alternatives to centralized wastewater facilities where cost-effective, particularly in small and rural communities.

**II. New Plan Policy #7 is Ambiguous.**

New policy #7 contains ambiguous language that could be read to require annexation as a condition for any development within the UGB.

"Development within the Urban Growth Boundary shall require annexation in order to receive a full range of urban services provided by the City of Florence.

We suggest:

"Development on property within the Urban Growth Boundary shall not receive the full range of urban services from the city of Florence unless the property is annexed into the City of Florence."

**III. IGA Footnote 2 Regarding Nitrate Contamination is Ambiguous.**

The IGA sets 5.0 mg/L as a trigger concentration for Nitrate, which is consistent with state regulations. The state sets 5.0 mg/L as a level that should be monitored, but 5.0 mg/L is not classified as a health risk. Both the DEQ and EPA set 10.0 mg/L as the maximum allowable concentration of Nitrate.

However, in footnote 2 the IGA suggests that the trigger concentration will be adjusted based on "background" testing. Background levels should not be treated as "trigger" levels. The background levels could be too high or too



low. The 5mg/L as used by the state is a more appropriate trigger level. The background level should not be the presumptive trigger level.

A handwritten signature in black ink that reads "Michael J. Lilly". The signature is written in a cursive style with a large, looped "L" at the end.

Michael J. Lilly

cc: Mike Van