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STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"

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Prepared By: Sandra Belson, Community Development Director
Mike Miller, Public Works Director
Carol Heinkel, Planning Consultant

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Public Meeting Date: June 7, 2011
Date of Report: June 2, 2011

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I. PROPOSAL DESCRIPTION

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This request is for the Planning Commission to approve Resolution PC 11 06 CPA 01 & PC 11 07 ZC 01 to initiate the process for legislative amendments to the Comprehensive Plan, Stormwater Management Plan, and Florence City Code (FCC) Titles 9, 10, and 11 for consistency with the Florence Stormwater Design Manual, accepted by the City Council on December 6, 2010. In addition, the proposal achieves the following objectives:

1. Make the Comprehensive Plan policies consistent with the Guiding Principles of the Siuslaw Estuary Partnership¹;
2. Clarify which portions of the Comprehensive Plan and Comprehensive Plan Appendices are incorporated into the Comprehensive Plan;
3. Make the Comprehensive Plan consistent with the minimum requirements of Statewide Planning Goal 11, Public Facilities and Services (OAR Chapter 660, Division 11);
4. Update Chapter 11 of the Comprehensive Plan as it relates to Public Safety policies and recommendations; and
5. Make various changes to the Comprehensive Plan and Code to clean up formatting and to improve clarity and consistency.

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In addition, proposed amendments to the *Florence Stormwater Design Manual*, December 2010, are attached and referenced in this staff report; and these amendments will be proposed for approval by the City Council in conjunction with the proposed amendments to the Comprehensive Plan, Stormwater Management Plan, and FCC Titles 9, 10, and 11.

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The Planning Commission is requested to approve Resolution PC PC 11 06 CPA 01 & PC 11 07 ZC 01 to initiate the public hearing process. Specifically, this proposal is to initiate the following amendments:

¹ The Siuslaw Estuary Partnership is a three-year project by the City of Florence and its partner agencies to 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.

1 **Comprehensive Plan Amendments**

2 **“Exhibit B, Attachment 1”:**

- 3
- 4 1. Change the Table of Contents to reflect all adopted changes to section titles and document references and renumber page and policies sequentially;
- 5
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- 7
- 8 2. Amend the Introduction to clarify which maps, studies, and plans are adopted as part of the Comprehensive Plan and thus necessitate a Comprehensive Plan amendment when changed;
- 9
- 10
- 11
- 12 3. Amend the Introduction to add definitions for Public Facility Plan (for consistency with Statewide Planning Goal 11) and for Stormwater Management (for consistency with the Florence Stormwater Design Manual, December 2010);
- 13
- 14
- 15
- 16
- 17 4. Amend Chapter 11: Utilities and Facilities to make this Chapter of the Plan consistent with the minimum Public Facility Plan requirements of Statewide Planning Goal 11, Public Facilities and Services;
- 18
- 19
- 20
- 21 5. Amend the Stormwater Management section of Chapter 11: Utilities and Facilities to make this section consistent with the minimum Public Facility Plan requirements of Statewide Planning Goal 11, Public Facilities and Services; the Florence Stormwater Design Manual; and relevant “Guiding Principles” endorsed by the City and its partners in the Siuslaw Estuary Partnership project. Note that the entire set of policies is proposed for replacement by the amended and new policies in this section.
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- 29 6. Amend the Public Safety Section of Chapter 11 to update the policies and recommendations, for consistency with current conditions.
- 30
- 31

32 **Florence Stormwater Management Plan Amendments**

33 **“Exhibit B, Attachment 2”:**

- 34
- 35 1. Remove specific design requirements which are proposed to be replaced by updated requirements in Florence City Code Title 9. These amendments include deleting Appendix E, Best Management Practices which are proposed to be replaced with the requirements in the proposed amendments to Florence City Code Title 9.
- 36
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41 **Florence City Code Titles 9, 10, and 11 Amendments**

42 **“Exhibit B, Attachment 3”**

1 **Florence City Code Title 9: Utilities**
2

- 3 1. Amend Florence City Code (FCC) Title 9 Chapter 5 to adopt the 2008
4 Portland Stormwater Management Manual, 2008 Portland Erosion and
5 Sediment Control Manual, and the Florence Stormwater Design Manual
6 by reference.
7
- 8 2. Amend the Definitions in Florence City Code (FCC) Title 9 Chapter 5 to be
9 consistent with the 2008 Portland Stormwater Management Manual, 2008
10 Portland Erosion and Sediment Control Manual, and the Florence Storm-
11 water Design Manual. The proposed definition for “Stormwater Manual”
12 allows this term to be used for all references to stormwater facility design
13 and it incorporates the reference to both of the 2008 Portland Manuals
14 and the 2010 Florence Stormwater Design Manual.
15
- 16 3. Amend various sections of FCC Title 9 Chapter 5 to clean up the format-
17 ting and to improve clarity and internal consistency.
18
- 19 4. Amend FCC 9-5-2 to reformat Sections 2 and 3 to list similar requirements
20 in similar fashion and to renumber the differences in the lists so that they
21 follow a different numbered or lettered list.
22
- 23 5. Amend FCC 9-5-2-2 to replace the term “Preliminary Development Plan”
24 with “Stormwater Drainage Plan” throughout this section of the Code and
25 to delete portions of FCC 9-5-2-2-A that are redundant and replaced with
26 amendments above.
27
- 28 6. Amend additional sections of FCC Title 9 Chapter 5 to clean up the format
29 and to improve clarity and internal consistency.
30
- 31 7. Amend FCC 9-5-4-1 for consistency with the definition of “Public Stormwa-
32 ter Facility” in FCC 9-5-1-2 and FCC 9-5-1-6.
33
- 34 8. Amend Florence City Code (FCC) Title 9 Chapter 5 to make the design
35 criteria consistent with the 2008 Portland Stormwater Management Man-
36 ual, 2008 Portland Erosion and Sediment Control Manual, and the Flor-
37 ence Stormwater Design Manual.
38
- 39 9. Amend Section Titles in Title 9-5-5-1 and 9-5-5-2 to correct the section
40 numbers.
41
- 42 10. Amend FCC 9-5-5-1 to clarify when additional improvements or ease-
43 ments may be required.
44

1 **Florence City Code (FCC) Title 10: Zoning Regulations**
2

- 3 1. Amend FCC Title 10, Chapter 3, Off-Street Parking and Loading, to cross-
4 reference Title 9 and to stipulate that Title 9 supersedes and supplements
5 the provisions of Chapter 3, in order to clarify how conflicts between Title 9
6 and this Chapter will be addressed.
7
8 2. Amend FCC Title 10, Chapter 19, Districts in Sections 6, 7, and 10 to
9 qualify the requirements for stormwater to be directed away from the bank
10 by adding, “or as mitigated through the standards in Title 9.”
11
12 3. Amend FCC Title 10, Chapter 34, Landscaping, to cross-reference Title 9
13 and to stipulate that Title 9 supersedes and supplements the provisions of
14 Chapter 34, in order to clarify how conflicts between Title 9 and this Chap-
15 ter will be addressed.
16
17 4. Amend FCC Title 10, Chapter 36, Public Facilities, to stipulate that Title 9
18 supersedes and supplements the provisions of Chapter 36, in order to
19 clarify how conflicts between Title 9 and this Chapter will be addressed;
20 and to modify the provisions related to easements and underground utili-
21 ties to ensure consistency with the Stormwater Manual.
22

23 **Florence City Code (FCC) Title 11: Subdivision Regulations**
24

- 25 1. Amend FCC Title 11 all chapters to change the term “Drainage Land” to
26 “Drainage Facility” and replace this definition with the definition of Drain-
27 age Facility in Title 9.
28
29 2. Modify the requirements for public improvements in all Chapters of Title 11
30 to be consistent with Title 9 and to change the reference to “Title 11 Public
31 Improvements” in Title 11 Chapter 4 to Title 9 and to reference Titles 9
32 and 10.
33

34 In addition, amendments to the Florence Stormwater Design Manual are pro-
35 posed for approval by the City Council and are attached as Exhibit C for informa-
36 tion and reference:
37

38 **Florence Stormwater Design Manual Amendments**
39 **“Exhibit C”:**
40

- 41 1. Amend Table 3.1 to remove note #1 because it is a circular reference.
42 The Manual implements, and provides more detailed requirements than,
43 the Code; thus the Manual must be consistent with the Code. If it is not,
44 then either the Manual or the Code needs to be amended.
45

- 1 2. Amend sections of the Manual to provide clarity and consistency in the
2 terminology.
3

4 **II. NARRATIVE**
5

6 In December 2010, the City Council accepted the Florence Stormwater Design
7 Manual. This Manual was prepared by Branch Engineering with funding from the
8 Oregon Department of Land Conservation and Development (DLCDD). The Flor-
9 ence Stormwater Design Manual is one of the projects in the work plan for the
10 Siuslaw Estuary Partnership, a three-year project funded by the US Environ-
11 mental Protection Agency (EPA) and project partners to improve and protect wa-
12 ter quality and fish and wildlife habitat in the lower Siuslaw Watershed.²
13

14 The Resolution and attached Exhibits were prepared as part of the Siuslaw Estu-
15 ary Partnership; and the relevant Guiding Principles endorsed locally through the
16 Partnership are incorporated into the proposed Comprehensive Plan amend-
17 ments in Exhibit B. The Siuslaw Estuary Partnership is guided by the input of
18 two Stakeholder Groups: an Elected Official Stakeholder Group and a Commu-
19 nity Stakeholder Group. The proposal will be sent to these groups for their re-
20 view and comment. In addition, the Community Stakeholder Group will be joining
21 the Planning Commission on June 7 for the work session.
22

23 These Comprehensive Plan amendments were initially proposed because the
24 City Council-approved *Florence Stormwater Design Manual*, December 2010,
25 created the need to change the Comprehensive Plan, Stormwater Management
26 Plan, and Florence City Code in order to ensure consistency. In addition, these
27 amendments propose Comprehensive Plan changes to achieve the following ob-
28 jectives.
29

- 30 ■ Make the Comprehensive Plan policies consistent with the Guiding
31 Principles of the Siuslaw Estuary Partnership;
- 32 ■ Clarify which portions of the Comprehensive Plan and Comprehensive
33 Plan Appendices are incorporated into the Comprehensive Plan;
- 34 ■ Make the Comprehensive Plan consistent with the minimum require-
35 ments of Statewide Planning Goal 11, Public Facilities and Services
36 (OAR Chapter 660, Division 11);
- 37 ■ Update Chapter 11 of the Comprehensive Plan as it relates to Public
38 Safety policies and recommendations;
- 39 ■ Make various changes to the Comprehensive Plan and Code to clean
40 up formatting and to improve clarity and consistency.
41

42 The City's detailed facility plans for water, wastewater, and stormwater were in-
43 corporated, in full, into the Comprehensive Plan in 2002 as part of the City's Pe-

² For more information, visit the project web site: www.SiuslawWaters.org.

1 periodic Review process.³ The adoption of these plans, in their entirety, into the
2 Comprehensive Plan goes beyond the minimum requirements of State law and
3 creates an unnecessary burden for the City in terms of process requirements. As
4 a result of the 2002 adopting ordinance, any change to these detailed plans,
5 such as changes to project cost, timing, specific location, etc., triggers a Com-
6 prehensive Plan amendment process which would need to be completed before
7 the project could go forward.
8

9 In proposing changes to the Introduction of the Comprehensive Plan to clarify
10 which portions of the Public Facility Plan are adopted as part of the Comprehen-
11 sive Plan, staff further noted that the Comprehensive Plan does not clearly articu-
12 late which maps and portions of the Appendices are actually adopted as part of
13 the Comprehensive Plan and which are adopted as supporting documents.⁴ This
14 clarification is important because it distinguishes those changes that necessitate
15 a Plan amendment and those that do not. For this reason, amendments to the
16 Introduction to the Comprehensive Plan are proposed to provide this clarification.
17 As the Comprehensive Plan is amended through future planning processes, the
18 City can use the revised Plan text in the Introduction as a guide for determining
19 additional needed clarification amendments to the Plan.
20

21 **Background on Public Facility Plan Requirements**

22
23 On May 2, 2002, DLCD provided written notice to the City approving the City's
24 Periodic Review submittal as meeting the Public Facility Plan requirements of
25 Statewide Planning Goal 11, Public Facilities and Services (Order 001389 05-02-
26 2002). The approval order states which City plans were approved as meeting
27 the Public Facility Plan requirement of Statewide Planning Goal 11, as follows.
28

29 "Task 2 submittals include a Water Facilities Plan (Brown and Caldwell,
30 1998) and a well field and water treatment expansion study (Brown and
31 Caldwell, 2001). The City has also adopted facilities plans addressing
32 wastewater (Brown and Caldwell, 1997) and stormwater (Brown and
33 Caldwell, 2001) systems. The City has addressed transportation planning
34 requirements (OAR 660, Division 12) under a separate periodic review
35 task (Task #4). The acknowledged Transportation System Plan will also
36 satisfy the public facilities planning requirement for transportation systems.
37

38 Our review of the City's infrastructure plans confirms that the City has ad-
39 dressed each of the requirements of the public facilities rule noted above.
40 The plans have been adopted by reference and are thereby incorporated

³ Transportation is addressed in Chapter 12 of the Comprehensive Plan and similar changes to that Chapter will be proposed as part of the update of the Florence Transportation System Plan (TSP).

⁴ Part II of the Comprehensive Plan, Appendices, was adopted by Resolution No.1 Series 2002, and not by Ordinance. The Resolution states that the Appendices are adopted "to provide required support and documentation for The Florence Comprehensive Plan..Part I." In addition, portions of the Appendices in Part II were specifically adopted by reference in Plan policy.

1 into the comprehensive plan. Under Task #8, submitted concurrently with
2 Task #2, the City has also adopted goals and policy statements relating to
3 the maintenance and upgrade of each system, concurrent with projected
4 growth (see Chapter 2 and Chapter 11, Florence Comprehensive Plan).”
5

6 By adopting these plans, in their entirety, as part of the Comprehensive Plan, the
7 City went beyond the requirements of State law; and this has added an additional
8 layer of process beyond what is either necessary or expedient. As stated in OAR
9 Chapter 660 Division 11, below, only the project lists and maps, or written de-
10 scription of the projects’ locations, as well as any policies that stem from, or are
11 part of those plans, need to be part of the Comprehensive Plan.
12

13 “OAR 660-11-045
14 Adoption and Amendment Procedures for Public Facility Plans
15

16 *(1) The governing body of the city or county responsible for development*
17 *of the public facility plan shall adopt the plan as a supporting document to*
18 *the jurisdiction's comprehensive plan and shall also adopt as part of the*
19 *comprehensive plan:*
20

21 *(a) The list of public facility project titles, excluding (if the jurisdiction*
22 *so chooses) the descriptions or specifications of those projects;*
23

24 *(b) A map or written description of the public facility projects' loca-*
25 *tions or service areas as specified in sections (2) and (3) of this*
26 *rule; and*
27

28 *(c) The policy(ies) or urban growth management agreement desig-*
29 *nating the provider of each public facility system. If there is more*
30 *than one provider with the authority to provide the system within the*
31 *area covered by the public facility plan, then the provider of each*
32 *project shall be designated.”*
33

34 The three separate facility plans constituted the “Florence Public Facility Plan,”
35 as that term is defined in OAR; were incorporated into the Comprehensive Plan;
36 and were subsequently approved by DLCDC. This is unnecessarily cumbersome
37 and costly for the City because it necessitates a Comprehensive Plan amend-
38 ment for every change to these detailed facility plans. The proposed Compre-
39 hensive Plan amendments address this problem by clarifying which portions of
40 these plans are actually part of the Comprehensive Plan and thus trigger a Com-
41 prehensive Plan amendment when they are changed.
42

43 The proposed Comprehensive Plan amendments update Chapter 11 of the
44 Comprehensive Plan to remove from the Comprehensive Plan portions of the
45 water, wastewater, and stormwater public facilities plans that Oregon law does
46 not require to be part of the Comprehensive Plan. Oregon law requires that these

1 Plans be adopted as supporting documents to the Comprehensive Plan; and only
2 specific portions of these Plans are legally incorporated into the Comprehensive
3 Plan. Please see Preliminary Draft Proposed Findings, attached, that support this
4 proposal.⁵
5

6 The proposed amendments provide that the only time a Comprehensive Plan
7 amendment would be necessary is when the City changes a public stormwater
8 project (e.g., an outfall to a creek as opposed to a detention pond) or the general
9 location of a project (e.g., the Northeast Basin as opposed to the Southeast Ba-
10 sin) or change stormwater policy in the Comprehensive Plan. Otherwise, the City
11 will keep track of changes needed to the Stormwater Management Plan over
12 time and update that Plan at periodic review or during the next City-initiated
13 Stormwater or Public Facility Plan Update process.
14

15 In addition, as stated above, the proposed Comprehensive Plan amendments in-
16 corporate the Guiding Principles from the Siuslaw Estuary Partnership project.
17 The amendments do not address the findings from the surface and groundwater
18 quality and quantity work now under way as part of the Siuslaw Estuary Partner-
19 ship project. Additional amendments may be proposed by the fall of 2012 to ad-
20 dress those findings.
21

22 **III. NOTICE AND REFERRALS**

23 **1. Notice:**

24 Notice of the proposed Comprehensive Plan and Code Amendments will
25 be sent to DLCD not less than 45 days prior to the first (Planning Com-
26 mission) evidentiary hearing as required by state law. August 9, 2011 is
27 the earliest Planning Commission meeting date for which the public hear-
28 ing can be scheduled to meet this timeframe. The hearing will be noticed
29 in the Siuslaw News, as required by state law and the Florence Develop-
30 ment Code. Notice of the hearing will also be sent to the interested par-
31 ties list for the Siuslaw Estuary Partnership.
32
33

34 **2. Referrals:**

35 Referrals will be sent to various agencies and other city departments solici-
36 ting comments on the proposal. They will also be sent to the city's part-
37 ners in the Siuslaw Estuary Partnership.
38
39
40

⁵ Similar amendments can be proposed that would remove many of the remaining Appendices. For example, similar amendments for transportation will be proposed during an upcoming amendment process for Comprehensive Plan Chapter 12, Transportation.

1 **IV. APPLICABLE CRITERIA**

- 2
- 3 **1. Realization 2020 Florence Comprehensive Plan**
Plan Adoption, Amendments, Review and Implementation
- 4
- 5
- 6 **2. Florence City Code (FCC) Title 10: Zoning Regulations**
Chapter 1: Zoning Administration, Section 3-C: Amendments and
7 Changes: Legislative Changes
- 8
- 9
- 10 **3. Oregon Administrative Rules Division 11: Public Facilities Planning**
11 **(OAR 660-011)**
- 12

13 **V. PRELIMINARY DRAFT FINDINGS (NOTE: These findings are incomplete;
14 additional findings will be prepared for the Public Hearing.)**

15
16 Applicable criteria are shown in bold and findings are in italics, below.

17
18 **REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN**
19 **PLAN ADOPTION, AMENDMENTS, REVIEW AND IMPLEMENTATION**

20
21 **Amendments to the Plan may be initiated by citizens, citizen groups, the**
22 **Citizen Advisory Committee, the Planning Commission or the City Council.**
23 **In any amendment proceedings, the City Council shall obtain the recom-**
24 **mendation of the Planning Commission and the Citizen Advisory Commit-**
25 **tee before taking action on a proposed major amendment. Minor changes**
26 **which do not have significant effects beyond the immediate area of the**
27 **change require the recommendation of the Planning Commission. Minor**
28 **changes may be initiated at any time. Notice of a public hearing for a pro-**
29 **posed plan amendment shall be required at least 45 days prior to the first**
30 **Planning Commission hearing.**

31
32 *The proposal is consistent with this Comprehensive Plan text because:*

- 33 • *The proposal is to be initiated by Planning Commission Resolution;*
- 34 • *This is a major amendment because it does have significant effects beyond*
35 *the immediate area of the change, the Planning Commission serves as the*
36 *Citizen Advisory Committee, and the Planning Commission will make a rec-*
37 *ommendation to the City Council; and*
- 38 • *Notice of the public hearing will be sent to DLCD at least 45 prior to the pro-*
39 *posed date for the first Planning Commission hearing.*
- 40

41 **Florence City Code (FCC) Title 10: Zoning Regulations**
42 **Chapter 1: Zoning Administration**
43 **Section 3: Amendments and Changes**

44
45 **FCC 10-3-C: LEGISLATIVE CHANGES**

- 1 **1. Initiation: A legislative change in zoning district boundaries, in the**
2 **text of this Title, Title 11 or in the Comprehensive Plan may be initi-**
3 **ated by resolution of the Planning Commission or by a request of the**
4 **Council to the Planning Commission that proposes changes be con-**
5 **sidered by the Commission and its recommendation returned to the**
6 **Council.**
7
8 **2. Notice and Public Hearing: Such notice and hearing as prescribed by**
9 **state law and the Comprehensive Plan then in effect. (Amd. by Ord.**
10 **30, Series 1990).**

11
12 *The proposal is consistent with the criteria in FCC 10-3-C because:*

- 13
14 • *The proposal is a legislative change in the text of FCC Titles 10 and 11, and*
15 *in the Comprehensive Plan, affecting a large number of properties with broad*
16 *policy application;*
17 • *The proposal is for the Planning Commission to initiate the process by Reso-*
18 *lution;*
19 • *Notice of the public hearing will be sent to DLCD at least 45 prior to the pro-*
20 *posed date for the first Planning Commission hearing, consistent with the*
21 *Comprehensive Plan, above; and*
22 • *Notice of the proposed change will be provided in accordance with the state*
23 *law, as described below.*

24
25 **Oregon Administrative Rules**
26 **Division 11: Public Facilities Planning**

27
28 **OAR 660-011-0005**
29 **Definitions**

30
31 **(1) "Public Facilities Plan": A public facility plan is a support document or**
32 **documents to a comprehensive plan. The facility plan describes the water,**
33 **sewer and transportation facilities which are to support the land uses des-**
34 **ignated in the appropriate acknowledged comprehensive plans within an**
35 **urban growth boundary containing a population greater than 2,500. Certain**
36 **elements of the public facility plan also shall be adopted as part of the**
37 **comprehensive plan, as specified in OAR 660-11-045.**

38
39 **OAR 660-11-045**
40 **Adoption and Amendment Procedures for Public Facility Plans**

41
42 **(1) The governing body of the city or county responsible for development**
43 **of the public facility plan shall adopt the plan as a supporting document to**
44 **the jurisdiction's comprehensive plan and shall also adopt as part of the**
45 **comprehensive plan:**

1 (a) The list of public facility project titles, excluding (if the jurisdic-
2 tion so chooses) the descriptions or specifications of those projects;
3 (b) A map or written description of the public facility projects' loca-
4 tions or service areas as specified in sections (2) and (3) of this rule;
5 and
6 (c) The policy(ies) or urban growth management agreement designat-
7 ing the provider of each public facility system. If there is more than
8 one provider with the authority to provide the system within the area
9 covered by the public facility plan, then the provider of each project
10 shall be designated.

11
12 (2) Certain public facility project descriptions, location or service area des-
13 ignations will necessarily change as a result of subsequent design studies,
14 capital improvement programs, environmental impact studies, and changes
15 in potential sources of funding. It is not the intent of this division to:

- 16 (a) Either prohibit projects not included in the public facility plans for
17 which unanticipated funding has been obtained;
18 (b) Preclude project specification and location decisions made ac-
19 cording to the National Environmental Policy Act; or
20 (c) Subject administrative and technical changes to the facility plan
21 to ORS 197.610(1) and (2) or 197.835(4).

22
23 (3) The public facility plan may allow for the following modifications to pro-
24 jects without amendment to the public facility plan:

- 25 (a) Administrative changes are those modifications to a public facil-
26 ity project which are minor in nature and do not significantly impact
27 the project's general description, location, sizing, capacity, or other
28 general characteristic of the project;
29 (b) Technical and environmental changes are those modifications to
30 a public facility project which are made pursuant to "final engineer-
31 ing" on a project or those that result from the findings of an Envi-
32 ronmental Assessment or Environmental Impact Statement con-
33 ducted under regulations implementing the procedural provisions of
34 the National Environmental Policy Act of 1969 (40 CFR Parts 1500-
35 1508) or any federal or State of Oregon agency project development
36 regulations consistent with that Act and its regulations.
37 (c) Public facility project changes made pursuant to subsection (3)(b)
38 of this rule are subject to the administrative procedures and review
39 and appeal provisions of the regulations controlling the study (40
40 CFR Parts 1500-1508 or similar regulations) and are not subject to
41 the administrative procedures or review or appeal provisions of ORS
42 Chapter 197, or OAR Chapter 660 Division 18.

43
44 (4) Land use amendments are those modifications or amendments to the
45 list, location or provider of, public facility projects, which significantly im-
46 pact a public facility project identified in the comprehensive plan and which

1 do not qualify under subsection (3)(a) or (b) of this rule. Amendments made
2 pursuant to this subsection are subject to the administrative procedures
3 and review and appeal provisions accorded "land use decisions" in ORS
4 Chapter 197 and those set forth in OAR Chapter 660 Division 18.

5 Stat. Auth.: ORS 183 & [ORS 197](#)

6 Stats. Implemented: [ORS 197.712](#)

7 Hist.: LCDC 4-1984, f. & ef. 10-18-84

8
9 *The proposed amendments are consistent with OAR 660 Division 11 because*
10 *they incorporate the required portions of the Public Facilities Plans into the Com-*
11 *prehensive Plan.*

12 13 **VI. OPTIONS FOR THE PLANNING COMMISSION**

- 14
15 1. Initiate the process to make legislative amendments to the Realization
16 2020 Comprehensive Plan, Stormwater Management Plan, and Florence
17 City Code Titles 9, 10, and 11 and by approving Resolution PC 11 06 CPA
18 01 & PC 11 07 ZC 01.
- 19
20 2. Continue discussion and postpone initiation of the amendments.

21 22 **VII. CONCLUSION AND STAFF RECOMMENDATION**

23 24 **Conclusion:**

25 The proposal to initiate the requested Comprehensive Plan Map, Stormwater
26 Master Plan and Florence City Code amendments is consistent with applicable
27 criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code,
28 and Oregon Administrative Rules.

29 30 **Staff Recommendation:**

31 Staff recommends that the Planning Commission approve Resolution PC 11 06
32 CPA 01 & PC 11 07 ZC 01.

33 34 **VIII. EXHIBITS**

35 **"A" Findings of Fact**

36 **"B" Resolution PC 11 06 CPA 01 & PC 11 07 ZC 01:**

- 37 1. Proposed Amendments to Florence Realization 2020 Comprehensive
38 Plan For Consistency with Statewide Planning Goal 11 and the De-
39 cember 2010 City of Florence Stormwater Design Manual and to Up-
40 date the Public Safety Portions of Comprehensive Plan Chapter 11,
41 Draft 6-2-11
- 42 2. Proposed Amendments to Florence Stormwater Management Plan For
43 Consistency with the December 2010 City of Florence Stormwater De-
44 sign Manual, Draft 6-2-11
- 45 3. Proposed Amendments to Florence City Code Titles 9, 10, and 11 For
46 Consistency with the December 2010 City of Florence Stormwater De-
47 sign Manual, Draft 6-2-11

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“C” Proposed Amendments to December 2010 Florence Stormwater Design Manual, Draft June 2, 2011

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement WC-00J04801-0 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.

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**Resolution PC 11 06 CPA 01 & PC 11 07 ZC 01
Florence Planning Commission**

A RESOLUTION TO INITIATE LEGISLATIVE AMENDMENTS TO THE FLORENCE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, FLORENCE STORMWATER MANAGEMENT PLAN, AND FLORENCE CITY CODE TITLES 9, 10, AND 11 FOR CONSISTENCY WITH FLORENCE STORMWATER DESIGN MANUAL AND VARIOUS HOUSEKEEPING AMENDMENTS.

WHEREAS, Florence City Code (FCC) Title 10, Chapter 1, Section 3-C provides that a legislative change in the text of the Comprehensive Plan and Title 10 may be initiated by resolution of the Planning Commission;

WHEREAS, the City Council accepted the Florence Stormwater Design Manual on December 6, 2010 and changes are needed to the Comprehensive Plan, Stormwater Management Plan, and City Code to make these documents consistent;

WHEREAS, the additional changes are needed to the Comprehensive Plan, Stormwater Management Plan, and Florence City Code in order to achieve the following objectives:

1. Make the Comprehensive Plan policies consistent with the Guiding Principles of the Siuslaw Estuary Partnership;
2. Clarify which portions of the Comprehensive Plan and Comprehensive Plan Appendices are incorporated into the Comprehensive Plan;
3. Make the Comprehensive Plan consistent with the minimum requirements of Statewide Planning Goal 11, Public Facilities and Services (OAR Chapter 660, Division 11);
4. Update Chapter 11 of the Comprehensive Plan as it relates to Public Safety policies and recommendations; and
5. Make various changes to the Comprehensive Plan and Code to clean up formatting and to improve clarity and consistency.

WHEREAS, the Planning Commission held a work session on these proposed amendments on June 7, 2011;

NOW THEREFORE BE IT RESOLVED that the Planning Commission initiates this process for the legislative amendments to the Florence Realization 2020 Comprehensive Plan, Florence Stormwater Management Plan, and Florence City Code Text as shown in Exhibits A through C.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 7th day of June, 2011.

JAN NIEBERLEIN, Chairperson
Florence Planning Commission

DATE

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Exhibit B Attachment 1

Proposed Amendments to Florence Realization 2020 Comprehensive Plan For Consistency with Statewide Planning Goal 11 and the December 2010 City of Florence Stormwater Design Manual and to Update the Public Safety Portions of Comprehensive Plan Chapter 11 June 2, 2011

10 The following Draft Amendments show additions in double-underline and deletions in
11 ~~strike-out~~. Portions of Comprehensive Plan text not shown remain in effect unless
12 noted otherwise.

- 13
- 14 1. **Change the Table of Contents to reflect all adopted changes to section ti-**
15 **tlles and document references and renumber page and policies sequen-**
16 **tially.**
 - 17
 - 18 2. **Amend the Introduction, as follows, to clarify which maps, studies, and**
19 **plans are adopted as part of the Comprehensive Plan and thus necessitate**
20 **a Comprehensive Plan amendment when changed.**

21

Introduction, page 3:

22

Comprehensive Plan ~~Effectiveness and Organization~~ and Contents

23

24 The following sections of this Comprehensive Plan are incorporated into, and are
25 a part of this Comprehensive Plan. Changes to these sections of this Compre-
26 hensive Plan necessitate a Comprehensive Plan amendment: ~~consists of:~~

- 27
- 28 1. Goals, Policies, Recommendations and Background Information arranged
29 according to the LCDC (Land Conservation and Development Commis-
30 sion) goals and guidelines.

31

32

33

34 ~~3-2~~ The Official Comprehensive Plan Map, which is incorporated into this Plan
35 and is on file at City Hall, and other maps specifically adopted as part of
36 this Plan in Plan policies.

37

38 3. Appendices, or portions of the Appendices, listed in Part II of the Table of Con-
39 tents that are specifically adopted by reference as part of this Comprehensive Plan.
40 These portions of the Appendices include:

- 1 ■ Chapter 2: population projections, Buildable Lands Inventory, and
- 2 Downtown Plan;
- 3 ■ Chapter 5: Wetland and Riparian Inventory;
- 4 ■ Chapter 11: portions of the Public Facility Plan, as specifically de-
- 5 scribed in Chapter 11;
- 6 ■ Chapter 12: portions of the Transportation System Plan as specifically
- 7 described in Chapter 12;
- 8 ■ Chapter 14: the Joint Agreement for Planning Coordination Between
- 9 Lane County and the City of Florence, February 2002;

10 Chapter 17: the Lane County Coastal Zone Management Plan Inventory and the Lane
 11 County Dredged Materials Disposal Plan; and
 12 Other portions of Appendices specifically adopted by reference in the Comprehensive
 13 Plan.

14
 15 2. In addition, there are Appendices listed in Part II, arranged according to LCDC
 16 goals and guidelines, which contain detailed studies, data, implementation plans,
 17 facilities plans, agreements and other pertinent information and documents nec-
 18 essary to support the Goals, Policies and Recommendations. These studies,
 19 data, plans, agreements, and other information and documents are adopted as
 20 supporting documents to this Comprehensive Plan. Changes to these docu-
 21 ments do not necessitate a Comprehensive Plan amendment, except as stated in
 22 numbers 1, 2, and 3 of this section. These Appendices may be updated periodi-
 23 cally and as required as part of State-mandated Periodic Review process; and
 24 any Maps or text that are adopted as part of this Comprehensive Plan will be in-
 25 corporated into the Plan through Plan policy and the adopting Ordinance.

26
 27 This Comprehensive Plan is applicable to all properties within the Florence Ur-
 28 ban Growth Boundary (UGB). Planning and development of land in the UGB that
 29 is in the unincorporated area of Lane County shall be a cooperative effort be-
 30 tween Lane County and the City as specified in the Joint Agreement for Planning
 31 Coordination Between Lane County and the City of Florence, February 2002, in-
 32 cluded in Appendix 14 of this Plan.

- 33
 34 **3. Amend the Introduction, as follows, to add definitions for Public Facility**
 35 **Plan (for consistency with Statewide Planning Goal 11) and for Stormwater**
 36 **Management (for consistency with the Florence Stormwater Design Man-**
 37 **ual, December 2010).**

38
 39 **Introduction, page 19:**
 40

1 **Definitions**

2
3 **Public Facility Plan** A Public Facility Plan is a support document or documents
4 to this Comprehensive Plan adopted to meet the Public Facility Plan require-
5 ments of Statewide Planning Goal 11, Public Facilities and Services. The Public
6 Facility Plan describes the water, wastewater, stormwater, and transportation fa-
7 ilities that support the land uses within the urban growth boundary designated in
8 the Comprehensive Plan. Certain elements of the Public Facility Plan are
9 adopted as part of the Comprehensive Plan, as specified in Chapters 11 and 12.

10
11 **Stormwater Management:** The planning, design, construction, regulation, im-
12 provement, repair, maintenance, and operation of facilities and programs relating
13 to flood control, erosion prevention, conservation, and water quality utilizing the
14 construction of facilities or structures to control the quantity and quality of storm-
15 water.

- 16
17 **4. Amend Chapter 11: Utilities and Facilities, as follows, to make this Chapter**
18 **of the Plan consistent with the minimum Public Facility Plan requirements**
19 **of Statewide Planning Goal 11, Public Facilities and Services.**

20
21 **Chapter 11: Utilities and Facilities, Page XI-3**

22
23 This chapter provides background and policy direction for the following: utilities
24 and facilities:

- 25
26 ■ Public Facility Plan:¹
27
28 ■ Wastewater Collection and Treatment
29 ■ Water System Supplies and Needs
30 ■ Stormwater Management
31
32 ■ Other Utilities and Facilities:
33
34 ■ Parks, Recreation and Open Space
35 ■ Telephone Services and Telecommunications
36 ■ Public Safety and Health-related Services
37

¹ Goal 11 also requires transportation facilities to be included in the Public Facility Plan. In Florence, transportation facilities are addressed in Chapter 12 of this Comprehensive Plan and in the Florence Transportation System Plan (TSP).

1 **Public Facility Plan**

2
3 **Goal**

4
5 To help assure that urban development in the urban growth boundary is guided
6 and supported by types and levels of public facilities appropriate for the needs
7 and requirements of the urban areas to be serviced, and that those facilities and
8 services are provided in a timely, orderly, and efficient arrangement, as required
9 by Statewide Planning Goal 11, Public Facilities and Services.

10
11 **Policies**

- 12
13 1. The following plans, in addition to the Transportation System Plan in
14 Chapter 12, comprise the Florence Public Facility Plan, adopted as a sup-
15 porting document to this Comprehensive Plan:
16 a. City of Florence Wastewater Facilities Plan, Brown and Caldwell, Oc-
17 tober, 1997
18 a. City of Florence Water Facilities Plan, September 1998
19 a. City of Florence Wellfield and Water Treatment Expansion Project,
20 February, 2001
21 a. City of Florence Stormwater Management Plan, October 2000
22
23 2. Use the project lists and maps, or described locations of projects, in the
24 Public Facility Plan for water, wastewater, and stormwater to guide water,
25 wastewater, and stormwater facilities and their general location in the ur-
26 ban growth boundary. Use City Code, Capital Improvement Programming,
27 and City Public Works work programs, engineering reports, and other ad-
28 ministrative tools as the guide for project timing, detailed planning, financ-
29 ing and implementation.
30
31 3. Amend the Public Facility Plan, and the Comprehensive Plan, in order to
32 modify, add to, or delete projects from the project lists in the Public Facility
33 Plan for water, wastewater, and stormwater or to make significant
34 changes to project location from that described in the Public Facility Plan.
35 The following changes to the Public Facility Plan do not require a Com-
36 prehensive Plan amendment unless changed as part of an overall update
37 of the Plan:
38
39 a. Modifications to a public facility project which are minor in nature and
40 do not significantly impact the project's general description, location,
41 sizing, capacity, or other general characteristic of the project; or
42

1 a. Technical and environmental modifications to a public facility which are
2 made pursuant to final engineering on a project; or

3
4 a. Modifications to a public facility project which are made pursuant to
5 findings of an Environmental Assessment or Environmental Impact
6 Statement conducted under regulations implementing the procedural
7 provisions of the national Environmental Policy Act of 1969 or any fed-
8 eral or State of Oregon agency project development regulations con-
9 sistent with that act and its regulations.

10
11 **Recommendations**

12
13 **1. The City should keep track of local conditions or implementation actions that**
14 **would create the need for changes to the Public Facility Plan in order to ensure that**
15 **those changes are incorporated into the Public Facility Plan as part of Periodic Re-**
16 **view or any other update process.**

17
18 **Background**

19
20 The City adopted a Public Facility Plan for wastewater, water, and stormwater as
21 part of the Comprehensive Plan through Ordinance No. 6 Series 2002. These
22 Plan amendments were to comply with the requirements of the 1995 Florence
23 Periodic Review. These Plans, included in Appendix 11 of this Comprehensive
24 Plan, are supporting documents to this Comprehensive Plan; and they meet the
25 requirements for a “Public Facility Plan” in Statewide Planning Goal 11, Public
26 Facilities and Services. As required by Goal 11, the Public Facility Plan identifies
27 and shows the general location of the water, wastewater, and stormwater pro-
28 jects needed to serve land in the UGB.

29
30 The *Public Facilities Plan* finds that almost all areas within the city limits are
31 served or can be served in the short-term (0-5 years) with water, wastewater,
32 and stormwater. In terms of stormwater, there are areas in the City that have
33 been identified for piping solutions to reduce localized flooding. For example, a
34 Local Improvement District (LID) was proposed for the area around Mariners Vil-
35 lage and Westshore subdivision; but the residents were not supportive of the LID.
36 Due to the decline in development in the years following the 2008 economic re-
37 cession, Systems Development Charge (SDC) funds were not sufficient to ad-
38 dress these deficient areas. Service to all areas within city limits are either in a
39 capital improvement plan or can be extended with development. With the im-
40 provements specified in the *Public Facilities Plan* project lists, all urbanizable ar-
41 eas within the UGB can be served with water, wastewater, and stormwater ser-
42 vice at the time those areas are developed.

1 The policies resulting from the Public Facility Plan process have been inserted
2 into the relevant portions of this Chapter. The policies provide direction for public
3 and private developmental and program decision-making regarding urban facili-
4 ties and services. Development should be coordinated with the planning, financ-
5 ing, and construction of key urban facilities and services to ensure the efficient
6 use and expansion of these facilities.

7
8 The project lists and maps, or written descriptions of locations, in the Public Fa-
9 ility Plan are adopted as part of the Comprehensive Plan, although physically
10 located in the separate Plans. The exact location of the projects shown on the
11 Public Facilities Plan's planned facilities maps or described in writing in the Plan
12 is determined through City processes, outside of the Comprehensive Plan
13 amendment process. The Public Facilities Plan will be updated as part of the
14 City's Periodic Review process or in a Public Facility Plan update process initi-
15 ated by the City outside of Periodic Review.

- 16
17 **5. Amend the Stormwater Management section of Chapter 11: Utilities and**
18 **Facilities, as follows, to make this section consistent with the minimum**
19 **Public Facility Plan requirements of Statewide Planning Goal 11, Public Fa-**
20 **ilities and Services and the Florence Stormwater Design Manual. Note**
21 **that the entire set of policies is proposed for replacement by the amended**
22 **and new policies in this section.**

23 24 **Chapter 11: Utilities and Facilities, Page XI-5**

25 26 **Stormwater Management**

27 28 **Goal**

29
30 To provide a stormwater system that enhances and maintains livability through
31 balanced, cost-effective solutions to stormwater management.

32 33 **Policies**

34
35 ~~1. The City shall encourage on-site retention of stormwater. However, in in-~~
36 ~~stances where flows are in excess of that generated on-site, or where site~~
37 ~~conditions make this physically impracticable, a combination of piped sys-~~
38 ~~tems and natural drainage systems may carry stormwater off-site to ap-~~
39 ~~proved collection or dispersion facilities.~~

40
41 ~~2. The quality and quantity of recharge to the City's sole source aquifer shall be~~
42 ~~maintained consistent with use of the aquifer as a domestic water source.~~

- ~~3. Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance.~~
- ~~4. City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems.~~
- ~~5. Storm drainage facilities, as approved by the City, may include culverts, dry-wells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards. Such facilities shall be a part of all subdivisions, planned unit developments, street construction or improvements, commercial and industrial development or other developments which may impact storm drainage patterns.~~
- ~~6. Stormwater shall be managed to protect water quality of streams, rivers, and other waterbodies.~~
- ~~7. Stormwater management shall be consistent with the City's adopted Stormwater Management Plan.~~

Policies

1. Protect water quality in ground and surface waters from the effects of urbanization through land use and development policies and procedures.**
2. Prevent adverse flooding conditions through natural storage and slow release of surface water and runoff.**
3. Foster and support the design and use of innovative stormwater management practices, including the incorporation of properly-designed constructed wetlands into public and private stormwater systems.**
4. Tailor stormwater management plans and practices for new development and re-development to the Oregon coastal environment in a manner that can adapt to changes in temperature and precipitation, and other notable climate change impacts.**
5. Promote water conservation through efficient landscape and irrigation, including water reuse and recycling, and other strategies to reduce water consumption, to reduce the need for new drinking water sources and/or expanded water storage.**

- 1
2 6. Work with the development community to increase their awareness of,
3 and concern for, water quality and fish and wildlife habitat; and encourage
4 them to actively seek new and innovative ways to design stormwater sys-
5 tems in a manner that best achieves water quality and quantity objec-
6 tives.*²
7
8 7. Provide public information on how personal choices and actions affect wa-
9 tershed health.*
10
11 8. Protect the quality of water in surface waters, i.e., the estuary, creeks,
12 lakes, wetlands, and ocean/beach, from contamination threats that could
13 impair the quality of the water for fish and wildlife habitat and human rec-
14 reation.**³
15
16 9. Planned public stormwater projects and their general location shall be consistent
17 with the project lists and locations described or mapped in the City's adopted Public Fa-
18 ility Plan for stormwater.
19
20 10. Stormwater management facilities are required for public and private de-
21 velopment and shall be designed, installed and maintained in accordance
22 with Florence City Code Title 9 and the policies of the Comprehensive
23 Plan.
24
25 11. Protect and improve surface and ground water quality and quantity in the UGB by
26 developing regulations or instituting programs for stormwater to:
27
28 a. Increase public awareness of techniques and practices private indi-
29 viduals can employ to help correct water quality and quantity problems;
30 a. Improve management of industrial and commercial operations to re-
31 duce negative water quality and quantity impacts;
32 a. Regulate site planning for new development and construction to better
33 manage pre- and post-construction storm runoff, including erosion, ve-
34 locity, pollutant loading, and drainage;
35 a. Increase storage and retention and natural filtration of storm runoff to
36 lower and delay peak storm flows and to settle out pollutants prior to
37 discharge into waterways;
38 a. Require on-site controls and development standards, as practical, to
39 reduce offsite impacts from stormwater runoff;
40 a. Use natural and simple mechanical treatment systems to provide
41 treatment for potentially contaminated runoff waters;

² *Guiding Principle for Public Education and Stewardship

³ **Guiding Principle for Water Quality and Quantity

- 1 a. Reduce street-related water quality and quantity problems;
2 a. Regulate use and require containment and/or pretreatment of toxic
3 substances;
4 a. Include containment measures in site review standards to minimize the
5 effects of chemical and petroleum spills; and
6 a. Use dry wells only when other tools for managing stormwater are not
7 feasible; and consider impacts to wellhead protection areas, surface
8 water supplies, and groundwater quality in the design and location of
9 dry wells. Dry wells are required to be permitted through DEQ as an
10 Underground Injection Control Device. In order to protect the North
11 Florence Sole Source Dunal Aquifer, use of this tool shall be only as a
12 last resort in Florence.

13
14 12. Implement changes to stormwater facilities and management practices to reduce
15 the presence of pollutants regulated under the Clean Water Act and to address
16 the requirements of the Endangered Species Act.

17
18 13. Manage or enhance waterways and open stormwater systems to reduce water
19 quality impacts from runoff and to improve stormwater conveyance.

20
21 14. Include measures in local land development regulations that minimize the
22 amount of impervious surface in new development in a manner that reduces
23 stormwater pollution, reduces the negative affects from increases in runoff, and is
24 compatible with Comprehensive Plan policies.

25
26 15. Maintain flood storage capacity within the floodplain, to the maximum extent
27 practical, through measures that may include reducing impervious surface in the
28 floodplain and adjacent areas.

29
30 16. Development shall mitigate all project impervious surfaces through reten-
31 tion and on-site infiltration to the maximum extent practicable. Where on-
32 site retention is not possible, development shall detain stormwater
33 through a combination of provisions that prevent an increased rate of flow
34 leaving a site during a range of storm frequencies as specified in Florence
35 City Code. Surface water discharges from onsite facilities shall be dis-
36 charged to an approved drainage facility.

37
38 17. The quantity and flow rate of stormwater leaving the site after develop-
39 ment shall be equal to or less than the quantity and flow rate of stormwa-
40 ter leaving the site before development, as much as is practicable.

41
42 18. Stormwater shall be managed in as close proximity to the development
43 site as is practicable, and stormwater management shall avoid a net nega-

1 tive impact on nearby streams, wetlands, groundwater, and other water
2 bodies. The quality of stormwater leaving a site after development shall
3 be equal to or better than the quality of stormwater leaving the site before
4 development, as much as is practicable.

5
6 19. The quality and quantity of recharge to the City's sole source aquifer shall
7 be maintained consistent with use of the aquifer as a domestic water
8 source.

9
10 20. All stormwater management activities shall be in conformance with the City's
11 adopted aquifer protection plan in order to assure that the North Florence Sole
12 Source Dunal Aquifer, and the area around the wellheads, is managed with a
13 goal of maintaining the aquifer as a source of domestic water meeting state and
14 federal standards for potability.

15
16 21. Maintenance of stormwater facilities is critical to their functioning, espe-
17 cially with natural systems. The City shall ensure that adequate measures
18 are available to provide, or to require developers and homeowners to pro-
19 vide, on-going maintenance.

20
21 22. All local, state, and federal permit requirements related to implementation
22 of stormwater management facilities must be met by the owner/operator
23 prior to facility use.

24
25 23. Land use activities of particular concern as pollution sources shall be re-
26 quired to implement additional pollution controls, including but not limited
27 to, those management practices specified in Florence City Code Title 9.

28
29 24. The City and Lane County shall adopt a strategy for the unincorporated
30 area of the UGB to: reduce the negative effects of filling in floodplains and
31 prevent the filling of natural drainage channels except as necessary to en-
32 sure public operations and maintenance of these channels in a manner
33 that preserves and/or enhances floodwater conveyance capacity and bio-
34 logical function.

35 36 **Recommendations**

37
38 1. The City, in anticipation of having to rely more heavily on water from wells,
39 should initiate development of a wellhead/ aquifer protection plan in order
40 to assure that the aquifer, and the area around the wellheads, is managed
41 with a goal of maintaining the aquifer as a source of domestic water meet-
42 ing state and federal standards for potability.

1 2.1. The City should maintain the Flood Damage Prevention chapter of City Code (Ti-
2 tle 4, Chapter 4) in continuing conformance with the requirements of the Federal Emer-
3 gency Management Agency (FEMA) in order to retain eligibility for flood insurance for
4 property owners located in the floodplain.

5 6 **Background**

7
8 Stormwater management has become an increasingly important issue in Flor-
9 ence as climatic cycles return to a period of high rainfall, and as developments in
10 the City have been experiencing severe stormwater inundation problems. Larger
11 Oregon cities such as Portland and Eugene have been mandated for a number of years to
12 implement stormwater management in compliance with the Clean Water Act. The City
13 of Florence has chosen to implement stormwater management voluntarily and
14 proactively. The importance of stormwater management in Florence is highlighted by the
15 region’s unique hydrology, climate, and geology that call for unique design and
16 construction techniques.

17
18 There are many advantages to keeping channels open, including, at a minimum,
19 natural biofiltration of stormwater pollutants; greater ability to attenuate effects of
20 peak stormwater flows; retention of wetland(s) habitat, and open space functions;
21 and reduced capital costs for stormwater facilities. An increase in impervious
22 surfaces, without mitigation, results in higher flows during peak storm events,
23 less opportunity for recharging of the aquifer, and a decrease in water quality.

24
25 Stormwater systems tend to be gravity-based systems that follow the slope of the
26 land rather than political boundaries. In many cases, the natural drainageways
27 such as streams serve as an integral part of the stormwater conveyance system.
28 Filling in designated floodplain areas can increase flood elevations above the
29 elevations predicted by Federal Emergency Management Agency (FEMA) mod-
30 els, because the FEMA models are typically based only on the extent of devel-
31 opment at the time the modeling was conducted and do not take into account the
32 ultimate buildout of the drainage area. This poses risks to other properties in or
33 adjacent to floodplains and can change the hydrograph of the stream or river.

34
35 In the late 1990s, tThe City contracted with Brown and Caldwell to prepare a
36 Stormwater Management Plan. The consultants, working with the City’s Storm-
37 water Committee and residents of the community, identified known problem ar-
38 eas and performed groundwater-modeling studies. A range of solutions was
39 prepared, together with ordinances and regulations necessary to implement the
40 plan. The City of Florence Stormwater Management Plan was adopted in 2002
41 as a supporting document for this Comprehensive Plan; was approved by the
42 Oregon Department of Land Conservation and Development as meeting the re-

1 quirements of Statewide Planning Goal 11 Public Facilities Planning; and was
2 later amended through different Ordinances and Resolutions.

3
4 A preliminary draft of the Stormwater Plan was completed in April 2000. The fi-
5 nal Stormwater Management Plan was completed in October 2000. The October
6 2000 Stormwater Plan was accepted by the City Council on November 6, 2000
7 and it was adopted as part of Appendix 11 of this Comprehensive Plan when the
8 Realization 2020 Comprehensive Plan was adopted in 2002. The City Council
9 subsequently took separate, formal action approving the October 2000 Stormwa-
10 ter Plan by adopting Resolution 8, Series 2004, on March 15, 2004.

11
12 One of these amendments was the In July 2006, Branch Engineering prepared
13 the report, “Stormwater Design Report for Spruce Street LID.” prepared by
14 Branch Engineering. This report modified the design for the stormwater system
15 in the northeast section of the Florence UGB. This report was approved by City
16 Council motion on September 5, 2006 and formally incorporated into Appendix
17 11 of the Comprehensive Plan as part of the housekeeping amendments
18 adopted in 2008.

19
20 The 2000 Florence Stormwater Management Plan was based on assumptions
21 and methods used in the 1999 Portland Stormwater Management Manual and it
22 included an Appendix E that provided guidance on the use of Best Management
23 Practices (BMPs). Following several years of experience with these BMPs, the
24 City became aware that they did not always work in Florence’s unique climatic
25 and hydrogeologic environment.

26
27 As a result, in 2011, the City Council adopted amendments to the Comprehensive Plan,
28 including the Stormwater Management Plan in Appendix 11, and the Florence City
29 Code that provide a new legal framework for the design and construction of public and
30 private stormwater facilities. Specifically, the City amended Florence City Code Title 9
31 to adopt by reference the 2008 City of Portland Stormwater Management Plan, 2008
32 City of Portland Erosion and Sediment Control Plan, and the 2010 City of Florence
33 Stormwater Design Manual, prepared by Branch Engineering. The purpose of these
34 amendments was to provide clear direction on how to effectively implement the Stormwater
35 Management Policy contained in this Comprehensive Plan.

- 36
37 **6. Amend the Public Safety Section of Chapter 11 to update the policies and**
38 **recommendations, for consistency with current conditions.**

39
40 **Chapter 11: Utilities and Facilities, Page XI-16**

41
42 **Public Safety and Health-Related Services**

1 **Policies**

- 2
- 3 3. ~~The City shall work to build and maintain its police services at parity with~~
4 ~~similar size communities in Oregon. The City shall provide its police ser-~~
5 ~~uices at parity with similar size Oregon coastal communities.~~
- 6
- 7
- 8 5. The City shall continue to cooperate with other public safety agencies in
9 the provision of emergency management service according to the Western
10 Lane County Emergency Management Plan, included in Appendix 11 of
11 this plan. Additionally, the City shall continue to cooperate and participate
12 with other public safety, governmental and other organizations in the
13 Western Lane Emergency Operations Group (WLEOG). The WLEOG's
14 primary purpose is for emergency response training, public education, and
15 disaster planning.
- 16

17 **Recommendations**

- 18
- 19 7. Police Department staffing levels should be maintained to provide the
20 level of services as determined by the City Council.
- 21

22 **Police Services, Page XI-18 (Third Paragraph)**

23

24 Background

25

26 ~~Police personnel include regular officers, communications officers to man “911”~~
27 ~~center, reserve officers, a police auxiliary and an officer in the schools and a do-~~
28 ~~mestic violence officer. The department has mutual aid agreements with the~~
29 ~~Lane County Sheriff’s Department and the Oregon State Police. Staffing levels~~
30 ~~are less than generally accepted standards for a community of its size within~~
31 ~~Oregon. The police department is also working with SRFPD #1 and other agen-~~
32 ~~cies on emergency/disaster planning.~~

33

34 The Florence Police Department strives to remain a full service police depart-
35 ment. The services offered are: police patrol and investigatory response; 911
36 Communications and Dispatch; a jail operated as a full service local correctional
37 facility; and code enforcement. Police personnel include: police officers; reserve
38 police officers; communications officer to staff the Public Safety Answering Point
39 (911 Dispatch); a code enforcement officer; and an auxiliary. The Department
40 has, and will maintain, mutual aid agreements with the Lane County Sheriff’s De-
41 partment and the Oregon State Police.

42

43

1
2 P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan
3 Amendments\Stormwater\Attachment 1 Comp Plan Amend 6-2-11.doc

1
2
3 **Exhibit B Attachment 2**

4 **Proposed Amendments to Florence Stormwater Management Plan**
5 **For Consistency with the December 2010 City of Florence**
6 **Stormwater Design Manual**
7 **June 2, 2011**

8 The following Draft Amendments show additions in double-underline and deletions in
9 ~~strike-out~~. Portions of Stormwater Management Plan text not shown remain in effect
10 unless noted otherwise.

- 11
12 **1. Amend the Florence Stormwater Management Plan to remove specific de-**
13 **sign requirements which are proposed to be replaced by updated require-**
14 **ments in Florence City Code Title 9. These amendments include deleting**
15 **Appendix E, Best Management Practices which are proposed to be re-**
16 **placed with the requirements in the proposed amendments to Florence City**
17 **Code Title 9.**

18
19 **Florence Stormwater Management Plan, Page 1-10**

20
21 **“Code, Ordinances, and Development Standards**

22
23 City codes, ordinances, and development standards provide direction and support for
24 the SWMP. A new storm water ordinance was developed for the City, including new
25 minimum development standards. This local regulatory framework provides clear direc-
26 tion to developers and contractors concerning the minimum standards and controls re-
27 quired for managing storm water quantity and quality. In addition, the code and ordi-
28 nances provide the City with the authority and responsibility for implementing and en-
29 forcing the program. The policy direction in this Plan is implemented through the provi-
30 sions of Florence City Code, primarily FCC Title 9 Chapter 5. The recommended code,
31 ordinance, and development standards are described in a technical memorandum, pro-
32 vided in Appendix D.”

33
34 **“Best Management Practices**

35
36 The code, ordinance, and development standards ~~recommended as part of the overall~~
37 adopted to implement the Sstorm-water Management Planprogram require that certain
38 types of controls, or Best Management Practices (BMPs), be implemented to ~~reduce-~~
39 manage flow rates and/or improve water quality. BMPs are available for controlling flow
40 rate and water quality. BMPs that may be used in Florence are referenced in Florence
41 City Code Title 9 Chapter 5. Appendix E identifies a list of BMPs that are acceptable for
42 use on projects within the study area. The list should be considered a toolbox that local
43 developers and the City can use to meet the requirements of the SWMP.”

1
2 **Florence Stormwater Management Plan, Page 1-10**

3
4 **“Best Management Practices (BMPs)**

5
6 The code, ordinance, and development standards recommended as part of the overall
7 storm water program require that certain types of controls, or Best Management Prac-
8 tices (BMPs), be implemented to reduce flow rates and/or improve water quality. BMPs
9 that may be used in Florence are those referenced in Florence City Code Title 9, Chap-
10 ter 5. BMPs are available for controlling flow rate and water quality. Appendix E identi-
11 fies a list of BMPs that are acceptable for use on projects within the study area. The list
12 should be considered a toolbox that local developers and the City can use to meet the
13 requirements of the SWMP.”

14
15 **Stormwater Management Plan**
16 **Appendix E: Best Management Practices**

17
18 ~~Stormwater Best Management Practices (BMPs) are activities or facilities used to con-~~
19 ~~trol stormwater quantity, quality, or both. BMPs are required to prevent or mitigate the~~
20 ~~negative impacts associated with growth and to respond to new regulations, especially~~
21 ~~the National Pollutant Discharge Elimination System (NPDES), the Total Maximum~~
22 ~~Daily Load (YMDL) limits, and the Endangered Species Act (ESA). The development~~
23 ~~standards adopted as part of the City of Florence’s Comprehensive Storm Water Man-~~
24 ~~agement Plan identify flow control and water quality criteria tht most likely will require~~
25 ~~the implementation of certain types of BMPs for compliance with these requirements.~~

26
27 ~~The purpose of this document is to provide guidance on the appropriate selection and~~
28 ~~design of stormwater BMPs by reference. By itself, this document is not a design man-~~
29 ~~ual for BMPs. Instead, it provides guidance to the broad range of resources available for~~
30 ~~selecting and designing these facilities.~~

31
32 ~~There are many manuals available that provide guidance for the selection, installation,~~
33 ~~and maintenance of BMPs. The development of one of these documents for the City of~~
34 ~~Florence would be prohibitively expensive and not be a wise use of City resources. In-~~
35 ~~stead, the adoption and use of an existing document is recommended. Of course, the~~
36 ~~unconditional adoption of another city’s or agency’s manual may not be prudent since~~
37 ~~the document was prepared for an area with topography, soils, rainfall, vegetation, land~~
38 ~~use, and political structure that may be quite different from the city of Florence.~~

39
40 ~~This Appendix provides general guidance for the application of stormwater BMPs and~~
41 ~~recommends a BMP manual for adoption by the City of Florence, along with modifica-~~
42 ~~tions and exceptions to tailor the manual to the needs of the Florence area.~~

43
44 **General BMP Guidelines**

1 Stormwater BMPs can be divided into two main categories, preventative and
2 treatment. Preventative BMPs are designed to decrease the volume of runoff or
3 prevent pollutants from mixing with the stormwater. In other words, they take
4 care of the stormwater before it enters the public conveyance system. In
5 general, preventative BMPs are mostly activities rather than facilities. They rely
6 on actions to reduce flow, prevent erosion, or reduce the exposure of
7 construction materials and other potential pollutants to stormwater runoff. Also
8 known as source control BMPs, these types of BMPs include limiting impervious
9 area, preventing erosion, cleaning up work sites, and the covering or containing
10 of chemicals and exposed construction materials. Preventative BMPs tend to be
11 less expensive and more effective than treatment BMPs at reducing pollutants in
12 runoff. Treatment BMPs affect stormwater after it enters the conveyance system. BMPs
13 for treatment are mostly structural facilities rather than activities. Examples in-
14 clude detention/retention ponds, water quality ponds, constructed wetlands,
15 vegetated swales, infiltration facilities, and other similar measures including a
16 number of commercially designed units. These structural measures are more ex-
17 pensive and less effective than preventative BMPs at reducing pollutants in run-
18 off.
19

20
21 Treatment BMPs can be further distinguished in terms of the size of the facility,
22 either regional or on-site. Regional facilities are designed to treat runoff from one
23 than a single site. Typically, a public agency will construct a regional facility to
24 provide coverage for multiple users. In this case, those that discharge to the re-
25 gional facility would usually pay an in-lieu-of fee. Regional facilities have a num-
26 ber of advantages, including: greater reliability, longer life span, and more reli-
27 able maintenance — particularly if it is provided by the municipality. Their disad-
28 vantages include requiring more land, costing more to construct, and requiring
29 maintenance by a public entity.
30

31 On-site facilities are smaller, treating runoff from just that property or subdivision.
32 Advantages of on-site facilities include costs that are borne directly by the prop-
33 erty contributing the runoff, less infrastructure required to transport stormwater,
34 and BMP types that can be closely tailored to the site requirements. On-site dis-
35 advantages are difficulties in ensuring property maintenance, less reliability, and
36 a lack of available space for installation.
37

38 Considering the relative merits of BMPs types, it is recommended that the em-
39 phasis in Florence be on implementing preventative BMPs. Onsite facilities
40 should be encouraged where adequate space exists for installation and clear re-
41 sponsibility for maintenance can be established.
42

43 In addition to these general considerations, the Florence area has several rela-
44 tively unique features that must be considered for stormwater management:

1
2 1. ~~Virtually all of the soils within the city limits are dunal sands, with~~
3 ~~high rates of infiltration. Infiltration is desirable to minimize the~~
4 ~~amount of infrastructure required to transport stormwater flows, in-~~
5 ~~crease base stream flow in the summer months, and recharge the~~
6 ~~aquifer. The City of Florence has traditionally relied heavily on infil-~~
7 ~~tration to dispose of stormwater and this practice should be en-~~
8 ~~couraged in areas that do not threaten the quality of the aquifer.~~

9
10 2. ~~Currently, the existing City well field and Clear Lake are the source~~
11 ~~of drinking water for the entire Florence area. Planning projections~~
12 ~~identify the need for additional wells and well fields to meet the fu-~~
13 ~~ture water requirements of the area. The wells draw water from the~~
14 ~~aquifer that lies beneath the entire area. Consequently, it is very~~
15 ~~important that the quantity and quality of the water infiltrating into~~
16 ~~the ground (and the aquifer) is well managed. Industrial and com-~~
17 ~~mmercial land uses are more likely to generate hazardous pollutants~~
18 ~~than residential, parks and open space areas. As a result, areas up~~
19 ~~gradient from existing and future well field sites should be managed~~
20 ~~carefully to protect the quality of the groundwater. In these areas,~~
21 ~~land uses with a high pollution potential should not be allowed to in-~~
22 ~~filtrate unless certain types of BMPs are implemented to treat the~~
23 ~~surface water prior to infiltration. As an alternative, a piped collec-~~
24 ~~tion system should be considered in these high risk areas to reduce~~
25 ~~the likelihood of aquifer contamination.~~

26
27 3. ~~Much of the flooding within the City limits is due to high groundwa-~~
28 ~~ter tables, rather than surface runoff. This, rather than imperme-~~
29 ~~able soils, limits the use of infiltration in Florence.~~

30 **BMP Manual Comparison**

31
32
33 A number of factors must be considered when deciding upon the most appropri-
34 ate BMP manual for Florence to adopt. The manual should meet the following
35 requirements:

- 36
- 37 ■ ~~Be simple to use;~~
- 38 ■ ~~Address quantity control;~~
- 39 ■ ~~Address quality control;~~
- 40 ■ ~~Be applicable to the soils, climate, vegetation, relevant to Florence;~~
- 41 ■ ~~Allow adjustments for different size rain events;~~
- 42 ■ ~~Provide a selection matrix for BMPs;~~
- 43 ■ ~~Be readily accessible to the engineering and development community;~~
- 44 ■ ~~Be relatively recent (mid to late 1990s);~~

- Contain design details; and
- Be a final version, not a draft.

The results of a comparison of ten manuals considered for use in Florence are shown in Table E-1.

Table E-1. BMP Manual Comparison

	Portland SW Quality 1995	Portland SW Mgmt 1999	USA Sewer Design	Tech Guidance Handbook 1994	Valley County, Idaho 1997	King County	WDOE SW Mgmt Draft 1990	ODOT Hydraulics Manual 1990	Coastal Zone Act 1993	Maryland 1998
Characteristics										
Simple to use	X	X	X	X	X			X		
Quantity control		X	X		X	X	X	X		X
Quality control	X	X		X		X	X		X	X
Relevant soils, climate, vegetation	X	X	X	X		X	X	X	X	
Customized rainfall						X	X	X		
Selection matrix for BMPs	X				X				X	X
Commonly available manual	X	X	X	X	X		X			X
Relatively recent (1990s)	X	X	X	X	X	X	X	X	X	X
Contains design details	X	X	X	X	X	X	X	X		X
Final, not draft	X	X	X	X	X	X			X	X

Recommended BMP Manual

Upon review of Table E-1, it is recommended that Florence adopt the 1999 version of the Portland Stormwater Management Manual as the City's BMP Manual with the following caveats:

- 1) The City of Florence Comprehensive Plan, Zoning Codes, Ordinance, Code and Development Standards are not superseded or replaced by the BMP Manual. The BMP Manual is to be used as a guide for the selection and design of appropriate BMPs. Many of the references throughout the Portland Stormwater Management Manual are specific to the regulatory and physical requirements of the City of Portland. Therefore, the user of the BMP Manual will

1 ~~have to use professional engineering judgment to determine the~~
2 ~~applicability of an approach or technique to the City of Florence.~~

- 3
4 ~~2) — The City of Florence has not adopted Chapters 1 through 5.5 of the~~
5 ~~Portland Stormwater Management Manual. The City has adopted~~
6 ~~Chapters 5.6 through 9 to be used as guidance for selecting and~~
7 ~~designing BMPs for use in the Florence area. The use of equations~~
8 ~~(based on Portland rainfall and soils), the forms and other submit-~~
9 ~~tals identified in the BMP Manual are not to be used unless specifi-~~
10 ~~cally requested by the City Public Works Director or as required by~~
11 ~~City Ordinance, Code or Development Standards.~~
12
13 ~~3) — Exhibit 5-8, Grass Seed Mix should be adjusted in conjunction for~~
14 ~~local conditions as per the characteristics listed.~~
15
16 ~~4) — The rainfall depths shown in Table A-1 shall not be used.~~
17
18 ~~5) — The Simplified Approach discussed throughout the BMP Manual~~
19 ~~shall not be used.~~
20
21 ~~6) — The flow control requirements and techniques defined in Chapter~~
22 ~~6.4 through 6.6 shall not be used.~~
23
24 ~~7) — The use of sumps and sedimentation manholes as defined in Chap-~~
25 ~~ter 6.7.5 shall not be allowed.~~
26
27 ~~8) — Appendices 6-A and 6-B shall not be used.~~
28
29
30

31 P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan
32 Amendments\Stormwater\Attachment 2 Stormwater Management Plan 6-2-11.doc
33

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Exhibit B Attachment 3

Proposed Amendments to Florence City Code Titles 9, 10, and 11 For Consistency with the December 2010 City of Florence Stormwater Design Manual June 2, 2011

The following Draft Amendments show additions in double-underline and deletions in ~~strike-out~~. Portions of Code not shown remain in effect unless noted otherwise.

Florence City Code Title 9: Utilities

1. Amend Florence City Code (FCC) Title 9 Chapter 5 to adopt the 2008 Portland Stormwater Management Manual, 2008 Portland Erosion and Sediment Control Manual, and the Florence Stormwater Design Manual by reference.

Florence City Code Amendments

TITLE 9, CHAPTER 5: STORMWATER MANAGEMENT UTILITY

FCC 9-5-1: GENERAL PROVISIONS

9-5-1-8: Stormwater Manual, Adoption by Reference. Except as noted below in Sections 9-5-1-8 A and B, the standards and requirements contained in the 2008 City of Portland Stormwater Management Manual, the 2008 City of Portland Erosion and Sediment Control Manual, and the City of Florence Stormwater Design Manual, December 2010, are adopted by reference into this Code.

A. The following Sections of the 2008 City of Portland Stormwater Management Manual are not adopted by the City of Florence:

- Appendix A: (City of Portland Code and Policy)
- Appendix B: (Vendor Submission)
- Appendix D: (Submittal Guides)
- Appendix E: (Storm Development Methodology)
- Other Sections that are not directly applicable to Florence or are partially applicable because they have been modified by the Florence Stormwater Design Manual, December 2010.

B. The City of Florence Stormwater Design Manual, December 2010, shall amend and supersede the 2008 City of Portland Stormwater Management Manual.

- 1
2 **2. Amend the Definitions in Florence City Code (FCC) Title 9 Chapter 5 to be**
3 **consistent with the 2008 Portland Stormwater Management Manual, 2008**
4 **Portland Erosion and Sediment Control Manual, and the Florence Stormwa-**
5 **ter Design Manual. The proposed definition for “Stormwater Manual” al-**
6 **lows this term to be used for all references to stormwater facility design**
7 **and it incorporates the reference to both of the 2008 Portland Manuals and**
8 **the 2010 Florence Stormwater Design Manual.**
9

10 **FCC 9-5-1-2: DEFINITIONS**

11
12 **CITY OF FLORENCE STORMWATER DESIGN MANUAL (STORMWATER**
13 **DESIGN MANUAL)** The City-recognized guide to designing and installing Best
14 Management Practices (BMPs) in order to meet the requirements for stormwater
15 facilities in this Title. The Stormwater Design Manual supersedes and amends
16 the 2008 Portland Stormwater Management Manual.

17
18 **FLOW CONTROL** The practice of limiting the release of peak flow rates and
19 volumes from a site. Flow control is intended to protect downstream properties,
20 infrastructure, and natural resources from the increased stormwater runoff peak
21 flow rates and volumes resulting from development. The terms “flow control” and
22 “flood control” are used interchangeably.

23
24 **FLOW CONTROL FACILITY** Any structure or drainage device that is designed,
25 constructed, and maintained to collect, retain, infiltrate, or detain surface water
26 runoff during and after a storm event for the purpose of controlling post-
27 development quantity leaving the site.

28
29 **PORTLAND EROSION AND SEDIMENT CONTROL MANUAL** The technical
30 document that provides guidance for temporary and permanent erosion preven-
31 tion, sediment control, and control of other development activities that can cause
32 pollution during the construction process (before, during, and after clearing,
33 grubbing, grading, and excavation).

34
35 **STORMWATER MANAGEMENT** The planning, design, construction, regula-
36 tion, improvement, repair, maintenance, and operation of facilities and programs
37 relating to ~~flood control, erosion prevention, conservation, and water quality wa-~~
38 ter, flood plains, flood control, grading erosion, tree conservation, and sediment
39 control, utilizing the construction of facilities or structure to control the quantity
40 and quality of stormwater.

41
42 **STORMWATER MANAGEMENT PLAN OR SWMP** The City-recognized plan
43 that was prepared with the input of a Stakeholder Advisory Committee that
44 makes recommendations for addressing flooding problems, improving water
45 quality, and protecting the quantity and quality of the aquifer and valuable natural
46 resources (e.g. wildlife habitat). It is intended to guide upgrades and expansion of

1 the public stormwater conveyance system and related public facilities to meet the
2 area's needs over a 20 year period.

3
4 **STORMWATER MANUAL** The term "Stormwater Manual" means the 2008 City
5 of Portland Stormwater Management Manual, as amended or superseded by the
6 City of Florence Stormwater Design Manual, December 2010, and the 2008 City
7 of Portland Erosion and Sediment Control Manual. The 2008 City of Portland
8 Stormwater Management Manual is the technical document that outlines the City
9 of Florence's stormwater management requirements. The requirements defined
10 in the manual apply to all development and redevelopment projects within the
11 City of Florence on both private and public property, except as amended or su-
12 perseded by the Florence Stormwater Design Manual, as amended by the City of
13 Florence.

- 14
15 **3. Amend various sections of FCC Title 9 Chapter 5 to clean up the formatting**
16 **and to improve clarity and internal consistency.**

17
18 **FCC 9-5-1-6: PUBLIC STORM WATER SYSTEM**

- 19
20 C. Storm drainage and management facilities within a Planned Unit Devel-
21 opments (PUD) may or may not have a publicly owned and maintained
22 system. Generally, if the City owns and maintains the roads and there is
23 free ingress and egress from the community (not gated), then the City may
24 own and maintain the storm water system provided the easement and
25 maintenance requirements of this Code are satisfied. Ownership of the
26 PUD storm water system shall be established prior to the issuance of con-
27 struction permits.

28
29 **FCC 9-5-1-7: EXTENSION OF PUBLIC STORM WATER SYSTEM**

- 30
31 A. If necessary or required, tThe public storm water system shall be ex-
32 tended up to and through to the most distant up gradient and down gradi-
33 ent parcel boundary(ies) to accommodate current and future flows enter-
34 ing or exiting the property, ~~unless otherwise approved by the City~~
35 ~~Consideration and accommodation shall be made for all existing drainage~~
36 routes. Except as otherwise provided, the extension of the public storm
37 water drainage system to serve any parcel or tract of land shall be done
38 by and at the expense of the property owner(s) or applicant. The City may
39 require that a storm water system that serves more than one property be a
40 public system.

41
42 **FCC 9-5-2: PLAN SUBMITTAL REQUIREMENTS**

43
44 **9-5-2-1: GENERAL**

1 A. ~~The Preliminary Development Plan and the Storm Water Management~~
2 ~~Plan are required to prevent or mitigate the potentially negative impacts~~
3 ~~associated with larger site disturbance and development activities. A~~
4 ~~Stormwater Drainage Plan, Storm Water Management Plan or Small Pro-~~
5 ~~ject Requirements are required to prevent or mitigate the potentially nega-~~
6 ~~tive impacts from site disturbance and development activities.~~

7
8 1. The Stormwater Drainage Plan and process is required for projects
9 with less than one acre of land disturbing activities with no special
10 risk to the public health safety and welfare.

11 2. The Stormwater Management Plan and process is required for pro-
12 jects affecting more than one (1) acre, projects that include public
13 stormater system improvements, or projects with special risks to the
14 public.

15 3. Small Projects shall follow the requirements identified in the "Ero-
16 sion Prevention and Sediment Control Practices for Single Family
17 Residences and Small Projects" brochure available from the City.

18
19 **4. Amend FCC 9-5-2 to reformat Sections 2 and 3 to list similar requirements**
20 **in similar fashion and to renumber the differences in the lists so that they**
21 **follow a different numbered or lettered list.**

22
23 **5. Amend FCC 9-5-2-2 to replace the term "Preliminary Development Plan"**
24 **with "Stormwater Drainage Plan" throughout this section of the Code and**
25 **to delete portions of FCC 9-5-2-2-A that are redundant and replaced with**
26 **amendments above.**

27
28 **FCC 9-5-2-2: ~~PRELIMINARY DEVELOPMENT~~ STORMWATER DRAINAGE**
29 **PLAN**

30
31 A. ~~A Preliminary Development Plan is required for all projects not specifically~~
32 ~~identified as being exempt or subject to the modified requirements. The~~
33 ~~plan shall include as a minimum the following:~~

34
35 **6. Amend additional sections of FCC Title 9 Chapter 5 to clean up the format**
36 **and to improve clarity and internal consistency.**

37
38 **FCC 9-5-2-4: ~~EXEMPTION AND MODIFIED REQUIREMENTS~~**

39
40 A. ~~Certain categories of projects are either exempt from this Code or are re-~~
41 ~~quired to follow a modified version of the Code requirements. Projects ex-~~
42 ~~empt from the requirements of this Code include:...~~

43
44 B. ~~For the types of projects described below, the requirements identified in~~
45 ~~the "Erosion Prevention and Sediment Control Practices for Single Family~~
46 ~~Residences and Small Projects" brochure available from the City shall be~~

1 followed. Projects considered “Small Projects” are listed below and shall
2 follow the requirements identified in the “Erosion Prevention and Sediment
3 Control Practices for Single Family Residences and Small Projects” bro-
4 chure available from the City.
5

- 6 **7. Amend FCC 9-5-4-1 for consistency with the definition of “Public Stormwa-**
7 **ter Facility” in FCC 9-5-1-2 and 9-5-1-6.**
8

9 **FCC 9-5-4: MAINTENANCE RESPONSIBILITY**

10
11 **9-5-4-1: PUBLIC FACILITIES**

- 12
13 A. The City will maintain and operate Public Stormwater Facilities and de-
14 finied in FCC 9-5-1-2 and FCC 9-5-1-6. the public storm water drainage
15 system and storm water management facilities that receive storm water
16 within a public right-of-way, on land owned by the City, or within ease-
17 ments dedicated to the City.
18

- 19 **8. Amend Florence City Code (FCC) Title 9 Chapter 5 to make the design crite-**
20 **ria consistent with the 2008 Portland Stormwater Management Manual,**
21 **2008 Portland Erosion and Sediment Control Manual, and the Florence**
22 **Stormwater Design Manual.**
23

24 **FCC 9-5-3: STORMWATER DESIGN CRITERIA**

25
26 **9-5-3-1: GENERAL**
27

- 28 A. The criteria within this section shall be used in the design of public and
29 private stormwater drainage and management systems. Stormwater
30 management facilities shall be constructed in accordance with the Storm-
31 water Manual: the 2008 Portland Stormwater Management Manual, as
32 superseded and amended by the December 2010 City of Florence Storm-
33 water Design Manual; and the 2008 City of Portland Erosion and
34 Sediment Control Manual.
35

36 **FCC 9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL)**
37

- 38 G. Each new development project is responsible for mitigating its impacts on
39 the stormwater system. This mitigation requirement can be satisfied
40 through the use of any of the following techniques, subject to the other
41 limitations identified by this Code:
42

- 43 1. Construction of onsite facilities to limit the flow rate of stormwater
44 runoff leaving the development site, in accordance with the Storm-
45 water Manual,
46

1 2. Enlargement or improvement of the down gradient conveyance sys-
2 tem in accordance with the requirements of this Code and the City
3 of Florence Stormwater Management Plan ~~or as approved by the~~
4 City.

5
6 I. The types of stormwater management controls presented in the Stormwa-
7 ter Manual appendix of the City of Florence Stormwater Management Plan
8 are available for owners and developers to use in satisfying the pre-
9 developed and post-development runoff requirement. More than one of
10 these types of controls may be needed to satisfy the runoff requirement. In
11 areas where the runoff requirement in Section 9-5-3-2-F are exempt or
12 partially exempt, the City may require improvements to the down gradient
13 conveyance system.

14
15 **FCC 9-5-3-3: STORMWATER QUALITY**

16
17 A. Stormwater management facilities to treat stormwater are required for cer-
18 tain types of projects. These water quality facilities shall be designed and
19 constructed for all projects requiring a Stormwater Management Plan and
20 for other projects as required by this section. ~~Acceptable stormwater man-~~
21 ~~agement facilities, or combination of facilities must be in accordance with~~
22 ~~a DEQ approved manual as identified in Oregon Department of Environ-~~
23 ~~mental Quality Stormwater Management Plan Guidelines.~~ Stormwater
24 management facilities required for development shall be designed, in-
25 stalled and maintained in accordance with the Stormwater Manual, which
26 is based on achieving at least 70% removal of the Total Suspended Solids
27 (TSS) from the flow entering the facility for the design storm specified in
28 the Stormwater Manual.

29
30 C. Projects located within the aquifer's Zone of Contribution shall meet, at a
31 minimum, the above requirements (Sections 9-5-3-3-A through 9-5-3-3-C),
32 as applicable, and any additional requirements as identified in the City of
33 Florence Stormwater Management Plan Manual. Projects located in the
34 Zone of Contribution must have pre-treatment facilities prior to infiltration
35 facilities as prescribed in the Stormwater Manual. shall not use infiltration
36 facilities to meet the water quality requirement. When a wellhead protec-
37 tion plan is developed and adopted by the City, this specific requirement
38 may be rescinded or modified by the City."

39
40 G. The types of stormwater management facilities presented in the ~~appendix~~
41 ~~of the City of Florence Stormwater Management Plan~~ Manual are avail-
42 able for owners and developers to use in satisfying the stormwater quality
43 requirement. More than one of these types of facilities may be required to
44 satisfy this requirement.

- 1 9. Amend Section Titles in Title 9-5-5-1 and 9-5-5-2 to correct the section
2 numbers.
3
- 4 10. Amend FCC 9-5-5-1 to clarify when additional improvements or easements
5 may be required.
6

7 **FCC 9-5-5: EASEMENTS**

8
9 **9-5-5-1: PUBLIC FACILITIES**

10
11 A.... Increased easements/improvements may be required on a case-by-case
12 basis depending upon the unique drainage situation or facility mainte-
13 nance requirements.
14

15 **Florence City Code (FCC) Title 10: Zoning Regulations**

- 16
17 1. Amend FCC Title 10, Chapter 3, Off-Street Parking and Loading, to cross-
18 reference Title 9 and to stipulate that Title 9 supersedes and supplements
19 the provisions of Chapter 3, in order to clarify how conflicts between Title 9
20 and this Chapter will be addressed.
21

22 **FCC Title 10**
23 **Chapter 3: Off-Street Parking and Loading**

24
25 **10-3-2: GENERAL PROVISIONS:**

26
27 **A. The provisions of this Chapter shall be in addition to the provisions for**
28 **parking design and construction in FCC Title 9 and, where there are conflicts,**
29 **Title 9 shall prevail.**
30

31
32 **10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS:** All off-street
33 parking spaces shall be improved to conform to City standards for surfacing,
34 stormwater management, and striping and where provisions conflict, the
35 provisions of FCC Title 9 shall prevail. Standard parking spaces shall conform to
36 minimum dimensions specified in the following standards and Figures 10-3(1)
37 and Table 10-3-3:
38

- 39 2. Amend FCC Title 10, Chapter 19, Districts in Sections 6, 7, and 10 to qualify
40 the requirements for stormwater to be directed away from the bank by add-
41 ing, “or as mitigated through the standards in Title 9.”
42
- 43 3. Amend FCC Title 10, Chapter 34, Landscaping, to cross-reference Title 9
44 and to stipulate that Title 9 supersedes and supplements the provisions of
45 Chapter 34, in order to clarify how conflicts between Title 9 and this Chap-
46 ter will be addressed.

1 **FCC TITLE 10**
2 **CHAPTER 34**
3 **LANDSCAPING**

4
5 **FCC 10-34-3: LANDSCAPING**
6

7 **10-34-3-1: Applicability.** Except for single-family and duplex dwelling uses, this
8 Section shall apply to all new development as well as changes of use and ex-
9 pansion as described below, and shall apply in all districts except where super-
10 seded by specific zoning district requirements. These provisions shall be in
11 addition to the provisions of FCC Title 9 and where there are conflicts, the
12 provisions of Title 9 shall prevail.
13

- 14 4. **Amend FCC Title 10, Chapter 36, Public Facilities, to stipulate that Title 9**
15 **supersedes and supplements the provisions of Chapter 36, in order to clar-**
16 **ify how conflicts between Title 9 and this Chapter will be addressed; and to**
17 **modify the provisions related to easements and underground utilities to**
18 **ensure consistency with the Stormwater Manual.**
19

20 **FCC Title 10**
21 **Chapter 36: Public Facilities**
22

23 **10-36-1: PURPOSE AND APPLICABILITY**
24

- 25 C. **Engineering Design Criteria, Standard Specifications and Details.**
26 The Standard Specifications for Public Works Construction, Oregon Chap-
27 ter of the American Public Works Association (APWA), as may be
28 amended by the City of Florence, are incorporated by reference. The de-
29 sign criteria, standard construction specifications and details specified in
30 Title 9 of this Code and those maintained by the Public Works Director, or
31 any other road authority with jurisdiction, shall supersede and supplement
32 the general design standards of this Development Code. The City's speci-
33 fications, standards, and details are hereby incorporated into this Code by
34 reference.
35

36 **FCC 10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND**
37 **FIRE PROTECTION**
38

- 39 C. **Existing Watercourse.** Where a proposed development is traversed by a
40 watercourse, drainage way, channel, or stream, there shall be provided a
41 storm water easement or drainage right-of-way conforming substantially to
42 the lines of such watercourse and such further width as will be adequate
43 for conveyance and maintenance to protect the public health and safety
44 and consistency with the Stormwater Manual.
45
46

1 **Florence City Code Title 11: Subdivision Regulations**

- 2
3 1. **Amend FCC Title 11 all chapters to change the term “Drainage Land” to**
4 **“Drainage Facility” and replace this definition with the definition of Drain-**
5 **age Facility in Title 9.**

6
7 **FCC 11-1-3: DEFINITIONS:** For the purpose of this Title, certain words, terms
8 and phrases are defined as follows:
9

10 ~~**DRAINAGE LAND** Land required for drainage ditches or required along a natural~~
11 ~~stream or watercourse for preserving the channel and providing for the flow of~~
12 ~~water therein to safeguard the public against floor damage or the accumulation~~
13 ~~of surface water~~

14
15 DRAINAGE FACILITY Any of a number of types of stormwater conveyance detention, retention
16 or other related facilities, including: pipes, culverts, ditches, natural drainageways, streams, catch
17 basins, inlets, trash racks, and other types of open-channel systems..

- 19
20 2. **Modify the requirements for public improvements in all Chapters of Title 11**
21 **to be consistent with Title 9 and to change the reference to “Title 11 Public**
22 **Improvements” in Title 11 Chapter 4 to Title 9 and Titles 9 and 10, as fol-**
23 **lows.**

24
25 **FCC Title 11 (All Chapters)**

26
27 Information Required: The application or the tentative plan must contain the fol-
28 lowing information with respect to the subject area:
29

- 30 ■ The width and location of all easements for drainage and public utilities.
31 ■ The approximate width and location of all proposed public utility easements.
32 ■ The approximate location of areas subject to inundation or storm water over-
33 flow, all areas covered by water, and the location, width and direction of flow
34 of all watercourses.
35 ■ All proposals for sewage disposal, flood control and easements or deeds for
36 drainage landfacilities, including profiles of proposed drainage ways.
37 ■ All public areas proposed to be dedicated by the partitioner and the proposed
38 uses thereof. In this connection, the application is subject to the requirements
39 pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said re-
40 serve strips shall be clearly indicated on the proposed partition.
41 ■ All public improvements proposed to be made or installed, and the time within
42 which such improvements are envisioned to be completed.
43

1 **TITLE 11**
2 **CHAPTER 4**
3 **MAJOR PARTITION MAP, PLAT PROCEDURE**

4
5 **FCC 11-4-4: APPROVAL OF MAP, PLAT:...** Approval shall be granted pro-
6 vided affirmative findings can be made that: (Amd. Ord 30, Series 1990)....
7

8 C. The proposal conforms to the requirements of this Title, Title 9, all appli-
9 cable provisions of the Oregon Revised Statutes, the Florence Zoning Or-
10 dinance, Comprehensive Plan, and all other applicable laws and regula-
11 tions as well as Section 11-1-1, Purpose, of this Title.
12

13 H. Either:

- 14
15 1. Improvements as required by ~~this~~ Titles 9 and 10, or as a condition of
16 tentative plan approval have been completed and filed with the City;
17 or
18 2. A performance agreement (bond) or suitable substitute as agreed
19 upon by the City and applicant has been filed with the Finance Offi-
20 cer in a sufficient amount of time to insure the completion of all re-
21 quired improvements; or
22 3. A petition for improvements has been properly executed by the ap-
23 plicant who is eaffecting the partition or subdivision and will be as-
24 sessed for said improvements.
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31 P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan
32 Amendments\Stormwater\Attachment 3 Code Amendments 6-2-11.doc

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Exhibit C

Proposed Amendments to Florence Stormwater Design Manual, December 2010 June 2, 2011

The following Draft Amendments show additions in double-underline and deletions in ~~strike-out~~. Portions of Florence Stormwater Manual (Manual) not shown remain in effect unless noted otherwise.

1. **Amend Table 3.1 to remove note #1 because it is a circular reference. The Manual implements, and provides more detailed requirements than, the Code; thus the Manual must be consistent with the Code. If it is not, then either the Manual or the Code needs to be amended.**

Design Manual Policy and Permitting, Page 5:

Table 3.1: Summary of Florence Stormwater Regulation.

~~1. City code and policy is subject to revisions and updates. Refer to current Florence City Code for the most current rules and regulations.~~

2. **Amend the following sections of the Manual to provide clarity and consistency in the terminology.**

Design Manual Design Storm Requirements, Page 17:

“4.5 Design Rainfall

...The design storms, as listed in the City's Florence Stormwater Management Plan Manual, are shown in Table 4.1 below.

Table 4.1: City of Florence Design Storms

Return Frequency	24-hr Rainfall Depth (inches)
<u>Water Quality Design Storm</u>	
<u>Water Quality</u>	0.83
<u>Flow Control (or “Flood Control”) Storms¹</u>	
2- year	3.46
10-year	4.48
25-year	5.06
100-year	5.95”

¹ The terms “Flow Control” and “Flood Control,” as used in this Manual, are interchangeable.

1
2 “For manufactured treatment technologies or other flow rate based treatment
3 facilities the rational method (Q=CIA) equation shall be used with the follow-
4 ing intensities.”
5

6 **Table 4.2: Rainfall Intensity Water Quality Design Storm for Flow Rate-
7 Based Facilities²**

Site Time of Concentration (Minutes)	Rainfall Intensity (inches per hour)
5	0.19
10	0.16
25	0.13

8
9 **Design Manual Chapter 5, Stormwater Facility Design, Page 18**

10 Table 5.3 Stormwater Facilities: Structural Facilities
11

Technique	Simplified	Presumptive For Private	Presumptive for Streets	Performance
Soakage Trench	X			
Drywell	X	X		
Manufactured Treatment Technology		X	X	
Structural detention				X
<u>Pond</u>				<u>X</u>

12
13 **Design Manual Design Storm Requirements Page 22:**

14
15 **“Presumptive Approach Sizing Criteria:**

- 16
17 1) Pollution Reduction Criteria (no flow control): The swale width and profile
18 shall be designed to convey runoff from the Water Quality Design Storm
19 (See Table 4.2) and shall meet the following criteria:
20 ■ Maximum flow depth during the Water Quality Design Storm is 4
21 inches.
22 ■ Maximum water velocity during the Water Quality Design Storm is 0.9
23 feet per second.
24 ■ Minimum hydraulic residence time (time for Q_{design}design flow rate to
25 pass through the swale) of 9 minutes (if infiltration not possible)

² Note: Table 4.2 supersedes and replaces Table 2.5 in the Stormwater Management Plan.

- 1 ■ Minimum longitudinal slope of 0.5 percent, maximum slope of 6 per-
- 2 cent. For slopes greater than 2 percent, check dams shall be used
- 3 (one dam every 12 feet).
- 4 ■ Designed using a Manning "n" value of 0.35 for vegetated swales.

6 **Design Manual Design Storm Requirements Page 33:**

7 **“5.7.1 Soakage Trench Design and Sizing Method**

8 **General Requirements:**

9 Maximum area to be served:

10 15,000 square-feet per trench

11 (1) If designed as the only stormwater destination, the soakage trench shall infil-

12 trate the entire flood control design storm (i.e., 25-year storm) without overflow.

13 **Design Manual Section 7: Source Controls, Page 48:**

14 **“7.1 Site Uses and Characteristics That Trigger Source Controls**

15 Source controls are additional requirements for high risk sites or activities. Projects

16 with the following site uses and characteristics are subject to the requirements of

17 Chapter 4 of the Portland Stormwater Management Manual:

- 18 ■ Fuel Dispensing Facilities and Surrounding Traffic Areas
- 19 ■ Above-Ground Storage of Liquid Materials
- 20 ■ Solid Waste Storage Areas, Containers, and Trash Compactors
- 21 ■ Outdoor Storage of Bulk Materials
- 22 ■ Material Transfer Areas/Loading Docks
- 23 ■ Equipment and/or Vehicle Washing Facilities
- 24 ■ Stormwater and Groundwater Management for Development on Land With-
- 25 Suspected or Known Contamination
- 26 ■ Covered Vehicle Parking Areas

27 Detailed descriptions of these site uses and characteristics can be found in the

28 City of Portland Stormwater Management Manual. Refer to the Portland Storm-

29 water Management Chapter 4 for detailed Source Control Requirements applica-

30 ble within the City of Florence.”

31 P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan Amendments\Stormwater\Exhibit C

32 Design Manual Draft 6-2-11.doc