

CITY OF FLORENCE PLANNING COMMISSION
May 7, 2013 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:02 p.m. Roll call: City Commissioners: Robert Bare, Curt Muilenburg, Alan Burns, John Murphey were present. Also present: Interim Planning Director Kelli Weese, Planning Consultant Carol Heinkel, City Manager Jacque Betz, Public Works Director Mike Miller, Intern Katya Reyna, and City volunteer Clarence Lysdale.

Lane County Planning Commission Members: Ryan Sisson, Chair; Robert Noble, Vice-Chair; George Goldstein, Nancy Nichols, James Peterson, Dennis Sandow, John Sullivan, Larry Thorpe were present. Also present: Lane County Planning Director Matt Laird and Senior Planner Keir Miller

1. APPROVAL OF AGENDA

Commissioner Bare moved to approve the agenda as presented; second by Commissioner Muilenburg; by voice all yes, motion approved unanimously.

2. PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

JOINT CITY/COUNTY PUBLIC HEARING:

3. AQUIFER PROTECTION AND WETLAND & RIPARIAN CORRIDORS LANE COUNTY COMPREHENSIVE PLAN AMENDMENTS – ORDINANCE NO. PA 13-0582:

A proposal to amend the Comprehensive Plan text to adopt an updated Wetlands and Riparian Inventory, and Aquifer Protection Plan, and related policies that apply outside the city within the Florence Urban Growth Boundary (UGB). No County Code Regulations are proposed.

Chairperson Hoile said there was a public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Hoile explained the purpose of the Joint Public Hearing of the City of Florence and Lane County Planning Commissions was to consider amendments to the Florence Comp Plan policies that applied outside the City within the Florence Urban Growth Boundary (UGB). No Lane Code regulations were proposed. Following the joint public hearing, the Florence Planning Commission would meet to consider Aquifer Protection and Wetland and Riparian Corridors Florence Code and Comp Plan Amendments.

Chairperson Hoile called for declarations of conflicts of interest or bias. No declarations were heard. She asked if any member of the public challenged the impartiality of the Commissioners. No Challenges were heard.

Chairperson Hoile opened the Florence Planning Commission public hearing at 7:10 p.m.

Lane County Chairperson Sisson opened the Lane County Planning Commission public hearing at 7:10 p.m.

PC Heinkel offered the staff report and provided a PowerPoint presentation (Attachment 1). She distributed a packet of information entitled *Conditions of Approval and Supplemental Information*. She entered into the record the Applicable Criteria as shown in the staff report.

PC Heinkel directed commissioners to Exhibit B in the staff note, which contained the Proposed Legislative Amendments to the *Florence Realization 2020 Comprehensive Plan for Aquifer Protection and Wetlands and Riparian Corridors, April 15, 2013*. PC Heinkel reviewed the Notice and Referrals process used for the proposed amendments process, as found on page 5 of the staff memorandum.

Chairperson Hoile called for questions from Florence Planning Commissioners.

Commissioner Muilenburg observed that the City had adopted the 2013 Wetlands and Riparian Inventory, but the State had not adopted the inventory. PC Heinkel said the State had approved the 1997 inventory, but the technology used to map the wetland had improved. The updated inventory would replace the 1997 inventory at the State and City levels. PC Heinkel confirmed the unbuildable definition would apply only to riparian and wetlands areas.

Commissioner Murphey asked who would monitor and how Rule 8, Dense Nonaqueous Phase Liquid (DNAPLS) would be monitored. PC Heinkel said the City had an existing water monitoring program. There was a business assistance program incorporated into the Aquifer Protection Plan strategies that worked in collaboration with the regulation. Outside the UGB, there was an existing relationship between the City and the County through an intergovernmental agreement (IGA). When development occurred outside the UGB, County staff notified City staff. In the area regulated by the proposed amendments, if proposed land use action occurred in the drinking water protection area for the City's proposed well field, the City Public Works Director would direct staff to determine if DNAPLS were being used, and if so, ask the property owner to use alternative chemicals. The City had initiated an impressive ground water monitoring program three years ago for which it had received a U.S. Environmental Protection Agency (EPA) grant to continue the program for two more years. PC Heinkel said she had received the list of DNAPLS that had been used by the City of Springfield within the last month.

Lane County Chairperson Sisson called for questions from Lane County Planning Commissioners.

Lane County Commissioner Goldstein asked if another treatment plant would be needed if wells were built on the east side of Highway 101. PWD Miller said yes, the City would need to build a new treatment facility.

Lane County Commissioner Goldstein expressed concern about fuel storage tanks at the Fred Meyer site, and asked if PWD Miller was concerned. PWD Miller said the current delineation indicated that the fuel tanks would be outside of the protection area.

PWD Miller confirmed the City had sampled wells at Sand Pines Golf Course and the water mimicked the water from the existing well field. The City had specifically analyzed the water for pesticides, nitrates, herbicides, and organics, and found no problems.

Lane County Commissioner Thorp understood the original wetlands delineation included wetlands outside of the UGB. He further understood Exhibit B and the wetland delineation would only be approved for the portion inside the UGB by Lane County, and would not address properties outside of the inventory.

PC Heinkel confirmed Mr. Thorp's understanding, directing commissioners to Proposed Policy 1, which stated "for identification within the Florence urban growth boundary...the inventory shall be relied on." She added Lane County was not required to address properties outside of the UGB by State law. The study went outside of the UGB because the Department of State Lands (DSL) wanted to update its inventory for that area, which would replace the inventory currently included in the statewide inventory.

PC Heinkel introduced Clarence Lysdale, a community volunteer, who did the riparian inventory. He had a degree in engineering and had experience in this field.

Lane County Commissioner Peterson noted significant areas close to the river as shown on a map in the *Conditions of Approval and Supplemental Information* packet. Mr. Lysdale indicated not all of the wetlands were noted on the map.

Lane County Commissioner Peterson asked if the marsh areas could be redeveloped for fisheries and if the City of Florence would look at a long term planning to rehabilitate the marsh areas. PC Heinkel said in Exhibit C, which would be discussed at the Florence Planning Commission meeting following the joint meeting, the City was proposing code amendments that would provide incentives to property owners to maintain riparian areas and restore the riparian corridor.

Lane County Commissioner Sisson asked if there was a fee at the counter for processing wetland map designations. IPD Weese said a fee had not been established for a map amendment.

Lane County Commissioner Goldstein asked why the Clear Lake watershed was referred to as dunal. PWD Miller said Portland State University (PSU) had mapped the aquifer in the Florence area in 2011, and concluded a portion of the aquifer fed Clear Lake. This was also illustrated in the maps used by the City.

Lane County Commissioner Goldstein stated the pumps were rated to 450 gallons per minute on a 24 hour drawdown. The report referred to one third that rate. PWD Miller asserted the Sand Pine Wells had the potential for producing from 400 to 450 gallons per minute. The City of Florence wells ranged from 200 to 250 gallons per minute, depending on the unique characteristics of each well.

In response to Lane County Commissioner Goldstein, PWD Miller said the aquifer below the surface was larger than 80 acres, and water traveled through the sand through a very broad area. The aquifer had distinct boundaries, running along the north fork of the Siuslaw River, to where the sands met the bedrock. He said nitrates were a concern, and an element of the drinking water standard. The City wanted to ensure the nitrates did not create issues with the septic systems and ground water. There was a well-defined capture area that ran to the north and east of the wells. PC Heinkel noted the capture zone was identified on the maps in the supplemental information.

In response to Commissioner Burns question related to Policy 6, PC Heinkel said by State law, the County was required to ask the City if City sewer service was legally and physically available if a new septic system is applied for or if one failed on property in the UGB. PWD Miller stated Driftwood Shores paid their portion for the extension of sewer service to the resort and the City annexed the right-of-way to build the sewer lines.

Commissioner Burns expressed concern that provision of sewer service could be used to force annexations in the future. PC Heinkel said that would require a change in City policy because today City policy does not allow forced annexation. She said if, in the future, the City changed that policy, the City could not force annexation unless that is allowed at that time by both the Comprehensive Plan and state law. The provision

of City sewer is a separate issue from annexation. The only tie in is that, in Florence, the only way a property owner can get City sewer today is to agree to annex. She said that nothing being proposed in these amendments will have any effect on annexation, today or in the future.

Commissioner Murphey understood if a septic system failed, and the property owner went to Lane County, by law, the County had to ask the City. But, if Lane County would not issue a new permit to build a septic system that could be considered forced annexation by Lane County. PWD Miller explained that other options besides annexation and hooking up to the sewer system were available. If a property owner did not want to hook up to the City sewer system, it could not be forced to do so. If the City told Lane County that sewer hookup was not legally and physically available, the County or DEQ would work with a property owner to find a solution.

Lane County Commissioner Peterson asked if the City recognized other options for sewer disposal other than hookup or septic tanks. PWD Miller said outside of the City, the County regulated sewer disposal. Inside the City, municipal wastewater service was provided.

Responding to Mr. Thorp, Mr. Miller said system development charge (SDC) for a single family residential home was approximately \$4,800, and the sewer connection fee was approximately \$200 to \$400.

Chairperson Hoile asked if anyone in the audience wished to speak concerning the Comp Plan Amendments, Exhibit B.

Leah Patton – 4699 N. Jetty Road, Florence, OR

Ms. Patton said she believed some of the issues before the Planning Commissions this evening were land use issues which required notification. She asserted this meeting was not given proper notification. She said the City said it wanted to protect City water, and it needed to drill new wells, which would cost City residents megabucks. The City did not need new wells because the Heceta Water District (HWD) was prepared to and was capable of providing water for a long time to the City. HWD currently had a maximum peak usage in the summer and fall of approximately 700,000 gallons. Currently HWD was capable of producing 1.5 million gallons per day.

Ms. Patton said the treatment plant was designed to add modular process units that processed 500,000 gallons per day per unit. There were currently three modular units in place, making it possible to process 1.5 million gallons per day. A fourth unit would bring the capacity to 2 million gallons per day. Heceta water was free of iron, and the City would not need to treat Heceta water for iron if the City used HWD water. For this to happen, the City would need to act in good faith and work with HWD to prepare an IGA. Then the City would not need to soak the citizens for money for digging the wells.

Ms. Patton said she believed annexation was high on the City's to do list. Ms. Patton recalled seeing maps at a meeting several years ago with an area identified for proposed future development. If annexed, residents of the north UGB would be required to hook up to the City sewer or pay a waiver fee, which she understood could be as high as \$10,000 per household, which would break the bank for retired people who lived on limited fixed incomes. There were no failed septic systems in that area. She said experts said that septic systems were more environmentally friendly than a sewer plant. Most of the proposed amendments covertly set the stage for annexation.

Ms. Patton asked the Commissioners to send the City's proposed amendments related to the UGB back to the drawing board. She said when Phil Brubaker was mayor, he attended a meeting in Eugene where people were talking about water. He told those present that Florence had plenty of water, would never run out, and could supply the whole area. She thanked Lane County Planning Commissioners for traveling to Florence.

Alta Taylor – 84955 Hwy 101, Florence, OR

Ms. Taylor said she had property within the 20 year travel zone and had not been notified of any meetings. She said she had two septic systems on the property and she had the permits for those systems. They were

legally installed and she felt they would last as long as she owned the property. There was a duplex and house on the property.

Ron Mann - 89201 Sherwood Island Road, Florence, OR

Mr. Mann said this would move forward, regardless of whether he was a proponent or opponent. It was probably going to happen, and all you could hope you got something that did not hurt you too much. His concern was about Exhibit C, related to removal of trees in a riparian area. He and his brother owned 40 acres on the east side of town, and had joined the Munsel Lake properties. The trees on the site had been planted since 1955. They were managing the site as a forestry property although it was zoned RR, rural residential. They would have to take trees down to protect adjacent property owners that were in the wetland.

Mr. Mann said under the proposal, if the trees were taken down, he would have to rely on the goodwill of the City planner to determine whether or not he could take the trees out. The City planner was not a forester and not a wetlands expert. The trees had a marketable value and if they had to come out, he asked why he had to leave them to rot and feed the bugs. He did not see that as helping the wetland issue or substantially protecting the wetland, and it would be punitive to not allow him to take the trees out.

Mr. Mann said he had several properties on Rhodo View that if there was a 50 foot setback, and a 27 foot by 50 foot footprint for a residence, he would not be able to meet the CCRs. Although the City may have a piece of property on which he could build a structure, it did not address what the homeowners' association or CCRs may allow for minimum size. He asked if every site where trees were located would require a delineation which would be costly. There were holes in the policy related to existing properties and structures, which needed to be reconsidered or reworded.

Mr. Mann said there was a gravel road on the mountain that was put in for potential future development of the north 40 acres. With a 50 foot setback for wetlands, if a PUD road was put in, he could not meet the setback because there were grade issues on the uphill side. He had to determine if he was better off logging the land as timber land, replanting the site, and letting his kids log it in 30 or 40 years. The City would help him make that decision based on the decision the City makes with the Comp Plan Amendments. Mr. Mann submitted a letter dated May 7, 2013 to the Planning Commission for inclusion in the public record.

Gene Wobbe - P.O. Box 1136, Florence, OR 97439

Mr. Wobbe identified himself as a representative for Habitat for Humanity. He said Habitat for Humanity had a property that would be impacted by the 50 foot setback on Munsel Lake Road. He had questioned the 27 foot by 50 foot minimum structure that could be built on the site. He understood the 50 foot by 27 foot size was a standard double wide manufactured home. He had also asked about zoning requirements for a garage. He was told the City would look into that, and he saw that the code now proposed that any code requirements of the applicable zoning district such as garages that would necessitate intrusion into the riparian area would not apply.

Mr. Wobbe said if the City felt it was important to have a garage when it passed the zoning ordinance and this was a necessity, it was as important now as it was then, and it did not make sense to now say the code did not apply and a garage was not needed. This did not seem to be in the best interest of the City or the property owners.

Staff Response

PC Heinkel suggested response to testimony from Ron Mann and Gene Wobbe related to zoning requirements related to Exhibit C be deferred until she gave the Exhibit C presentation to the Florence Planning Commission. She stated Goal 5 required clear and objective procedures, as well as performance standards that required weighing and balancing of resource protection versus property rights, which could only be done through a public hearing and deliberation by a body that represented the public and planning interests of the community.

PC Heinkel said when developing the City of Florence's definition of unbuildable, staff considered that the clear and objective path would allow a double wide manufactured home, because that was a form of affordable housing. Additionally, there was a variance process open to everyone, which would require a Planning Commission public hearing. The definition for unbuildable was included in the Comprehensive Plan and in the proposed City Code language that would allow for intrusion into the setback based on a hardship claim.

PC Heinkel said additionally, a Supreme Court takings case that addressed basic property owner rights was written into the Comprehensive Plan. In response to Ms. Patton's assertion that public notice was not provided, Ms. Heinkel said public notice provided was completely consistent with State law, City Code and Lane Code, and had gone beyond the minimal requirements. There were three public open houses, three newsletters were sent to every resident in the study area over a three year period, and there were meetings with property owners.

In response to Ms. Patton's questions about new wells, PWD Miller reviewed the City's well production. He said the wells were capable of producing 3 million gallons per day, and the treatment plant was capable of treating 3 million gallons per day. The peak summer demand he had observed was 2.2 million gallons per day. The typical year round average was approximately 1 million gallons per day. PWD Miller said the City currently had surplus capacity and was looking to the future.

PWD Miller said the proposed well field may be needed in 20 to 25 years. Water demands had dropped off during the last two years. Twelve wells were in production and a 13th well was ready to go into production this year, and well 14 would be drilled in the existing well field in about two years.

Responding to Ms. Patton's questions about failed septic systems, PWD Miller stated the City received notification on failed septic systems from Lane County, adding a dozen systems had failed since January 2013. There was no waiver fee for failed septic systems in the annexation process.

PWD Miller said negotiations with the HWD for an IGA were ongoing, but not required under State law. The City currently had sufficient capacity and did have ties with HWD for emergency water. It was not clear to him that HWD had the capacity to provide water to the City with the restrictions on their water rights.

PC Heinkel said a new well site analysis in the aquifer protection plan, documented the City's need for future wells, as required by State law, had been certified by the Oregon Health Authority (OHA). Additionally, the State Department of Environmental Quality (DEQ) and the U.S. EPA designated the North Florence dunal aquifer a sole source aquifer, which said septic systems were a threat to the aquifer, and the DEQ called for hooking up to municipal sewer systems when available because it recognized that municipal sewer systems were superior to septic systems in protecting the ground water. PC Heinkel reiterated that the City had an adopted policy that stated the City would not force property owners to annex to the City. She added the annexation policy was not in any way affected by any of the proposals before the Planning Commissions. The purpose was to improve and protect water quality in the lower Siuslaw Watershed.

In response to Ms. Taylor, PC Heinkel said the City did an overlay of the drinking water protection overlay zone areas and identified all of the property owners and sent them notice, and the notice was published in the newspaper, and posted on those properties, which went beyond State requirements. She said there was nothing being proposed that would prohibit Ms. Taylor from using the existing legally installed septic system on her property as long as the permitting agencies allowed it.

Commissioner Questions

Commissioner Muilenburg said the current code required a 50 foot setback from riparian sites, which was not proposed to be changed. PC Heinkel confirmed that issue was addressed in Exhibit C. The existing 50 foot setback requirement from Munsel Creek and other drainage areas in the City were riparian areas and wetlands. The proposed code amendments would make it better for property owners. She reviewed the unbuildable definition for homeowners. She added a developer of many homes or businesses would be

inclined to go before the Planning Commission because they had more to gain and more invested than the single family property owner.

Responding to Lane County Commissioner Nichols, PC Heinkel confirmed the footprint rather than the total square footage was the basis for the simple approach. Ms. Nichols suggested a 3,000 square foot house could be built within the footprint because it could be two stories.

Lane County Commissioner Peterson suggested the Oregon Department of Forestry could provide information for the urban protection program. PC Heinkel said wildfire protection issues would be addressed in the Exhibit C presentation.

Commissioner Bare heard concerns about well development. He had been the general manager of a water company and had worked in a sewer department. Developing wells as a main or backup source was consistent with sound planning and management principles and he was pleased the City was doing that planning and work.

Lane County Commissioner Sisson concurred with staff. He noted there was a mechanism through which staff, the City and DEQ could recognize requests for exemption for sewer connections, when the criteria were met.

PC Heinkel stated staff had concluded that the proposed legislative amendments to the Comp Plan in Exhibit B were consistent with the Florence Realization 2020 Comp Plan, the Florence City Code, Lane County Rural Comprehensive Plan, Lane Code, Oregon Revised Statutes, and Statewide Planning Goals and associated Oregon Administrative Rules. She said staff recommended the Florence Planning Commission and the Lane County Planning Commission recommend adoption of the Comp Plan amendments in Exhibit B to the Florence City Council and the BCC.

Chairperson Hoile observed there were no questions from Florence Planning Commissioners. She noted consensus by Commissioners to recommend the proposed legislative amendments to the Florence City Council.

Lane County Commissioner Sisson closed the Lane County Planning Commission public hearing and called for deliberation by the Lane County Planning Commission.

Lane County Commissioner Sullivan stated the Lane County Planning Commission typically was more specific with recommendations to the BCC than those proposed by staff. He asked staff if the BCC would be comfortable with the proposed general recommendation. PWD Miller suggested the Lane County Planning Commission make a recommendation to the BCC for or against or to modify PA 1299.

Lane County Commissioner Nichols was in favor of the proposed recommendation. She had served on one of the committees that reviewed the proposed amendments and believed the proposal was well thought out.

Lane County Commissioner Goldstein had reservations about the proposal but it was not his job to deal with them. He would go along with the proposal.

Lane County Commissioner Thorp supported the proposal. While some people had issues with components of the proposal, they were City of Florence issues rather than Lane County issues.

Lane County Commissioner Peterson was satisfied that the City of Florence was taking stewardship of the land seriously.

Lane County Chairperson Sisson concurred with comments from Lane County Planning Commissioners.

Lane County Commissioner Sullivan said the premise of the proposed amendments was to protect and improve water quality, and there were issues that the City of Florence would need to address. There had been excellent citizen involvement. There were no amendments to Lane Code through this process. Goal 5

requirements to the three step process had been addressed, which was a benchmark for consideration by the BCC. The management strategy related to co-adoption developed for Lane County was clear and concise.

Lane County Commissioner Sullivan, seconded by Mr. Peterson, moved to recommend to the Board of County Commissioners adoption of Ordinance No. PA 1299 and the proposed Comprehensive Plan amendments in Exhibit B, subject to the following condition: Prior to adoption, the 2013 Wetlands and Riparian Inventory be approved by the Oregon Department of State Lands and include any modification approved by the DSL to respond to property owner requests. The motion passed unanimously, 6:0.

~ **ADJOURNMENT OF LANE COUNTY PLANNING COMMISSION MEETING** ~

The City of Florence Planning Commission took a 10 minute break.

CITY PUBLIC HEARING (CONTINUATION):

4. **AQUIFER PROTECTION AND WETLAND & RIPARIAN CORRIDORS FLORENCE CODE AND COMPREHENSIVE PLAN AMENDMENTS – RESOLUTION PC 13 03 CPA 01, PC 13 04 TA 01, AND PC 13 05 ZC 01 (ORDINANCE NO. 2, SERIES 2013):** A proposal to amend Florence Realization 2020 Comprehensive Plan to adopt an updated Wetlands and Riparian Inventory, an Aquifer Protection Plan, and related policies, as well as housekeeping amendments, and to amend Florence City Code to comply with Statewide Planning Goals for wetlands and riparian areas and groundwater resources, including a Drinking Water Protection Overlay Zone to apply to the use and storage of hazardous materials within the Drinking Water Protection Area for the City's proposed drinking water well field, and housekeeping amendments.

Commissioner Hoile called the meeting back from recess at 9:26 pm. She said they were moving on to the city public hearing. The next portion of the meeting was for the city's proposal to amend Florence City Code Text (Exhibit C).

Staff Report

PC Heinkel said this was a continuation of the city's public hearing on the ordinance (Part 2, Exhibit C), city only. She said it was the proposed amendments to the city code. PC Heinkel gave a quick recap of the first part of the public hearing. PC Heinkel continued with the power point (Attachment 1) that showed where the proposed Drinking Water Protection Area zone would apply for the city's proposed well fields.

PC Heinkel talked about the proposed Code amendments in Exhibit "C". She said they were the Aquifer Protection (Quasi-judicial Amendment), Wetlands and Riparian Corridors (Legislative Amendment), and a Housekeeping Amendment (Legislative Amendment).

PC Heinkel said the Aquifer Protection Amendment was to adopt a new Drinking Water Protection Overlay Zone Map and the Overlay Zone District would be a new Chapter 32 in Florence City Code Title 10. She said she received some public comments related to Exhibit "C" and they pertained to Wetlands and Riparian areas.

PC Heinkel gave a verbal report on the topic of the Aquifer Protection. She said changes were recommended to Exhibit "C". She said staff recommended adoption of the Florence City Code Amendments in Exhibit "C" with the condition that Exhibit "C" contain the changes to the proposed code presented at tonight's hearing. PC Heinkel said the changes were in response to a citizen, and staff did further research of the proposed code and found that additional provisions were necessary for clarification and consistency regarding the removal of native plants within the required buffer zones.

PC Heinkel said the Drinking Water Protection Overlay Zone would apply to industrial and commercial uses in the Drinking Water Protection area for the proposed well field. PC Heinkel pointed out that this area was

the 5, 10, 20 and 30 year time of travel zones. She said there were no industrial or commercial in the 5 year time of travel zone and that there would be no standards for this zone.

PC Heinkel discussed the objectives of the overlay zone which were to protect the city's drinking water supply from impacts by facilities that have on premises substances that pose a hazard to groundwater quality. She discussed the proposed regulations and how they would be implemented. PWD Miller stated this program was all about education and outreach, which included working with the businesses and the fire marshal.

PC Heinkel referred to the proposed code amendments for the Wetlands and Riparian Corridors from the staff report. She said the proposed city code applied to significant wetlands and riparian reaches within the city limits. PC Heinkel referred to the power point (Attachment 1) and stated that these areas were significant resources and were identified by number in the Wetlands Riparian Plan. PC Heinkel discussed the methods used to prepare the code changes including the Safe Harbor and limited protection approaches.

PC Heinkel discussed the ESEE Analysis on the Munsel Creek Side Channel, stating that a program was developed which would allow the Side Channel to get a 50% setback reduction, up to 25 feet from the creek if native vegetation was displaced. She said the Limited Protection Program was a combination of the Safe Harbor and the ESEE Analysis.

PC Heinkel discussed the current storm water code and the vegetation clearing permit code and the proposed amendments. She said that if the city was allowing people to improve the Riparian area, the city needed to have oversight to make sure the Riparian Area stayed in place.

PC Heinkel discussed the comment from Mr. Wobbe regarding the zoning requirements for garages. She said Mr. Wobbe testified if the city felt it was important to have a garage when they passed the zoning ordinance it was just as important now as it was then. PC Heinkel responded saying the decision needed to be made by the Planning Commission not the city staff. Property owners could put in a garage and make the argument that city code allowed a garage, required a garage and all neighbors had garages, but the Planning Commission would do that through a variance process rather than city staff having to make that call because it is not clear and objective criteria.

PC Heinkel said in Exhibit "C" there were specific provisions for how to measure the wetlands and the riparian areas. She said there were maps for the riparian areas that the city would give to people, and said there was a specific process in the city code to follow if someone did not agree with the map and how they could measure the riparian area themselves and bring to the city and demonstrate their measurement. She discussed the options available.

Questions from Commissioners

Commissioner Burns asked PC Heinkel to go back to the Proposed Drinking Water Protection Overlay Zone. He wanted it known that the new proposed wells were on the west side of Highway 101, not the east side as Lane County Commissioner Goldstein discussed.

Commissioner Muilenburg asked PDW Miller if there was any consideration given to the depth of the water level in each of the 5, 10, 20, 30 year zones, and asked if the level of the water in the aquifer varied in depth or was consistent. PWD Miller responded saying the water level was fairly consistent, because the groundwater came to the surface in a number of areas where the proposed wells were going. PWD Miller said the concern was anything that got into the aquifer would be costly to remove. He said that was why the standards were the way they were, to protect the resource in the future.

Commissioner Muilenburg asked about significant wetlands and if they had been defined as ½ acre or larger. PC Heinkel referred to the law by the Department of State Lands. She said that threshold was chosen for

applying the wetland buffer zone. Commissioner Muilenburg asked if anything on the DSL list for 2013 would be ½ acre or larger and PC Heinkel said it would be.

Commissioner Muilenburg asked if the discussion regarding the 50 foot riparian setback on Munsel Creek had been defined and PC Heinkel said it was from top of bank out to the edge of the riparian width as required by state law.

Commissioner Murphey questioned the wording in Exhibit C on page 1 regarding downed trees which he proposed to be changed from “the department may require these trees to remain in place” to “the department requires downed trees to be removed if they pose no threat to the wetlands or riparian resource area”, because of the wildfire potential. PC Heinkel responded that it said “the city may require” and Commissioner Murphey wanted to know who would make that decision. PC Heinkel referred to the Vegetation Clearing Permit process. She said that was why the clause “by a professional” was added so that property owners would get the professional advice with the professional providing the justification to take out the downed trees or leave them. Commissioner Murphey thought that most of the time an expert in riparian area would require the downed trees be left because of the possible damage to the riparian area removing the trees. He talked about his concern of dead fuel being stacked up within the city limits waiting for disaster to happen. PC Heinkel said that there was an exception for hazardous trees in the code. She said there was another exception in the storm water quality code under “G” regarding hazardous trees, which was a cross reference to the vegetation clearing permit application. Commissioner Muilenburg pointed out that the wording in the beginning of the paragraph read “the department” and at the bottom it read “the planning department”. He made a suggestion to change the wording to “the planning department” to be consistent. PC Heinkel said she would make the change.

Public Testimony

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral.

Marvin Ryall – 05460 Friendly Acres Road, Florence, OR.

Mr. Ryall said he owned two parcels in the Overlay Zone, one of those was Ron’s Paint Building and the other were three warehouses that housed Habitat for Humanity Resale Store, Commercial Contractor Storage and a RV storage and for the outside RV storage he said he had a conditional use permit. He said he was opposed to the proposed zoning because he had questions.

Mr. Ryall said currently he was in the North Commercial Zone, which was a restrictive zone; the same zone as Fred Meyer’s. He said when overlay zones were in place, it put the burden of proof on the property owner. He said this concerned him because it would depreciate the value of the property and make it harder to sell.

Mr. Ryall stated the time of travel zone was very confusing and hard to understand as to what it proved. He said he knew the aquifer water movements and agreed with the time frames. He said that there were other movements of water, such as the surface water, groundwater and high events flows where the water moved in all directions, allowing possible contamination from one property over to another property, disguising where the original contamination occurred.

Mr. Ryall said that his biggest concern was that the east third of the zone was Highway 101, a main corridor on the coast carrying all kinds of hazardous waste. He wanted to know how the property owners were going to be burdened with something they had no control over. Mr. Ryall stated his concern that this particular exposure area had not been addressed.

Mr. Ryall said his most important concern with the overlay zone was the cost to the property owners, such as additional development fees and inspection fees, water retention area modification, parking lot drainage as well as other possibilities that would cause conflict with the property owners. Mr. Ryall asked the

Commission to consider some of his concerns and said he would like to see other ways to educate the property owners rather than having this zone burden put on them.

Earle Schertell – 707 Quanagh Court, Florence, OR

Mr. Schertell said he was concerned about RRHA being declared as a waterway. He said it was a drainage ditch that does not completely flow 12 months out of the year. He said it might flow 6-9 months depending on the rainy season and how much water flowed through there. He said his concern was how this area was declared to be a riparian area, because it is not a full forest waterway 12 months out of the year. He went on to say that there were dead trees in the area as well. Mr. Schertell wanted to know who would be responsible for taking care of those trees, because if they were to fall, it could be a fire hazard, in the summer months if the creek is dry.

Dave Jaeger – 102 Manzanita Way, Florence, OR

Mr. Jaeger said he was one of the ten property owners in Coast Village that had been determined to be unbuildable or buildable with major restrictions. He said that ten years ago, after a friend fell into the drainage ditch, which is now the Munsel Creek Side Channel, they went to the City Planning Commission and talked to them about putting tubes in the ditch that would not disturb the water flow on either side of the ditch and the city approved it. Mr. Jaeger said they received a letter from the city stating it was okay for this modification to be done and they still have the letter. He said the drainage ditch they cleaned out, put the tubes in and covered at great expense is where their 5th wheel trailer is now, and the inspector at that time said it was fine. Mr. Jaeger said he asked the inspector if they would be able to put a double wide mobile home in the same spot at a later date and were told it would be fine. Mr. Jaeger stated 10 years later they discovered they can't put a double wide mobile home anywhere on their property because of the restrictions that were put on by Coast Village, the city, the fire department and now by the riparian proposal. He said the letter they received from the city years ago stated they could do anything they wanted legally, as long as they kept a 5 foot buffer zone on either side of the creek, in order to prevent erosion of the land.

Mr. Jaeger said there were two points to look at. The first point was that the commission was looking for clean water and he referred to the report PC Heinkel talked about and said it mentioned that there were trace amounts of phosphates and caffeine in Munsel Lake. He suggested that because phosphates came from dish soap and caffeine is found in coffee that the likely cause for the trace amounts were septic tank effluent and everybody in Coast Village was on city water and city sewer which means there was nothing dirty going into the creek.

Mr. Jaeger said the second point was for the fish. He said fish did not live on land and the creek was dry six months out of the year. He said the creek is 5 feet wide and Mr. Jaeger said the current depth of the creek was 2 inches deep and 4 feet wide. Mr. Jaeger said there was something wrong in calling this a riparian corridor because there was more water going down the shower drains than going through the creek. He said the Salmon and Trout Enhancement Program (STEP) knocked down a beaver dam in the headwaters last July in order for water to run through the creek, in order to show the creek was capable of carrying fish. Mr. Jaeger talked about two runs of fish; one in October and one in January. He said the one in January would have no water to spawn in and he wanted to know who was going to be responsible for those dead fish. He said the dead fish posed a public safety issue because the smell of the fish brought the bears into the area. Mr. Jaeger finished by suggesting the proposal be put on hold until all the rules and regulations were finalized in a manner that could be understood.

Diana Glasgow – 138 Driftwood Drive, Florence, OR.

Ms. Glasgow said she was a property owner along the Munsel Creek Side Channel inside Coast Village. She said she was very excited to hear the possibility that she had a Coho Salmon Habitat in her backyard. Ms. Glasgow stated she understood that the proposed code changes would have no negative effect on her property. Ms. Glasgow said she was on the Board of Directors of Coast Village and the Board was aware of

their mutual responsibility with the city for water quality in the Florence area. She said the board had budgeted and approved the replacement of all five sewer pump stations on their 5 year plan, with completion in June 2016 and they had the money, scheduling and were awaiting receipt of final bids, to replace 2 of the 5 sewer pumps in the summer of 2013.

Staff Response to Public Testimony

PC Heinkel responded to Mr. Schertell's concern of the Overlay Zone, saying the standards in the Overlay Zone did not apply to existing businesses, but to businesses that apply for a building or land use permit. She said the Overlay Zone did not apply to existing businesses using chemicals, unless they wanted to expand the business or change the use of the business to something else. PC Heinkel said that this was a policy choice of the city and it is not required by law. The city staff and the stakeholders recommended this Overlay Zone because the hazardous chemicals in the Time of Travel Zones could result in making this unavailable as a future water source for the city.

PC Heinkel defined the Time of Travel Zones and how hazardous chemicals moved in the aquifer. She referred to the City of Springfield, OR and said that hazardous chemicals entered one of their well fields and the well field had to be decommissioned. The business owner that was responsible paid multi-millions in order to remedy the situation and caused the City of Springfield to have a Drinking Water Protection Overlay Zone applied to their existing well fields as well as proposed well fields. PC Heinkel said that this was the reasoning for the Overlay Zone in the City of Florence.

Chairperson Hoile asked PC Heinkel about the Highway 101 concern in the Overlay Zone. PC Heinkel said the Aquifer Protection Plan had a procedure for the transportation of hazardous materials. She said when a spill happened, there was a well-established program through the Fire Marshal's Office called "Spill Response" and the city was notified; and in the Contingency Plan portion of the Aquifer Protection Plan it spelled out step by step how the transport materials were dealt with in the event of a spill. She said that just because there was a spill or contamination, the property owners would not be culpable just because it was an Overlay Zone. She stated that the Overlay Protection Zone actually helped the property owners because it would make sure that businesses on their property were using, storing chemicals in a way that doesn't create a liability.

PC Heinkel said there were no fees being proposed and it was a form that the property owner would fill out as part of a building or land use permit application. She said there were no requirements for increased water retention or drainage facilities. She said that this particular concern was addressed in the City Storm Water Regulations which were already adopted and updated as part of this process, and not likely to be proposed in the future.

PC Heinkel addressed the concern of depreciation of property by saying that in Springfield that was not the experience. She said that the relationship with the businesses concerning the Drinking Water Protection program was a very good one, and the businesses supported the Drinking Water Protection Program in Springfield when it was adopted.

Questions from Commissioners

Commissioner Burns asked PC Heinkel if it could be recommended to the Council that the city not establish an Overlay Zone fee, saying that PC Heinkel proposed no fee in the future, but he wanted it in writing. The Planning Commission agreed. PC Heinkel made a note to put in the request to council.

Staff Response (cont'd)

PC Heinkel responded to Mr. Schertell's concern about the RRHA Riparian Area because it did not flow year round. She said that intermittent flowing streams were treated the same as continuously flowing streams

under state law and it was not relevant that it was an intermittent stream as far as whether it was significant or not.

PC Heinkel addressed the concern of the hazardous trees, and stated she had spoken with Mr. Schertell and it was understood that he would come into the city and file a complaint regarding trees on his property or on another property that posed a fire hazard to his property.

PC Heinkel discussed Mr. Jaeger's concern over Munsel Creek Side Channel saying that there had been a 50 foot setback on all of Munsel Creek for over 30 years, and it was well established in city code. She said it applied to both sides of the creek as well as Munsel Creek Side Channel, and Florentine Estates is north of Coast Village on the side channel. PC Heinkel said that Florentine Estates received a variance from the Planning Commission for a 25 foot setback reduction of the 50 foot setback and it was very clear in the Planning Commission Resolution and staff report materials. PC Heinkel said that Coast Village did receive an agreement from the City Council for many considerations in the code amendments that were written into the code.

PC Heinkel said the first thing that occurred was the ESEE Analysis on the wetlands exception, the public infrastructure, as well as for the Munsel Creek Side Channel which was done out of consideration for the conflict that existed on the Munsel Creek Side Channel. She said the analysis was also done on the 50% setback adjustment through administrative review to address the concerns of the cost and also a variance fee waiver for situations where a Variance would be required. She said this was all in code to the Coast Village residents due to the unique circumstances of that area. PC Heinkel said staff and city council were aware of Mr. Jaeger's concern that his property was considered in violation. She said that all existing structures were grandfathered in Coast Village, but in other parts of the city, property owners would have to demonstrate that structures were lawfully created. She said all the structures in Coast Village were considered lawfully created, due to the way that area developed.

PC Heinkel stated that there were many considerations for Coast Village concerning the code amendments, and it benefited Coast Village by making their situation much better from what was in the code currently. She said this was a critical habitat for Coho Salmon and it had been in place in writing from federal and state agencies for years and this was why there was little that could be done to counter that.

Questions from Commissioners

Commissioner Muilenburg commented that the Planning Commission and the City realized that Coast Village was unique and met with the property owners and did a code update for them. He said they tried to work with the property owners to make some of the properties more developable. He said that the buildable language gave the possibilities for property owners to get variances.

Commissioner Muilenburg wanted clarification that he understood the reason for the Drinking Water Overlay Protection Plan was for the potential of possible contamination in that area, more than other areas depicted on the overlay map. PC Heinkel said he was correct in his understanding and that it was in place to protect the city's future water source.

Commissioner Muilenburg asked PWD Miller about the 10 year or 20 year well side of the overlay and wanted to know if there were test well sites in those areas to test. PWD Miller said it was a new well field and that they had access to many monitoring wells in the area, allowing them to have an idea as to what was happening to the area, and as they moved forward there would probably be more monitoring wells with access and that made for a large range of possibilities.

Commissioner Muilenburg wanted clarification of the "grandfathering" of the existing properties in the Overlay Zone. He asked if a business sold to another business, would the current business be pushed into the requirements, and PC Heinkel responded saying the Overlay Zone Requirements would only apply if the new owner received a building or land use permit.

Commissioner Muilenburg wanted to clarify that there were multiple regulatory agencies involved with Munsel Creek as it pertained to Coast Village, and the Planning Commission and the City Council had to be in agreement to approve changes.

Chairperson Hoile closed the hearing at 10:40 pm.

Staff Recommendations

PC Heinkel recommended adoption of the Florence City Code amendments in Exhibit "C" to the Florence City Council, subject to the following changes:

- That Exhibit "C" contain the changes to proposed codes that were presented at the hearing of May 7, 2013 which were in the handout Recommended Changes to Exhibit "C" and that staff forward to the city council the planning commission recommendations.
- The adding of the word "planning" to exhibit 3 page 1.

Commissioner Burns made a motion to approve Resolution PC 13 03 CPA 01, PC 13 04 TA 01, and PC 13 05 ZC 01 and forward the amendments to the City Council; second by Commissioner Muilenburg; by voice all ayes, motion carried unanimously as presented.

5. CALENDAR

IPD Weese informed the Commission on upcoming calendar events including...

- Tuesday, May 14, 2013 – Public Hearings for: Peace Harbor Hospital Design Review, Siuslaw River Christian Fellowship Church 7:00 pm at Florence City Hall
- Tuesday, May 28, 2013 – Public Hearing, Cannery Station Development, 7:00 pm at Florence City Hall
- Tuesday, June 11, 2013 – Regular Session, 7:00 pm at City Hall

Chairperson Hoile adjourned the meeting at 10:45 p.m.

Cheryl Hoile, Planning Commission Chairperson

Siuslaw Estuary Partnership

An Integrated Multiple Objective Approach to Watershed Protection and Restoration



Joint City of Florence – Lane County
Planning Commissions Public Hearing, May 7, 2013



Funded by the U.S Environmental Protection Agency and Project Partners

Project Partners: City of Florence; Lane County; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; Heceta Water District; Oregon Department of Environmental Quality; Oregon Department of Fish and Wildlife; Oregon Department of Human Services, Drinking Water Program; Oregon Department of Land Conservation and Development; Oregon Department of State Lands; Oregon Department of Transportation; Oregon Department of Water Resources; Port of Siuslaw; Siuslaw Soil and Water Conservation District; Siuslaw Watershed Council; US Army Corps of Engineers; US Bureau of Land Management; U.S. Geological Survey; USFS Siuslaw National Forest; US Environmental Protection Agency.

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement WC 03-04601-0 to City of Florence. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

Siuslaw Estuary Partnership Mission

Protect and improve water quality and fish
and wildlife habitat in the lower Siuslaw
Watershed.

For more information, visit the web site:
www.SiuslawWaters.org.

Application: PC 13 03 CPA 01, PC 13 04 TA 01,
PC 13 05 ZC 01 (City); PA13-0582 (LC)

I. PROPOSAL DESCRIPTION

1. **JOINT CITY-COUNTY PUBLIC HEARING - EXHIBIT B:**
Recommend to the City Council and Lane County Board of Commissioners adoption of legislative amendments to the Florence Realization 2020 Comprehensive Plan ("Comprehensive Plan") for aquifer protection and wetlands and riparian corridors and for housekeeping and internal consistency (**EXHIBIT B**)
2. **CITY PUBLIC HEARING (CONTINUATION) - EXHIBIT C:**
Recommend to the City Council adoption of legislative amendments to the Florence City Code (FCC) for wetlands and riparian corridors and for housekeeping and internal consistency; and quasi-judicial amendments to City Code for aquifer protection (**EXHIBIT C**)

Applicable Criteria

- **Florence Realization 2020 Comprehensive Plan**
- **Florence City Code (FCC) Title 10: Zoning Regulations:** Chapter 1: Zoning Administration. Sections: 10-1-1-5 Land Use Hearings; Section 10-1-2-2. Change of Boundaries on Zoning Map; 10-1-3 Amendments and Changes
- **Oregon Revised Statutes:** ORS: Chapter 196 Section 674; Chapter 197 Sections 175, 250, 251, 279(3)(b), 253, 610, 615; Chapter 215 Section 418; Chapter 227 Sections 175, 186 and 350
- **Statewide Land Use Planning Goals and Associated Administrative Rules:** **Statewide Goals:** 1: Citizen Involvement; 2: Land Use; 5: **Natural Resources, Scenic and Historic Areas, and Open Spaces**; 6: Air, Water and Land Resources Quality; 7: Areas Subject to Natural Hazards; 9: Economic Development; 10: Housing; 11: Public Facilities and Services; 12: Transportation; 16: Estuarine Resources; 17: Coastal Shorelands
- **Administrative Rules:** OAR Chapter 660: Division 23 pertaining to wetlands, riparian, and groundwater resources and related provisions; Division 12; Division 15; Division 16; OAR Chapter 141 Division 86; OAR Chapter 333 Division 61; OAR Chapter 340 Division 40 and 71
- **Lane County Rural Comprehensive Plan Policies – Part 1, Section D, and Lane Code:** 12.005, 12.050, 14.300, 16.400

Referrals

- Sent on April 16 to the Oregon Department of Transportation, Florence Police Department, Central Lincoln Public Utility District, Qwest, Charter Communications, Florence Public Works Department, Florence U.S. Postal Service, the Siuslaw Valley Fire and Rescue District, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Lane County Land Management, Lane County Transportation, Heceta Water District, Land Watch, the staff representatives of the federal, state, and local agencies serving on the Siuslaw Estuary Partnership Inter-disciplinary Team, and William Sherlock.

Public Notice

- DLCD Notice sent March 21, not less than 45 days prior to the first (Planning Commission) evidentiary hearing as required by the Comprehensive Plan and not less than 35 days prior to the hearing as required by state law.
- Siuslaw News posted notice on April 27 and May 1, 2013 as required by state law, the Florence Development Code, and Lane Code.
- Ballot Measure 56 Notice sent on April 11th to owners of property in the urban growth boundary (UGB) with wetlands and riparian areas or within the Drinking Water Protection Areas (DWPAs) of the existing or proposed wellfield.
- In accordance with Florence City Code, adjacent property owners within 300 feet for the proposed Drinking Water Protection Overlay Zone were also sent notice on April 11, 2013 and notice was posted on properties within the proposed overlay zone.

Proposal Description: Exhibit B

Proposed Legislative Amendments to the Florence Realization 2020 Comprehensive Plan for:

1. Aquifer Protection
2. Wetlands and Riparian Corridors

Referral Responses and Public Comments: Exhibit B

- A. Questions from the Lane County Planning Commission, April 16, 2013
- B. Comments from Jozef Siekiel-Zdzienicki, LandWatch Lane County
- C. Property owner comments related to boundaries of mapped Wetland #1

Synopsis of EXHIBIT B as It Pertains to Lane County

- Bring **City Comprehensive Plan** into compliance with the three steps in Statewide Planning Goal 5 for wetlands, riparian areas, and groundwater resources:
 1. Inventory & Assessment
 2. Significance
 3. Protection
- For **groundwater resources**: Completes Steps 1, 2, and 3
- For **wetlands and riparian areas**: Completes Steps 1, 2, 3 for City Comp Plan and City Code. This will bring the City Comprehensive Plan and City Code into full compliance with Goal 5 for wetlands and riparian areas.
- For **wetlands and riparian areas** in the area within the Florence UGB outside city limits, this action completes Steps 1 and 2. To complete Step 3 for these resources in the urbanizable area, the county will need to amend Lane County Code at some future date. There is no timeline for doing that; and DLCD has stated that these resources are sufficiently protected in the interim through existing Code that prohibits land divisions in the UGB prior to annexation; and Beaches and Dunes Overlay Zone which requires the County to consider the protection of significant fish and wildlife habitat.

Condition of Approval to Respond to Property Owner Comments: Exhibit B

Recommend adoption of the Comprehensive Plan amendments in Exhibit B to the [Florence City Council (City)] [Lane County Board of Commissioners (County)] subject to the following condition of approval:

- Prior to adoption, the 2013 Wetlands and Riparian Inventory is approved by the Oregon Department of State Lands (DSL) and includes any modifications approved by DSL to respond to property owner requests.

Rationale: Oregon Administrative Rules require that the Inventory be approved by DSL prior to adoption by the local governments. DSL is currently working with two sets of property owners to address questions they recently raised about the inventory maps. This Condition of Approval will allow DSL to address these issues, if indicated, in the final inventory that will be approved by DSL prior to local adoption.

Proposal Description: Exhibit B

Proposed Legislative Amendments to the Florence Realization 2020 Comprehensive Plan for:

1. Aquifer Protection
2. Wetlands and Riparian Corridors

EXHIBIT B: Comprehensive Plan Amendments for Aquifer Protection:

- Adopt Aquifer Protection Plan as part of Comprehensive Plan, except for Contingency Plan. (City will adopt Contingency Plan through Ordinance but not as part of Comp Plan)
 - All Management Strategies in Plan apply to City of Florence.
 - Only some Management Strategies apply to Lane County.
- Adopt OHA-Certified Drinking Water Protection Delineations (DWPAs) and Delineation Report as part of Comprehensive Plan. (City will use DWPA for proposed wellfield for reference for DWPA Overlay Zone – City only)
- Adopt Comprehensive Plan policies for compliance with Statewide Planning Goal 5.

DWPA Delineations certified by the Oregon Health Authority



Aquifer Protection Plan Prioritized Strategies to protect the aquifer and surface waters

- Aquifer-wide Management Strategies
- Management Strategies for **Existing** Wellfield Drinking Water Protection Area (DWPA)
- Management Strategies for **Proposed** Wellfield DWPA

Aquifer Protection Plan Prioritized Management Strategies to protect the aquifer and surface waters

- H (High): Begin to implement immediately or continue to implement, if already being done
- M (Medium): Begin to implement in next two fiscal years
- L (Low): Implement as time and financial resources are available

Aquifer-wide Management Strategies

- Land uses: All
- Strategies:
 1. Surface and Ground Water Monitoring - H
 2. Public Education - H
 3. Coordination - H
 4. Integrated Pest Management - M

Existing Wellfield Management Strategies

- Land uses: Residential, Private Open Space, Public
- Strategies:
 1. Conduct targeted public education and outreach (M)
 2. Continue to monitor potential contaminant sources (H)
 3. Work with realtors (H)
 4. Target integrated pest management efforts to DWPA (M)
 5. Adopt comprehensive plan policies and code amendments (H)
 6. Work with home owners associations (H)
 7. Continue to work with golf course managers (H)
 8. Continue to monitor sewer lines (H)

Proposed Wellfield Management Strategies

- **Land uses: Residential, Commercial/Industrial, Private Open Space, Public**
- **Strategies:**
 1. Conduct targeted public education and outreach (M)
 2. Adopt comprehensive plan policies and code amendments (H)
 3. Continue to monitor potential contaminant sources (H)
 4. Work with realtors (H)
 5. Target integrated pest management efforts to DWPA (M)
 6. Adopt drinking water protection overlay zone (H)
 7. Inventory and rank chemicals used in the DWPA and prepare related responses (H)
 8. Provide business assistance (H)
 9. Continue to work with golf course managers (H)
 10. Continue to monitor sewer lines (H)

Management Strategies Pertaining to Lane County

- Incorporate, into the Aquifer Protection Plan, the Guiding Principles which have been endorsed by the Lane County Board and other partners.
- Adopt Comprehensive Plan policy to protect the Drinking Water Protection Areas (DWPA) for the existing and proposed wellfield (see policies above).
- City to work with Lane County and Heceta Water District (HWD) to distribute educational materials to residents and businesses in the DWPA; and to educate them specifically about the DWPA and potential risk to their drinking water supply. County role would be to provide existing county-wide educational materials to City and HWD.
- City will consider specifying criteria and standards for transfer of development rights in City Code and work with County to adopt similar standards, if this tool is determined to be feasible for Florence.
- City to ask Lane County to increase the hazardous waste program in Florence and to provide a storage area.
- City to work with Lane County, Oregon Department of Environmental Quality (DEQ), Oregon Health Authority, Salmon and Trout Enhancement Program, Oregon Department of Fish and Wildlife, and the Watershed Council, to develop and implement strategies to respond to contamination incidents in the UGB (see Chapter 5).
- Lane County and ODOT: share information (with City) about integrated pest management.

Proposed Comprehensive Plan Policies - I

Policies (yellow- Lane County + City) (Red- local option)

1. The City shall implement the recommendations of the Stormwater Management Plan regarding protection of the aquifer for the City's wellfield(s).
2. The City shall implement the 2013 *Aquifer Protection Plan for the North Florence Sole Source Dunal Aquifer (Aquifer Protection Plan)*, as amended and certified by the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA). The Aquifer Protection Plan shall be implemented by: the policies in this Comprehensive Plan; Florence City Code provisions, including a Drinking Water Protection Overlay Zone; and City programs, as resources allow.

Proposed Comprehensive Plan Policies - II

Policies (yellow- Lane County + City) (Red- local option)

3. All portions of the *Aquifer Protection Plan*, except the Contingency Plan, are adopted as a supporting document to this Comprehensive Plan; and the Plan will be located in Appendix 5 of the Comprehensive Plan.
4. The "Certified Wellhead Delineations Report," (Delineations Report) February 2012, prepared by GSI Water Solutions, Inc. and certified by the Oregon Health Authority, is adopted into this Comprehensive Plan and is physically located in Appendix 5. The Delineations, including all Time of Travel Zones (TOTZ), shall serve as the drinking water source inventory for the City of Florence. The maps in the Delineations Report of Drinking Water Protection Areas (DWPA) for the existing and proposed wellfield are adopted as part of this Comprehensive Plan. The City shall use the map of the delineated DWPA for the proposed wellfield as the reference map for the Drinking Water Protection Overlay Zone.

Proposed Comprehensive Plan Policies - III

Policies (yellow- Lane County + City) (Red- local option)

5. The DWPA, including all Time of Travel Zones (TOTZ), for the existing wellfield is a significant groundwater resource as that term is defined by Statewide Planning Goal 5. The DWPA, including all Time of Travel Zones (TOTZ), for the proposed wellfield shall be protected through application of Statewide Planning Goal 2, Land Use; Goal 6, Air, Water and Land Resources Quality; and Goal 11, Public Facilities and Services.
6. Prior to issuing new or replacement septic permits, Lane County shall request the City to inform the County in writing whether municipal wastewater service is "physically and legally available," as those terms are defined in OAR 340-071-0160. *(Not required to be in Comp Plan; implements state law & complies with Goal 5 to protect aquifer from septic systems)*

Proposed Comprehensive Plan Policies - III

Policies (yellow- Lane County + City) (Red- local option)

7. Consistent with policies in this Comprehensive Plan, the City shall implement state law that requires the City to provide municipal wastewater services at the time a new or replacement septic system permit is applied for, if the municipal service is physically and legally available, as prescribed in Comprehensive Plan policies and OAR 340-071-0160. *(Not required to be in Comp Plan; implements state law & complies with Goal 5 to protect aquifer from septic systems)*
8. As part of the land use referral process under the existing Joint Agreement for Planning Coordination between the City of Florence and Lane County, the County and the City will work cooperatively to discourage the use of Dense Non-aqueous Phase Liquids (DNAPLs) by commercial and industrial businesses in the 20 year Time of Travel Zone for the proposed wellfield. The City will respond to the referral response for permits in this area by providing information on the effects of DNAPLs in wellfields and on alternative chemicals that may be appropriate for the proposed land use. *(Local Option)*

Proposal Description: Exhibit B

Proposed Legislative Amendments to the Florence Realization 2020 Comprehensive Plan for:

1. Aquifer Protection
2. Wetlands and Riparian Corridors

Purpose and Objectives

1. Bring the City into compliance with Statewide Planning Goal 5: Natural Resources, Scenic & Historic Areas & Open Space
2. Update the 1997 Florence Wetland and Riparian Area Inventory (1997 Inventory)
2. Provide a comprehensive functional assessment of wetlands and riparian areas
4. Protect "significant" resources primarily for water quality and flood control; and address conflicting uses through a "Limited Protection Program"
5. Modify existing City Code requirements to:
 - better fit the Florence environment
 - respect the rights of property owners
 - address the need to provide public facilities



Florence Freshwater Wetlands

Goal 5 Process

- STEP 1:** Inventory wetlands greater than ½ acre in size for Local Wetland Inventory (LWI)
- STEP 2:** Assess grouped wetlands for functions and values and determine significance.
- STEP 3:** Adopt local protection measures.

Local Wetland and Riparian Inventory



- Florence Area Wetlands Inventory replaces LWI in Statewide Wetlands Inventory (SWI) - refines and updates current inventory.
- City and County to adopt Florence Area Wetlands and Riparian Inventory for area within UGB – to comply with State Goal 5.

Florence Freshwater Wetlands Inventory

34 grouped wetlands greater than one-half acre, in 620 total acres:

- 60% Forested Wetlands
- 21% Scrub Shrub Wetlands
- 10% Emergent Wetlands
- 8% Unconsolidated Bottom
- 1% Other

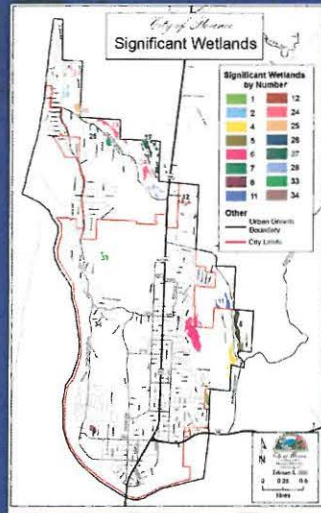


Florence Freshwater Wetlands Assessment

- **HYDROLOGIC FUNCTION (FLOOD CONTROL):** Water Storage and Delay
- **WATER QUALITY:** Sediment Retention and Stabilization, Phosphorus Retention, Nitrate Removal & Retention, Thermoregulation
- **FISH SUPPORT:** Anadromous & Non-anadromous Fish Habitat
- **AQUATIC HABITAT:** Organic Matter Export, Aquatic Invertebrate Habitat, Amphibian & Reptile Habitat, Waterbird Feeding Habitat, Waterbird Nesting Habitat
- **TERRESTRIAL HABITAT:** Songbird, Raptor, Mammal, & Pollinator Habitat, Native Plant Diversity



Significant Wetlands in the Florence UGB



Riparian Areas

Goal 5 Process

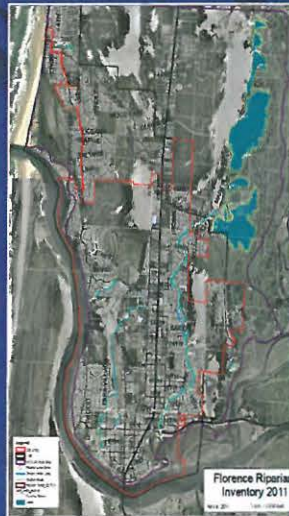
- Step 1. Inventory: Determine riparian widths – typical tree height or topographic break
- Step 2: Assess riparian functions - water quality, flood management, thermal regulation, and wildlife habitat
- Step 3. Determine significance
- Step 4: Adopt protection measures



Riparian Areas Inventory

The riparian corridors in the Florence UGB were divided into 17 riparian reaches in the following 5 basins:

- Munsel Creek
- Rhododendron Drive
- Airport
- Heceta Beach
- North Fork Siuslaw

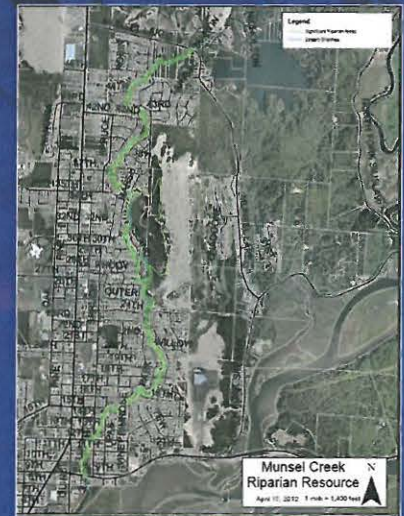


Riparian Areas Inventory

Goal 5 allows for either a "safe harbor" or "standard" inventory approach.

A 50 foot "safe harbor" riparian width was used for Munsel Creek, the only fish bearing stream in the inventory.

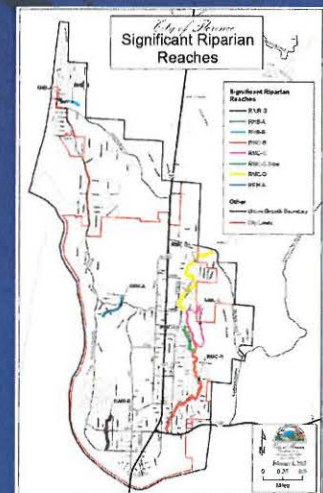
The standard inventory approach was used for the other reaches.



Riparian Areas Assessment

- **WATER QUALITY:** riparian vegetation traps sediment, filters runoff, and binds soil to prevent erosion
- **FLOOD MANAGEMENT:** vegetation slows rate of storm runoff and increases groundwater recharge
- **THERMAL REGULATION:** trees and herbaceous layers provide shade and add humidity, cooling the water and providing important habitat for juvenile fish
- **WILDLIFE HABITAT:** riparian trees, vegetation, ground cover, and woody debris provide habitat for wildlife that thrive near a water resource

Significant Riparian Reaches in the Florence UGB



Wetlands and Riparian Corridors Protection

Options in State Law:

- **SAFE HARBOR:** protect wetlands and riparian corridors that meet local significance criteria with variance procedure that allows some development of property (*no lot is rendered unbuildable*).
- **ESEE** (Site-specific): weigh and balance Economic, Social, Environmental, and Energy consequences of development vs. protection and protect, partially protect, or allow development.
- **COMBINED APPROACH:** use safe harbor to protect and use ESEE approach to allow development or partial development of some wetlands or riparian areas.

Wetlands and Riparian Corridor Protection

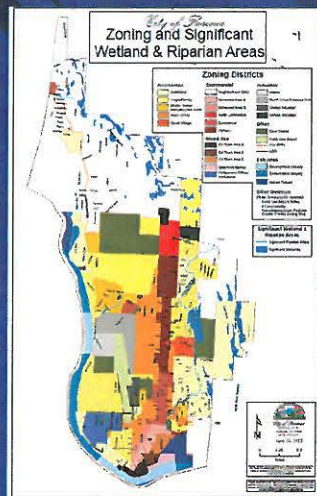
Combined approach proposed:

- **SAFE HARBOR** to protect significant wetlands and riparian reaches in the city limits, i.e., prohibit development and allow setback adjustments, exemptions, and variances allowed in state law.
- **ESEE** approach for Public Infrastructure in significant wetlands and to address conflicts between existing development and significant riparian resources along the Munsel Creek side channel.

ESEE: Analyzes the Economic, Social, Environmental, & Energy consequences of three options:

1. Full Protection
2. Limited Protection
3. Full Development

The ESEE addresses resource protection conflicts with existing and future land uses.



Limited Protection Program Implemented in City Code – EXHIBIT C

Applies the “safe harbor” protections in Goal 5 to all significant wetlands and riparian areas with the following modifications, based on the ESEE (Economic, Social, Environmental, and Energy Consequences) Analysis:

- Exempts public facilities from Significant Wetland Standards.*
- Allows up to a 50% reduction in the required riparian setback, i.e., a 25 foot minimum setback, for the Munsel Creek side channel (Reach RMC-Cs) as long as displaced native plants are replanted.

*Goal 5 already exempts public and private utilities and facilities from riparian setback requirements.

Wetland and Riparian Comprehensive Plan Amendments

City to adopt:

- 2013 Wetlands and Riparian Inventory, for area within UGB, adopted as part of the Comprehensive Plan
- 2013 City of Florence Significant Wetlands and Riparian Corridors Plan to be adopted as supporting document to the Comprehensive Plan (implemented in City Code only)
- Comprehensive Plan policies to protect resources and for consistency and housekeeping.

Wetland and Riparian Comprehensive Plan Amendments

County to Co-adopt:

- 2013 Wetlands and Riparian Inventory, for area within UGB, adopted as part of the Comprehensive Plan
- 2013 City of Florence Significant Wetlands and Riparian Corridors Plan to be adopted as supporting document to the Comprehensive Plan (implemented in City Code only)
- Comprehensive Plan policies: Wetlands and Riparian Policies: 1; 2; 3; 4; 5; 6 (second paragraph pertaining to adoption of the 2103 City of Florence Significant Wetlands and Riparian Corridors Plan into the Comprehensive Plan); and 9; and Background and housekeeping amendment.
- **The remaining Policies and the City Code amendments apply only within Florence city limits and are therefore not subject to co-adoption by Lane County.**

Wetland and Riparian Comprehensive Plan Amendments

Policies (yellow- Lane County + City) (Red- local option)

(Note: the following edits combine redundant policies in the adopted Comprehensive Plan for wetlands and riparian areas and propose amendments.)

1. For the purpose of land planning and initial wetland and riparian identification within the Florence Urban Growth Boundary (UGB), the City and Lane County shall rely on the 2013 Florence Area Local Wetland and Riparian Area Inventory (2013 Inventory), approved by the Oregon Department of State Lands, and as amended hereafter. The 2013 Inventory within the Florence UGB, as amended, is adopted as part of this Comprehensive Plan and is physically located in Appendix 5.

Wetland and Riparian Comprehensive Plan Amendments

Policies (yellow- Lane County + City) (Red- local option)

2. Disturbance of significant wetlands for land development activities shall be permitted within the Florence UGB only as determined by the permitted provisions of permits issued by the Department of State Lands (DSL) and/or the Army Corps of Engineers.
3. In accordance with ORS 215.418, the City and County shall notify DSL when wetlands are present on a property that is subject to a local land use or building permit approval. The City shall notify DSL when riparian areas are present on a property that is subject to a local land use or building permit approval.

Wetland and Riparian Comprehensive Plan Amendments

Policies (yellow- Lane County + City) (Red- local option)

4. The City and County shall consider formal wetland delineation reports approved by the Oregon Department of State Lands as a valid source of wetland information specific to a land use action or limited land use action. Such reports, if approved by DSL, will be incorporated by reference into the City's 2013 Florence Area Local Wetlands and Riparian Inventory.
5. No significant wetland or riparian corridor as defined by the 2013 Florence Area Local Wetlands and Riparian Inventory shall be drained by re-routing of natural drainage ways.

Wetland and Riparian Comprehensive Plan Amendments

Policies (yellow- Lane County + City) (Red- local option)

6. The City shall protect the functions and values of significant Goal 5 riparian corridors and wetlands for flood control, water quality, and fish and wildlife habitat through Code provisions that protect these resources from development in accordance with Statewide Planning Goal 5 administrative rules (OAR 660 Division 23) and the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program. The ESEE Analysis is included, and significant wetlands and riparian corridors are listed and mapped, in the "2013 City of Florence Significant Wetlands and Riparian Corridors Plan" adopted by reference into this Comprehensive Plan. The Program exempts public infrastructure, as defined in the ESEE Analysis, from local wetland protection measures, and allows special setback reductions and other allowances for development along the Munsel Creek Side Channel (Reach RMC-Cs in the 2013 Riparian Inventory).

Wetland and Riparian Comprehensive Plan Amendments

Policies (yellow- Lane County + City) (Red- local option)

7. The City shall include a procedure in the Code to consider hardship variances, claims of map error, and reduction or removal of the restrictions for any existing lot or parcel demonstrated to have been rendered unbuildable by application of the significant wetlands and riparian areas standards in the Code.
8. The City shall encourage restoration and protection of privately-owned wetlands and riparian areas through Code incentives, and, as resources allow, through education in partnership with the Siuslaw Watershed Council and the Siuslaw Soil and Water Conservation District.

"Unbuildable" Definition (City + County)

- a) For single family housing, lots are considered unbuildable if the required setback for the significant wetland or riparian area is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet. [Note: A 50 foot by 27 foot area allows the siting of a typical double-wide manufactured home, a form of affordable housing.]
- b) For all affected properties, lots are deemed unbuildable if strict adherence to the applicable setback standards and conditions would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
- c) For the Munsel Creek side channel (Reach RMC-Cs in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan in Appendix 5 of the Comprehensive Plan), the "required setback" for the purpose of the unbuildable definition, is the reduced setback allowed through the ESEE Analysis adopted into this Comprehensive Plan Appendix 5.

Wetland and Riparian Comprehensive Plan Amendments

Policies (City + County – Local Option)

9. Plan Amendment Option: Any owner of property affected by the Significant Wetlands and Riparian Areas Standards in City Code may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the requirement to comply with these standards from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Florence Comprehensive Plan, and the Florence Significant Goal 5 Wetlands and Riparian Areas Maps shall be amended to remove the wetland or riparian area from the inventory... *(Local Option)*

Conclusion: Exhibit B

City of Florence and Lane County Planning Commissions:

The proposed legislative amendments to the Comprehensive Plan in **Exhibit B** are consistent with the Florence Realization 2020 Comprehensive Plan, Florence City Code, Lane County Rural Comprehensive Plan, Lane Code, Oregon Revised Statutes, and Statewide Planning Goals and associated Administrative Rules.

Requested Action: Exhibit B

Recommend adoption of the Comprehensive Plan amendments in Exhibit B to the [Florence City Council (City)] [Lane County Board of Commissioners (County)] subject to the following condition of approval:

- Prior to adoption, the 2013 Wetlands and Riparian Inventory is approved by the Oregon Department of State Lands (DSL) and includes any modifications approved by DSL to respond to property owner requests.

EXHIBIT C Continuation of City Public Hearing

Proposed Amendments to the Florence City Code for:

1. Aquifer Protection (Quasi-judicial Amendments)
2. Wetlands and Riparian Corridors (Legislative Amendments)
3. Housekeeping Amendment (Legislative Amendment)

Proposal Description: Exhibit C Continuation of City Public Hearing

Proposed Amendments to the Florence City Code for:

1. Aquifer Protection (Quasi-judicial Amendments)
 - a. Adopt a new Drinking Water Protection Overlay Zone (Overlay Zone) Map, attached to Exhibit C.
 - b. Amend Florence City Code Title 10: Zoning Regulations to insert a new Chapter 32: Chapter 32 Drinking Water Protection Overlay District

Public Comments: Exhibit C

- A. Comments from Bill Blackwell related to permitting property owner restoration and maintenance of riparian areas.
- B. Changes recommended to Exhibit C are discussed in presentation of wetland and riparian code.

Condition of Approval to Respond to Public Comments: Exhibit C

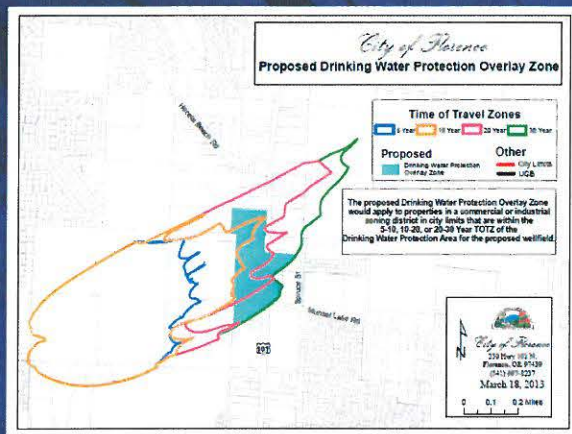
Recommend adoption of the Florence City Code amendments in Exhibit C to the Florence City Council subject to the following condition of approval:

That Exhibit C contain the changes to proposed Code presented at tonight's hearing.

Rationale: In response to Florence citizen, Bill Blackwell, staff further researched the proposed Code and found that additional provisions are necessary for clarification and consistency regarding the removal of native plants within the required buffer zones.

EXHIBIT C: Proposed City Code Amendments Groundwater Resources

- Drinking Water Protection Overlay Zone for industrial and commercial uses in DWPA for Proposed Wellfield



To apply to industrial and commercial uses in DWPA for Proposed Wellfield inside City Limits

Proposed Drinking Water Protection Overlay Zone

Objectives:

1. Protect the City's drinking water supply, which is obtained from groundwater resources, from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.

Proposed Drinking Water Protection Overlay Zone

Methods:

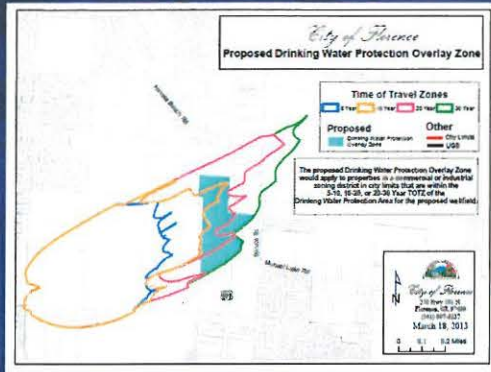
1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;
2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and
3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater.

Draft Drinking Water Protection Overlay Zone

A DWP Overlay District Development Application would be required when all of the following criteria are met:

1. Industrial and commercial land uses that are affected by one or more of the following: land use permit application; or building permit application that:
2. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.

Drinking Water Protection Overlay Zone



Standards vary by Time of Travel Zone (TOTZ).

Draft Drinking Water Protection Overlay Zone

20-30 Year Time of Travel Zone:

1. Storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater allowed only upon compliance with Fire Code.

Draft Drinking Water Protection Overlay Zone

10-20 Year Time of Travel Zone:

1. Same requirements as for 20-30 Year TOTZ plus:
2. Store in areas with approved secondary containment in place (Fire Code);
3. All new use of DNAPLs is prohibited;
4. Any change in type of use or increase in max. daily inventory of any DNAPL is considered a new use and is prohibited;
5. Requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment.

Draft Drinking Water Protection Overlay Zone

5-10 Year Time of Travel Zone:

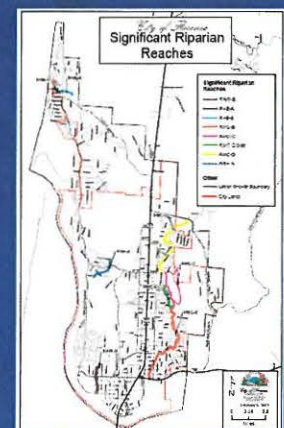
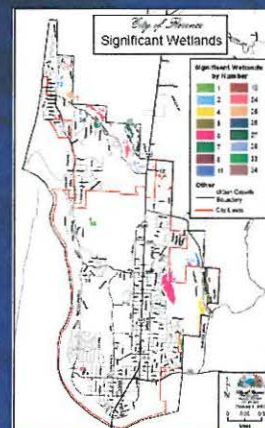
1. Same requirements as for 10-20 Year TOTZ plus:
2. The following that pose a risk to groundwater are prohibited: hazardous material product pipelines; injection wells except roof dry wells; fill materials containing hazardous materials; land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.
3. Requirements in Fire Code for a monitoring program and methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater.

Proposal Description: Exhibit C Continuation of City Public Hearing

Proposed Amendments to the Florence City Code for:

2. Wetlands and Riparian Corridors (Legislative Amendments)
 - a. Amend Florence City Code Title 10 Chapter 7: Special Development Standards to add a new section 10-7-4: Development Standards for Wetlands and Riparian Areas, and renumber sections sequentially.
 - b. Consistency Amendments: Amend FCC Title 9 Chapter 5 stormwater management definitions and buffer zone provisions; Title 10 Chapter 1 Definitions, and Title 10 Chapter 19, Prime Wildlife District, for internal Code consistency and for consistency with state law.
3. Housekeeping Amendment (Legislative Amendment)
 - a. Adopt an amendment to FCC Title 10 Chapter 19 to make the Code consistent with Statewide Planning Goal 16.

City Code applies to "significant" wetlands and riparian reaches within city limits.



Limited Protection Program

Will provide for the following adjustments to required setbacks as necessary to allow some economic use of property:

- Administrative review will be used for hardship where proposed development is more than 20 feet from the significant creek or wetland.
- A Hardship Variance will be allowed when proposed development is 20 feet or less from a significant creek or wetland; intrusion into the riparian area must be minimized; and, displaced native vegetation replanted. Variance fee waived for Coast Village.

Limited Protection Program

Will provide for the following adjustments to required setbacks as allowed by Goal 5:

- No land use permit will be required when existing lawfully constructed structures are rebuilt as long as replacement of existing structures is with structures in the same location that do not disturb additional riparian surface area and provided they are designed and constructed to minimize intrusion into the riparian area. Coast Village structures are grandfathered.

Limited Protection Program

Will provide for the following adjustments to required setbacks to address conflicting uses along Munsel Creek Side Channel:

- Administrative Review will be used for Munsel Creek side channel owners to obtain the setback reduction (up to 25 feet from the creek).
- Florentine Estates properties that were granted a setback reduction by the Planning Commission do not need to apply for an adjustment.

ESEE Analysis

Munsel Creek Side Channel: Reach RMC-Cs



Proposed Code Amendments

- ☐ Protect significant wetlands and riparian areas inside City limits.
- ☐ Provide for setback adjustments to allow some economic use of property.
- ☐ Provide exemptions allowed by State law and through ESEE for public infrastructure and Munsel Creek Side Channel.
- ☐ Provide for setback adjustments to be processed through Administrative Review except when proposed development is within 20 feet of stream or wetland; then, Variance process is used.
- ☐ Apply existing stormwater buffer zone to significant riparian areas and significant wetlands ½ acre and larger vs. all wetlands and riparian areas in existing Code.
- ☐ Allow incentives to encourage protection of the resource.
- ☐ Provide a "Plan Amendment Option" for specific sites at time of development.
- ☐ Specify how boundaries of wetlands and riparian areas are determined.

Changes to EXHIBIT C

- Changes to FCC 10-7-4 to cross-reference FCC Title 4 Chapter 6 – Vegetation Clearing Permit & for internal consistency
- Changes to FCC 4-6 to cross-reference FCC 10-7-4, for internal consistency, and to change approval process from Planning Commission to Administrative Review

Conclusion: Exhibit C

City of Florence Planning Commission:

The proposed legislative and quasi-judicial amendments to the City Code in **Exhibit C** are consistent with the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes, and Statewide Planning Goals and associated Administrative Rules.

Requested Action: : Exhibit C

Recommend adoption of the Florence City Code amendments in Exhibit C to the Florence City Council subject to the following condition of approval:

That Exhibit C contain the changes to proposed Code presented at tonight's hearing.

CITY OF FLORENCE PLANNING COMMISSION
May 14, 2013 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Curt Muilenburg, Alan Burns, John Murphy, and Robert Bare were present. Also present: Interim Planning Director Kelli Weese City Manager Jacque Betz, and LCOG Associate Planner Jacob Callister

1. APPROVAL OF AGENDA

Commissioner Murphey moved to approve the agenda as presented; second by Commissioner Bare; by voice all ayes, motion approved unanimously.

2. APPROVAL OF MINUTES

- Meeting of March 26, 2013

Commissioner Burns moved to approve the minutes of March 26, 2013 as presented, second by Commissioner Murphey, by voice all ayes, motion carried unanimously.

- Meeting of April 23, 2013

Commissioner Bare moved to approve the minutes of April 23, 2013 as presented, second by Commissioner Murphey, by voice all ayes, motion carried unanimously.

3. PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARINGS:

- 4. PEACE HEALTH MECHANICAL ROOM – RESOLUTION PC 13 08 DR 02:** Philip Farrington has applied, on behalf of Peace Health, for a design review to construct a free standing 1,881 square foot Central Utility Plant (CUP). The CUP will house a new generator, electrical services and medical gas equipment. The project will include repurposing 1,190 square feet of existing utility space within the hospital building, and adding a screened exterior yard of 1,836 square feet to house fuel for hospital generators. The medical center is located at 400 9th Street, Map # 18-12-27-34 T/L 1800.

Chairperson Hoile said there was a public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge

the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Hoile opened the hearing at 7:05 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Commissioner Bare declared a site visit. Chairperson Hoile asked if the public had any challenges to the commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

AP Callister gave a verbal report using information available in the staff report. AP Callister said the proposed Central Utility Plant (CUP) was an allowed permitted use and that it was part of the hospital and it was integral for the functioning of the hospital, but the nature of the proposal triggered a design review. He said justifications for the updates were because the current facilities didn't meet code, didn't allow for expansion and were just old. He said that in order to run a state of the art medical facility, updates were necessary. AP Callister said there were no public comments or referrals received written or otherwise.

AP Callister read the applicable review criteria available in the staff report. He said the design of the new building would be consistent with the surrounding buildings. He said the scale of the building, the use of red brick would be consistent with that used on the hospital building as well as the style, color and materials used elsewhere and the areas visible to the public. AP Callister said the applicant is proposing landscaping and screening that are adequate, and met the landscaping standards. He said the applicant was providing adequate screening for the storage of fuel tanks and generators.

AP Callister said it was staff findings that the proposal did not affect access, ingress, egress or circulation within campus for vehicles or pedestrians. He said it was consistent with traffic elements and would not limit circulation or access for the site, which were critical criteria. AP Callister said the proposal did not propose anything that contradicted with the Comprehensive Plan policies.

AP Callister said staff findings were that the proposal meets or can meet applicable city codes and requirements with the conditions of approval, and recommended that the proposal for design review be approved as proposed. He read the conditions of approval in the staff reports.

Chairperson Hoile asked for questions from commissioners. There were none. Commissioner Hoile then asked for the applicant's presentation.

Applicant's Presentation

**Philip Farrington – Director of Land Use Planning and Development, PeaceHealth
Oregon West Region**

Rick Yecny – CEO of the PeaceHealth Peace Harbor Medical Center

Patrick Kirby – Peace Health Technical Advisor

Mr. Farrington said he had been working with staff from Florence and Peace Harbor for the last several years to ensure they got caught up on all of the conditions of approval that were obligations of earlier land use decisions. He said there were no current conditions of approval outstanding that would impede the Planning Commission from approving the current project.

Mr. Farrington referred to a future design review yet to be submitted, concerning an application for converting the temporary modular building to permanent status, which was contingent on the buildings being sprinkled. He said that was in the process of being done. He said when the sprinkler work was completed a design review application would be submitted to the Planning Commission.

Mr. Farrington referred to another future project for Peace Harbor, and that was for the expansion of the Emergency Department, which was predicated on doing the fundamental work to upgrade the utility plant. He said that all other conditions of approval that had previously been established by the city had been met.

Mr. Farrington introduced Mr. Yecny who discussed the elements of the project. He said the current hospital was built in 1989 making the mechanical system 24 years old, with a mix of institutional and commercial grade equipment with a useful life of 15-20 years. Mr. Yecny said, as they added to the hospital, such as imaging equipment, MRI's, CT Scanners and lots of computers for information systems, the original generator became inadequate to power the entire hospital and maintenance costs increased dramatically as the equipment aged. He said Peace Harbor was the least energy efficient hospital in the PeaceHealth system of seven hospitals.

Mr. Yecny discussed the future project of the Emergency Department and said they would not be breaking ground on this project for at least six to twelve months after the Central Utility Plant project was completed because the new mechanical infrastructure needed to be in place.

Mr. Yecny said with the current mechanical room, maintenance costs were relatively high and the equipment was difficult to access for routine maintenance. He said the hospital lacked central control and monitoring and there was no automatic backup except for the generator that automatically came on, but all the other backup systems had to be turned on manually.

Mr. Yecny said the existing mechanical room was designed for the original hospital and was approximately 800 square feet. Mr. Yecny said there was inadequate space for expansion, and in the current mechanical room there was the boiler, pumps and water tanks. He said there could be no expansion of any part of the hospital until the mechanical systems were replaced and the infrastructure was in place.

Mr. Farrington said all the mechanical systems and the undersized generator would be replaced with more energy efficient, reliable, quieter, expandable, easier and more cost-effective to maintain and operate. He said there would be redundancy in these systems which were required for the accreditation process through Jayco as well as code requirements. He said they would be eliminating the steam and condensation system and the heat pump system throughout the hospital as part of this project, providing another 20 years of life for the hospital.

Mr. Farrington gave an overview of the project, referring to Site Plan Exhibit "C" in the staff report saying it was on the 9th Street side of the existing hospital building, taking out a small grassed area outside the dining area. He said it would be screened with a common type of architecture element following the brick that ran across the hospital. He went on to say the light fixtures would be the same kind of scone lighting so there would be no glare off-site from any of the exterior lights. He said it would be a functioning as well as an attractive addition to the hospital and provide years of benefit to the community.

Mr. Farrington introduced Mr. Patrick Kirby for any technical questions. Mr. Farrington encouraged the Planning Commission to support the proposal, having all the findings included in the hospital presentation and as reflected in the staff report, covering all the required criteria of approval.

Questions from Commissioners

Commissioner Muilenburg asked for clarification of the square footage of the new building and the square footage of the existing mechanical room. He wanted to know how much of the square footage of the new building was included with the square footage of the existing mechanical room. Mr. Farrington said of the 1,881 square footage of the new building, 1,190 would be repurposing of the current mechanical room. Commissioner Muilenburg asked about a fire wall between the new facility and the current mechanical room. Mr. Farrington said there would be a rated fire wall between the existing structure and the new facility.

Chairperson Hoile asked for more questions. There were none.

Public Testimony

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral. There were none.

Chairperson Hoile closed the hearing at 7:30 pm.

Commission Deliberation

Chairperson Hoile asked if any type of signage needed to be put up, such as “keep out”, “hazardous” etc. Mr. Farrington said not from a design review perspective. Mr. Kirby said they would put signs on the equipment.

Commissioner Burns moved for the passage of PC 13 08 DR 02. Second by Commissioner Bare; by voice all ayes, motion passed unanimously.

5. **SIUSLAW RIVER CHRISTIAN FELLOWSHIP – RESOLUTION PC 13 07 CUP 02:** Donna McCauley has applied on behalf of the Siuslaw River Christian Fellowship for a Conditional Use Permit to allow a church in the Pacific View Business Park district. The building is located at 2610 Kingwood Street, Map # 18-12-26-21 T/L 22202.

Commissioner Hoile opened the hearing at 7:32 pm and asked if anyone on the Planning Commission wished to declare any conflicts of interest, bias, ex-parte contact or site visit. Commissioner Bare and Commissioner Burns declared site visits. Chairperson Hoile said the public may challenge a commissioner’s impartiality in making a decision. There were no challenges.

Staff Report

AP Callister said this proposal had some interesting issues to present for the conditional use permit. He said the proposal was for a church use within the Pacific View Business Park. He gave an overview of the surrounding area.

AP Callister said the applicant was Donna McCauley who represented the Siuslaw River Christian Fellowship Church. He said the church was located in one of the existing commercial buildings on the subject site, with another building on the same tax lot occupied by a storage unit business to the east of the subject structure.

AP Callister gave a brief history of the subject site, and said the property was purchased by the current owner Heceta Properties, LLC in 2004. He said it was developed in 2006 as an office warehouse and a fitness center occupied the subject building until recently. He said in 2004 there was a resolution DR 04 -16 which allowed for mixed use development (storage and office use) on the subject property. He said the Planning Commission granted a CUP for the fitness center in 2005 and the Pacific View Business

Park zone district was amended in 2010. He said a study of the business park zone and industrial districts surrounding the business park was done and recommended “to eliminate confusion, streamline the land use approval process and create a fast, friendly and flexible development process.”

AP Callister said churches were not mentioned in the uses of the Pacific View Business Park and were not explicitly mentioned as allowed outright, prohibited or conditional uses. He said the decision was made by staff that a church use fell under the category of “Community Services” which is a conditional use within the Pacific View Business Park.

AP Callister referred to the staff report, giving the definition of Community Services. He said staff’s review of the definition of Community Service was that churches fit into the definition, and there was nothing in the definition that explicitly excluded churches as community services. He said the church met several of the criteria mentioned. Mr. Callister said the public notice and referrals had been sent and there had been no comments received.

AP Callister said the project did not propose anything that was explicitly contrary to the policies of the City of Florence Comprehensive Plan. He said the Comprehensive Plan referenced the Pacific View Business Park as an economic development effort of the City and was intended to attract uses that bring family wage jobs to Florence. AP Callister said the idea of the business park was to generate jobs and the church use did not generate paid employment opportunities, but did produce volunteer non-profit positions, including seven board members. AP Callister said it was staffs evaluation that given the current circumstances; the church is non-profit and operated by volunteers and due to the economic downturn and the previous vacant status of the subject building, a church use could be considered a more viable use than no use at all. He said they were paying a lease and occupying a space that otherwise would be vacant. AP Callister referred to a statement from the property owner in which the property owner stated he reduced rents in the business park in 2008 after the economic downturn to help tenants survive the slow times. Even with reduced rents, the previous tenant was unable to continue and closed the business in 2012. AP Callister said the merit of having a building occupied in the Pacific View Business Park with a community service that is identified as a conditionally permitted use within the zone.

AP Callister said one of the issues considered when making the determination of whether to allow a church in the Pacific View Business Park was that other zoning districts allowed churches as conditional uses. AP Callister said staff researched other zoning districts in the zoning regulations and listed the districts into the following categories: a church use as “permitted”, “conditional”, or “not listed”. He said the Pacific View Business Park was the only district that listed “Community Services” as a possible use making it unique to the Pacific View Business Park and he said the interpretation of “Community Services” was to include churches.

AP Callister said one thing to look at when evaluating a conditional use was whether the proposed use would limit the opportunity for uses that were permitted outright and uses the zone was designed for explicitly. He said an evaluation of the Pacific View Business Park suggested that the church wasn’t on land that otherwise would be occupied by uses permitted outright in the district.

AP Callister said the site has been occupied by the church for some time and this conditional use permit was to bring them into conformance. He said the impact of this use was very negligible as far as public facilities were concerned. He said Public Works provided no comments and had no concerns on impact to city services. He said the pedestrian access dynamic of the site was adequate, with the parking sufficient, and activities the church was holding offset any activities during the day.

AP Callister was concerned about identifying churches as a community service and setting a precedent for other churches wanting to locate in the Pacific View Business Park, saying they would have a certain case to be made. He asked the Planning Commission to consider that in making their decision. He said it was staff’s recommendation that the church did meet the criteria.

AP Callister said if there was a concern of churches becoming more frequent in the Pacific View Business Park, the suggestion was made to the Planning Commission to mention in the code that churches be prohibited explicitly to avoid setting a precedent, and Christian Fellowship would become a non-conforming legally existing use.

AP Callister discussed the proposed conditions that were applied to the conditional use permit

Questions from Commissioners

Commissioner Muilenburg wanted to know how the church got the authority to occupy the building without having the conditional use permit in place. CM Betz responded to the question saying there needed to be further communications between the property owner and the tenant. She said the property owner should have come to the city to see if it was an allowed use, before entering into an agreement with the tenant. CM Betz said it was not the tenant's fault that they were in this situation, and in the city's attempt to be business friendly and understanding the property owner needed a tenant in that building; they researched the code and tried to find a way to make it work. She said AP Callister and the City Attorney reviewed the allowed uses and determined "Community Services" fit the definition. CM Betz said one of the follow-ups to this situation was to contact the property owner and inform him that in the future, when you have potential tenants, it would be very beneficial for all concerned to meet with the city planning director to ensure the use is allowed, and the tenant would not be put in this type of situation again. Commissioner Muilenburg agreed with CM Betz's comment about not being the tenant's fault.

Commissioner Muilenburg voiced concern over what the precedent would set. He said if the Planning Commission set the precedent as a "Community Services" would that set the precedent that now a church is an allowed business use in the Pacific View Business Park even though they don't meet the criteria of the Comprehensive Plan in providing jobs. He asked if there would be a way to leave unanswered the question of the "Community Services" and allowed use in the Pacific View Business Park, but still allow the conditional use permit. He said if a church comes in and wants to build, that is the question where that would most apply. Commissioner Muilenburg said if this precedent is set with a renter, he did not have a problem with that. He said he was not comfortable with setting the precedent for someone wanting to build.

CM Betz said she would discourage the Planning Commission from feeling like this was a precedent setting meeting, simply because the applicant was leasing property. She said in reference to the creation of family wage jobs, if you look at the history of how the Pacific View Business Park came to be, it was an agreement that we had with the state when we received grant funding's. She said the agreement was as the city sold lots, and businesses were built that they would create new jobs. She said the current property owner had the intent to create family wage jobs when they bought and constructed. CM Betz said she didn't believe the Planning Commission would be setting precedent, because it would still be the intent if somebody wanted to lease a piece of the empty property from the city or construct from the ground up. She said the Planning Commission was strictly approving a conditional use set by criteria and each one would be looked at on a case by case basis. CM Betz said this was a unique situation.

Commissioner Muilenburg commented on the church being in operation for the past three months with no issues and asked if there was parking on Kingwood Street. CM Betz said there was parking on Kingwood Street with approval from the City Manager for events that would cause overflow parking, and other than that condition, patrons of the business park were required to park onsite, and there is ample parking.

Commissioner Burns asked a question in regards to parking, referring to the requirement of twenty-three parking spaces, but the proposed site plan didn't have those required parking spaces. He questioned the staff findings and the parking requirements for the church was twenty-three spaces, and asked if AP Callister had double counted some of the parking spaces. AP Callister said it was because of the element of variable times for use. He said the church uses the site on Sundays and occasionally evenings. Commissioner Burns commented that the other businesses used the site on Sundays as well, and wanted

to know where the findings came from. IPD Weese said if you looked at the site as a whole when calculating parking, she said because the site is shared with storage units behind the business park, you take into account that some of those storage units are vacant and others are used just for commercial storage. AP Callister asked if it was qualitative and wanted to know if there had been witnessing of parking issues on the site and wanted to know if parking was something to take into consideration. Commissioner Burns said it was not a concern at this time.

Chairperson Hoile voiced concern that the church was taking up the other businesses parking spots. She said if someone was renting and the city counted those parking spaces giving it away, it would eliminate their use. Commissioner Muilenburg agreed with Chairperson Hoile and said parking would have to be acknowledged, because there had been testimony before the Planning Commission in the past regarding people parking at one business to go to another business. He said it needed to be addressed in some way. IPD Weese said it was important to note that notices were sent to the surrounding property owners and the site was posted. She said no public comment was received from the surrounding businesses or property owners regarding this issue.

Commissioner Murphey asked if the parking requirement changed with the venue change, from the gym to the church. IPD Weese said the church required more, because churches required almost as many parking spaces as a restaurant per the city code. IPD Weese said it was based on the amount of actual ceremonial space, not counting storage, reception areas, restrooms and offices, which help take away some of the spaces required. Commissioner Murphey said he thought the requirement was one spaces per every four feet of pew space. IPD Weese said it was based on square footage.

Commissioner Hoile asked for the applicant's presentation.

APPLICANT'S PRESENTATION

Donna McCauley – Representative for the Christian Fellowship Church

Ms. McCauley apologized for letting these issues get to this point. She said the church did not realize they were doing anything wrong. She said there were twenty-nine spaces that were striped and available for use. She said there was only one unit that was a business, and the others were storage units. She said the laundry trucks were along their garage spaces, and the trucks didn't arrive until after the church congregates had left on Sunday, so there wasn't an issue or problem. Ms. McCauley said there had been many conversations with the laundry business and they were great to work with. She said she knew the church congregates could not park on Kingwood and if there were some kind of event or activity where the church needed the extra parking, the church would re-locate to a bigger facility for that particular event. She said the parking for their typical services and programs would be adequate, and if they held an event that required additional parking, there were options such as carpooling to free up parking.

Chairperson Hoile asked if the church typically only had Sunday service and Ms. McCauley responded that they had only been meeting on Sunday mornings pending the outcome of the Planning Commission decision. Ms. McCauley commented that the church would like to do periodic Friday evening services and a few other bible study type things. Chairperson Hoile asked if the bible studies would typically be in the evening. Ms. McCauley said it would be very seldom when there would be a daytime weekday activity and it would be on a smaller scale, allowing the church to control the amount of vehicles.

Commissioner Muilenburg asked if the laundry trucks would block some of the parking spots, not allowing church attendees to get out. Ms. McCauley responded that they didn't think so, as that wasn't an issue as of yet. She said they were more toward the storage building and the church had eight spaces that were immediately facing the east side of the building the church occupies.

Commissioner Muilenburg asked if Ms. McCauley had talked to either of her neighbors on either side of the site regarding overflow parking. Ms. McCauley said that they had not yet done that, but certainly would if the issue ever arose, but there were no businesses to the north side on the weekends at all.

Commissioner Murphey commented that parking had been fine up to now, but if it did become an issue, it would be because the church's congregation had grown out of internal space and the church would probably be re-locating anyway.

Commissioner Muilenburg asked what the occupancy was for the church. Ms. McCauley said she did not know what the occupancy load was, but the space worked out that there were forty-eight seating spaces. She said that really was not a lot when talking about a church and didn't see it as a problem for vehicles.

Chairperson Hoile asked if there were any other questions. There were none.

Public Testimony

Chairperson Hoile asked for testimony from those in favor of the proposal, those against the proposal and those that were neutral or anyone that just wanted to make a comment. There were none. Chairperson Hoile closed the hearing at 8:08 p.m.

Commission Deliberation

Commissioner Muilenburg wanted a clarification on the Community Services aspect. He said in the staff report findings, it was mentioned in regards to the Planning Commission making a precedent and in the meeting it was discussed about not making a precedent. AP Callister said they would remove the word "precedent."

Commissioner Muilenburg had a concern about the parking issue and wanted a condition noted in the resolution in regards to shared parking. He wanted to know if the wording would include that shared parking was a concern, but it was up to the tenant to deal with.

IPD Weese said she drafted a condition to address the shared parking issue. It read as follows: "Applicant shall share parking and other facilities with industrial and businesses on subject property." AP Callister said there should be wording to re-iterate the concern about parking spilling over onto on Kingwood Street. IPD Weese suggested wording to read "parking shall not be allowed on Kingwood Street without approval of the City Manager."

Commissioner Murphey made a motion to adopt Resolution PC 13 07 CUP 02 with changes as noted by the Interim Planning Director, second by Commissioner Bare; by voice all ayes, motion passed unanimously.

6. PLANNING COMMISSION DISCUSSION ITEMS

Chairperson Hoile commented that the ugly fence was still in the Pacific View Business Park and all the windows were boarded up or covered over on the whole building. IPD Weese said her department was aware of that.

7. DIRECTOR'S REPORT

IPD Weese said there was nothing to report.

8. CALENDAR

IPD Weese informed the Commission on upcoming calendar events including

- Tuesday May 28, 2013 – Public Hearing, Cannery Station Development, 7:00 pm at City Hall

IPD Weese proposed the cancellation of the June 11, 2013 due to lack of applications. By voice all ayes, proposal passed unanimously.

Chairperson Hoile adjourned the meeting at 8:15 p.m.

Cheryl Hoile, Planning Commission Chairperson

Peace Harbor Central Utility Plant



1

- Mechanical room designed for original hospital with no room for expansion.
- Current mechanical room (Boilers, pumps, water tanks) located in approximately 800 sq. ft.
- Emergency Department expansion on hold pending new infrastructure



- Current mechanical system is 24 years old.
- Mechanical system is a mix of institutional and commercial grade equipment.
- Back up generator is inadequate for supplying power for entire hospital.
- Maintenance costs have increased dramatically over last few years.
- Hospital is very energy inefficient.
- Hospital ED project cannot begin until new mechanical infrastructure is in place.



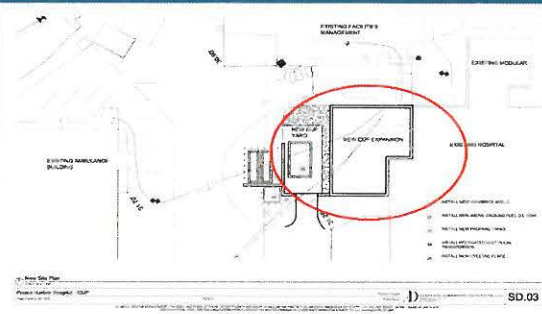
2

- Build new Central Utility Plant adding 1,887 sq. ft.
- Attach to existing mechanical room of 800 sq. ft.
- Replace all mechanical systems, undersized backup generator and updates transfer switches.
- New plant will be more efficient, easier to maintain, quieter, expandable and more reliable.
- Each system will be redundant.
- Eliminates steam and condensation system and the water source heat pump system throughout hospital.
- Allows for future expansion (ED project)
- Should provide for next 20 years.

- Energy costs for Peace Harbor relatively high
- Equipment difficult to access for routine maintenance.
- Coastal environment accelerates aging of components
- Hospital lacks central control and monitoring
- No automatic backup



3



6

Questions and Discussion?



7

Peace Harbor Emergency Department Expansion *Coming Soon!*



8

CITY OF FLORENCE PLANNING COMMISSION
May 28, 2013 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Curt Muilenburg, Alan Burns, John Murphey, and Robert Bare were present. Also present: Interim Planning Director Kelli Weese, LCOG Associate Planner Jacob Callister and RARE Intern Katya Reyna were present.

1. APPROVAL OF AGENDA

Commissioner Bare moved to approve the agenda as presented; second by Commissioner Murphey; by voice all ayes, motion approved unanimously.

2. PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING:

- 3. CANNERY STATION DEVELOPMENT – RESOLUTION PC 12 12 FPUD 01, PC 12 13 SUB 01, AND PC 12 14 DR 01:** A request for final development plan approval for a planned unit development as well as design review and a preliminary plan approval for a subdivision of a 17-acre mixed use development located at 87344 Munsel Lake Road, Map Reference 18-12-14-20 tax lot 700 (at the corner of Hwy. 101 and Munsel Lake Road), as applied for by Arlie and Company.

Chairperson Hoile said there was a public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Hoile opened the hearing at 7:04 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Commissioner Bare declared a site visit. Chairperson Hoile asked if the public had any challenges to the commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

AP Callister said he received a referral comment from Oregon Department of Transportation (ODOT) that addressed issues already discussed as well as issues to be discussed. He said this meeting would be a public hearing and deliberations would be postponed until a future Planning Commission meeting. AP Callister said this was because of some lingering issues and the compiling of findings in order to adequately represent Cannery Station and some of the concerns related to the proposed development.

AP Callister said the necessary required notices were sent, and the city had not received any written public comments. He said he received an inquiry from Dollar Tree (a business across the street from the proposed site) wanting an update on the project. He said referral comments were received from Mike Miller, Public Works Director and Shawn Barrett of Siuslaw Fire and Rescue.

AP Callister presented a power point presentation (Attachment 1) outlining the criteria for the proposed development. He said in some instances code was being applied from 2008 when the initial application was submitted, creating a mixture of dated and current code.

AP Callister gave a brief history of the proposed project using information found in Attachment 1. He said this was a phase development for which a subdivision would accompany each phase. AP Callister said the pieces of 47th Street, Redwood Street, and Spruce Street were components of Phase 1 PUD and there were six lots with three open space tracts.

AP Callister said one of the conditions of the preliminary PUD was that open space constitutes 20% of each phase, both at the phase level and at the aggregate level. He said that 20% was provided on the spot in dedicated open space for phase 1. The applicant also proposed open space pieces within blocks as part of a strategy to meet the 20% overall. He said the applicants were meeting phase 1 requirements.

AP Callister said the subdivision included seven lots, with the seventh lot being the remnant lot for future phases and development. He said the design review was applied to Lot 1, which was a structure for commercial use at the corner of 47th Street and Highway 101. AP Callister discussed the multiple lots and the surrounding land use and zoning context using information from Attachment 1.

AP Callister discussed some of the key points. He said the modifications were approved in the Preliminary PUD and had been incorporated in the development plan. AP Callister said the water main size increase concern came from PWD Mike Miller relating to water pressure at the site and fire protection.

AP Callister said ODOT was concerned about how the public would be coming and going from the site and the impact it would have on Highway 101. AP Callister said ODOT's recommendations related to the original Phase 1 which was to be the north part of the site coming from Munsel Lake Road. He said the applicant re-evaluated the phasing and moved Phase 2 to the south side of the parcel, which was proposed as the initial start-up phase. AP Callister said this was a proposed on-site improvement to manage the traffic that would be part of Phase 1. He said the applicant proposed a right turn lane into the site as well as a right turn lane out of the site. He said staff would work with the applicant after reviewing ODOT's recommendations in order to address this concern.

AP Callister said the primary concern of ODOT was the Swale, and said the applicant had become very frustrated because one department in ODOT required a swale be constructed, and the department that would maintain the swale said they were opposed to swales because they would become a liability for ODOT maintenance. He said the applicant would work with ODOT on inter-department communications in order to give the applicant some clarity regarding the swale requirements.

AP Callister discussed the wall adjacent to Florentine Estates. He said the applicant was concerned that building the entire length of wall at this point would cause drainage problems for Florentine Estates. He said this was because the construction of the wall would occur before the design of the storm water drainage system was in place. AP Callister said the applicant requested the wall be limited to the portion of development which was being proposed. He said this would allow the applicant to methodically address drainage concerns for the site as a whole in a manner that wouldn't require tearing things up again. He said staff felt this reasoning was a sound and it made sense to pursue this course.

AP Callister said staff was interested and wanted more detail related to how development would be moving forward and looking for timelines when staff would be seeing the different lots developed. He said staff requested the applicant to consider the timing of the developments to help the City make plans that would line up with the applicant's improvements.

AP Callister discussed performance agreements and said they were a standard mechanism for ensuring that improvements took place. He said the applicant requested flexibility in the city code related to street improvements being put in before future lots were developed which could cause them to be torn out later to complete the development. AP Callister said one tool for ensuring that it was done wisely and that it was actually done, were performance agreements. He said staff had a condition that outlined the city's opportunity to look for bonding, performance agreements or other financing techniques to ensure that improvements occur on site as agreed.

AP Callister said staff was given a lot of detail from the applicant, but there were still some details that were needed. He said one of those was the lighting plan for onsite parking, safety and security.

AP Callister discussed parking concerns, and one of those concerns were with the parking aisle width and said the applicant was proposing a parking aisle width of 24 feet, which exceeded the current code of 23 feet and was under the 25 foot code requirement of 2008. He said staff felt that 24 foot parking aisle width was reasonable and the proposal was a reasonable request to meet the standard and exceeded the current standard. AP Callister said it maintained the 19 foot stall depth and to complete the development of Lot 1, the parking aisle width could not be larger than 24 feet. He discussed other parking details and said the applicant had submitted some analysis of parking options with the land use plan based on different uses and square footages, but there were errors in the table that was presented. AP Callister said the revised table would allow staff to see how the applicant was proposing to meet parking requirements.

AP Callister discussed drainage issues and said staff had received a storm water management plan from the applicant, and said PWD Miller was working with staff and the applicant on the drainage issues.

AP Callister discussed the design review criteria from information found in the staff report. He said staff had no issues with the landscaping plan for Lot 1 as proposed. He referred to the new conditions in the staff report which discussed soils report, confederated tribe contact requirements, boiler plate building requirements and that submission for final PUD Preliminary Subdivision was sufficient for initial key design elements for the site. He said further design review would be necessary at the time of development and additional detail would be required for lots 2-6. AP Callister said there were conditions for moving forward with design review approval for Lot 1. He said those conditions were related to parking lot materials and staff had not received any detail as to what sort of paving was going to take place, details related to the lighting plan that were addressed. AP Callister said those components were being conditioned and staff was recommending approval of Lot 1 as proposed.

AP Callister discussed changes in the staff report using information found in attachment 1. He said Siuslaw Valley Fire and Rescue Fire Marshall Sean Barrett's proposal was that all buildings constructed are required to have the NFPA 13 sprinkler systems, and staff relayed new information and Fire Marshall Barrett updated his condition to include those buildings that were not single family residences.

AP Callister said staff requested feedback and direction, regarding the proposed development. He said there would be no deliberation, but wanted the Planning Commission to take into consideration the public comments. AP Callister said staff recommended approval for all three applications.

Questions from Commissioners

Commissioner Burns asked AP Callister if the staff changes had been made available to the public and IPD Weese responded that they had not, but could be made available. Commissioner Burns said he wanted to be sure the changing of the original staff recommendations to the new conditions were made available to the public before making any decisions.

Commissioner Muilenburg asked to have some items clarified. He asked if the water main was one of the first things that went into the development or was it part of the construction. AP Callister said Lot 1 could not be developed without the water access to the site.

Commissioner Muilenburg asked about parking issues relating to the aisle width, the number of parking spaces for the different buildings and the width of Redwood Street. AP Callister said staff would research the parking issues and respond back to the Planning Commission. He said the applicant would address the Redwood Street widening questions.

Commissioner Muilenburg asked if each phase of the development had the potential to stand alone or were they connected to each other. AP Callister said they could stand alone.

Commissioner Muilenburg commented on the right turn in and out and asked if that was an ODOT requirement or was it a city code. IPD Weese said it was ODOT in the original PUD Proposal. AP Callister said the applicant was given a number of suggestions from ODOT on how to solve this problem.

Applicant's Presentation

Teresa Bishow – Arlie & Company

Tony Koach – Project Architect, Arlie & Company

Ms. Bishow requested a continuation of the Planning Commission meeting and also requested a public hearing to be held because of the new information that was presented. She said this would provide an opportunity to engage in a dialogue with the Planning Commission rather than being limited to a certain amount of days to respond to written comments and referrals.

Ms. Bishow said the basis for the modifications was the vision that Arlie & Company had of a vibrant mixed use area, where people could be much less reliant on cars and walk a few steps from their home and go to restaurants or shopping in a different type of environment. She said there was a de-emphasis on cars and an emphasis on pedestrians, which meant wider sidewalks, small open space areas was the kind of amenity being gained for the community.

Ms. Bishow said prior to having an opportunity to review the testimony from ODOT, they had their engineer look at the recommendations and suggestions for conditions of approval in the staff report and had some recommended clarifications. She said there was a new drawing Figure 37A & B showing the Highway 101 improvements for the development.

Ms. Bishow said their goal was to clarify that ODOT was the responsible party for determining the timing and scope of improvements along Highway 101. She said in an effort to try and portray a design option that had been talked about, this project would start with a second through northbound lane, but in the interim it would be a right only. Ms. Bishow said if ODOT felt it was not warranted, they wanted to make sure the condition of approval was not written in such a way that the development was unable to

move forward. She said they removed any reference to bio swale, wetland mitigation or any of the various terms and just put in a ditch on the landscape strip of Figure 37A.

Ms. Bishow discussed the wall adjacent to Florentine Estates saying they had a concern doing major changes to the existing drainage and landscaping. She said this was a large phase project with many varying components and judging the timing of improvements as carefully as possible to enhance rather than harm the existing situation. Ms. Bishow said there was no wall currently and constructing a partial wall would assist with the issues addressed in the preliminary PUD.

Ms. Bishow addressed the parking aisle width concern saying that a 24 foot consistent aisle width throughout, which would eliminate trying to decide which lots were given the modifications and which ones were not. She said they would revise the parking table and would have the revision ready for the Planning Commission before the close of the public hearing. Ms. Bishow said the reason a shared parking analysis for Lot 1 was not provided was because they had envisioned any sharing of parking would be known at the time of the design review application. She said Lot 1 was not envisioned to be shared, but as a stand-alone corner commercial site and they were not seeking approval for any shared parking for Lot 1.

Mr. Koach discussed the design review for Lot 1 and said it was a single story self-contained office building. He said part of the building was raised to give more volume inside allowing for taller ceilings.

Mr. Koach discussed the landscape criteria for the development saying they created a small plaza garden which created a pleasant open space with an entryway and benches.

Mr. Koach discussed the colors and type of materials that would be used in and on the development. He said cedar siding, white door trim and a metal roof were one of the examples in the design review. Mr. Koach said they wanted to reflect colors that were found in a natural environment.

Questions from Commissioners

Commissioner Muilenburg asked for clarification on the new condition of approval 12 which talked about a carport and it said 3 foot maximum or 19 foot minimum driveway. Ms. Bishow said the concept was to make it so short that it was obvious it wasn't a parking space, or make it a full 19 foot parking space that a car could fully pull into without the overhang onto the sidewalk. Commissioner Muilenburg then asked if it should say 3 foot minimum and 19 foot maximum. IPD Weese said staff did not want anything between the 3 foot and the 19 foot for the reason Ms. Bishow spoke about. Commissioner Muilenburg clarified that this meant it was an either/or situation.

Public Testimony

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment.

Marvin Ryall – 05460 Friendly Acres Road, Florence, OR.

Mr. Ryall said his concern was with the Highway 101 issue. He said on the engineering plan that the proposed right turn lane was based on a 45 mph sign, but that area was a 40 mph zone and he thought the speed may even drop to 35 mph if ODOT accepted the proposed right turn lane.

Donna Lee – 815 N. Marsh Court, Florence, OR.

Ms. Lee addressed the Planning Commission and requested a public hearing be held in order for oral comments from residents of Florentine Estates regarding the wall between the proposed development and the subdivision be heard before a final decision was made regarding this issue.

Chairperson Hoile made the decision to grant Ms. Lee's request to holdover the public hearing for oral comments and all the Commissioners agreed.

Staff Response and Recommendation

Chairperson Hoile said the Planning Commission were recommending holding over the public hearing for written comments and public testimony. IPD Weese said June 25th would be the next possible date to hold the public hearing and the applicant confirmed this date.

IPD Weese reminded the Planning Commission that they could not deliberate on the resolution, but could discuss staff report items.

Commissioner Bare asked if PWD Miller would be at the next meeting and staff responded yes he would be. He wanted to know if the 50 foot building was in the airplane flight path. IPD Weese said it was not in the airport overlay zone.

Commissioner Murphey asked that the applicant looked into the current water flow issues on both sides of the wall being proposed between Florentine Estates and the development before the next public hearing.

Commissioner Murphey commented on the Highway 101 issue and said he hoped to have this issue resolved between the applicant and ODOT.

Commissioner Murphey discussed the water main to 12 inch and said that part of PWD Miller's concern is to get the 3500 gallons per minute for fire. He commented that the applicant might consider spending a little more in order to be prepared for when the City of Florence got new water lines and larger water mains. Commissioner Murphey said that Siuslaw Valley Fire and Rescue would try to get a fire class protection reduction which would give the applicant considerable savings.

Commissioner Burns commented that in order to receive a reduction in speed for the development, there needed to be a petition sent to ODOT. He said in the past there had been no problems in getting the speed lowered in that particular zone. He said he was confident that by the next meeting, the fence and the Highway 101 issues would be resolved.

Commissioner Murphey commented on the pedestrian crossing and said that if the development was going to be more focused on pedestrians, bicycles and elderly, he felt a flashing light crossing would be the safest direction for the development to take.

Commissioner Bare asked the applicant about some of the Rhododendrons in the development and what the plans for addressing this concern were. Ms. Bishow responded saying they had thought about local nurseries or even local residents taking the plants because the grading required for the development would not allow them to save the plants.

Commissioner Muilenburg asked the applicant if the Redwood Street widening was going to be 36 or 38 feet. Ms. Bishow responded and said she would clarify by asking the engineer on the project and to make sure all the drawings were consistent with the agreed upon modifications.

4. Planning Commission Discussion Items

Commissioner Bare asked IPD Weese if she had an update on Wendy Farley. IPD Weese responded saying she was not sure exactly what her timeline for returning to the Planning Department was.

5. DIRECTOR'S REPORT

There were no items to discuss.

6. CALENDAR

IPD Weese informed the Commission on upcoming calendar events including

- Tuesday June 11, 2013 – Meeting canceled
- Tuesday June 25, 2013 – Public Hearing on Cannery Station Development, 7:00 pm at City Hall
- Tuesday July 9, 2013 – Regular Session, 7:00 pm at City Hall
- Tuesday July 23, 2013 – Regular Session, 7:00 pm at City Hall

Chairperson Hoile adjourned the meeting at 8:55 p.m.

Cheryl Hoile, Planning Commission Chairperson

Cannery Station

PC 12 12 FPUD 01
PC 12 13 SUB 01
PC 12 14 DR 01

Criteria

- **Florence City Code (FCC)**
 - Title 10, Chapter 1, Zoning Administration
 - Title 10, Chapter 3, Off-Street Parking (03/08)
 - Title 10, Chapter 7, Special Development Standards
 - Title 10, Chapter 30, North Commercial District (both)
 - Title 10, Chapter 23, Planned Unit Development (both)
 - Title 10, Chapter 6, Design Review
 - Title 11, Chapter 1, Subdivision Admin Provisions
 - Title 11, Chapter 3, Major Partition Tentative PP
 - Title 11, Chapter 4, Major Partition Map, PP
 - Title 11, Chapter 5, Platting and Mapping Standards

Additional Criteria

- **Compliance with Conditions of Approval for the Preliminary PUD (1-31).**
- 1992 Site Design Policies and Standards (where applicable)
- Realization 2020 Florence Comprehensive Plan

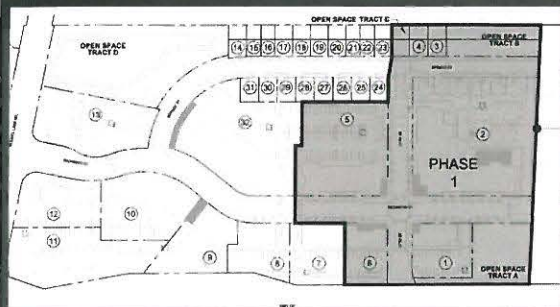
Brief History

- **November 19, 2008:** The Planning Commission's approves Prelim. PUD
- **November 16, 2009:** Florence City Council granted an automatic two year extension to all approved preliminary subdivisions and PUD's. Cannery Station preliminary PUD was granted an extension to **November 19, 2011.**
- **November, 2011:** Florence Planning Commission approved a request for a one-time six month extension to **May 19, 2012.**
- **May 12, 2012:** Materials submitted
- **April, 2013:** Processing for application begun.

City approved processing of Final PUD with each subdivision in phases: (over a ten year period from the date of preliminary PUD approval)

Phase 1 Final PUD must demonstrate compliance with applicable regulations and requirements of the **Florence City Code in effect as of March 28, 2008** (unless modified during the preliminary PUD).

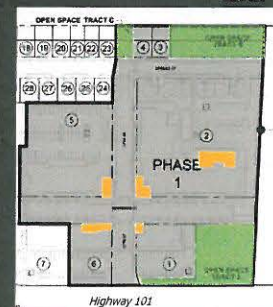
Proposal: Final PUD



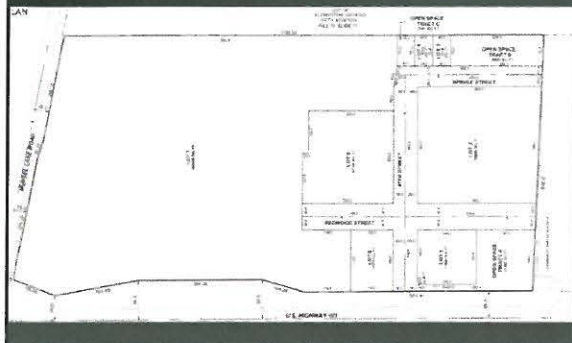
Proposal: Final PUD

20%

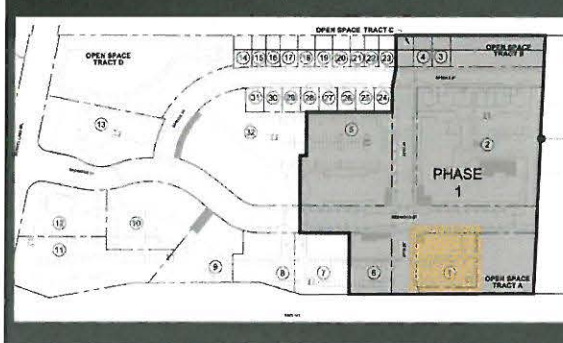
A 17-acre mixed use development located at the southeast corner of Munsell Lake Road and Highway 101 in north Florence. The mix of uses is intended to increase employment opportunities, provide housing choices, and include retail and services to meet the daily needs of residents in north Florence. Phase 1 is on the south end of the site and includes Lots 1-6, Tracts A, B and C, portions of Redwood Street, Spruce Street and all of 47th Street.



Proposal: Subdivision

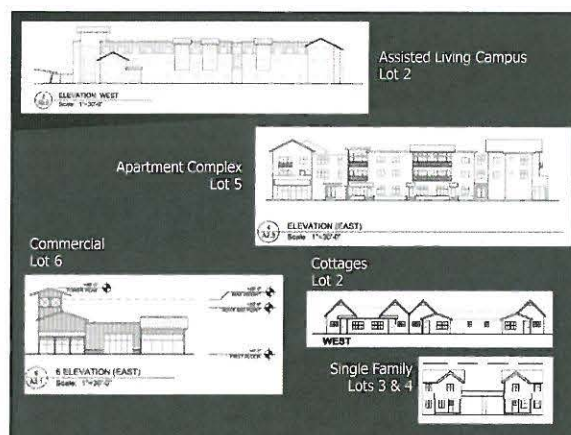


Proposal: Design Review



Proposal: Final PUD

- Lot 1 - A one story 4,325 to 5,000 square foot commercial building and associated parking and landscape areas.
- Lot 2 - An assisted living campus consisting of a three story building and eight cottages providing between 75 and 82 housing units.
- Lot 3 - A single attached cottage associated with the assisted living campus.
- Lot 4 - A single attached cottage associated with the assisted living campus.
- Lot 5 - A three story building for 30 to 50 apartments and associated parking and landscape areas.
- Lot 6 - A one story 4,000 to 4,600 square foot commercial building and associated parking and landscaping areas.
- Open Space Tract A, B stormwater management plan and an area for native plants.
- Open Space Tract C, designed as a pocket park.



Context

Surrounding Land Use/Zoning:

Site: Vacant / North Commercial (NC)
 North: Vacant / NC
 South: Church / NC
 East: Florentine Estates / Single-Family District
 West: Fred Meyer, Commercial / NC



Key Points

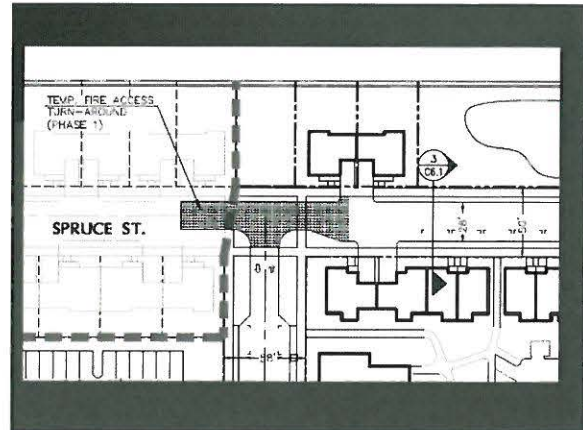
- Modifications
- Water Main Size Increase
- ODOT (Hwy 101)
- Wall Adjacent to Florentine Estates
- Development and Public Improvements Timelines
- Performance Guarantee
- Lighting Plan
- Parking Aisle Width
- Parking Detail

Key Points

A. Modifications

1. **Pavement Width:** The Preliminary PUD (PC 08-09-PUD-01) provided a modification to subdivision street standards (FCC 11-5-1-A), to allow for street design as proposed by the applicant in Exhibits 27, 28 and 29, (Sheets C6.0, C6.1 and C6.2 respectively). These specifically modifications allow:

- Portions of Redwood Street to be less than the minimum standard of 60 feet of right-of-way and 36 feet of pavement, by allowing portions of Redwood Street to be minimum of 57 feet of right-of-way and 32 feet of pavement; and
- Spruce Street to be less than the minimum standard for 34 feet of pavement, by allowing a minimum of 28 feet of pavement.



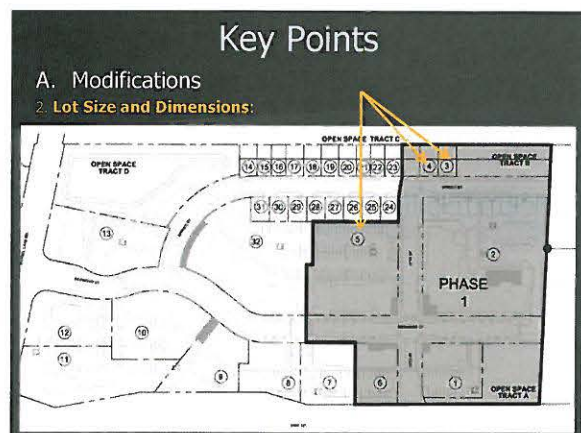
Key Points

A. Modifications

2. **Lot Size and Dimensions:** The minimum lot size and dimensions as specified in FCC 10-3-5-G & H are modified to allow:

- Lot dimensions to be a minimum of 30-feet wide and 55 feet deep for residential Lots 3 & 4 (Lots 23 & 24 in the Preliminary PUD plan).
- Lot areas to be a minimum of:
 - 14,500 square feet for commercial Lot 6 (Lot 9 in the Preliminary PUD plan); and
 - 2,500 square feet for residential Lots 3 & 4 (Lots 23 & 24 in Preliminary PUD).

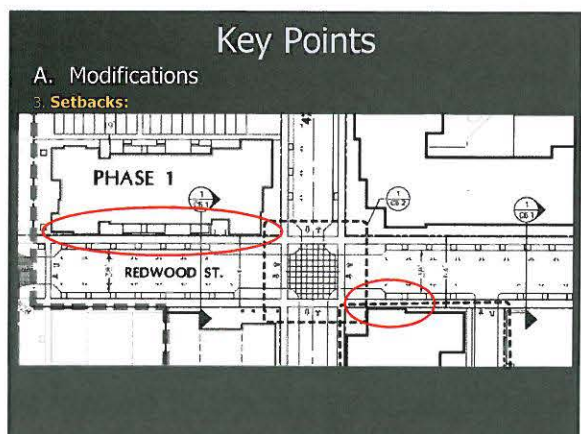
Modifications are intended to allow home ownership opportunities, preservation of a landscape buffer adjacent to Florentine Estates, and a density suitable for the north commercial node.



Key Points

A. Modifications

2. **Lot Size and Dimensions:**



Key Points

A. Modifications

3. **Setbacks:** Along side streets, the building setback is a minimum of 15 feet with the front 10 feet to be landscaped. The modifications will allow portions of the building facades and porches to be less than 15 feet from the right-of-way.

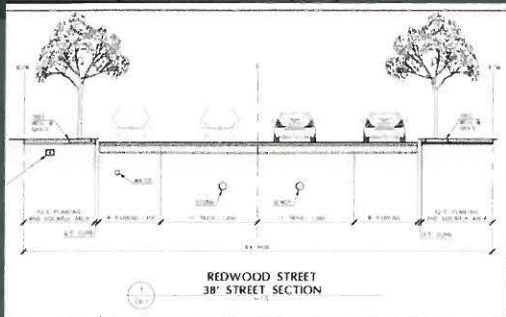
Modifications allow:

- Portions of building facades to be up to one foot from the property line/Redwood Street right-of-way with the condition that within the planting and sidewalk area along Redwood Street, an 8-foot sidewalk is provided.
- Portions of the building facades to be up to 8 feet from the property line along the Spruce Street and 47th Street right-of-way with the condition that within the 10.5-foot planting and sidewalk area along Spruce Street and 47th Street, a 6 foot sidewalk is provided
- Residential porches to be no less than 4 feet from the Spruce Street right-of-way.

Key Points

A. Modifications

3. **Setbacks:** Requirement for sidewalk and planting area met



Key Points

A. Modifications

4. **Maximum Building Height:** All buildings in Phase 1 of the PUD will be within the maximum allowed height limit of 38 feet except for requested modifications for a limited amount of architectural features (a 50-foot tower) on buildings on Redwood Street.



Key Points

B. Water Main Size Increase

On May 13, 2013, Public Works Director Mike Miller submitted comments (Exhibit 44), noting that the proposed 8-inch water line that crosses Hwy 101 will now need to be increased to 12-inch in order to support the necessary fire flows for the development, especially since 'Phase 1' will not connect the water system to Munsel Lake Road. Minimum fire flows for this development are 3,000 – 3,500 gpm and a single 8-inch line providing service to this property will not support these fire flows, therefore a 12-inch water main is required. Condition 2 requires the update.

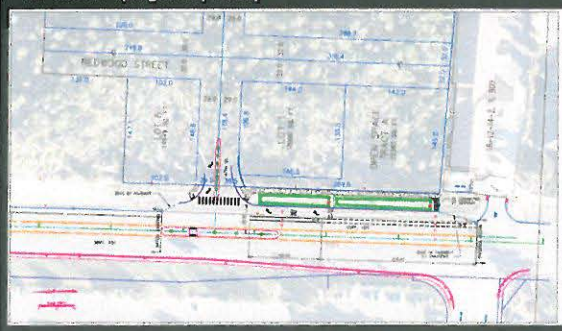
Key Points

C. ODOT (Highway 101)

- According to a letter on September 10, 2009, from ODOT, Senate Bill 1024 (a new law) eliminates ODOT's authority to require that a local jurisdiction obtain a Permit to Operate, Maintain, and Use a State Highway Approach for an existing or planned city street or county road connection to a state highway.
- As part of this Phase 1 Final PUD, the southern portion of Highway 101 abutting the phase boundary will be widened and improved in compliance with PUD conditions. Conceptual designs for the interim Highway 101 improvements are attached as (Exhibits 37A & 37B). The final designs are subject to ODOT approval.
- Lack of clarity as to when ODOT will require a median (with pedestrian refuge) at 47th and Hwy 101. Some Outstanding ODOT issues. Written referral comments received at 3:30 May 28, 2013.
- Conditions of Approval 20, 4, 21, & 27 address ODOT requirements and timing of improvements and drawing submittals (largely related to future phases).

Key Points

C. ODOT (Highway 101)



Key Points

D. Wall adjacent to Florentine Estates.

Preliminary PUD required wall to be constructed before installation of public improvements for the "South 47th" or the "Spruce" Phase of the PUD (current Phase 1) has begun, the wall between Florentine

The applicant wishes to amend this previous condition because constructing the entire length of the wall would cause the premature removal of significant open space buffer between Florentine Estates and Cannery Station LLC, and this construction would not be based on final grading and landscape plans. There was also concern from the applicant that construction of the wall in its entire length at this time would cause drainage problems since the construction would occur before final design of the stormwater drainage system for future phases.

The reasoning presented has merit, however, the Planning Commission may decide that the reasoning is not adequate and require the entire wall to be constructed (Condition 8).

Key Points

D. Wall adjacent to Florentine Estates.



Key Points

E. Development and Public Improvements Timelines

A timing plan for site development and public improvements related to Phase 1 of the PUD has not been provided by the applicant and is requested by the City to be provided and approved by the City of Florence prior to the issuing of any building permits. **(Condition 26).**

Key Points

F. Performance Guarantee

To contain costs and enable the first building in the project to be economically viable, the developer has requested that some of the streets be partially completed with final improvements done as the project is built-out. Florence Public Works noted that Florence Public Works does not have any objections to providing the developer flexibility in regards to street trees, sidewalks and landscaping, and that it would be unwise to install brand new landscaping and sidewalks simply to remove/damage/tear them out when it comes time to actually construct the building. The Public Works Director noted that the City should require an improvement bond or other performance guarantee mechanism to ensure that the improvements are completed in the future **(Condition 24).**

Key Points

G. Lighting Plan

The applicant has not submitted a lighting plan for proposed public improvement and onsite improvements (parking areas, landscaping). The applicant will be required to provide a Lighting Plan to the Planning Director prior to building permit issuance. **(Condition 25).**

Key Points

H. Parking Aisle Width

According to the preliminary PUD findings, the "old" parking code standards apply fully to both Preliminary and Final PUD. With this in mind, any deviation from these code standards, such as reduced parking aisle width, was identified as requiring approval through a variance.

The parking aisle width requirement in March, 2008 for a 90 degree two way parking area aisle width was 25 feet. The current development code requires a 23-foot parking aisle width (FCC Figure 10-3-9). The applicant has proposed a parking aisle width of 24 feet, while maintaining a 19-foot stall depth. Because the proposal exceeds the current code standards staff recommends that the proposed parking aisle be approved as splitting the difference between the "old" and new code standards. The Planning Commission may also add the condition that the development meet the original 25-foot parking aisle standard or that a variance to the March 28, 2008 parking standards be obtained prior to construction of parking aisles within the development.

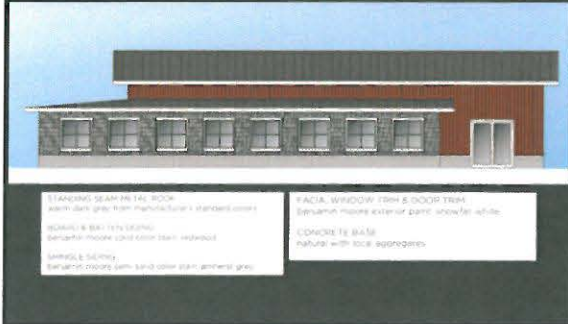
Key Points

I. Parking Details

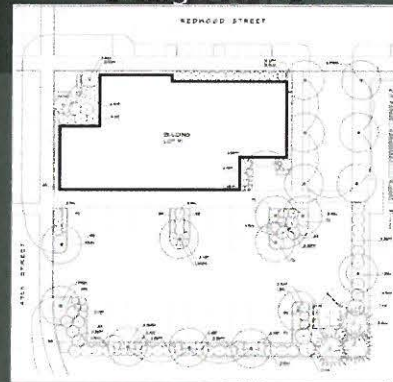
The applicant has provided a parking summary as part of Exhibit 41, and as "Updated PUD Development Data" on Exhibit 2, Sheet A1.1, Land Use Plan. The summary presents use and square footage calculations for the proposed conceptual development. Staff found the parking detail summary to have inconsistencies between the "Parking Required" and "Parking Provided" columns. The applicant noted them as errors. As of the writing of this staff report a corrected parking detail summary and revised Land Use Plan (Sheet A1.1) The applicant indicates that the revised table and Plan will be submitted during the public hearing process (and earlier to staff if possible).

Elements conditioned for review and approval during future development phases.

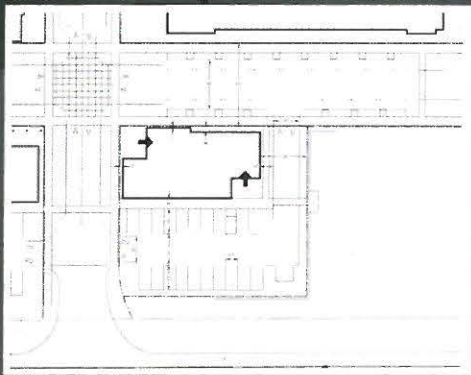
Design Review



Design Review



Design Review



Staff Report Changes...

– Conditions:

- **Condition 23** (Now 9) was adjusted to remove the requirement of NFPA 13 sprinkler systems for single family structures and to note the possible requirement of 13R systems for these units. (as per Sean Barrett)
- **Condition 29** (Now 13) was amended to clarify that this condition includes the remaining elements for Lot 1.
- **Condition 6** (Now 19) was amended to reflect the provision of a de-facto right turn lane only at 47th and 101 (not extending north to Munsel Lake at this point in time).

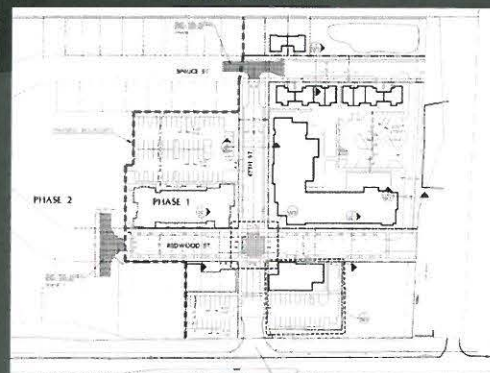
– Other

Language in findings to address Lot 1 more specifically (and clearly), and Sean Barrett's referral comments from 5/28/13, spelling & grammatical.

Staff requests...

- Planning Commission give direction/feedback on:
 - Florentine Estates Wall
 - Parking Aisle Width
 - Materials and Colors (for Lot 1)
 - Highway 101 issues
 - Any other FPUD, Subdivision and Design Review details of concern

Street Plan



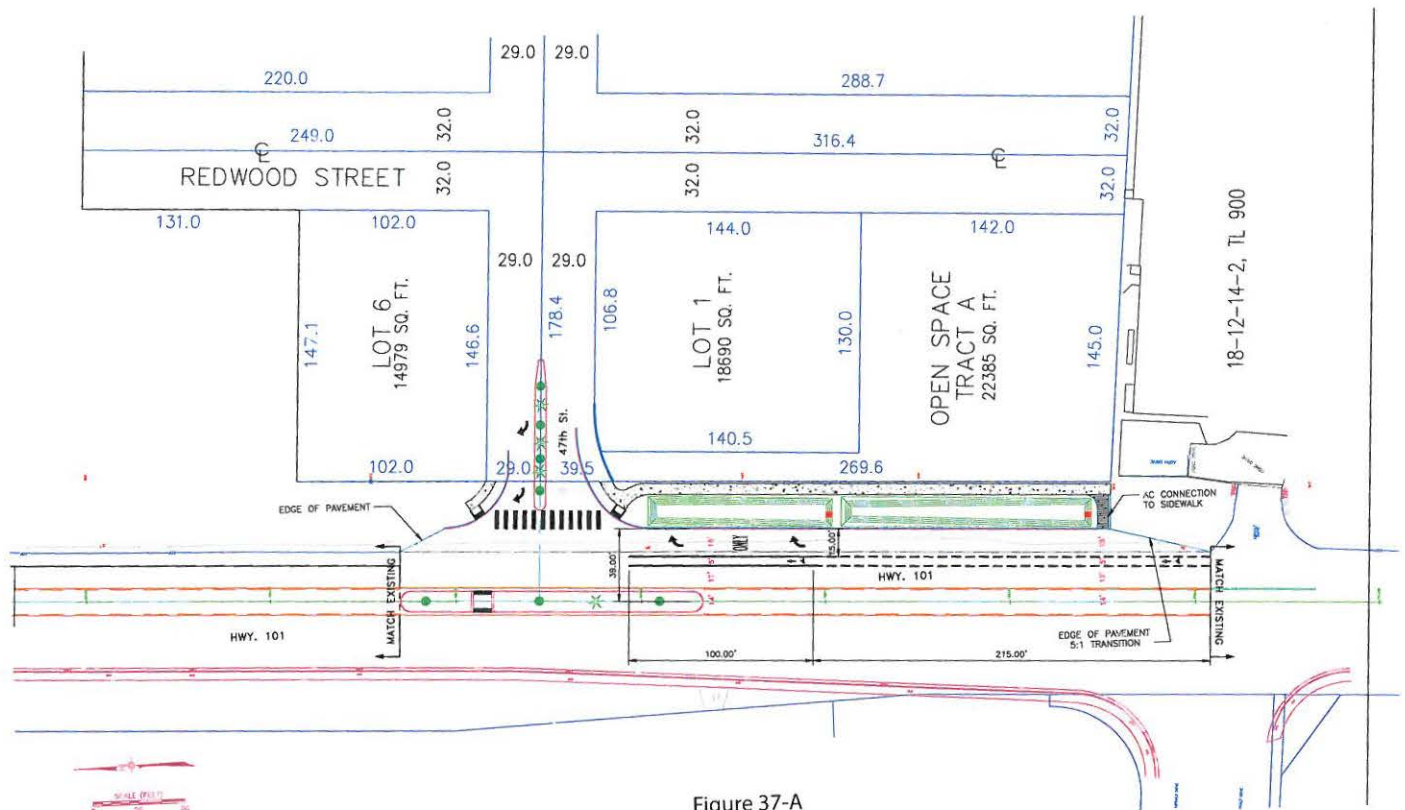


Figure 37-A
HIGHWAY 101 & 47TH ST.
HIGHWAY 101 IMPROVEMENTS
CANNERY STATION
FLORENCE, OREGON
5/28/13

NOTE: PROPOSED RIGHT TURN LANE DESIGN IS
BASED ON 45 MPH DESIGN SPEED DUE TO PHYSICAL
CONSTRAINTS.

FINAL DESIGN AND TIMING OF IMPROVEMENTS
WILL BE BASED ON COORDINATION AND
FINAL APPROVAL BY ODOT.

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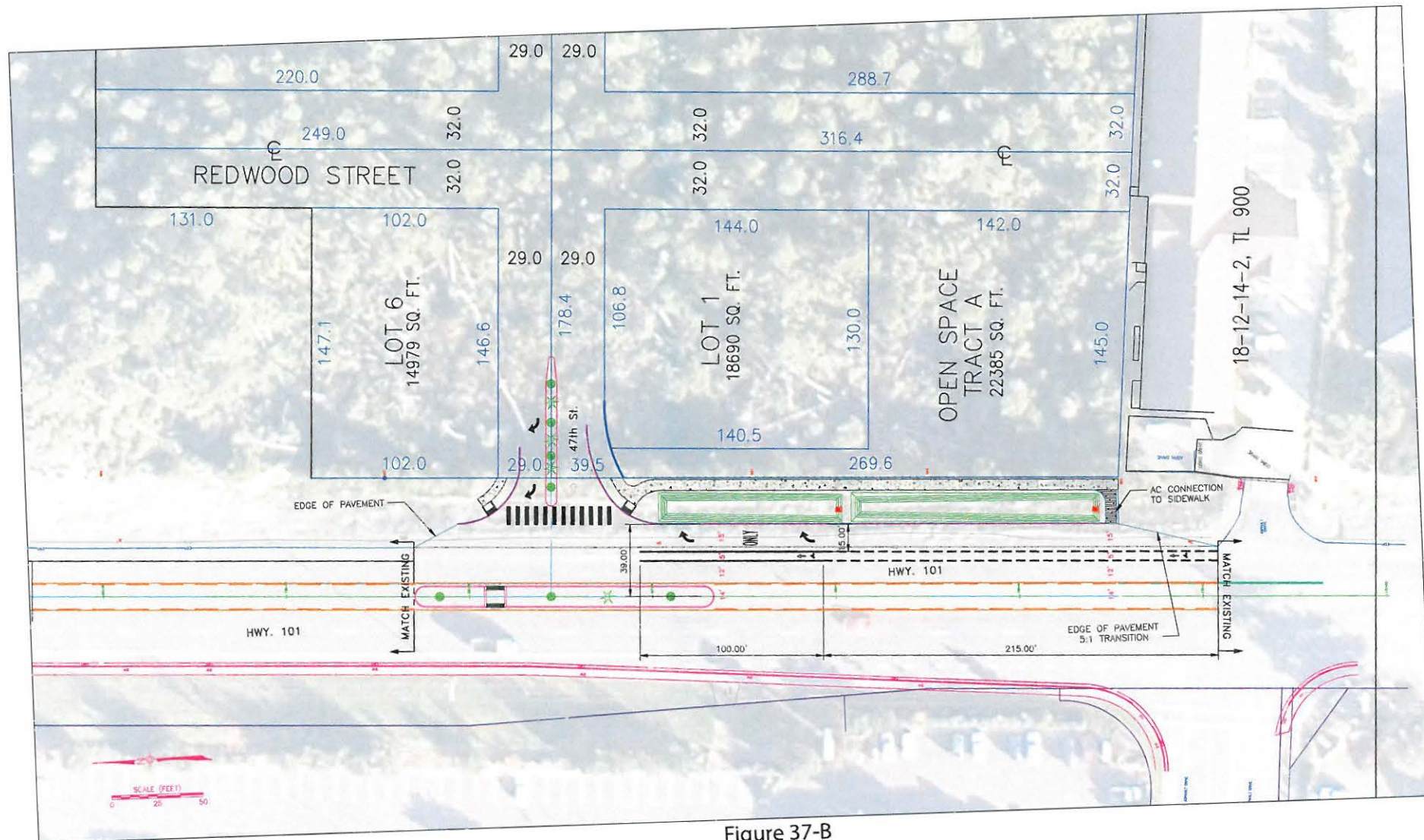


Figure 37-B

NOTE: PROPOSED RIGHT TURN LANE DESIGN IS BASED ON 45 MPH DESIGN SPEED DUE TO PHYSICAL CONSTRAINTS.

FINAL DESIGN AND TIMING OF IMPROVEMENTS WILL BE BASED ON COORDINATION AND FINAL APPROVAL BY ODOT.

Figure 37-B
HIGHWAY 101 & 47TH ST.
HIGHWAY 101 IMPROVEMENTS
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