
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 4
Meeting Date: February 22, 2022

ITEM TITLE: Resolution PC 21 38 MOD 01 – Oak Commons Fence Mod

OVERVIEW:

This is the 2nd meeting for this agenda item. On January 25, 2022 the public hearing was opened for this application. The hearing was continued to a date certain of February 22, 2022 in order for the applicant to work with the developer on private party financial matters related but not pertinent to this application hearing. The below information was presented in the January 25, 2022 AIS and is repeated for clarity and continuity of information.

Application: The applicant, Oak Street Commons HOA, requests a modification from requirements to have an 8-foot wood fence to keep their existing 6-foot wood fence along 32nd St. at the Oak Commons Townhome PUD. The PUD was approved in November of 2019 and conditioned by the Planning Commission under Condition 6.9 of Resolution PC 19 16 SUB 02 and PC 19 17 PUD 02 to install an 8' wood fence and install landscaping that would screen from the dust and noise because the Knife River concrete batch plant was located directly north of 32nd St. The approval occurred prior to code changes that are now in place. In June 2021, the applicant received approval for a landscaping plan revision whereupon a conditions check was completed prior to the overall closing out of the townhome project and it was discovered that a 6', and not an 8' wood fence was installed.

Process and Review: This fencing request represents a modification of a prior condition and thus triggers a Type III quasi-judicial hearing by the Planning Commission per FCC 10-1-1-6-3.

The applicable criteria are listed in the "Applicable Criteria" section of the findings. Only code sections and comprehensive plan policies and appendices are policy considerations that 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.

Key Decision Points:

- The Planning Commission will decide about whether the Home Owners Association's request for the fence height reduction meets the criteria of a change of Condition 6.9 in Resolution PC 19 16 SUB 02 and PC 19 17 PUD 02 thereby warranting the fence height reduction.

ISSUES/DECISION POINTS:

ALTERNATIVES:

1. Approve the request, revising the findings and drafting a resolution stating how the application meets the criteria with conditions.
2. Review and recommend changes to the findings and approve the findings as amended;
3. Deny the request to retain the 6' wood fencing 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 March 8, 2022;

RECOMMENDATION:

Planning Staff:

Staff has previously reviewed and issued a decision.

AIS PREPARED BY:

Wendy FarleyCampbell, AICP

ITEM'S ATTACHED**Attachment 1:**

Proposed Resolution
Exhibit A - Findings of Fact
Exhibit B - Application
Exhibit C - Screening Proposal
Exhibit D - Approved Landscape Plans
Exhibit E – Plat of Oak Commons
Exhibit F – Site Photos

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 21 38 MOD 01

AN APPLICATION FOR A MODIFICATION FROM AN 8-FOOT WOOD FENCE TO A 6-FOOT WOOD FENCE ALONG 32ND ST. AT THE OAK COMMONS TOWNHOME PUD

WHEREAS, application was made by Dolly Brock, on behalf of Oak Commons Homeowners Association, for a modification to an approved PUD as required by FCC 10-1-1-4 and FCC 10-23-12; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on January 25, 2022, 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 and FCC 10-23-12, 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 request for a modification from an 8-foot wood fence to a 6-foot wood fence along 32nd St. At the Oak Commons Townhome PUD meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan 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" Land Use Application
"C" Additional landscaping List Proposal
"D" Approved Landscape Plan
"E" Oak Commons Plat
"F" Site Photos

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. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

Landscaping

- 4.1. The applicant shall submit a Landscape Plan for the additional screening plantings to the Florence Planning Department demonstrating that plants have the required container sizes specified in the Tree and Plant List for the City of Florence.
- 4.2. To ensure compliance with FCC 10-34-3-8, the applicant shall maintain their landscaping and replace any failed planting with an equivalent specimen within six months of their dying or removal.

Informational

1. To maintain and ensure visual clearance standards are met, the applicant shall perpetually maintain landscaping so that plants do not grow to obstruct vision clearance areas at internal intersection or intersections with public streets.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 25th day of January, 2022.

<hr/>	1/25/2022
Phil Tarvin, Chairperson	DATE
Florence Planning Commission	

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

Date of Report: January 18, 2022
Application: PC 21 38 MOD 01

Planner: Wendy FarleyCampbell

I. PROPOSAL DESCRIPTION

Proposal: An application for a modification from an 8-foot wood fence to a 6-foot wood fence along 32nd St. at the Oak Commons Townhome PUD

Applicant: Oak Street Commons HOA

Applicant's Representative: Dolly Brock

Property Owners: Oak Street Commons HOA

Location: Oak Commons, South of 32nd St. east of Oak St. and west of Highway 101

Site: Assessor's Map # 18-12-23-23 Tax Lot 11500

Comprehensive Plan Map Designation: High Density Residential and Highway District

Zone Map Classification: High Density Residential and Highway District

Surrounding Land Use / Zoning:

Site: Townhomes / High Density Residential (HDR) & Highway District
North: Concrete Batch Plant/ HDR
South: Single Family Residences/Duplex / HDR
East: Single Family Residence / Highway District
West: Lane Community College / HDR

Streets / Classification:

West: Oak St. / Collector, North: 32nd St. / Local; East: None; South: Alley

II. NARRATIVE

In November 2019 the Planning Commission approved PC 19 17 PUD 02 and 19 16 SUB 02 for Oak St. Commons a 16-unit townhome project. The timing of the submittal occurred prior to the housing code update and the project was processed as a PUD as it was the only way to approve single family attached on lots less than 6000 sq. ft. in size. Projects applying after December 2019 would use the code currently in place now. Many of the requirements would not be part of a current application.

The applicant received approval for a landscaping plan revision in June 2021. The application initially included a change to the 32nd St. fence from 8 ft. wood to a 6' chain link. The applicant pulled that part of the application deciding to instead install what was approved. However, upon

conditions review for closing out the townhome project and refunding the bond it was found the wood fence installed along 32nd St. was 6 ft. in height rather than 8 ft.

The developer then in July applied to modify this requirement. The HOA indicated support of the change. Staff reached out to Planning Commission to inquire if they wished to hold a hearing on the application. The PC did not wish to have it come before them. For this reason, this application was processed as a Type 2 Landscape/PUD Modification. After providing noticing for that application some of the Oak Commons property owners provided testimony against the proposal citing the situation prompting PC's requirement for the 8 ft. fence, to protect the property owners from the sound and dust nuisance, was still present. Staff concurred and denied the proposal.

After receiving the notice of decision, the HOA worked with the developer, landscaper, and ownership group to assess the situation and alternative. In December the HOA applied to change the 8 ft. requirement to 6 ft. An aside and not a criterion for this application, the HOA wishes for the city to release the \$5,000 bond retainer to the HOA to install more landscaping. The City does not have the authority to release bond money to anyone except the bond holder. Additionally, the bond was not only being held for the fence. There are broken curbs that constitute a portion of the private stormwater system within the public alley that require replacement. The developer was notified of this deficiency in the summer of 2021 and they remain unfixed.

III. NOTICES & REFERRALS

Notice: On January 5, 2022, notice was mailed to surrounding property owners within 100 feet of the property, and notice was posted to the property on the same date.

The city received no public testimony.

Referrals: No referrals were sent for this application as no other departments or agencies were affected by the proposed modifications. The proposal was limited to fence height.

IV. APPLICABLE REVIEW CRITERIA (Code in place at time of application)

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-6-2 & 3
Chapter 23: Planned Unit Development, Section 5-E
Chapter 34: Landscaping, Sections 3 and 5

V. FINDINGS OF FACT

Code criteria are listed in **bold**, with finding beneath.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-2: TYPE II REVIEWS – ADMINISTRATIVE REVIEWS:

- A. The Planning Director, or designated planning staff may make administrative decisions (limited land use). The Type II procedure is used when there are clear and**

objective approval criteria and applying City standards requires limited use of discretion.

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

- 6. Type II review is required for modifications to an approved landscaping plan except those changes permitted under the ministerial process, provided the proposed landscaping plan is consistent with the intent and character of the original approval.**

The proposal involves revised fencing height which is governed by FCC 10-34 and 23 in this situation. The request is to modify a PUD approval for an 8 ft. tall fence. This request applied for by the developer was denied previously in October 2021. The HOA has reapplied for the same request.

C. The Director may refer a request for administrative review to the Planning Commission/for decision. If such a referral is made, the request shall be scheduled on the next available Planning Commission agenda, providing that time allows and subject to proper notice requirements.

Since Knife River Concrete is still located to the north and have not applied to relocate to the Service Industrial District as is their plan, this application is being forwarded to the Planning Commission for review and decision. The noticing provided is reviewed below and meet the applicable criteria.

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:

- 3. Modification of greater than 1,500 square feet or greater than 25% of the building square footage, whichever is less.**

The applicant proposes modification of the fence height of an approved PUD. The PUD criteria require a modification to be approved. The review does not involve clear standards and thus requires Planning Commission review.

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.

Notice of the application was provided to property owners within 100 feet of the subject property and posted on the property 21 days prior to the public hearing on January 5, 2022.

- 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.

Notice of the public hearing was published one time within the Siuslaw News on January 19, 2022. 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.**
- 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 January 25, 2022 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received.

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.

TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENT

10-23-12: ADHERENCE TO APPROVED PLAN: The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- 1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.**
- 2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was**

approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.

3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

Oak Commons Townhome development is a Planned Unit Development approved in 2019. It was processed as a PUD because townhomes were not a permitted home design or lot size under standard code provisions at the time of application. Additionally, the design included lots without street frontage which requires a PUD process then and now.

The developer included in his materials for the Oak Commons PUD an 8 ft. fence along the northern property line. The Planning Commission having concern for the impacts the noise and dust nuisances from the concrete batch plant, north of 32nd St., would have on the townhome development conditioned the approval (6.9 below) on an 8 ft. high fence and included native vegetation retention supplemented with broad leaf evergreens.

“6.9. The applicant shall construct an 8-foot tall wood fence along the northern boundary of the development (with a break at the 32nd Street driveway), and a 6-foot tall wood fence along the eastern and southern boundaries of the development (with a break at Pine Street, to accommodate Condition 6.11). The 2-feet of diamond block retaining wall proposed by the applicant, running from the eastern side of the 32nd Street driveway, around the eastern perimeter of the development, ending at Swale D, shall run parallel to the fencing. If the fencing is built on top of the diamond block, then the total height of the structure must not exceed 8 feet above grade on the northern side of the development, or 6 feet above grade on the eastern and southern sides. See also findings pertaining to Condition 5, above: in addition to the requirements of FCC 10-35 (Landscaping), both noise abatement and access (particularly emergency access) shall be considered and met prior to granting building permits for these proposed fences.”

To place the fence along the northern property line, the developer removed most of the native vegetation. A revised planting plan was approved in June 2021 under AR 20 08 LR 03A. The applicant subsequently installed a 6 ft. wood fence along the northern property line instead of 8 ft. The HOA has applied to change the 8 ft. fence requirement to 6 ft. The fence modification request if approved would be an amendment to the PUD approved plan. Code sections 1 and 3 above explain that PUD approval governs the continued use of the buildings, structures, and uses. The criteria to amend a PUD are listed in 2 above and include three opportunities: conditions have changed, development policy has changes or the change in PUD is needed for its continued success.

At present the city has received two applications from a Knife River representative, the concrete company north of the development on 32nd St. One to clear vegetation at a site north of Munsel Lake Road east of Highway 101 and the second, a land use compatibility review for grading and removal and fill. Both of these followed an annexation request to bring the land within the city limits. At present the city does not have an application for design review for the concrete plant operations' move to the Hwy 101 site. If they had moved, there would be ample reason to reduce the fence height from the original 8 ft. requirement. Therefore, while a change is anticipated there is not one yet in the condition of the surrounding area. The 8 ft. fence in combination with vegetation was required to provide noise and dust screening from the concrete plant. The concrete operations are still in place north of the townhomes.

There has been a change in policy whereby the size of the town home lots is now conforming and the townhome use itself is also now conforming. A PUD would not be required for 12 of the 16 homes. So, there has been a change in policy affecting the site although the fence policies have not changed. The Oak Commons Homeowner Association has applied for a reduced fence height, preferring the planting of additional landscaping to help provide noise and dust screening. So, the ownership of the HOA has turned over to the townhome owners from the developer. And the ownership now seeks the change.

For the original request in July several of the homeowners of the development wrote letters in opposition to the request for reasons to include the application did not meet the criteria warranting a reduction, dust and noise from the batch plant, and having bought their home with the knowledge of the 8' fence requirement. As of the date of writing no testimony has been received. The HOA has provided a planting plan for twenty-eight (28) additional planting species along the fence area which consist of a variety of thuga trees and wax myrtles.

The Planning Commission will decide about whether the Home Owners Association's request for the fence height reduction meets the criteria of a change in condition warranting the reduced fence height reduction.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

- D. Abutting Land Use Buffers.** When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Adjoining Land Use / Zoning	Landscaped Buffer and/or Fence or Wall
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

FCC 10-2 defines the following: “ABUT: Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.” Oak St. Commons is adjacent to the Knife River concrete batch plant on its north side, separated by 32nd St. Since the Knife River property and the Oak Commons properties are not abutting or adjoining the above code buffering section does not apply.

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

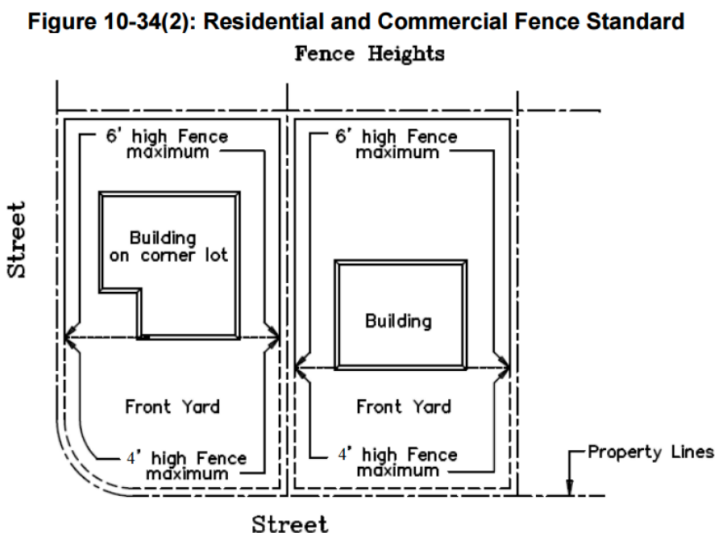
A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed four (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

Figure 10-34(2): Residential and Commercial Fence Standard



C. The following exceptions may be allowed through Type I, II or III Review.

5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

Development not using the PUD criteria (whereby the applicant was offered concessions/trade-offs in the code requirements) would have limited fence construction height to 4 ft. along 32nd St. FCC 10-2 defines the front lot line as "LOT LINE A. Front: The lot or parcel line abutting a street." Because the lot line abutting 32nd St. is the only one abutting a street for all of these properties it is the front.

The conditioned 8' high fence to be placed along 32nd St. was required by the Planning Commission to screen the concrete batch plant's noise and dust. These townhomes' front yards would be along 32nd St. which limits fence height to 4' along that length of road. The townhomes front doors are oriented to the alley and the 32nd St. setback serves as a rear yard but meets the front yard setback standards. The PC imposed a taller fence height in response to the nuisances caused by the batch plant. This action was allowed under C5 above and the PUD criteria. Absent the batch plant a 4 ft. fence would be permitted for new development. Because the fence acts as a rear yard for constructed town homes then absent a batch plant a 6 ft. fence would be appropriate under the PUD approval.

VI. CONCLUSION

The evidence in the record demonstrates that the proposed PUD modification to replace the 8 ft. fence with a 6 ft. fence along the 32nd St. right-of-way is **inconsistent/consistent** with the policies set forth in Florence City Code based on the findings. For this reason, the application is **denied/approved**.

VII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Additional landscaping List Proposal
"D" Approved Landscape Plan
"E" Oak Commons Plat
"F" Site Photos



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

Type of Request

THIS SECTION FOR OFFICE USE ONLY

☐ Type I ☐ Type II ☐ Type III ☐ Type IV

Proposal: _____

Applicant Information

Name: Oak Street Commons HOA Phone 1: [REDACTED]

E-mail Address: [REDACTED] Phone 2: _____

Address: [REDACTED]

Signature: [Signature] Date: 12-15-2021

Dolly Brock

Applicant's Representative (if any): _____

Property Owner Information

Name: Oak Street Commons HOA Phone 1: [REDACTED]

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

Address: [REDACTED]

Signature: [Signature] Date: 12-15-2021

Dolly Brock

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

Property Description

Site Address: Oak Commons, South of 32nd St. east of Oak St. and west of Highway 101

Modification from an 8-foot wood fence to a 6-foot wood fence along 32nd St. at the Oak Commons Townhome PUD

General Description: _____

Assessor's Map No.: 18 - 12 - 23 - 23 Tax lot(s): 11500

Zoning District: High Density Residential and Highway 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): _____

Site: Townhomes/High Density Residential (HDR) & Highway District; North: Concrete Batch Plant/
HDR; South: ~~Single Family Residences/Duplex/HDR~~; East: ~~Single Family Residence/Highway~~
District; West: Lane Community College/HDR

Project Description

Square feet of new: _____ Square feet of existing: _____

Hours of operation: _____ Existing parking spaces: _____

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

Timetable of proposed improvements: _____

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

If yes, please describe: _____

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

An application for a modification from an 8-foot wood fence approved in the original PUD to the existing 6-foot wood fence along 32nd St. at the Oak Commons Townhome PUD. The Builder (Mike Johnson) will trim existing 4"x4" posts and cap with copper pyramid post points (Model 58679). Mike Johnson will further pay for additional landscaping along the 32nd St. fence as recommended by Laurel Bay Gardens not to exceed \$5,000 for materials and labor.

For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid 

Name: Oak Street Commons HOA Phone: Date: 12/02/2021
 Street: Job Name: Tree Planting Proposal
 City, State, Zip: Florence OR 97439 Job Location: Residence

Vegetation Screening Proposal Work Proposal

Plant additional screening trees along fence on outside east area:

- 3 10 gal Thuja X standiish
- 2 10 gal Acer X Franklin's Red

Plant additional screening along outside of fence on west side.

- 12 10 gal Thuja X standiish
- 3 10 gal Acer X Franklin's Red
- 3 5 gal Pacific Wax Myrtle

Plant additional screening along inside of fence on west side.

- 5 10 gal Thuja X standiish

Plants installed with topsoil/compost and added to drip irrigation. Redo bark areas as needed; additional 2 yards new bark put in places as needed.
 All trees staked.

Labor & equipment:	\$1820.00
Plants, Soil/compost, Irrigation parts, Staking materials:	<u>3180.00</u>
Total:	\$5000.00

Bo: [REDACTED] operated under the licensure of the State of Oregon Landscape Contractor's
 State Landscape Contractors Board of Oregon
 2111 Front St NE Ste 2-101, Salem, Oregon 97301
 Phone: 503-967-6291

We propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: Dollars
\$5000.00

Payment to be made as follows: Balance upon completion

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any attention or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized Signature



Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____

Signature: _____

32nd Street

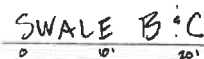
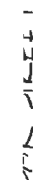


EXHIBIT D

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- EXISTING NATIVE PLANTED, NOXIOUS WEEDS REMOVE
- DRIP IRRIGATION INSTALLED TO ALL PLANTINGS
- BIOSWALE PLANTINGS AND DESIGN ACCORDING TO CITY OF FLORENCE SPECIFICATIONS
- ALL LANDSCAPE AREAS COVERED BY 2" FIR MULCH INCLUDING CITY RIGHT OF WAY ON 32nd & OAK STREETS
- FENCE A: SIX FOOT TALL WOOD FENCE, SOUTH & EAST PROPER
- FENCE B: SIX FOOT TALL CHAIN LINK FENCE, NORTH PROPER & WRAPPING TO BUILDING CORNERS

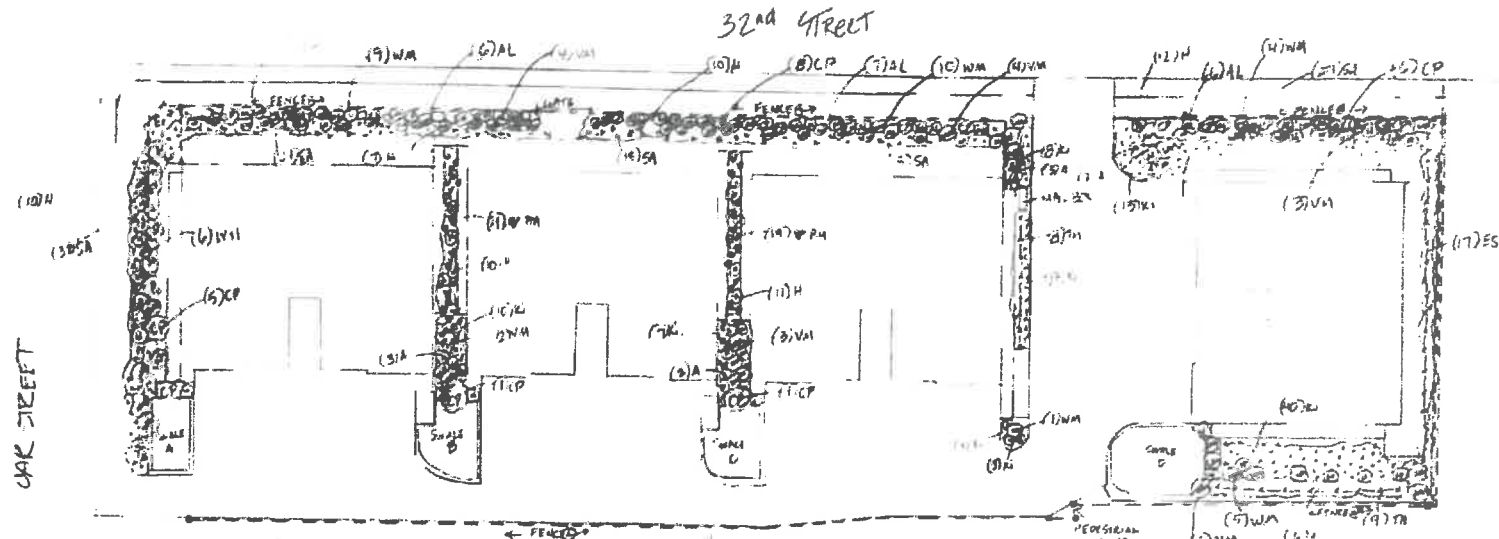


SWALE D

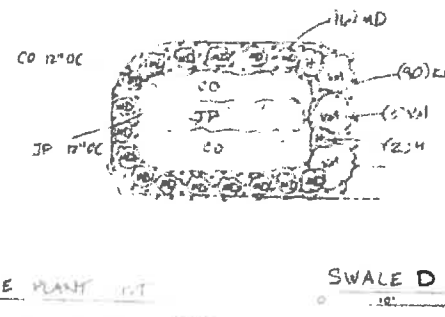
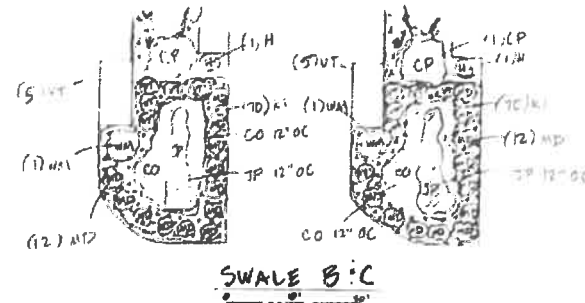
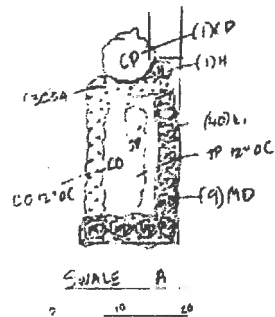
3
2
2
4
4
4
3' 0
2
16" g/c

Exhibit C2

APPROVED
City of Florence
Community Development
Department
Exhibit 02
File Number AR2011R 03A



LANDSCAPE DESIGN
OAK STREET COMMONS
32nd & OAK ST FLORENCE OR
DESIGN BY USA WALTERS BLACK
LAUREL BAY GARDENS



PLANT LIST

29	1 1/2"	ACTIVE TO REMAIN
FX	1 1/2"	
10	1 1/2"	CAST AUSTRIAN DNF
16	1 1/2"	NILE MARLE
35	1 1/2"	PACIFIC HAW MARTLE
60	1 1/2"	EVERGREEN HOLLIBERRY
DI	1 1/2"	NATVE BLUEA
TH	1 1/2"	THUJA GREEN GIANT
S	1 1/2"	SALAL
SL	1 1/2"	ESCALONA ANK PEINERS
DI	1 1/2"	POLYCHUM SHARD FEEN
K	1 1/2"	KINDLE VANICE VANDOVER JADE
SL	1 1/2"	RED ALDER

SPECIFICATIONS -

- ALL PLANTS INSTALLED WITH 75% / 25% BLENDED
- ALL TREES STAKED
- EXISTING NATIVE PRUNED, NON-NATIVE SEEDS REMOVED
- PERM IRRIGATION INSTALLED TO ALL PLANTINGS
- SOIUS PLANTINGS AND DESIGN ACCORDING TO CITY OF FLORENCE SPECIFICATIONS
- ALL LANDSCAPE AREAS COVERED BY 5' x 5' MULCH INCLUDING 1/2 SIGN OF: 1) IN 32' x 32' C&K STREETS
- FENCE A 6' FOOT TALL WOOD FENCE WITH 2" x 4" PICKETS 48" HIGHS
FINISH BY: SIX FOOT TALL WOOD FENCE WITH 2" x 4" PICKETS 48" HIGHS
WRAPPING TO BUILDING FOOTERS

Landscaping Plan
PC 19 17 PUD 02 - Oak Street Commons
06/15/2020

BIOWALE PLANT

3	45'	1 CMT HAUSTRIAN	FINN
3	76	1 MEMBLE	
2	50	PARCEL WAY ATTEL	
10	34	1 BARJUNA "PRING ZOUHET"	
4	56	1 FARBEN HUCKLEBERRY	
49	26	1 WINTER FIRE DOGWOOD	
270	4"	1 FINNIKINICK VANCEVER TADE	
20	16	2 ALAL	
400	4'	1 CHINUS PATENS	
455	1"	1 ARCE BUTNITA	

SWALE D

10

RECORDED
DATE: 20 DEC 2019
COUNTY CLERK
BY: [Signature]

NW 1/4, SEC. 23, T18S, R12W, W.M.
FLORENCE, LAKE COUNTY, OREGON
NOVEMBER 18, 2019

I, EUGENE M. WOBBE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PLAT:

BEGINNING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "WOBBE-ASSOC" MARKING THE NORTHWEST CORNER OF BLOCK 28 FRASIER & BERRY'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 2, PAGE 1, LANE COUNTY OREGON PLAT RECORDS, THENCE SOUTH 90° 00' 00" EAST FOR 385.74 FEET, THENCE SOUTH 0° 05' 28" WEST FOR 119.96 FEET, THENCE NORTH 90° 00' 00" WEST FOR 385.51 FEET, THENCE NORTH 0° 00' 00" EAST FOR 119.96 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON

KNOW ALL MEN THAT DAVID J. BIENENBERG, TRUSTEE UNDER THE DAVID J. BIENENBERG REVOCABLE LIVING TRUST DATED AUGUST 20, 2014 AND MARGARET A. BIENENBERG TRUSTEE UNDER THE MARGARET A. BIENENBERG, REVOCABLE LIVING TRUST DATED AUGUST 20, 2014, DO HEREBY LAY OUT AND SUBDIVIDE THE SAME AS SHOWN ON THIS PLAT IN ACCORDANCE WITH OREGON REVISED STATUTES, CHAPTER 32 AND DO DEDICATE THE PUBLIC UTILITY EASEMENTS AS SHOWN AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER THE PUBLIC ALLEY RIGHT OF WAY AS SHOWN ON THIS PLAT

DAVID J. BIELENBERG, TRUSTEE
DAVID J. BIELENBERG REVOCABLE LIVING TRUST

MARGARET A. BIELENBERG, TRUSTEE
MARGARET A. BIELENBERG REVOCABLE LIVING TRUST

STATE OF OREGON) **SS**
COUNTY OF LANE)

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED DAVID J. BIELENBERG, TRUSTEE UNDER THE DAVID J. BIELENBERG REVOCABLE LIVING TRUST AND MARGARET A. BIELENBERG, TRUSTEE UNDER THE MARGARET A. BIELENBERG REVOCABLE LIVING TRUST KNOWN TO ME OR PROVED BY SATISFACTORY EVIDENCE TO BE THE INDIVIDUALS WHO EXECUTED THE ABOVE DECLARATION AND THAT THE SAME WAS A VOLUNTARY ACT AND DEED

SUBSCRIBED BEFORE ME THIS 12th DAY OF December 2019

NOTARY PUBLIC - OREGON
COMMISSION NO. 4122
COMMISSION EXPIRES.

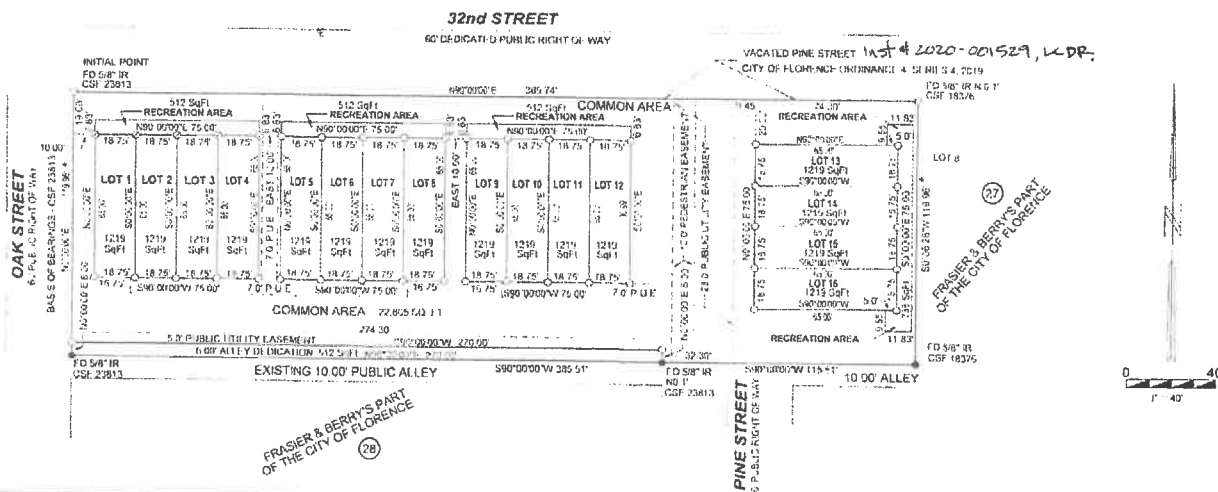
NOTARY PUBLIC - OREGON
COMMISSION NO. 988902
COMMISSION EXPIRES: July 3, 2023

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Eugene M. Wobbe
OREGON
JULY 22 1978
EUGENE M WOBBE
1093
EXPIRATION DATE 01-10-2000

WOBBE & ASSOCIATES, INC.
510 KINGWOOD ST./P.O. BOX 3093
FLORENCE, OR 97439

<i>Le W. Imhoff</i>	12-10-19
PLANNING COMMISSION CHAIRPERSON	DATE
<i>Howard D. Lakin Campbell</i>	12-10-19
PLANNING DIRECTOR	DATE

<i>M. L. C. L. L.</i>	12-20-2019
COUNTY ASSESSOR	DATE
<i>Chas. S. B.</i>	12-13-2019
COUNTY SURVEYOR	DATE
<i>Sam J. ...</i>	12-12-19
LANE COUNTY BOARD OF COMMISSIONERS	DATE



THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE CORNERS OF THE PLAT OF OAK STREET COMMONS. BOUNDARY MONUMENTS WERE FOUND FROM CSF 23613 AND CSF 18376 AS SHOWN. INTERIOR LOT CORNERS WERE MONUMENTED IN ACCORDANCE WITH THE APPROVED TENTATIVE PLAN. THE IRON ROD FOUND AT THE NORTHWEST CORNER WAS DESTROYED BY CONSTRUCTION AND REPLACED WITH 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WOBBE ASSOC."

- SET 5/8" X 30" I R WITH YELLOW PLASTIC CAP MKD "WOBBE ASSOC"
- SET MAG NAIL IN CONCRETE WITH BRASS WASHER MKD "WOBBE ASSOC"
- FD IRON ROD AS NOTED
- * INDICATES MEASUREMENT SAME AS RECORD CSF 40510
- INDICATES PUBLIC UTILITY EASEMENT

CSF 18376
CSF 23813
CSF 40510

CONDITIONS, COVENANTS AND RESTRICTIONS RECORDED
December 20 2019, DOCUMENT NO. 2019-58456
LANE COUNTY DEEDS AND RECORDS, LANE COUNTY, OREGON

CITY OF FLORENCE PLANNING NO. PC 19-04 SUB 01

CURRENT ZONING RESIDENTIAL / MULTIFAMILY & HIGHWAY

EXHIBIT F



