

**ITEM TITLE:** *Resolution PC 23 26 DR 05 – CLPUD Fence Material Exception*

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**OVERVIEW:**

**Application:** The applicant requests addition of 1 ft. of barbed wire on top of 60 feet of existing 6 ft. chain link fencing on Quince St. and adding approximately 180 feet of 6 ft. chain link fencing and gates with 1 ft. of barbed wire within the parking lot on 10<sup>th</sup> St. FCC 6-1-7-14-A permits barbed wire fencing on commercial, industrial, or public property at the discretion of the Planning Commission/Design Review Board. Since the proposal includes new chain link fencing, which is not a permitted material in Mainstreet Area A, the application represents a request for an expansion of a pre-existing, nonconforming use as regulated by FCC 10-8-2.

**Process and Review:** This request to add new barbed wire on an existing chain link fence represents a Type III land use application requiring a quasi-judicial public hearing by the Planning Commission per FCC 6-1-7-14. This application also requests an expansion of the pre-existing, non-conforming use of chain link fencing building materials as regulated by FCC 10-8-2. An expansion of greater than 25% requires a conditional use permit approved by the Planning Commission.

The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only code sections and comprehensive plan policies and appendices may be applied in the decision-making process. Application materials, public testimony, previous approvals, and research that speak to the criteria may also be considered. In this instance, no public testimony was received.

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**ISSUES/DECISION POINTS:**

**Decision Points:**

1. [FCC 10-34-5-F](#); permits barbed wire in commercial and industrial zones or on public property.

➤ **Site is zoned Mainstreet Area A, a mixed-use zone. Does a People’s Utility District meet the public property requirement?**

2. [FCC 6-1-7-14](#) permits barbed wire fence at the discretion of the PC if:

- Additional security warranted beyond standard fence or other security.
- Fencing constructed to cause least hazards to employees and citizens.
- Potential injury risk less than the risk contained within the site
- No other feasible alternative

This site has existing barbed wire on chain link fencing and proposes expansion.

- **Permit addition of barbed wire on existing Quince St. fence?**
- **Permit addition of barbed wire on proposed 10<sup>th</sup> St. fence?**

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3. [FCC 10-6-6 Downtown Architectural Design](#) criteria apply to this site.
- This site is located in Mainstreet Area A
  - FCC 10-6-6-4-F lists permitted fence materials; chain link not included
  - Approx. 180 feet of new chain link fence and gates are proposed within the parking area on 10<sup>th</sup> St.

➤ **Permit use of new chain link fencing on this site?**

**Issues:**

1. Existing barbed wire did not receive approval. Quince St. barbed wire added between 2012 and 2019. Hwy 126 barbed wire added after 2019. This constitutes a nuisance for code enforcement. PC can however, review and consider the existing barbed wire as part of this request.
2. The amount of chain link expansion area exceeds 25% and thus as requested requires a conditional use permit. This request was not applied for nor noticed. If chain link is approved then the expansion should be reduced to under 25% or a CUP applied for and received.

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**ALTERNATIVES:**

1. Approve the request for the new barbed wire and expansion of the pre-existing, non-conforming use of the chain link fence building materials with the Conditions of approval.
2. Review and recommend changes to the findings and approve the findings as amended;
3. Deny the request for new barbed wire fencing and new chain link fence enclosure based on findings of fact and lack of evidence that the proposal meets or could meet with conditions; or
4. Continue the Public Hearing to a date certain of December 12, 2023;
5. Add the existing barbed wire to the approval.

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**RECOMMENDATION:** 1 & 5: Approve the request for the barbed wire and expansion of the pre-existing, non-conforming use of the chain link fence building materials with the Conditions of approval. Add the existing barbed wire to the approval.

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**AIS PREPARED BY:** Clare Kurth, Assistant Planner

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**ITEM'S ATTACHED** Proposed Resolution  
Exhibit A - Findings of Fact

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Exhibit B - Application & Site Plan  
Exhibit C - Response to Notice of Incomplete  
Exhibit D – Referral Comments

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**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 23 26 DR 05**

A REQUEST FOR BARBED WIRE FENCING AND EXPANSION OF PRE-EXISTING, NON-CONFORMING USE OF CHAIN LINK FENCE BUILDING MATERIALS AS DESIGN REVIEW ELEMENTS FOR CENTRAL LINCOLN PUBLIC UTILITY DISTRICT LOCATED AT 966 HIGHWAY 101 WITHIN MAINSTREET AREA A.

**WHEREAS**, application was made by Rocco Gibson, on behalf of Central Lincoln Public Utility District, for a Design Review approval as required by FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-6; and FCC 6-1-7-14 and,

**WHEREAS**, the Planning Commission met in a duly-advertised public hearing on November 28, 2023, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-6 and FCC 6-1, finds, based on the Findings of Fact, application, staff recommendation, evidence, and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Florence finds, based on the Findings of Fact and the evidence in record that the existing barbed wire fence is approved and the request for opaque chain link fencing topped with one foot of barbed wire to a height of 7 feet meets the applicable criteria in Florence City Code with the conditions of approval as listed below.

**Conditions of Approval:**

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval shall be shown on conditions of approval as supported by the following record:

"A"	Findings of Fact
"B"	Application & Site Plan
"C"	Response to Notice of Incomplete

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision.

1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. A final site plan shall be submitted to the City of Florence Planning Department indicating existing square footage of the chain link enclosure on site and square footage of proposed chain link fencing area. This plan shall also be confirmed with a site visit by City staff prior to any fence work on site. The expansion of the pre-existing non-conforming use of chain link fencing materials shall not exceed 25% of the existing area in accordance with FCC 10-8-2.
4. The request for barbed wire fencing approved by the Planning Commission on November 28, 2023, shall expire on November 28, 2024, unless substantial construction has taken place in accordance with FCC 10-6-11
5. The barbed wire shall be mounted so that it does not extend into the air space of the adjoining property or public or private rights of way.
6. The fencing shall become the ongoing maintenance responsibility of this development. Damaged fencing shall be replaced within two weeks of identification of damage.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD**  
the 28<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Sandra Young, Chairperson  
Florence Planning Commission

\_\_\_\_\_  
Date

**FINDINGS OF FACT  
FLORENCE PLANNING COMMISSION  
Exhibit "A"**

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**Public Hearing Date:** November 28, 2023                      **Planner:** Clare Kurth

**Application:** PC 23 26 DR 05 - CLPUD Fence Materials Exception

**I. PROPOSAL DESCRIPTION**

**Proposal:** Central Lincoln PUD requests both the use of barbed wire fencing on site and an expansion of the pre-existing, non-conforming use of chain link fencing building materials. They propose to install 1 ft. of barbed wire on top of 60 ft. of existing 6 ft. chain link fence and also on top of 180 ft. of new 6 ft. chain link fence and gates to increase security and safety on site.

**Applicant:** Rocco Gibson

**Property Owner:** Central Lincoln PUD

**Location:** 966 Highway 101

**Site #:** 18-12-26-32, Tax Lot 05400, 05500, 05600, and 05700

**Comprehensive Plan Map Designation:** Commercial (5400, 5500, and north portion of 5600)  
Downtown (5700 and south portion of 5600)

**Zone Map Classification:** Mainstreet Area A

**Surrounding Land Use / Zoning:**

**Site:** Utility Facility / Mainstreet Area A (MSA)

**North:** Hotel - Motel Lodging / Commercial

**South:** Retail and Restaurant / MSA

**East:** Office Building / MSA

**West:** Hotel - Motel Lodging / MSA

**Streets / Classification:**

East – Quince Street / Local; North – 10<sup>th</sup> Street / Local; West – Hwy 101 / Major Arterial; South – Hwy 126 / Major Arterial

**II. BACKGROUND/NARRATIVE**

Central Lincoln People’s Utility District (PUD) is located east of Hwy 101 between 10<sup>th</sup> Street and Hwy 126, north east of the Hwy 101 and Hwy 126 intersection. This application includes three components:

- Addition of barbed wire to the existing 6-foot chain link fence along Quince St.
- Addition of 180 feet of 6-foot chain link fence and gates with barbed wire within the parking lot along the 10<sup>th</sup> Street frontage.

- Enclosing 10 parking spaces within a portion of the existing 10<sup>th</sup> St. parking lot, leaving 8 spaces outside the fence.

Previous land use application PC 12 03 CUP 02 for a temporary conditional use permit for a storage building on this site discussed required and available parking onsite. That land use application states that there were 26 parking spaces required and 28 were provided on site. Minimum parking requirements were calculated using a different methodology than is used now based on specific use square footage rather than total building square footage. Parking requirements are not being reviewed during this review process as FCC 10-3 was not included in the review criteria. However, the addition of the proposed fence is not permitted to be installed in a way that will block, eliminate, or encroach into existing required parking spaces. No part of this review process for design review is intended to permit eliminating existing parking spaces.

Issue-- During review of this application and a site visit on November 21 and 22, 2023 it was observed that barbed wire is currently installed on the top of the chain link fencing existing on site in all areas other than the unenclosed parking area on the corner of 10<sup>th</sup> and Quince Street. This barbed wire fencing was not approved. Looking at google drive images the barbed wire along Quince Street is present in the 2019 images, but not 2012 and so was installed between 2012 and 2019. The 2019 Google drive images do not include barbed wire along Hwy 126, so this barbed wire was likely installed after 2019. So, in summary barbed wire fencing is presently installed on the fencing along Hwy 126, Quince Street and on the fencing that extends from Quince Street to the CLPUD building.

A call list from the Florence Police Department indicates additional security measures are warranted on this site. However, the site currently has barbed wire installed and continues to have security issues. Planning Commission is tasked with approval of existing barbed wire that was installed without approval and determining if additional barbed wire is warranted based on FCC 10-6-1-7-14 criteria. These criteria will be discussed in detail in these findings.

Decisions-- Barbed wire fencing is regulated by Florence City Code, Title 6, *Police Regulations*, Chapter 1, Nuisances. Approval of barbed wire fencing is permitted with Planning Commission/Design Review Board approval. The existing fence on site is chain link 6 feet in height. The addition of the barbed wire is anticipated to add an additional 1 foot of height, bringing the total fence to 7 feet in height. This application also requests the addition of fencing along 10<sup>th</sup> Street that will enclose 10 parking spaces. This fence is also proposed to be 6 feet in height with one foot of barbed wire. The proposed fence height of 7 feet is permitted, in accordance with FCC 10-34-5-B through D and is not the subject of review. However, a structural building permit is required for a fence greater than 7 feet in height in accordance with FCC 10-34-5-D-3.

Below are the main issues and decision points to consider. They are addressed throughout this report under the applicable code sections and again in the Conclusion section at the end of these Findings. The main decision points presented in this application are;

1. [FCC 10-34-5-F](#) states barbed wire is only permitted in commercial and industrial zones or on public property. This site is not located in a commercial or industrial zone.
  - **Does the People’s Utility District site meet the criteria for public property?**

2. This site has existing barbed wire on chain link fencing and proposes expansion. In accordance with [FCC 6-1-7-14](#) criteria:
  - **Should barbed wire be permitted on existing Quince St. fence?**
  - **Should barbed wire be permitted on proposed 10<sup>th</sup> St. fence?**
  - **Should the existing barbed wire along Highway 126 and Quince St. be approved?**
  
3. This site is located within Mainstreet Area A and therefore [FCC 10-6-6 Downtown Architectural Design](#) criteria apply to this site.
  - Chain link isn't listed as a permitted fence material under FCC 10-6-6-4-F.
  - Existing chain link fencing is a pre-existing, nonconforming use.
  
  - **Should proposed chain link fence be permitted as an expansion of the pre-existing non-conforming use?**

### III. NOTICES & REFERRALS

**Notice:** On November 8, 2023, notice was mailed to surrounding property owners within 100 feet of the property. Signage with notice copies were posted on site November 8, 2023. Media notice was published in the Siuslaw News November 17, 2023

At the time of this report, the City had received no public comments on the proposal.

**Referrals:** Referrals were sent to the city's Police Department and Code Enforcement on November 13, 2023. Referrals were sent to the City of Florence Public Works Department, Siuslaw Valley Fire and Rescue, and ODOT on November 20, 2023.

At the time of this report, the referral comments were received from:

City Code Enforcement stated there is "much transient activity around the property."

Siuslaw Valley Fire and Rescue stated no issues with proposed project.

### IV. APPLICABLE REVIEW CRITERIA

**Florence City Code:**

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

**Title 10: Zoning Regulations**

- Chapter 1: Zoning Administration, Section 1-6-3
- Chapter 6: Design Review, Section 6-5-1-C & J
- Chapter 27: Mainstreet/Area A, Section 5 -B
- Chapter 34: Landscaping, Section 5-F-4

**Title 6: Police Regulations**

(found at <https://www.ci.florence.or.us/council/title-6-police-regulations>)

- Chapter 1: General Offenses, Section 7-14 (Fences)

### V. FINDINGS OF FACT



Code criteria are listed in **bold**, with response beneath. Only applicable criteria have been listed.

*Conditions have been added for the various decision alternatives. Findings of Fact and Conditions of Approval will be modified and or removed in accordance with Planning Commission's decision.*

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**FLORENCE CITY CODE**

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**TITLE 10: CHAPTER 1: ZONING ADMINISTRATION:**

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**10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:**

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**
- 1. Limited land use decisions for non-residential uses made by staff, for which a request for referral to Planning Commission by the Planning Commission Chairperson or Planning Director has been made.**

[...]

- 5. New construction requiring Design Review.**

[...]

This application represents new construction that requires a Type III Design Review by the Planning Commission. The new construction includes the addition of a chain link fence enclosure along 10<sup>th</sup> Street that also represents an expansion of the pre-existing, non-conforming chain link fence on site.

In accordance with FCC 6-1-7-14 the addition of barbed wire on site required review and approval from the Planning Commission/Design Review Board. These criteria are being met through this process.

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
  - a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**

[...]

- d. **Notice shall be mailed to any person who submits a written request to receive notice.**

The notice of hearing was mailed to all property owners within a 100-foot radius of the subject property on November 8, 2023 and contained all information required in this Code section. These criteria are met.

- e. **For appeals, the appellant and all persons who provided testimony in the original decision.**
- 2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

The public hearing notice was published in the Siuslaw News on November 17, 2023. This criterion is met.

**C. Notice Mailed to Surrounding Property Owners - Information provided:**

- 1. **The notice shall:**
  - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
  - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
  - c. **Set forth the street address or other easily understood geographical reference to the subject property;**
  - d. **State the date, time and location of the hearing;**
  - e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
  - f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
  - g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
  - h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**

- i. **Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

Notice was mailed to all property owners within 100 feet of the proposed site. The notice contained all the required information listed in FCC 10-1-1-6-3-C. This criterion has been met.

**D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.**

**E. Action by the Planning Commission:**

1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission held a duly-noticed public hearing per the procedures of FCC 2-3 and FCC 2-10 on November 28, 2023, to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received. These criteria are met.

**F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**

**Following a decision by the Planning Commission, notice of the action and decision will be mailed to the applicant and any party who has testified either in writing or verbally at the public hearing.**

Upon issuing a decision, a notice of decision will be provided as required in this code section.

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**TITLE 10: CHAPTER 6: DESIGN REVIEW**

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**10-6-5-1: GENERAL APPROVAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT:** Nonresidential projects shall meet the following criteria. The Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

[...]

- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC Landscaping, and any requirements of the underlying zoning district.**

[...]

- J. Public health, safety and general welfare.**

[...]

This section is applicable in these Findings as it establishes fences shall be installed and maintained according to standards set forth in this Landscaping Chapter as well as in accordance with the underlying zoning district requirements. The underlying zoning district related to this Code section is Mainstreet Area A which is regulated by FCC 10-27.

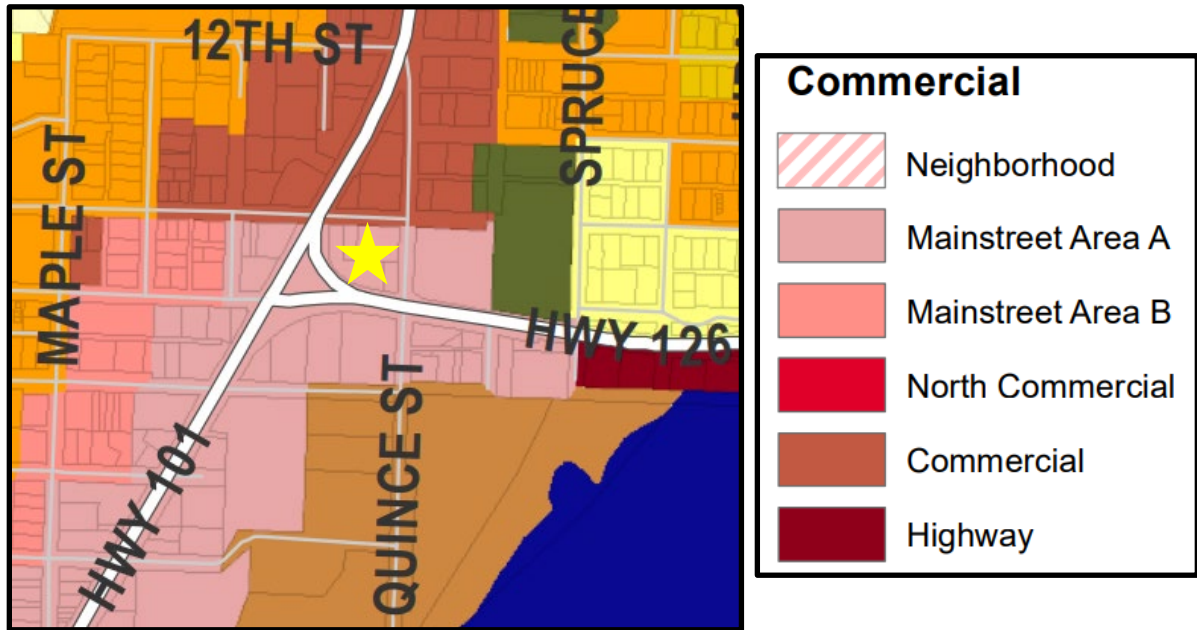
This Code section also establishes that the Planning Commission has the authority to review and place conditions on fencing in the interest of public health, safety and general welfare.

**10-6-6: DOWNTOWN ARCHITECTURAL DESIGN:** The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon’s traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

**Development in the Old Town and Mainstreet districts shall comply with the standards in this section.**

**The City Planning Official, the City Planning Official’s designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.**

This section was included as a reference that the subject site, located within Mainstreet Area A, is subject to the Downtown Architectural Design criteria. In accordance with this code section materials proposed as part of this application shall meet the design criteria for the Downtown area which shall include materials, colors, and architectural style.



**10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS:** Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

[...]

- F. Landscape/Retaining Walls and Fences:** Shall be subject to the FCC 10-34 and the following requirements:
1. **Brick and stone masonry or precast concrete.**
  2. **Architecturally finished exposed concrete.**
  3. **Cement-based stucco over masonry or concrete substrate.**
  4. **Solid wood pickets, lattice and boards.**
  5. **Painted welded metal or iron.**

The barbed wire request will be discussed in more detail under Code Section FCC 6-1-7-14 which regulates general offenses as they relate to fences.

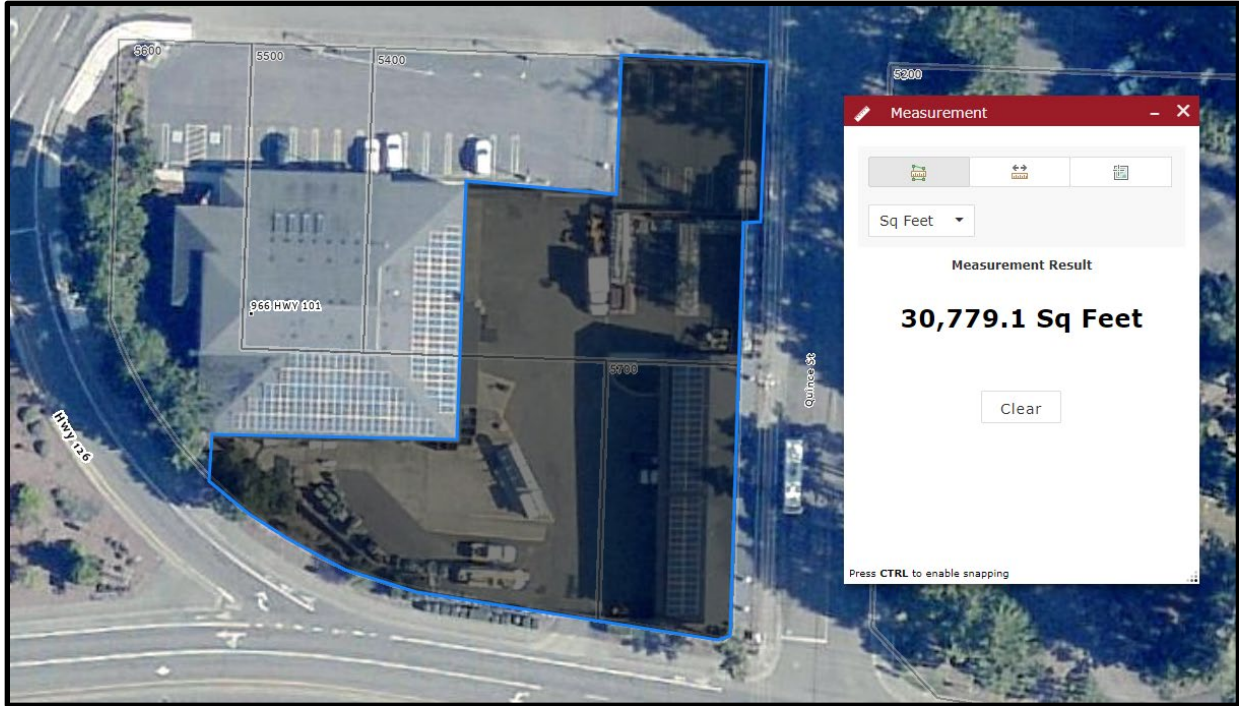
This application proposes an addition of approximately 130 linear feet of chain link fence to run east and west along the 10<sup>th</sup> street frontage and approximately 60 feet of fencing to run north to south that will enclose a parking area containing 10 spaces on site (Exhibit B). 8 parking spaces will remain outside of the fence which includes 2 EV charging stations and 2 ADA accessible spaces. The proposed material is a 6-foot-high chain link fence with a sliding gate on 10<sup>th</sup> Street, a sliding gate with access from the parking lot, and a pedestrian gate with panic button accessible from the parking lot. The image below is from Exhibit B, pg. 5 of 9 and illustrates proposed fence addition and gates.



The existing fence is pre-existing non-conforming. Chain link is not currently a permitted building material and is therefore pre-existing, non-conforming. An expansion of a pre-existing, nonconforming use is regulated by FCC 10-8-2 and states:

**10-8-2: EXPANSION OF PRE-EXISTING, NONCONFORMING USE:** A pre-existing nonconforming use may make a normal expansion of the existing structure for the same use up to twenty five percent (25%) of the existing square footage of floor area. Expansions larger than twenty five percent (25%) require a conditional use permit issued by the Planning Commission under the terms and conditions of Chapter 4 of this Title. Any expansion of a pre-existing, nonconforming use shall be subject to design review under the provisions of Chapter 6 of this Title.

Area	Length	Width	Sq. Ft.
<b>Proposed New Fenced Area</b>	130 feet	60 ft	7,800 sq ft
<b>Existing Fenced Area</b>	See image below	See image below	30,779 sq ft
<b>Proposed Increase</b>			<b>0.253</b> <b>~25% increase</b>



The image above is a snip taken from the Regional Land Information Database (RLID) and provides only an estimate of the enclosed area. This is an estimate, and not exact square footage. When using the measuring tool, the square footage ranged from 29,613 square feet to 32,193 sq. ft.

The request for additional chain link fence, as proposed, requires a new conditional use permit based on the calculations in the table above and criteria in FCC 10-8-2. The proposed chain link fence enclosure appears to be approximately a 25.3% expansion of the preexisting, non-conforming use of the chain link fence building material that is not currently permitted in the underlying MSA zoning district. The addition of new chain link fencing on this site shall be limited to square footage that is up to a 25% expansion of the existing chain link fence enclosure. A final site plan indicating existing square footage of the chain link fence enclosure and proposed area of chain link fencing shall be submitted to the City of Florence Planning Department for review and confirmed during a site visit prior to any fence work on site (**Condition 3**).

These criteria are met or are conditioned to be met.

**10-6-11: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of one (1) year maximum duration based on compliance with the following criteria:**

- A. The request for an extension is made in writing prior to expiration of the original approval.**
- B. There are special or unusual circumstances that exist which warrant an extension.**
- C. No material changes of surrounding land uses or zoning has occurred.**



[...]

The request for barbed wire fencing approved by the Planning Commission on November 28, 2023, shall expire on November 28, 2024, unless substantial construction has taken place in accordance with FCC 10-6-11, (**Condition 4**).

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**TITLE 10: CHAPTER 27: MAINSTREET DISTRICTS**

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**10-27-5 Site and Development Provisions**

**B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:**

**Area “A” as shown on the following page:**

**A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.**

**Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4’ in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6’ in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.**

**Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.**

In accordance with this code section fences on this site shall be in accordance with FCC 10-34 except as modified by this Code section. These criteria apply to landscaping requirements and fences separating parking from rear court yards or eating areas. Neither of these features are present on site.

This site does not abut a residential use or district. There is an apartment complex on the north east intersection of Quince St and 10<sup>th</sup> St, approximately 140 feet away. Additional buffering and screening in accordance with FCC 10-34-3-7-D are not required.

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**TITLE 10: CHAPTER 34: LANDSCAPING**

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**10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:**

[...]

**F. Materials.**

**4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.**

This site is not within either a commercial or an industrial zone. The property is within Mainstreet Area A, a mixed-use zone, regulated by FCC 10-27.

This site is owned by Central Lincoln People’s Utility District (PUD). As stated on the [Central Lincoln PUD](#) website:



“A PUD is a body of local government that provides essential utility services within a specified area. They are granted authority by the Oregon Constitution, Article XI, Section 12, and further defined by [Oregon Revises Statute \(ORS\) 261](#). PUDs are formed by a vote of the people who live within the district, and are directed, managed, and operated locally”

Based on ORS 261 Central Lincoln PUD is a public utility which meets the intent of this code section for public property. This criterion is met.

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## TITLE 6: CHAPTER 1: GENERAL OFFENSES

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### 6-1-7-14: FENCES

**A. [...] Barbed wire fencing may be permitted on commercial, industrial, or public property at the discretion of the Planning Commission/Design Review Board only if the following criteria are met: (Ord. 591, 9-26-77) (Amend. Ord. 12, 2002).**

- 1. Additional security is warranted for health and safety reasons that cannot be addressed by standard fencing or other security measures.**
- 2. The fencing is constructed in a way to cause the least hazard to employees and citizens in its non-deterrent mode.**
- 3. The potential risk of injury from the fencing is less than the risk contained within the business site.**
- 4. There is no feasible alternative.**

The applicant is proposing 1 foot of barbed wire on top of the existing 6-foot fence along Quince Street and barbed wire along a proposed new 6-foot height fence along 10<sup>th</sup> Street.

*A statement from the applicant requests the addition of barbed wire to “add additional security for are employees health and safety along with Upgraded security for are equipment and supply’s. We have had multiple problems with human waste, vehicle tampering, vehicle theft, tools and supplies stolen out of are yard. We have reached out to find a security company to secure the area during off hours with no luck. Central Lincoln has since add security cameras. This is are next step To help prevent problems going forward.” (Exhibit C)*

The barbed wire shall be mounted so that it does not extend into the air space of the adjoining property or public or private rights of way. **(Condition 5)**

The fencing shall be maintained in a manner to ensure it does not sag, rust, or become unconnected from the main fence. The fencing shall become the ongoing maintenance responsibility of this development. Damaged fencing shall be replaced within two weeks of identification of damage. **(Condition 6)**

Based on the statements provided in Exhibit C, it is determined that alternatives to the barbed wire fence have been attempted without success or meeting the facility’s safety and security goals. However, barbed wire fencing has been installed on-site and has not resolved safety and security needs on site. Expanding the use of barbed wire fence may not resolve safety and security issues. These criteria are met or are conditioned to be met.

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## CONCLUSION

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1. [FCC 10-34-5-F](#) states barbed wire is only permitted in commercial and industrial zones or on public property. This site is not located in commercial or industrial zone.
  - o Does the People's Utility District site meet the criteria for public property to permit barbed wire?

The barbed wire is proposed to be installed on the property of the Central Lincoln People's Utility District. In accordance with ORS 261 this is deemed to be within the intent of the Code for public property.

2. Does barbed wire fence meet [FCC 6-7-14](#) criteria?

The applicant has demonstrated that the proposed barbed wire fence is a reasonable request to meet the facility's safety and security goals. The statement provided in Exhibit C expresses that alternatives have been attempted without meeting the facility's needs and this is the next alternative. The barbed wire fence, as proposed along 10<sup>th</sup> Street and Quince Street meets the code criteria as stated in the Findings above.

*This site has existing chain link fence with barbed wire on site and proposes new fencing with barbed wire.*

- o *Should barbed wire be permitted on existing Quince St. fence?*
- o *Should barbed wire be permitted on proposed 10th St. fence?*
- o *Should the existing barbed wire along Highway 126 and Quince St. be approved?*

As previously stated, the barbed wire meets code criteria in FCC 6-1-7-14 and FCC 10-34-5-F. The barbed wire is deemed to be appropriate on both the existing fence, however the existing barbed wire fencing has not resolved safety and security issues onsite. The Planning Commission is tasked with determining with both approving the existing barbed wire on site and determining if additional barbed wire is warranted. The consideration for additional barbed wire should take into consideration the existing barbed wire on site and its effectiveness.

3. This site is located within Mainstreet Area A and therefore [FCC 10-6-6 Downtown Architectural Design](#) criteria applies to this site which includes permitted building materials. Chain link isn't listed as a permitted fence material under FCC 10-6-6-4-F.
  - o *Should proposed chain link fence material be permitted as an expansion of the pre-existing non-conforming use?*

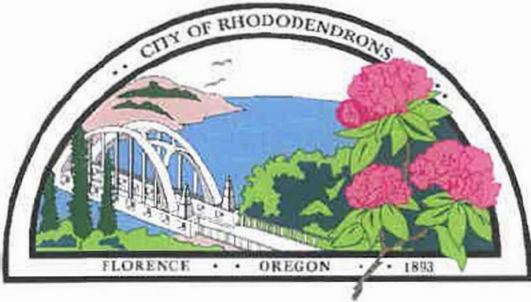
Chain link fence is not a permitted building material in Mainstreet Area A. The existing chain link fence has a pre-existing, non-conforming status. The new fence as proposed does not comply with permitted building materials for the underlying Mainstreet Area A. Therefore, the expansion area of the new chain link fencing is limited to not exceed 25% of the existing chain link fencing enclosure area.

Or, alternatively, revised fencing materials may be submitted for review that are in compliance with FCC 10-6-6-4-F.

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**VI. EXHIBITS**

"A"	Findings of Fact
"B"	Application & Site Plan
"C"	Response to Notice of Incomplete
"D"	Referral Comments



City of Florence

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

**EXHIBIT B**

**Type of Request**

**THIS SECTION FOR OFFICE USE ONLY**

Type I    Type II    Type III    Type IV

Proposal: \_\_\_\_\_

**Applicant Information**

Name: Rocco Gibson Phone 1: [REDACTED]

E-mail Address: [REDACTED] Phone 2: \_\_\_\_\_

Address: 2129 N. coast hwy P.O.Box 1126 Newport, OR 97365

Signature: [Signature] Date: 8/30/23

Applicant's Representative (if any): \_\_\_\_\_

**Property Owner Information**

Name: Central Lincoln Phone 1: [REDACTED]

E-mail Address: [REDACTED] Phone 2: \_\_\_\_\_

Address: 966 Highway 101 Florence OR 97439

Signature: [Signature] Date: 8/30/23

Applicant's Representative (if any): \_\_\_\_\_

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

**For Office Use Only:**

Received

Approved

Exhibit

RECEIVED  
City of Florence  
AUG 31 2023  
By: [Signature]

**Property Description**

Site Address: 966 Highway 101 Florence OR 97439

General Description: Replace and Install new chain link fencing adding two cantilever gates .This is to upgrade security for are employees and equipment stored at this location

Assessor's Map No.: - 12 - 12 - 26 - 3 - 2 Tax lot(s): 3400 - 5500

Zoning District: \_\_\_\_\_

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Project Description**

Square feet of new: \_\_\_\_\_ Square feet of existing: \_\_\_\_\_

Hours of operation: 7am - 5:30 pm Existing parking spaces: 30

Is any project phasing anticipated? (Check One): Yes  No

Timetable of proposed improvements: 12-30-23

Will there be impacts such as noise, dust, or outdoor storage? Yes  No

If yes, please describe: Cutting of asphalt and concrete to mount poles, safety equipment for gates and readers, power for the openers and communication lines .

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

"Central Lincoln is looking to upgrade security to location: 966 Highway 101 Florence OR. We are proposing to add and replace chain link fencing.

The fencing in question is located on the corner of 10th street & Quince street .The 10th street fencing will run east to west adding 130' feet, this will include two cantilever gates. The existing fence on Quince heading south will be stubbed up to add barbed wire The first gate will be a powered cantilever 24' foot gate, opening to the east. The second gate will be a powered swing or cantilever gate and will be opening south or north, if a swing gate is installed. Approximately 250 LF of fencing at 6' foot with one foot of barbed wire will be installed and approximately 60 LF to add to the stubbed Quince fence. A 48" walk through gate with a panic bar will be installed on the south west end of the fence. The gates will be automated and will be open during business hours, this would allow customers and deliveries to pass through."

**For Office Use Only:**

Date Submitted: 8/31/23  
Received by: [Signature]  
Fee: 2,427.04

Paid  
[Signature]



WILLAMETTE FENCE CO., INC.  
Since 1975

11304 N.E. Marx  
Portland, OR 97220

Phone (503) 285-2761  
FAX (503) 255-6410

QUOTATION REVISION #2

TO: Central Lincoln PUD

BID DATE: 8/28/2023

Att: Rocco Gibson

BID TIME:

RE: Office Parking Lot Fence  
Florence, OR

JOB NO.:

ITEM DESCRIPTION

AMOUNT

We propose to furnish and install approximately 250 LF 6' high chain link fence with barbed wire on top, including 2 Each, Cantilever gates (1-14' & 1-24' opening) and one - man gate with panic hardware, for:

35,500.00

New fence to extend to corner of 10<sup>th</sup> Street & Quince.  
Existing fence on Quince heading south will be stubbed up to add barbed wire, approx. 60 LF, to meet up with existing that has barbed wire on it now.

Per the Layout discussed with Dan Drennen.

Locates to be done by Central Lincoln PUD at their expense.

Panic hardware on man gate to be DAC 6040 Panic Hardware Kit.

**GOOD TIL DATE SHOWN BELOW STRICTLY ENFORCED.**

**\*\* Due to unusual changes in the steel market, this quote must be turned into an order, to the degree that we can order materials by 9/30/2023. If converted to an order after that date, we will have to re-evaluate the material costs and customer will have to absorb any increases.\*\***

*UNLESS NOTED OTHERWISE, THIS PROJECT WAS NOT BID TO MEET LEED REQUIREMENTS  
NO CLEARING, GRADING OR STAKING. CUSTOMER RESPONSIBLE FOR UNDERGROUND UTILITIES, CABLES, PIPELINES AND PROPERTY LINE LOCATIONS. NO GROUNDING. NO PERMITS. NO CONCRETE CURBS OR MOW STRIPS. NO CONDUITS. NO HIGH VOLTAGE WIRING. NO WIRE PULLS IN CONDUITS. NO SIGNS. NO TRAFFIC CONTROL OR FLAGGING.  
INDUSTRY STANDARD WARRANTY ONLY, UNLESS OTHERWISE NOTED. JOB BASED ON 1 MOBILIZATION TO JOB SITE TO SET POSTS.*

By:

*Travis Wade, V.P.*

Travis Wade / Vice President

Email: [Travis@Willamettefence.com](mailto:Travis@Willamettefence.com)

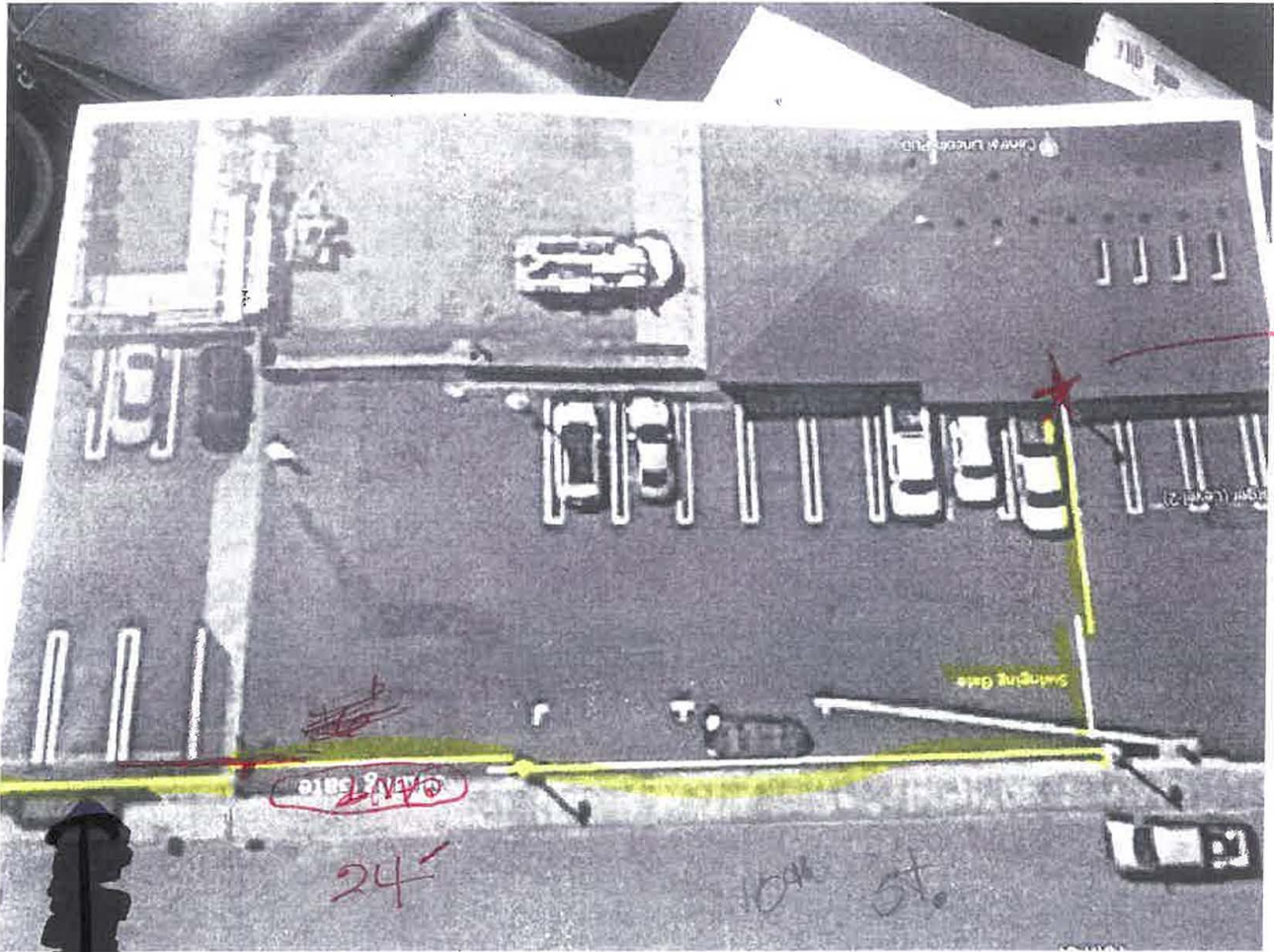




# Florence Office

size of [unclear] plotted on open site

Prince St



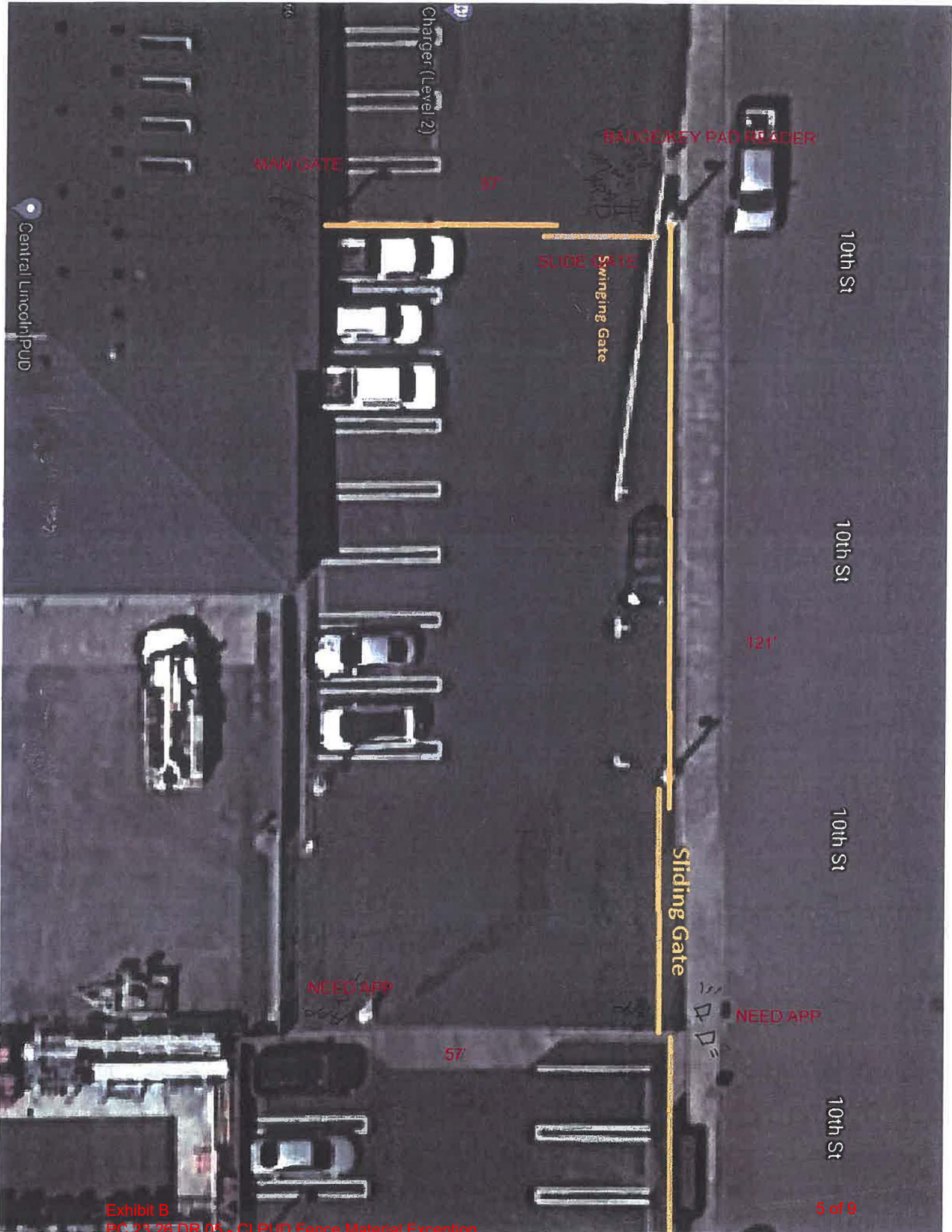
MAN Gate

54'  
59'

8' ch fence @ front parking area

Still There?





Central Lincoln PUD

Charger (Level 2)

BADGE KEY PAD READER

MAIN GATE

57

Swinging Gate  
SLIDE GATE

10th St

10th St

121

10th St

Sliding Gate

NEED APP

NEED APP

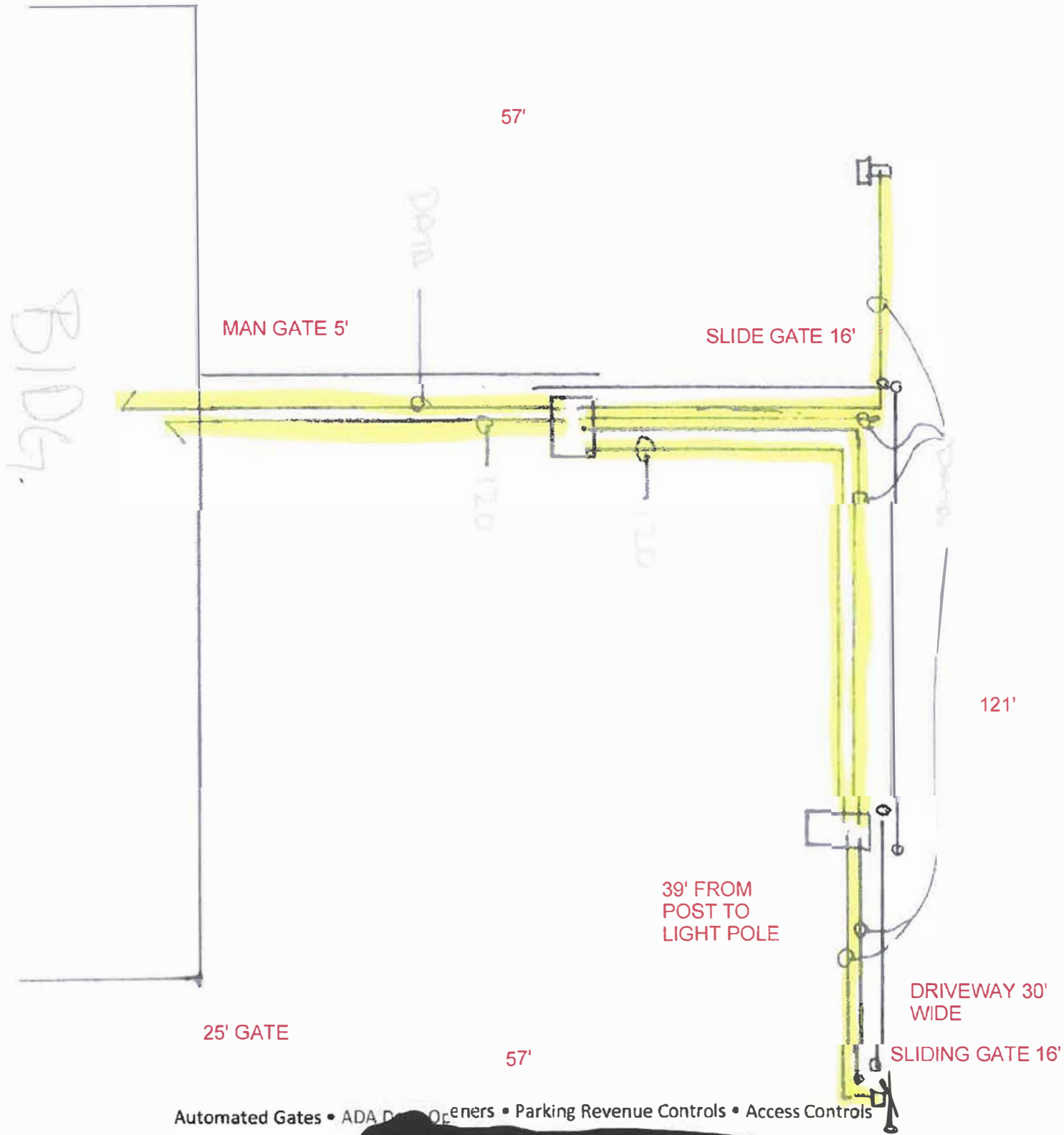
57

10th St





Name: LENEON RUD  
 Job: FENCES  
 Description: CONDUITS



# PROPOSAL

Pg. 3 of 3



**For:** Central Lincoln County PUD

**Phone:** 877.265.3211

**Address:** 966 US 101; Florence, OR 97439

**Date:** 08/24/2022      **Terms:** Budget quote.

**Job Address:**

**Email:** DDrennen@cencoast.com

**Attention:** Dan Drennen

## WE PROPOSE TO FURNISH THE FOLLOWING

## AMOUNT

**Notes:**

- \* Excavated dirt and materials to be spread on site, within 30' of the gate, unless otherwise negotiated. Let us know if this is not possible.
- \* If electrical option not chosen – No permits, bonds, trenching, conduits, piping or wire pulls to opener, keypad/s or eyes are included in this quote – We will provide wire specs and layouts per your request.
- \* Labor quoted at standard wage rates during normal working hours.
- \* UL325 requires gate & counterbalance to be fully meshed with no holes larger than 2 1/4". Rollers must have protective covers & pedestrians must have egress other than automated gate – These requirements to be the responsibility of fence contractor.
- \* The above quotation is based on Metro Overhead Door, Inc. standard insurance limits. We do not carry Builder's Risk, Professional Liability, Errors & Omissions or Crime Fidelity Insurance.
- \* If insurance buy-in (OCIP) program is required, we will charge additional fees for administrative & "real" costs to cover our participation.
- \* Price based on normal ground conditions & does not include boring in rock. Metro not responsible for damage to non-located or non-locatable utilities or services.
- \* Operator requires a 20 amp dedicated breaker.
- \* IF CITY APPROVAL PROCESS IS REQUIRED, WE EXCLUDE ALL RELATED COSTS INCLUDING, BUT NOT LIMITED TO, PLAN REVIEW FEES, SURVEYS, BUILDING PERMITS.
- \* Price based on assumption of solid structure. Any extra work due to degradation of structure will be charged on a T&M basis as authorized.
- \* Quote assumes wiring in conduit is not crushed and can be pulled through.
- \* Flaggers, if required for traffic direction, are the responsibility (and cost) of others.
- \* Truck and equipment access to work area for material delivery and installation will need to be allowed.
- \* This proposal is based on normal digging conditions (Price is subject to change if unforeseen rock and fill material is encountered).

DATE INSTALLATION DESIRED

TOTAL

The above proposal is valid for 30 days. Agreements are contingent upon strikes, accidents or other conditions beyond our control. We carry manufacturers', contractors', & employers' liability & workman's compensation insurance. Customer agrees that all equipment is the property of contractor & allows contractor access to property to remove equipment if full payment is not made per contract terms. A 1 1/2% finance charge per month is charged on all past due accounts, plus all attorney fees & court cost for collection.  
 CCB # 46091 CC # METROOD121MJ CENTRAL LINCOLN PUD FLORENCE



WE ACCEPT THE ABOVE PROPOSAL:

2525 NE COLUMBIA BLVD PORTLAND OR. 97211  
 (503) 595-4716 (503) 285-1793 Fax

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Submitted By: PATRICK DUTY  
 G20220601

# PROPOSAL

Pg. 2 of 3



**For:** Central Lincoln County PUD

**Phone:** 877.265.3211

**Address:** 966 US 101; Florence, OR 97439

**Date:** 08/24/2022      **Terms:** Budget quote.

**Job Address:**

**Email:** [REDACTED]

**Attention:** Dan Drennen

## WE PROPOSE TO FURNISH THE FOLLOWING

## AMOUNT

**Low Voltage Electrical Option for (2) Gate Locations:**

- Supply a conduit layout drawing for devices called out in automation scope.
- Provide and install wet rated, low voltage wire in existing conduit raceways (by others).
- Final wiring and termination of low voltage devices.
- Supply low voltage electrical permit and schedule inspection with local municipalities.
- Test system, **ADD**

[REDACTED]

**Warranties:**

- \* Liftmaster Elite series opener – 5 years parts, no warranty on battery.
- \* All other parts & labor – 1 year.
- \* Warranty work not covered for operation during ice/snow build up – Warranty work done during normal working hours.
- \* No warranty on reconnected/existing equipment or customer supplied parts.

**Exclusions:**

- \* Patching, painting, database programming.
- \* Conduit, conduit runs, wire, wire pulls and bollards, other than low voltage.
- \* Excludes any potential correction of code violations that may currently exist.
- \* Fence and gate work.
- \* Asphalt, landscape, repair thereof.
- \* Access control, card readers.
- \* All electrical, other than low voltage.
- \* All permits, engineering, testing, inspections, signage, and traffic control, other than low voltage.
- \* Removal of spoil, clearing, grading, grubbing, surveying and staking of gate work area.
- \* Private underground utility repairs and locates, including irrigation systems.
- \* Saw cutting, core drilling, concrete mow strips, block outs, and imbeds, other than for loops.
- \* Any attachments and/or other materials not covered by (scope) above.
- \* **Exclusion Note:** Low voltage work will only be done if the option is accepted and paid for.

DATE INSTALLATION DESIRED

TOTAL

The above proposal is valid for 30 days. Agreements are contingent upon strikes, accidents or other conditions beyond our control. We carry manufacturers', contractors', & employers' liability & workman's compensation insurance. Customer agrees that all equipment is the property of contractor & allows contractor access to property to remove equipment if full payment is not made per contract terms. A 1 1/2% finance charge per month is charged on all past due accounts, plus all attorney fees & court cost for collection.  
 CCB # 46091 CC # METROOD121MJ CENTRAL LINCOLN PUD FLORENCE



WE ACCEPT THE ABOVE PROPOSAL:

2525 NE COLUMBIA BLVD PORTLAND OR. 97211  
 (503) 595-4716 (503) 285-1793 Fax

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Submitted By: PATRICK DUTY  
 G20220601

# PROPOSAL

Pg. 1 of 3



For: Central Lincoln County PUD

Phone: 877.265.3211

Address: 966 US 101; Florence, OR 97439

Date: 08/24/2022 Terms: Budget quote.

Email: [REDACTED]

Job Address:

Attention: Dan Drennen

## WE PROPOSE TO FURNISH THE FOLLOWING

AMOUNT

Metro Access will provide all labor, materials, equipment, and supervision for the following work:

*Due to current supply chain limitations, shipping and manufacturing times are unknown and will need to be verified upon approval of project.*

### Automate Existing Single Swing Gate:

- Install:
- 1) Liftmaster Elite high cycle swing gate opener, Model CSW-24UL UL325, ½ HP, 115 volt with dual gearbox drive, manual release, and E.R.D. sensor. Includes built-in battery backup for operation during power failure.
    - For gates up to 16' long.
  - 1) Concrete mounting pad for opener.
  - 1) Sawcut vehicle presence loop – Keeps gate from closing if vehicle is present.
  - 1) Sawcut “shadow” vehicle presence loop (under gate swing path).
  - 1) Sawcut free exit loop – Allows all vehicles to exit.
  - 1) MAG13 Magnetic lock - 1,300 lbs.
  - 1) Gooseneck pedestal fabricated from 3 × 3 tube powder-coated finish – Set on concrete pad.
    - For others to install access controls.
  - 2) Gate edge contact sensors (along bottom of gate) – **Required by UL325 code.**
  - 1) Set of Liftmaster LMTBUL monitored infrared eyes with heater.

### Automate Existing Single Slide Gate:

- Install:
- 1) Liftmaster Elite high cycle slide gate opener, Model CSL-24UL UL325, ½ HP, 115 volt with gearbox drive, crank release, and E.R.D. sensor for UL-325 compliance. Includes built-in battery back-up for operation during power failure.
  - 1) Concrete mounting pad for opener.
  - 1) Sawcut vehicle presence loop – Keeps gate from closing if vehicle is present.
  - 1) Sawcut free exit loop – Allows all vehicles to exit.
  - 1) District fire switch - Fire access box that allows emergency vehicle access.
  - 3) Gate edge contact sensors with wireless remotes – **Required by UL325 code.**
  - 1) Set of Liftmaster LMTBUL monitored infrared eyes with heater.
  - 1) 7-day timer – Digital and programmable to hold gate open during set times.
- Supply:
- One year labor warranty.
  - 1) Set of digital O&M Manuals.

[REDACTED]

DATE INSTALLATION DESIRED

TOTAL

The above proposal is valid for 30 days. Agreements are contingent upon strikes, accidents or other conditions beyond our control. We carry manufacturers', contractors', & employers' liability & workman's compensation insurance. Customer agrees that all equipment is the property of contractor & allows contractor access to property to remove equipment if full payment is not made per contract terms. A 1 ½% finance charge per month is charged on all past due accounts, plus all attorney fees & court cost for collection.  
 CCB # 46091 CC # METROOD121MJ CENTRAL LINCOLN PUD FLORENCE



WE ACCEPT THE ABOVE PROPOSAL:

2525 NE COLUMBIA BLVD PORTLAND OR. 97211  
 (503) 595-4716 (503) 285-1793 Fax

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Submitted By: PATRICK DUTY  
 G20220601

**From:** [Gibson, Rocco](#)  
**To:** [Planning Department](#)  
**Subject:** Application PC 23 26DR 05  
**Date:** Tuesday, October 10, 2023 2:18:48 PM  
**Attachments:** [image001.png](#)

---

# Exhibit C

Hello,

I received a letter concerning my application PC 23 26DR 05 .This application was deemed incomplete ?Sorry for any confusion on my part of the application . This project is to add additional security for are employees health and safety along with Upgraded security for are equipment and supply's .We have had multiple problems with human waste ,vehicle tampering, vehicle theft , tools and supplies stolen out of are yard .We have reached out to find a security company to secure the area during off hours with no luck .Central Lincoln has since add security cameras .This is are next step To help prevent problems going forward .Please let me know what to complete to move forward with this .

Thank you ..

Rocco Gibson  
Facilities Supervisor  
541-270-4049



Central Lincoln hours:  
Mondays –Thursdays 7 a.m. – 5:30 p.m. (closed Fridays)