

STAFF REPORT & FINDINGS OF FACT
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Exhibit "A"

Application: AR 16 17 VEG 04 **Planner:** Glen Southerland
Date of Report: November 29, 2016

I. PROPOSAL DESCRIPTION

Proposal: An application for a Vegetation Clearing permit required to review already cleared vegetation north of the Florence Events Center

Applicant: Mike Miller, Public Works Director, City of Florence

Property Owner: City of Florence

Location: Assessor's Map 18-12-26-33, Tax lot 00200
General Location: Lot north of Florence Events Center, south of Timbers Apartments, west of Quince Street

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Old Town Area "C"

Surrounding Land Use / Zoning:

Site: Vacant / OTC
North: Apartments / OTC
South: Florence Events Center / OTC
East: Vacant / OTC
West: Grocery Store / Mainstreet Area A

Streets/Classification:

West – None; East – Quince Street / Connector; North – 8th Street / Local; South – None

II. BACKGROUND/NARRATIVE

The applicant is requesting a vegetation clearing permit to permit previously cleared vegetation on Taxlot 00200. The applicant applied for a vegetation clearing permit on August 9, 2016. The applicant submitted additional information on September 9, 2016 and was deemed complete on October 12, 2016.

The applicant began brush clearing in coordination with the then property owner, Aspen Flo, prior to August 5, 2016. The applicant was informed of the need to obtain a Vegetation Clearing Permit for the work which had already been completed.

The applicant provided a statement (Exhibit B) that five hazard trees and an unknown number of shrubs and noxious weeds were removed. Shrubs removed include huckleberry, salal, rhododendron, and wax myrtle. Noxious weeds removed include blackberry, Scotch Broom, and English Ivy. Root mat was left for shrub materials and removed for noxious plants.

III. NOTICES & REFERRALS

Notice: Noticing was performed in accordance with FCC 10-1-1-6-D. Notice was sent to surrounding property owners within 100 feet of the property on October 12, 2016.

As of this writing, the City has received no testimony.

Referrals: Referrals were sent on October 12, 2016 to the Oregon Department of Transportation, Siuslaw Valley Fire and Rescue, and Florence Public Works.

As of this writing, the City has received no referral comments.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code:

Title 4: Chapter 1: Building Regulations, Section 15-3 Securing Loose, Open or Raw Sand

Chapter 6: Vegetation Preservation, Sections 2 through 4 and 6

Title 9: Chapter 5: Stormwater Management, Section 2-4-A and -B

Title 10:

Chapter 1: Zoning Administration, Section 1-6

Chapter 17: Old Town District, Section 17C-2

V. FINDINGS

The criteria are listed in bold followed by the findings of fact.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ADMINISTRATIVE REVIEW

10-1-1-6: ADMINISTRATIVE REVIEW

- A. The Planning Director, or designated planning staff may make administrative decisions. The administrative procedure is used when there are clear and objective approval criteria and applying City standards require no use of discretion.**

B. Administrative Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:

1. Vegetation clearing permits.

The applicant has mechanically cleared underbrush and hazard trees in order to remove noxious vegetation, discourage camping and illicit activities on the site, provide a defensible fire space between vegetation and existing buildings, and remove hazard trees which threatened neighboring buildings. The applicant has applied for a vegetation clearing permit to review the work already completed.

TITLE 10: CHAPTER 17: OLD TOWN DISTRICT

10-17C-2 LAND USES FOR AREA C: The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

The applicant has not proposed a use for the lot. The applicant intends to clear the lot in order to relieve issues caused by the thick existing vegetation and hazard trees. The applicant has left the root mat and the living trees intact. The lot will retain its vegetated appearance until developed.

TITLE 4, CHAPTER 6: VEGETATION PRESERVATION

4-6-3: VEGETATION CLEARING PERMIT REQUIRED:

A. A vegetation clearing permit shall be required in any of the following circumstances:

2. Removing native vegetation from any parcel for which a valid building permit has not been issued.

The property owner has applied for a vegetation clearing permit. The vegetation proposed to be removed requires a vegetation clearing permit as the site does not have a building permit.

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT:

A. A vegetation clearing permit application is required unless the application includes a concurrent application for a building permit or Conditional Use Permit, except that the criteria in FCC 4-6-4 C shall also apply to any removal of native vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.

As discussed earlier, the applicant has not proposed construction or a conditional use upon the site. The property is not within a significant riparian or wetland buffer zone; therefore the remainder of this criterion does not apply.

- B. All requests for a Vegetation Clearing Permit shall be submitted to the Planning on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):**
- 1. Name, address, telephone number of applicant, property description and date;**
 - 2. Lot dimensions and footprint of structure(s) drawn to scale;**
 - 3. A plot plan showing trees or native vegetation to be removed and reason for clearing or felling, and location of proposed structures and other improvements;**
 - 4. A description of any plan to replace, landscape, or otherwise reduce the effect of removal of vegetation and time of implementation.**

The applicant has provided an application for their Vegetation Clearing Permit request with the requested minimum information. This criterion is met.

- C. The Planning Department shall process the Vegetation Removal Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 within thirty (30) days of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:**

- 1. The necessity to remove native vegetation in order to construct proposed improvements or otherwise utilize the property in a reasonable manner consistent with the City Code and policies;**

The applicant completed all vegetation clearing prior to applying for a Vegetation Removal Permit. Unfortunately, this did not allow staff the opportunity to review the application prior to work being done on the site and vegetation being removed. The removal, as completed, is reasonably consistent with the City Code and policies, however, no further vegetation removal will be permitted until development of this lot or submittal of a landscape plan meeting the criteria of FCC 10-34. (Condition 3)

- 2. The environmental and physical impacts such clearing may have, including visual drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones. Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with staff from the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife**

(ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource.

As stated earlier, the area is undeveloped. There are slopes leading from the property to the south (Florence Event Center) to the west (Safeway) and north (Timbers Apartments). The applicant has retained root mat on the property to secure disturbed sand from the effects of wind and stormwater erosion. There are also no nearby significant riparian corridors or wetland areas which are affected by the clearing project.

FCC Title 9 Chapter 5 requires sites larger than 10,000 sq. ft. and involving more than 50 cubic yards of grade or fill to meet advanced stormwater requirements. This site is smaller in size and did not involve grading or filling, and therefore met the requirement for small projects. The applicant has used an approved method to cover their cleared property and minimize the erosion on the lot by wind and stormwater.

3. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).

Because no living plant materials were permanently removed, no proposed revegetation plan was submitted.

Noxious vegetation is not permitted to grow on the site at any time. (Condition 4)

TITLE 4, CHAPTER 1: BUILDING REGULATIONS

1-15-3: SECURING LOOSE, OPEN OR RAW SAND

A. Prior to taking any of the following actions, any person, firm, corporation, or public agency (city, special district, county, state or federal) shall contact the Community Development Department staff to determine if such actions are likely to cause off-site movement or displacement of loose sand in ways that would damage adjacent properties or create unsafe traffic conditions:

2. Removal of any natural or planted ground cover, trees, shrubs, grass

If determination is made that there is a real possibility that movement of sand would cause damage to adjacent properties or create unsafe traffic conditions, then a Sand Management Plan will be required.

The applicant has not provided a Sand Management Plan. Bare sand is visible at the site after the clearing had been completed.

The applicant shall ensure that the cleared areas of the lot do not present a sand management issue in the future and shall monitor the property in order to ensure that sand is not leaving the property in a manner to damage adjacent properties or create unsafe traffic conditions. (Condition 5)

TITLE 9, CHAPTER 5: STORMWATER MANAGEMENT

A. Exemptions: Projects exempt from the requirements of this Code include:

- 6. Public Works maintenance activities for routine repetitive activities, provided that erosion and sediment control measures are implemented as required.**

B. Modified Requirements: Projects described below shall follow the requirements contained in the “Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects” brochure available from the City:

- 3. Land clearing and grading activities disturbing less than 10,000 square feet of land and involving less than 50 cubic yards of excavated or fill material.**

Public Works has performed the work, but because the area was private property and the work was not related to any maintenance or work adjacent to or related to the right-of-way, this exemption is not applicable. Because the project disturbed less than 10,000 square feet of land and removed only 15 cubic yards of material, the project falls under the requirements of FCC 9-5-2-4-B-3.

VI. CONCLUSION

Staff finds the request for a Vegetation Clearing Permit to remove vegetation meets the applicable criteria in Florence City Code with the conditions outlined below.

VII. CONDITIONS OF APPROVAL

1. Approval for shall be shown on:

“A” Findings of Fact
“B” Land Use Application, Site Plan, and Applicant Statement

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior or ADA

access which are regulated by Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this application, including text and exhibits, staff reports, testimony and/or discussions, the property owners agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permit.
3. No further vegetation removal will be permitted until development of this lot or submittal of a landscape plan meeting the criteria of FCC 10-34.
4. Noxious vegetation is not permitted to grow on the site at any time.
5. The applicant shall ensure that the cleared areas of the lot do not present a sand management issue in the future and shall monitor the property in order to ensure that sand is not leaving the property in a manner to damage adjacent properties or create unsafe traffic conditions.

VIII. EXHIBITS

- "A" Findings of Fact
- "B" Site Plan & Land Use Application
- "C" Site Visit Photos
- "D" Enforcement Letters

APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, this 29TH day of NOVEMBER, 2016.


Wendy Farley Campbell
Planning Director


Glen Southerland
Assistant Planner



City of Florence
 Community Development Department
 250 Highway 101
 Florence, OR 97439
 Phone: (541) 997 - 8237
 Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

Landscape Modification **Vegetation Clearing Permit**

Applicant Information

Name: City of Florence - Public Works Phone 1: 541-997-4106
 E-mail Address: mike.miller@ci.florence.or.us Phone 2: _____
 Address: Tax lot 1812263300200
 Signature: [Signature] Date: 8/8/16
 Applicant's Representative (if any): _____

Property Owner Information

Name: Aspen F/D LLC Phone 1: 503 806-5808
 E-mail Address: larryglickman@mindspring.com Phone 2: _____
 Address: PO Box 25430, PORTLAND, OR 97298
 Signature: _____ Date: _____

Applicant's Representative (if any): SEE ATTACHED EMAIL FROM LARRY GLICKMAN
FEC IS LEASING THE PROPERTY.

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

A vegetation clearing permit shall expire six months following approval.

For Office Use Only:

Received	Approved APPROVED City of Florence Community Development Department <u>"B"</u> <u>AR 16 13 VEG 04</u> Exhibit File Number	Exhibit <div style="border: 1px solid red; padding: 5px; display: inline-block;">EXHIBIT B</div>
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Property Description

Property Address: _____

General Location (example: City Hall is at the SE corner of 2nd and Highway 101):
Quince Street - Northwest of Florence Event Center (715 Quince)

Assessor's Map and Tax Lot: 18-12-26-33-00200

Lot Size: 1.03 / 44, 867 Zoning District: Florence Old Town Dist Area C

Describe the conditions and land uses of all land within 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre OR attach a map:
Florence Event Center is to the South; Safeway is to the West; Timber Apartments on North. East boundary is Quince Street.

Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us under "City Government", click on "City Code".

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

Plot Plan (per FCC 10-6-6-A) – drawn to scale showing dimensions, trees and native vegetation to be removed or placed, property boundaries, existing and/or proposed buildings, existing and/or proposed roads and sidewalks, easements, parking lot, locations of entrances and exits, significant grade changes, and natural features (such as streams, wetlands, sand dunes)

Stormwater: (only one applies) meeting design requirements outlined in FCC 9-5-3:

Preliminary Development Plan (per FCC 9-5-2-A-4): (projects which are clearing 10,000 square feet or greater and under 1 acre per FCC 9-5-2-2-C) Shall include a general description of the proposed project property and description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties. The plan shall also include natural water flow of the existing property, soils, storm water drainage, flooding from high groundwater table. The Plan also shall identify the features outlined in FCC 9-5-2-A-4.

A Stormwater Management Plan (per FCC 9-5-2-3): Stormwater Management Plan is required for projects over 1 acre is required, please refer to FCC 9-5-2-3 for submittal requirements.

Paid

Date Submitted: _____ Fee: _____

Received by: _____

Glen Southerland

From: Mike Miller
Sent: Thursday, September 08, 2016 5:42 PM
To: Glen Southerland
Subject: Vegetation Clearing Permit for FEC
Attachments: FECVegPermit.pdf; Word Doc with pictures and descriptions.docx

Hi Glen,

Attached are two documents. The first document is a map showing the extent of clearing and the trees removed. We removed 5 hazard/dead trees. Three of the trees were shore pine and two were fir trees. There are 35 trees remaining on site.

In total, we have removed 15 dump truck loads of debris. City crews cut Huckleberry, Salal, Wax Myrtle, and Rhododendron. The vegetation was cut near the ground surface, however it was not grubbed out of the ground. It is our experience that when vegetation such as Huckleberry, Salal, Wax Myrtle, and Rhododendrons are cut in this manner the plants do grow back. Crews also removed Himalayan Blackberry, Scotch Broom and English ivy. These plants were pulled so as to prevent their return.

The primary purpose for the vegetation removal was to discourage homeless persons from camping in the heavy vegetation and provide clear lines of sight both for security and safety. Additionally, vegetation is being removed from along the northern property line to provide a defensible fire protection space. Public Works crews removed 12 cubic yards of homeless camp debris from the site. Additional vegetation was removed in order to gain access to the encampment locations.

The second document are photos of the site after the vegetation was removed. The photos do a better job of showing the extent of the existing areas of clearing versus the 2008 aerial use for the map. The tree over story on the aerial provides a false indication of how dense the vegetation actually was when the crews began the work.

If you have any questions, please call.

Respectfully,

Mike

Mike Miller
Public Works Director
City of Florence
250 Hwy 101 N
Florence, OR 97439

Phone: 541-997-4106
Fax: 541-902-1333

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Mike Miller

From: Kevin Rhodes
Sent: Thursday, July 21, 2016 2:15 PM
To: Lawrence Glickman
Cc: Mike Miller; Erin Reynolds
Subject: RE: One Acre Property North of FEC Cleanup

Awesome! Thanks Larry :)

-----Original Message-----

From: Lawrence Glickman [mailto:larryglickmanhappy@me.com]
Sent: Thursday, July 21, 2016 1:55 PM
To: Kevin Rhodes <kevin@eventcenter.org>
Subject: Re: One Acre Property North of FEC Cleanup

The check has been requested and will be in the amount of \$360.00

> On Jul 21, 2016, at 1:45 PM, Kevin Rhodes <kevin@eventcenter.org> wrote:

>
> Hi Larry,
>
> Thanks again for your willingness to partner on the cleanup project!
>
> Please send the check to the address below.
>
> Kevin
>
>
> Kevin Rhodes
>
> Florence Events Center Director
> 715 Quince Street
> Florence, Oregon 97439
> Phone: 541.997.1994
> Toll Free: 1.888.968.4086
>
>
> The City of Florence is an equal opportunity employer and service provider.
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>
>
> From: Kevin Rhodes
> Sent: Thursday, July 21, 2016 9:19 AM
> To: 'Larry Glickman (larryglickman@mindspring.com)'
> <larryglickman@mindspring.com>
> Cc: Mike Miller <mike.miller@ci.florence.or.us>; 'Erin Reynolds
> (Erin.Reynolds@ci.florence.or.us)' <Erin.Reynolds@ci.florence.or.us>

> Subject: One Acre Property North of FEC Cleanup

>

> Hi Larry,

>

> Kevin Here from the Florence Events Center, I hope this note finds you doing well!

>

> It's that time of year again where we have a lot of transient activity throughout Florence which includes activity around the Events Center. In an effort to minimize camping in the brush area on the one acre property to the north of the FEC, we would like your permission to clear some more of the brush and clean up the accumulation of trash. I've spoken with Erin Reynolds and she is in support of a cleanup effort. Public Works is willing to do the majority of the work using seasonal help and perhaps some inmates. I've spoken with the adjacent Timbers Apartments maintenance person Steve Romo who is also willing to assist. I'm also asking Safeway to participate for the areas alongside their building.

>

> Along with your permission to clear some brush, we ask if Aspen would be willing to contribute funds towards the project? If so, any amount you feel appropriate would be appreciated. The trash collected will go to the dump and any brush cuttings will go to the airport for compost grindings.

>

> We appreciate you considering to participate in the cleanup project and look forward to hearing back from you!

>

> Thanks,

>

> Kevin

>

>

> Kevin Rhodes

>

> Florence Events Center Director

> 715 Quince Street

> Florence, Oregon 97439

> Phone: 541.997.1994

> Toll Free: 1.888.968.4086

>

>

> The City of Florence is an equal opportunity employer and service provider.

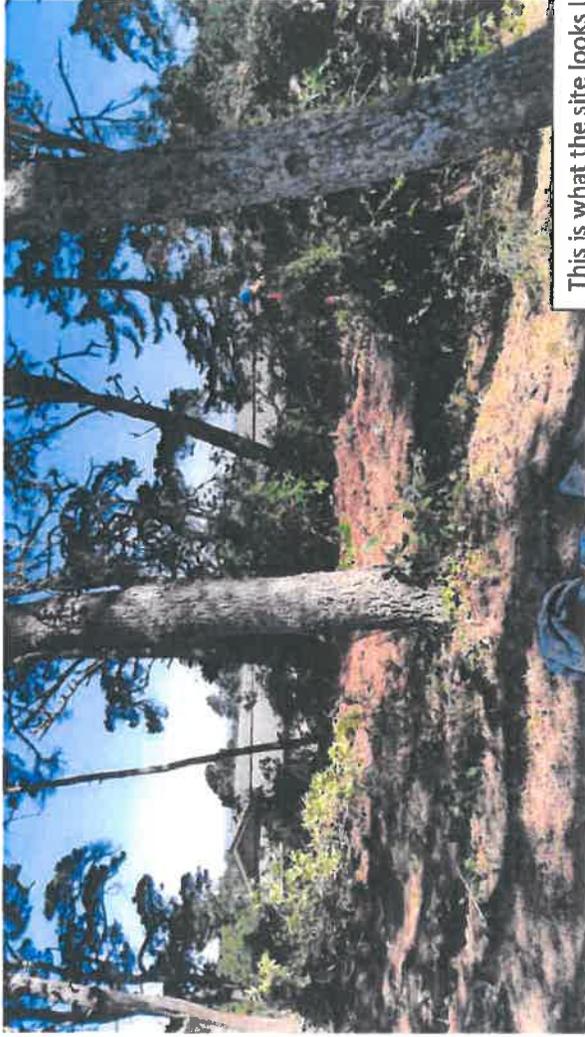
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This is what the site looks like after some clearing has taken place. 8/5/2016





The underbrush of this lot is in need of clearing and cleaning of undergrowth and deadwood hazards. There is also considerable trash from homeless camping in the upper left corner. The City of Florence Public Works crew will remove blackberry, ivy, Scotch Broom and deadwood from the site. The plants will be larger bushes to vines. These are invasive species plants and this will contribute to the promotion of native growth in the area. The area will be more open and less attractive to homeless camping.

Taxlot no. 1812263300200 and is just to the north of the Florence Events Center. This property is owned by Aspen Flo. They are contributing to the cleanup cost.