

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

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

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

WHEREAS, the Planning Commission held a Work Session on June 7, 2011 and initiated amendments to the Florence Realization 2020 Comprehensive Plan, Stormwater Management Plan, and Florence City Code for consistency with the Florence Stormwater Design Manual;

WHEREAS, the City Council accepted the Florence Stormwater Design Manual on December 6, 2010 and accepted the Water Master Plan Update on February 7, 2011; and changes are needed to the Comprehensive Plan, Stormwater Management Plan, and City Code to make these documents consistent and to specifically adopt the Water Master Plan Update as part of the Comprehensive Plan;

WHEREAS, Oregon Revised Statutes (ORS) 195.036, Area population forecast; coordination, requires that “the coordinating body under ORS 195.025 (1) shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary;” and new population projections for the Florence Urban Growth Boundary were adopted by the Lane County Board of Commissioners on June 17, 2009;

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

1. Make the Comprehensive Plan policies consistent with the Guiding Principles of the Siuslaw Estuary Partnership;
2. Clarify which portions of the Comprehensive Plan and Comprehensive Plan Appendices are incorporated into the Comprehensive Plan, including updated population projections and the Water Master Plan Update;
3. Make the Comprehensive Plan consistent with the minimum requirements of Statewide Planning Goal 11, Public Facilities and Services (OAR Chapter 660, Division 11);
4. Update Chapter 11 of the Comprehensive Plan as it relates to Public Safety policies and recommendations; and

5. Make various changes to the Comprehensive Plan and Code to clean up formatting and to improve clarity and consistency.

WHEREAS, the Planning Commission held a public hearing on these proposed amendments on August 9, 2011;

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends to the City Council adoption of the legislative amendments to the Florence Realization 2020 Comprehensive Plan, Florence Stormwater Management Plan, and Florence City Code Text as shown in Exhibits A and B1 through B3.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the ____ day of August, 2011.

JAN NIEBERLEIN, Chairperson
Florence Planning Commission

DATE

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

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Public Hearing Date: August 9, 2011
Date of Report: August 2, 2011

I. PROPOSAL DESCRIPTION

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

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

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

The Planning Commission is requested to approve Resolution PC 11 06 CPA 01 and PC 11 07 ZC 01. Specifically, this proposal is to recommend adoption of the following amendments:

¹ The Siuslaw Estuary Partnership is a three-year project by the City of Florence and its partner agencies to protect and improve water quality and fish and wildlife habitat in the lower Siuslaw Watershed. For more information, visit the web site: www.SiuslawWaters.org.

Comprehensive Plan Amendments

“Exhibit B, Attachment 1”:

1. Change the Table of Contents to reflect all adopted changes to section titles and document references and renumber page and policies sequentially.
2. Amend the Introduction to begin to clarify which maps, studies, and plans are adopted as part of the Comprehensive Plan and thus necessitate a Comprehensive Plan amendment when changed.
3. Amend the Introduction, as follows, to adopt the most recent population projections into the Comprehensive Plan, as required by state law, and to add definitions for Public Facility Plan (for consistency with Statewide Planning Goal 11) and for Stormwater Management (for consistency with the Florence Stormwater Design Manual, December 2010).
4. Amend Chapter 11: Utilities and Facilities to make this Chapter of the Plan consistent with the minimum Public Facility Plan requirements of Statewide Planning Goal 11, Public Facilities and Services.
5. Amend the Water System Supplies and Needs section of Chapter 11: Utilities and Facilities, as follows, to refer to the Water Master Plan Update, January 2011 and updated planning period in that plan.
6. Amend the Stormwater Management section of Chapter 11: Utilities and Facilities to make this section consistent with the minimum Public Facility Plan requirements of Statewide Planning Goal 11, Public Facilities and Services; the Florence Stormwater Design Manual; and relevant “Guiding Principles” endorsed by the City and its partners in the Siuslaw Estuary Partnership project. Note that the entire set of policies in this section of the Comprehensive Plan is proposed for replacement by amended and new policies in this section.
7. Amend the Public Safety Section of Chapter 11 to update the policies and recommendations, for consistency with current conditions.

Florence Stormwater Management Plan Amendments

“Exhibit B, Attachment 2”:

1. Remove specific design requirements which are proposed to be replaced by updated requirements in Florence City Code Title 9. These amendments include deleting Appendix E, Best Management Practices which are proposed to be replaced with the requirements in the proposed amendments to Florence City Code Title 9.

Florence City Code Titles 9, 10, and 11 Amendments “Exhibit B, Attachment 3”

Florence City Code Title 9: Utilities

1. Amend Florence City Code (FCC) Title 9 Chapter 5 to show proposed modifications in section headings.
2. Amend the Definitions in Florence City Code (FCC) Title 9 Chapter 5 to be consistent with the 2008 Portland Stormwater Management Manual, 2008 Portland Erosion and Sediment Control Manual, and the Florence Stormwater Design Manual. The proposed definition for “Stormwater Manual” allows this term to be used for all references to stormwater facility design and it incorporates the reference to both of the 2008 Portland Manuals and the 2010 Florence Stormwater Design Manual. The definition for “Drainage Plan” replaces “Site Stormwater Management Plan” and “Preliminary Development Plan.”
3. Amend specific sections of Florence City Code (FCC) Title 9 Chapter 5 to be consistent with the “Stormwater Manual.”
4. Amend Florence City Code (FCC) Title 9 Chapter 5 to add a new section 9-5-1-8 to adopt the 2008 Portland Stormwater Management Manual, 2008 Portland Erosion and Sediment Control Manual, and the Florence Stormwater Design Manual by reference.
5. Amend sections of Florence City Code (FCC) Title 9 Chapter 5 to make the submittal requirements and criteria consistent with the Stormwater Manual. These amendments will replace confusing and conflicting provisions in the Code for different types of plans with a requirement to submit a drainage plan that is consistent with the Stormwater Manual, except as specifically exempted or modified by this Code.
6. Amend FCC Section 9-5-4 to clarify, and make the Code internally consistent regarding, maintenance responsibility; and to make the Code and the Design Manual consistent. See proposed changes to the Design Manual for this purpose.
7. Amend Code Section 9-5-5, Easements, to correct section numbers and to improve clarity and consistency with the Design Manual.

Florence City Code (FCC) Title 10: Zoning Regulations

1. Amend FCC Title 10, Chapter 3, Off-Street Parking and Loading, to cross-reference Title 9 and to stipulate that Title 9 supersedes and supplements

the provisions of Chapter 3, in order to clarify how conflicts between Title 9 and this Chapter will be addressed.

2. Amend FCC Title 10, Chapter 19, Districts in Sections 6, 7, and 10 to qualify the requirements for stormwater to be directed away from the bank by adding, “or as mitigated through the standards in Title 9.”
3. Amend FCC Title 10, Chapter 34, Landscaping, to cross-reference Title 9 and to stipulate that Title 9 supersedes and supplements the provisions of Chapter 34, in order to clarify how conflicts between Title 9 and this Chapter will be addressed.
4. Amend FCC Title 10, Chapter 36, Public Facilities, to stipulate that Title 9 supersedes and supplements the provisions of Chapter 36, in order to clarify how conflicts between Title 9 and this Chapter will be addressed; and to modify the provisions related to easements and underground utilities to ensure consistency with the Stormwater Manual.

Florence City Code (FCC) Title 11: Subdivision Regulations

1. Amend FCC Title 11 all chapters to change the term “Drainage Land” to “Drainage Facility” and replace this definition with the definition of Drainage Facility in Title 9.
2. Modify the requirements for public improvements in all Chapters of Title 11 to be consistent with Title 9 and to change the reference to “Title 11 Public Improvements” in Title 11 Chapter 4 to Title 9 and to reference Titles 9 and 10.

In addition, amendments to the Florence Stormwater Design Manual are proposed for approval by the City Council and are attached as Exhibit C for information and reference:

Florence Stormwater Design Manual Amendments “Exhibit C”:

1. Amend Table 3.1 to make the flow control requirement in the Manual match the Code requirement and to remove note #1 because it is a circular reference. The Manual implements, and provides more detailed requirements than, the Code; thus the Manual must be consistent with the Code. If it is not, then either the Manual or the Code needs to be amended.
2. Amend Design Manual section 3.5, page 9, to clarify City maintenance provisions.

3. Amend sections of the Manual to provide clarity and consistency in the terminology.
4. Amend Operations and Maintenance section to be consistent with City operations and maintenance policies.
5. Amend Appendix A.3 to specify that these are the minimum submittal requirements and to add additional specific submittal requirements.

“**Exhibit D**” is the Siuslaw Estuary Partnership Public Involvement Plan, the approved Citizen Involvement Plan for this project.

“**Exhibit E**” is the referral response from Lane County Land Management.

“**Exhibit F**” is the Florence Stormwater Design Manual.

II. NARRATIVE

On June 7, 2011, the Planning Commission initiated amendments to the Comprehensive Plan, Stormwater Management Plan, and Florence City Code by passing Resolutions PC 11 06 CPA 01 and PC 11 07 ZC 01, in response to the City Council’s acceptance of the Florence Stormwater Design Manual in December 2010.

RESPONSES TO REFERRAL COMMENTS

The attached Exhibits have been modified from the versions submitted to the Planning Commission on June 7, 2011. Modifications were made to Exhibits A, B1, B3, and C to respond to the Planning Commission’s comments on the proposal the night of the work session and to respond to referral responses from the Florence Community Development and Public Works Departments and Lane County Land Management (see Exhibit E). **The modifications are highlighted in yellow** in the attached Exhibits B1, B3, and C and explained in the notes that precede the changes in the Exhibits. The response to Lane County Land Management is presented below.

Response to Lane County Land Management

Lane County Land Management comments are shown in bold, below, followed by staff’s responses.

1. **Specifically, in regard to Stormwater Policy 11 a-j and Policy 24, the County has initial concerns that the public awareness program and development of regulations and administration of those regulations will have cost implications to the County that have not been anticipated.**

Response: This policy was initially proposed as follows:

- “11. Protect and improve surface and ground water quality and quantity in the UGB by developing regulations or instituting programs for stormwater to:
- a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;
 - b. Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;
 - c. Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage;
 - d. Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into waterways;
 - e. Require on-site controls and development standards, as practical, to reduce offsite impacts from stormwater runoff;
 - f. Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters;
 - g. Reduce street-related water quality and quantity problems;
 - h. Regulate use and require containment and/or pretreatment of toxic substances;
 - i. Include containment measures in site review standards to minimize the effects of chemical and petroleum spills; and
 - j. Use dry wells only when other tools for managing stormwater are not feasible; and consider impacts to wellhead protection areas, surface water supplies, and groundwater quality in the design and location of dry wells. Dry wells are required to be permitted through DEQ as an Underground Injection Control Device. In order to protect the North Florence Sole Source Dunal Aquifer, use of this tool shall be only as a last resort in Florence.”

The revised proposal removes the leading statement that speaks to “developing regulations and instituting programs” and modifies and disperses a-j under specific topic headings, except for b and e which are no longer proposed for inclusion in policy.

In addition, a qualifier has been inserted at the beginning of the following proposed Stormwater Policy:

- “28. As available funding and budgetary priorities allow, increase public awareness of techniques and practices private individuals can em-

ploy to help correct water quality and quantity problems; and provide public information on how personal choices and actions affect watershed health.”

- 2. How will “toxic substances” be defined in subsection “h” of policy 11, how will subsection “i” overlap with DEQ regulations and who will administer these regulations.**

Responses:

Former policy 11-h was to “regulate use and require containment and/or pretreatment of toxic substances.” The policy is now proposed in Policy #8. “Require containment and/or pretreatment of toxic substances.”

Former policy 11-i was “Include containment measures in site review standards to minimize the effects of chemical and petroleum spills.” The policy is now proposed in Policy #9. “Require containment to minimize the effects of chemical and petroleum spills.”

- 3. Remove Policy 1 “The City shall encourage on-site retention of stormwater..” and replace with Polcy #16.**

Response: Policy #1 is no longer included in the proposal and it is replaced with new policy #11 (previously Policy #16):

“11. Development shall mitigate all project impervious surfaces through retention and on-site infiltration to the maximum extent practicable. Where on-site retention is not possible, development shall detain stormwater through a combination of provisions that prevent an increased rate of flow leaving a site during a range of storm frequencies as specified in Florence City Code. Surface water discharges from onsite facilities shall be discharged to an approved drainage facility.”

- 4. Request that the policy reflect prohibition of stormwater drainage onto County right-of-way consistent with Lane Manual 15.515.**

Response: New Stormwater Policy #30 is proposed:

“30. Stormwater drainage onto County right-of-way is prohibited.”

BACKGROUND

On December 6, 2010, the City Council accepted the Florence Stormwater Design Manual. This Manual was prepared by Branch Engineering with funding from the Oregon Department of Land Conservation and Development (DLCD).

The Florence Stormwater Design Manual is one of the projects in the work plan for the Siuslaw Estuary Partnership, a three-year project funded by the US Environmental Protection Agency (EPA) and project partners to improve and protect water quality and fish and wildlife habitat in the lower Siuslaw Watershed.²

The Resolution and attached Exhibits were prepared as part of the Siuslaw Estuary Partnership; and the relevant Guiding Principles endorsed locally through the Partnership are incorporated into the proposed Comprehensive Plan amendments in Exhibit B. The Siuslaw Estuary Partnership is guided by the input of two Stakeholder Groups: an Elected Official Stakeholder Group and a Community Stakeholder Group. This proposal was sent to these groups for their review and comment as part of the formal referral process. In addition, the Community Stakeholder Group was invited to join the Planning Commission for their June 7, 2010 Work Session on these amendments.

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

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

The City's detailed facility plans for water, wastewater, and stormwater were incorporated, in full, into the Comprehensive Plan in 2002 as part of the City's Periodic Review process.³ The adoption of these plans, in their entirety, into the Comprehensive Plan goes beyond the minimum requirements of State law and creates an unnecessary burden for the City in terms of process requirements. As a result of the 2002 adopting ordinance, any change to these detailed plans, such as changes to project cost, timing, specific location, etc., triggers a Comprehensive Plan amendment process which would need to be completed before the project could go forward.

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

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

In proposing changes to the Introduction of the Comprehensive Plan to clarify which portions of the Public Facility Plan are adopted as part of the Comprehensive Plan, staff further noted that the Comprehensive Plan does not clearly articulate which maps and portions of the Appendices are actually adopted as part of the Comprehensive Plan and which are adopted as supporting documents.⁴ This clarification is important because it distinguishes those changes that necessitate a Plan amendment and those that do not. For this reason, amendments to the Introduction to the Comprehensive Plan are proposed as a start in providing this clarification. As the Comprehensive Plan is amended through future planning processes, the City can amend the Plan text in the Introduction to provide additional needed clarification.

Background on Public Facility Plan Requirements

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

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

Our review of the City's infrastructure plans confirms that the City has addressed each of the requirements of the public facilities rule noted above. The plans have been adopted by reference and are thereby incorporated into the comprehensive plan. Under Task #8, submitted concurrently with Task #2, the City has also adopted goals and policy statements relating to the maintenance and upgrade of each system, concurrent with projected growth (see Chapter 2 and Chapter 11, Florence Comprehensive Plan).”

By adopting these plans, in their entirety, as part of the Comprehensive Plan, the City went beyond the requirements of State law; and this has added an additional layer of process beyond what is either necessary or expedient. As stated in OAR Chapter 660 Division 11, below, only the project lists and maps, or written de-

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

scription of the projects' locations, as well as any policies that stem from, or are part of those plans, need to be part of the Comprehensive Plan.

“OAR 660-11-045

Adoption and Amendment Procedures for Public Facility Plans

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

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

(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and

(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.”

The three separate facility plans constituted the “Florence Public Facility Plan,” as that term is defined in OAR. These plans were incorporated into the Comprehensive Plan and were subsequently approved by DLCDC. This is unnecessarily cumbersome and costly for the City because it necessitates a Comprehensive Plan amendment for every change to these detailed facility plans. The proposed Comprehensive Plan amendments address this problem by clarifying which portions of these plans are an actual part of the Comprehensive Plan, and thus trigger a Comprehensive Plan amendment when they are changed.

The proposed Comprehensive Plan amendments update Chapter 11 of the Comprehensive Plan to remove from the Comprehensive Plan portions of the water, wastewater, and stormwater public facilities plans that Oregon law does not require to be part of the Comprehensive Plan. Oregon law requires that these Plans be adopted as supporting documents to the Comprehensive Plan; and only specific portions of these Plans are legally incorporated into the Comprehensive Plan. Findings of Fact, below, are submitted that support this proposal.⁵

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

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

In addition, as stated above, the proposed Comprehensive Plan amendments incorporate the Guiding Principles from the Siuslaw Estuary Partnership project. Please note that these amendments do not address the findings from the surface and groundwater quality and quantity work now underway as part of the Siuslaw Estuary Partnership project. Additional amendments may be proposed by the fall of 2012 to address those findings.

III. NOTICE AND REFERRALS

1. Notice:

Notice of the proposed Comprehensive Plan and Code Amendments was sent to DLCD on June 9, 2011, not less than 45 days prior to the first (Planning Commission) evidentiary hearing on August 9, 2011, as required by state law. The hearing was noticed in the Siuslaw News on July 27, 2011, as required by state law and the Florence Development Code. Notice of the hearing was also sent to Siuslaw Estuary Partnership Elected Official Stakeholders, Community Stakeholders, and interested parties list on June 30 and Community Stakeholder were sent a reminder email on July 22, 2011.

2. Referrals:

On June 16, referrals were sent to various agencies and other city departments soliciting comments on the proposal, including the City Manager, Police Chief, Building Official, Public Works, Branch Engineering, Lane County Land Management, Lane County Transportation, Siuslaw Valley Fire and Rescue. On June 16, 2011, referrals were emailed to the Siuslaw Estuary Partnership Interdisciplinary Team, including: City of Florence City Manager's Office, Wetlands Consultant, Public Works, and Hydrogeology Consultant; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; Heceta Water District; Lane County Land Management Division; Lane County Wastewater Division; National Oceanic and Atmospheric Administration; Oregon Department of Environmental Quality; Oregon Department of Fish and Wildlife; Oregon Health Authority, Drinking Water Program; Oregon Department of Land Conservation and Development; Oregon Department of State Lands; Oregon Department of

Transportation; Oregon Department of Water Resources; Siuslaw Soil and Water Conservation District; Siuslaw Watershed Council; U.S. Army Corps of Engineers; U.S. Bureau of Land Management; U.S. Environmental Protection Agency; U.S. Geological Survey; USFS Siuslaw National Forest. A reminder email was emailed to the Team on July 20, 2011.

IV. APPLICABLE CRITERIA

1. **Florence Realization 2020 Comprehensive Plan**
Plan Adoption, Amendments, Review and Implementation; Chapter 1, Citizen Involvement; Chapter 2, Land Use; Chapter 11: Utilities and Facilities
2. **Florence City Code (FCC) Title 10: Zoning Regulations**
Chapter 1: Zoning Administration, Section 3-C: Amendments and Changes: Legislative Changes
3. **Oregon Statewide Planning Goals (OAR 660.015):** Goal 1, Citizen Involvement; Goal 2, Land Use Planning; Goal 11, Public Facility Planning
4. **Oregon Revised Statutes:** ORS 197.175, Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals. ORS 197.250 Compliance with goals required. ORS 197.253 Participation in local proceedings required for submitting comments and objections. Post-Acknowledgment Procedures: ORS 197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission; and ORS 197.615 Local government notice of adopted amendment or new regulation; content; notice by director
5. **Oregon Administrative Rules:** Division 11: Public Facilities Planning (OAR 660-011); and Division 18: Post Acknowledgement Amendments (OAR 660-018-0005)

V. FINDINGS

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

1. **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**
 - **PLAN ADOPTION, AMENDMENTS, REVIEW AND IMPLEMENTATION**

Amendments to the Plan may be initiated by citizens, citizen groups, the Citizen Advisory Committee, the Planning Commission or the City Council. In any amendment proceedings, the City Council shall obtain the recommendation of the Planning Com-

mission and the Citizen Advisory Committee before taking action on a proposed major amendment. Minor changes which do not have significant effects beyond the immediate area of the change require the recommendation of the Planning Commission. Minor changes may be initiated at any time. Notice of a public hearing for a proposed plan amendment shall be required at least 45 days prior to the first Planning Commission hearing.

The proposal is consistent with this Comprehensive Plan text because:

- *The proposal was initiated by Planning Commission Resolution;*
- *This is a major amendment because it does have significant effects beyond the immediate area of the change, the Planning Commission serves as the Citizen Advisory Committee, and the Planning Commission will make a recommendation to the City Council; and*
- *Notice of the public hearing was sent to DLCD at least 45 prior to the date for the first Planning Commission hearing.*

■ **CHAPTER 1: CITIZEN INVOLVEMENT**

Policies

- 3. The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees.**
- 4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**
- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**
- 6. Planning documents and background data shall be available to interested citizens.**
- 8. Citizen involvement shall be assured in the review and update of the Comprehensive Plan.**

The proposal is consistent with these Comprehensive Plan policies because:

- a cross-section of Florence citizens has been involved in the planning process, primarily through their appointments to the Planning Commission and Siuslaw Estuary Partnership Stakeholder Groups;
- all public meetings are held at regular meeting times and advertised in the Siuslaw News; and agendas provide the opportunity for citizen comment;
- records of all meetings where official action is taken are kept at City Hall and made available on request to the public;
- planning documents and background data are available to interested citizens; and
- citizen involvement is assured in this review of the Comprehensive Plan through the opportunities included in the Public Involvement Plan.

■ CHAPTER 2: LAND USE

Policies

1. **Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.**

The proposal is consistent with this Comprehensive Plan policy because the amendments to the Comprehensive Plan, Stormwater Management Plan, and Code supplement and clarify the current documented adequacy of existing and planned public facilities to serve the proposed land use and potential impacts on environmental factors.

RESIDENTIAL

Policies

4. **Residential developers shall, in order to obtain subdivision approval, provide streets of a suitable width and cross-section, sidewalks, other transportation facilities consistent with the Transportation System Plan, conveyance of natural drainage flows through the site, stormwater management systems, appropriate traffic safety signs and street lights, and normal and incidental public and quasi-public utilities including water, sanitary sewer, stormwater, and underground electric, cable, telephone and potentially fiber optic cable.**

The proposal is consistent with this Comprehensive Plan policy because the amendments to the Comprehensive Plan and Code implement this requirement for residential developers, in order to obtain subdivision approval, to provide conveyance of natural drainage flows through the site, stormwater management systems, and stormwater facilities.

COMMERCIAL

Policies

- 6. All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment.**
- 7. Commercial areas shall be planned in relation to the capacity of existing and future transportation systems and public infrastructure (sewer, water, stormwater).**

The proposal is consistent with these Comprehensive Plan policies because the amendments to the Comprehensive Plan and Code implement and supplement these requirements for all commercial developments to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment; and to be planned in relation to the capacity of existing and future public infrastructure (sewer, water, stormwater).

■ CHAPTER 11: UTILITIES AND FACILITIES

STORMWATER MANAGEMENT

Policies

- 1. The City shall encourage on-site retention of stormwater. However, in instances where flows are in excess of that generated on-site, or where site conditions make this physically impracticable, a combination of piped systems and natural drainage systems may carry stormwater off-site to approved collection or dispersion facilities.**
- 2. The quality and quantity of recharge to the City's sole source aquifer shall be maintained consistent with use of the aquifer as a domestic water source.**
- 3. Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure**

that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance.

4. City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems.
5. Storm drainage facilities, as approved by the City, may include culverts, drywells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards. Such facilities shall be a part of all subdivisions, planned unit developments, street construction or improvements, commercial and industrial development or other developments which may impact storm drainage patterns.
6. Stormwater shall be managed to protect water quality of streams, rivers, and other waterbodies.
7. Stormwater management shall be consistent with the City's adopted Stormwater Management Plan.

The proposal is consistent with these Comprehensive Plan policies because these policies are incorporated into, expanded upon, or otherwise amended in the proposed amendments to the Comprehensive Plan and they are more fully implemented in the proposed Code amendments.

2. FLORENCE CITY CODE (FCC) TITLE 10: ZONING REGULATIONS

Chapter 1: Zoning Administration Section 3: Amendments and Changes

FCC 10-3-C: LEGISLATIVE CHANGES

1. **Initiation:** A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council.
2. **Notice and Public Hearing:** Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

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

- *The proposal is a legislative change in the text of FCC Titles 9, 10 and 11, and in the Comprehensive Plan, affecting a large number of properties with broad policy application;*
- *The amendments were initiated by Planning Commission Resolutions;*
- *Notice of the public hearing was sent to DLCDC at least 45 prior to the proposed date for the first Planning Commission hearing, consistent with the Comprehensive Plan, above; and*
- *Notice of the proposed change was provided in accordance with the state law, as described in the Finding of compliance with State law, below.*

3. OREGON STATEWIDE PLANNING GOALS (OAR 660.015)

The proposal is consistent with the following applicable Statewide Planning Goals; Statewide Planning Goals not cited below are not applicable to this proposal.

■ **GOAL 1: CITIZEN INVOLVEMENT [OAR 660-015-0000(1)]**

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

- 1. Citizen Involvement -- To provide for widespread citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land use decisions. Committee members shall be selected by an open, well publicized public process.**

- 2. Communication -- To assure effective two-way communication with citizens. Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.**
- 3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process. Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.**
- 4. Technical Information -- To assure that technical information is available in an understandable form. Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.**
- 5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers. Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy decisions shall be available in the form of a written record.**

The proposal is consistent with Statewide Planning Goal 1 because the process used to develop and adopt these Comprehensive Plan and Code amendments insures the opportunity for citizens to be involved in all phases of the planning process as follows:

- The Public Involvement Plan for the Siuslaw Estuary Partnership, attached, provides for annual newsletters, open houses, Stakeholder processes, a web site, and targeted outreach to interested groups and interested parties, appropriate to the scale of the planning effort. The program provides for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.
- The Siuslaw Estuary Partnership Interdisciplinary Team provides an opportunity for federal, state and regional agencies and special-purpose districts to coordinate their planning efforts with the City and County and makes use of the Florence and Lane County Planning Commission hearing process, the existing local citizen involvement program established by County and the City.

- The citizen involvement program provides for widespread citizen involvement. The citizen involvement program involves a cross-section of affected citizens in all phases of the planning process and includes the Planning Commission, the officially recognized committee for citizen involvement (CCI) which makes recommendations to the City Council.
 - Effective communication between citizens and elected and appointed officials in the project is provided through open houses, work sessions, Elected Official Stakeholder Meetings, and public hearings, all open to the public, at which public input is sought and heard.
 - Citizens are provided the opportunity to be involved in all phases of the planning process, including preparation of the proposed Comprehensive Plan and Code amendments.
 - Technical information is explained in staff reports and powerpoint presentations so that information necessary reach policy decisions is available in a simplified, understandable form. City staff provide assistance to interpret and effectively use technical information. A copy of all technical information is available on the City and/or project web site as well as at City Hall offices.
 - Citizens receive a response from policy-makers in the form of written minutes of all public hearings and meetings which are retained and made available for public assessment and include the rationale used to reach decisions on the proposal.
- **GOAL 2: LAND USE PLANNING [OAR 660-015-0000(2)]**

PART I -- PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

The proposal is consistent with Goal 2 because:

- *the Comprehensive Plan amendments provide a policy framework as a basis for land use decisions and the implementing Code amendments*

provide for adoption by reference of Stormwater manuals that provide the factual base for these decisions;

- *the ordinance adopting the amendments to the Comprehensive Plan, Stormwater Management Plan and Code will be adopted by the City Council after public hearing;*
- *further amendments to the Stormwater Management Plan will be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan; and*
- *opportunities have been and will be provided for review and comment by citizens and affected governmental units during this review and revision of the Comprehensive Plan, Stormwater Management Plan and Code, as reflected in the Public Involvement Plan.*

■ **GOAL 11: PUBLIC FACILITY PLANNING [OAR 660-015-0000(11)]**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

***Urban Facilities and Services* – Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.**

***Public Facilities Plan* – A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500.**

The proposal is consistent with Statewide Planning Goal 11 because:

- *with the proposed amendments, the Comprehensive Plan and Public Facility Plan, including the Stormwater Management Plan, continue to provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development;*
- *through these plans, urban development in Florence will be guided and supported by types and levels of urban public facilities and services appropriate for, but limited to, the needs and requirements of the urban and urbanizable areas to be served;*
- *a provision for key facilities is included in the Comprehensive Plan;*
- *the proposal amends the Florence Public Facility Plan (PFP) which has been adopted for the Florence urban growth boundary which contains a population greater than 2,500; and the PFP describes the water, sewer and transportation facilities that support the land uses designated in the acknowledged Comprehensive Plan.*

4. OREGON REVISED STATUTES

- **ORS 197.175 Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.**

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

- (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;**
- (b) Enact land use regulations to implement their comprehensive plans;**

The proposal is consistent with ORS 197.175 because the amendments to the Comprehensive Plan are in compliance with Statewide Planning Goals, as stated in the above findings; and the amendments to the Code implement the amendments to the Comprehensive Plan.

- **ORS 197.250 Compliance with goals required.**

Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.

The proposal is consistent with ORS 197.245 because the amendments are consistent with the goals, as stated in the above findings.

- **ORS 197.253 Participation in local proceedings required for submitting comments and objections.**

Notwithstanding the provisions of ORS 197.251 (2)(a), a person may not submit written comments and objections to the acknowledgment request of any city or county that submits its plan or regulations to the Land Conservation and Development Commission for acknowledgment for the first time after August 9, 1983, unless the person participated either orally or in writing in the local government proceedings leading to the adoption of the plan and regulations. [1983 c.827 §5a]

The proposal is consistent with ORS 197.253 because written comments and objections to the amendments will be allowed only if the person participated in the City process to adopt the amendments.

- **POST-ACKNOWLEDGMENT PROCEDURES**

ORS 197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission. (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

The proposal is consistent with ORS 197.610 because the proposal was forwarded to the Department of Land Conservation and Development on [REDACTED], at least 45 days before the August 9, 2011 public hearing, the first evidentiary hearing on adoption; the proposal forwarded contained the text and any supplemental information that the City deemed necessary to inform the director as to the effect of the proposal; and the notice included the date set for the first evidentiary hearing.

ORS 197.615 Local government notice of adopted amendment or new regulation; content; notice by director. (1) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation shall mail or otherwise submit to the Director of the Department of Land Conservation and Development a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government. The text and findings must be mailed or otherwise submitted not later than five working days after the final decision by the governing

body. If the proposed amendment or new regulation that the director received under ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

The proposal is consistent with ORS 197.615 because, after adoption, the City will submit to DLCD a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government; the text and findings will be mailed or otherwise submitted not later than five working days after the final decision by the City Council; if the proposed amendments have been substantially amended, the City specify the changes that have been made in the notice provided to the director; and, the mailed text and findings will include a signed statement by the person mailing them indicating the date of deposit in the mail.

5. OREGON ADMINISTRATIVE RULES

■ DIVISION 11: PUBLIC FACILITIES PLANNING

OAR 660-011-0005 Definitions

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

OAR 660-11-045 Adoption and Amendment Procedures for Public Facility Plans

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

- (a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;**
- (b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and**

(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.

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

(a) Either prohibit projects not included in the public facility plans for which unanticipated funding has been obtained;

(b) Preclude project specification and location decisions made according to the National Environmental Policy Act; or

(c) Subject administrative and technical changes to the facility plan to ORS 197.610(1) and (2) or 197.835(4).

(3) The public facility plan may allow for the following modifications to projects without amendment to the public facility plan:

(a) Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project;

(b) Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those that result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 (40 CFR Parts 1500-1508) or any federal or State of Oregon agency project development regulations consistent with that Act and its regulations.

(c) Public facility project changes made pursuant to subsection (3)(b) of this rule are subject to the administrative procedures and review and appeal provisions of the regulations controlling the study (40 CFR Parts 1500-1508 or similar regulations) and are not subject to the administrative procedures or review or appeal provisions of ORS Chapter 197, or OAR Chapter 660 Division 18.

(4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded

"land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.

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

Stats. Implemented: [ORS 197.712](#)

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

The proposed amendments are consistent with OAR 660 Division 11 because they incorporate the required portions of the Public Facilities Plans into the Comprehensive Plan.

■ **DIVISION 18: POST ACKNOWLEDGEMENT AMENDMENTS (OAR 660-018-0020)**

Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:

(a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. The submittal must be received by the department at its Salem office;

(b) Be accompanied by appropriate forms provided by the department;

(c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;

(d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.

(2) The text submitted to comply with subsection (1)(c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient.

The proposal is consistent with OAR 660-018-0020 because the amendments were submitted to the Salem office of DLCD at least 45 days before the first evidentiary hearing on adoption; the submittal included the appropriate DLCD forms, two copies of the amendments and all supplemental information, and the date of the final hearing on adoption.

VI. OPTIONS FOR THE PLANNING COMMISSION

1. Recommend to the City Council adoption of the legislative amendments to the Realization 2020 Comprehensive Plan, Stormwater Management Plan, and Florence City Code Titles 9, 10, and 11 and by approving Resolution **PC 11 06 CPA 01 & PC 11 07 ZC 01.**

2. Continue the hearing.
3. Deny the request.

VII. CONCLUSION AND STAFF RECOMMENDATION

Conclusion:

The proposal to amend the Comprehensive Plan, Stormwater Management Plan, and Florence City Code is consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules.

Staff Recommendation:

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

VIII. EXHIBITS

“A” Findings of Fact

“B” Resolution **PC 11 06 CPA 01 & PC 11 07 ZC 01:**

1. Proposed Amendments to Florence Realization 2020 Comprehensive Plan For Consistency with Statewide Planning Goal 11 and the December 2010 City of Florence Stormwater Design Manual and to Update the Public Safety Portions of Comprehensive Plan Chapter 11, **Draft 8-2-11**
2. Proposed Amendments to Florence Stormwater Management Plan For Consistency with the December 2010 City of Florence Stormwater Design Manual, **Draft 8-2-11**
3. Proposed Amendments to Florence City Code Titles 9, 10, and 11 For Consistency with the December 2010 City of Florence Stormwater Design Manual, **Draft 8-2-11**

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

“D” Public Involvement Plan, Approved by the Florence Planning Commission, January 12, 2010

“E” Letter from Mark Rust, Lane County Land Management Division, dated July 27, 2011

“F” Stormwater Design Manual, November 2011

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement WC-00J04801-0 to City of Florence. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan Amendments\PC 11 06 CPA 01 & PC 11 07 ZC 01 - Stormwater\August 9 Hearing\Exhibit A to Resolution PC ____ Staff Report and Findings 8-2-11.doc

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Exhibit B Attachment 1

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

The following Draft Amendments show additions in double-underline and deletions in ~~strike-out~~. Portions of Comprehensive Plan text not shown remain in effect unless noted otherwise. Modifications made to the June 7th version of this Exhibit are shown in yellow highlight.

1. **Change the Table of Contents to reflect all adopted changes to section titles and document references and renumber page and policies sequentially.**
2. **Amend the Introduction, as follows, to begin to clarify which maps, studies, and plans are adopted as part of the Comprehensive Plan and thus necessitate a Comprehensive Plan amendment when changed.**

Introduction, page 3:

Comprehensive Plan ~~Effectiveness and Organization~~ and Contents

The following sections of this Comprehensive Plan are incorporated into, and are a part of this Comprehensive Plan. Changes to these sections of this Comprehensive Plan necessitate a Comprehensive Plan amendment, either at the time of the Comprehensive Plan amendment or as part of a required Periodic Review process, in accordance with applicable state law and Oregon Administrative Rules: consists of:

1. Goals, Policies, Recommendations, Population Projections, and Background Information arranged according to the LCDDC (Land Conservation and Development Commission) goals and guidelines.
- ~~3.2.~~ The Official Comprehensive Plan Map, which is incorporated into this Plan and is on file at City Hall, and other maps specifically adopted as part of this Plan in Plan policies.

1 3. Appendices, or portions of the Appendices, listed in Part II of the Table of
2 Contents that are specifically adopted by reference as part of this Com-
3 prehensive Plan. These portions of the Appendices include:

- 4 ■ Chapter 11: portions of the Public Facility Plan, as specifically de-
5 scribed in Chapter 11; and
- 6 ■ Other portions of Appendices specifically adopted by reference in the
7 Comprehensive Plan.

8
9
10 2. In addition, there are Appendices listed in Part II, arranged according to LCDC
11 goals and guidelines, which contain detailed studies, data, implementation plans,
12 facilities plans, agreements and other pertinent information and documents nec-
13 essary to support the Goals, Policies and Recommendations. Changes to these
14 documents do not necessitate a Comprehensive Plan amendment, except as
15 stated in numbers 1, 2, and 3 of this section. These Appendices may be updated
16 periodically and as required as part of State-mandated Periodic Review process;
17 and any Maps or text that are adopted as part of this Comprehensive Plan will be
18 incorporated into the Plan through Plan policy and the adopting Ordinance.

19
20 This Comprehensive Plan is applicable to all properties within the Florence Ur-
21 ban Growth Boundary (UGB). Planning and development of land in the UGB that
22 is in the unincorporated area of Lane County shall be a cooperative effort be-
23 tween Lane County and the City as specified in the Joint Agreement for Planning
24 Coordination Between Lane County and the City of Florence, February 2002, in-
25 cluded in Appendix 14 of this Plan.

- 26
27 **3. Amend the Introduction, as follows, to adopt the most recent population**
28 **projections into the Comprehensive Plan, as required by state law, and to**
29 **add definitions for Public Facility Plan (for consistency with Statewide**
30 **Planning Goal 11) and for Stormwater Management (for consistency with**
31 **the Florence Stormwater Design Manual, December 2010).**

32
33 **Introduction, page 6**

34
35 **Projected Population for Florence City Limits**

36
37 **Population within the Florence City Limits**

Year	Lane County Population	Population within Florence City Limits	Percent of Lane County Population
1980	275,226	4,411	1.6
1990	282,912	5,190	1.8
2000	322,959	7,263	2.3

2025	413,300	13,460	3.3
------	---------	--------	-----

In 1970, Florence City population was approximately 1 percent of Lane County's population. This increased to 2.3 percent in 2000. Projecting this trend into the future with consideration of recent growth, it is projected that the population of the city will be 3.3 percent of Lane County's 2025 population at approximately 13,460 persons.

**Population Outside Florence City Limits
Within the Florence Urban Growth Boundary**

In 2000, an estimated 1,488 people lived outside the city limits. Review of residential building permits issued in this area over the past five years showed an average of approximately 25 permits issued per year. Continuation of this rate over the 22-year period from 2003 through 2025 would result in 550 permits. However, since annexation of land within the UGB is likely to occur prior to 2025, the assumed total number of permits was reduced in this analysis by 20% to 440. Using this building permit assumption and subtracting vacant units based on the 2000 vacancy rate and then dividing by the assumed average household size results in a 2025 population of an additional 652 persons outside the Florence City limits and within the UGB. This results in a 2025 projection of 2,140 persons in this area.

Projected Population in the Florence Urban Growth Boundary

It is estimated that the population within the Florence urban growth boundary increased from 6,334 to 8,750 between 1990 and 2000, equivalent to a 3.3 annual average rate of growth. Adding the 2025 projected Florence City population of 13,460 with the projected population outside the city inside the UGB results in a 2025 population of 15,600. The total 2025 UGB population was thus projected to be 15,600, about 3.8% of the projected Lane County population.

Population within the UGB

Year	Florence UGB Population	Lane County Population	Percent Florence UGB of Lane County
2000	8,750	322,959	2.7
2025	15,600	413,230	3.8

On June 17, 2009, the Lane County Board of Commissioners adopted Ordinance PA 1255 which adopted population projections into the Lane County Rural Comprehensive Plan for all cities in Lane County. The population projections for the Florence Urban Growth Boundary are shown in the following table and are incor-

1 porated into this Comprehensive Plan to be used for all future land use planning
2 and facility planning within the UGB.

3
4
5 **Projected Population within the UGB**

6

<u>Year</u>	<u>Florence UGB Population</u>
<u>2015</u>	<u>12,355</u>
<u>2020</u>	<u>13,747</u>
<u>2025</u>	<u>15,035</u>
<u>2029</u>	<u>16,065</u>
<u>2030</u>	<u>16,323</u>
<u>2035</u>	<u>17,434</u>

7
8 **Introduction, page 19:**

9
10 **Definitions**

11
12 **Public Facility Plan** A Public Facility Plan is a support document or documents
13 to this Comprehensive Plan adopted to meet the Public Facility Plan require-
14 ments of Statewide Planning Goal 11, Public Facilities and Services. The Public
15 Facility Plan describes the water, wastewater, stormwater, and transportation fa-
16 cilities that support the land uses within the urban growth boundary designated in
17 the Comprehensive Plan. Certain elements of the Public Facility Plan are
18 adopted as part of the Comprehensive Plan, as specified in Chapters 11 and 12.

19
20 **Stormwater Management:** The planning, design, construction, regulation, im-
21 provement, repair, maintenance, and operation of facilities and programs relating
22 to flood control, erosion prevention, conservation, and water quality utilizing the
23 construction of facilities or structures to control the quantity and quality of storm-
24 water.

- 25
26 **4. Amend Chapter 11: Utilities, Facilities, and Services, as follows, to make**
27 **this Chapter of the Plan consistent with the minimum Public Facility Plan**
28 **requirements of Statewide Planning Goal 11, Public Facilities and Services.**

29
30 **Chapter 11: Utilities, Facilities, and Services**

31
32 This chapter provides background and policy direction for the following: ~~utilities~~
33 ~~and facilities:~~

- 1 ■ Public Facility Plan:¹
- 2 ■ Wastewater Collection and Treatment
- 3 ■ Water System Supplies and Needs
- 4 ■ Stormwater Management
- 5
- 6 ■ Other Utilities and Facilities:
- 7 ■ Telephone Services and Telecommunications
- 8 ■ Public Safety and Health-related Services
- 9

10 Public Facility Plan

11

12 Goal

13

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

19

20 Policies

- 21
- 22 1. The following plans, in addition to the Transportation System Plan in
23 Chapter 12, comprise the Florence Public Facility Plan, adopted as a sup-
24 porting document to this Comprehensive Plan:
- 25 a. City of Florence Wastewater Facilities Plan, Brown and Caldwell, Oc-
26 tober, 1997, as amended
 - 27 b. City of Florence Water System Master Plan Update, January, 2011, as
28 amended
 - 29 c. City of Florence Wellfield and Water Treatment Expansion Project,
30 February, 2001
 - 31 d. City of Florence Stormwater Management Plan, October 2000, as
32 amended
- 33
- 34 2. Use the project lists and maps, or described locations of projects, in the
35 Public Facility Plan for water, wastewater, and stormwater to guide water,
36 wastewater, and stormwater facilities and their general location in the ur-
37 ban growth boundary. Use City Code, Capital Improvement Programming,

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

1 and City Public Works work programs, engineering reports, and other ad-
2 ministrative tools as the guide for project timing, detailed planning, financ-
3 ing and implementation.

4
5 3. Amend the Public Facility Plan, and the Comprehensive Plan, in order to
6 modify, add to, or delete projects from the project lists in the Public Facility
7 Plan for water, wastewater, and stormwater or to make significant
8 changes to project location from that described in the Public Facility Plan.
9 The following changes to the Public Facility Plan do not require a Com-
10 prehensive Plan amendment unless changed as part of an overall update
11 of the Plan:

12
13 a. Modifications to a public facility project which are minor in nature and
14 do not significantly impact the project's general description, location,
15 sizing, capacity, or other general characteristic of the project; or

16
17 b. Technical and environmental modifications to a public facility which are
18 made pursuant to final engineering on a project; or

19
20 c. Modifications to a public facility project which are made pursuant to
21 findings of an Environmental Assessment or Environmental Impact
22 Statement conducted under regulations implementing the procedural
23 provisions of the national Environmental Policy Act of 1969 or any fed-
24 eral or State of Oregon agency project development regulations con-
25 sistent with that act and its regulations.

26 Recommendations

27
28
29 1. The City should keep track of local conditions or implementation actions
30 that would create the need for changes to the Public Facility Plan in order
31 to ensure that those changes are incorporated into the Public Facility Plan
32 as part of Periodic Review or any other update process.

33 Background

34
35
36 The City adopted a Public Facility Plan for wastewater, water, and stormwater as
37 part of the Comprehensive Plan through Ordinance No. 6 Series 2002. These
38 Plan amendments were to comply with the requirements of the 1995 Florence
39 Periodic Review. In February, 2011, the City Council approved the Water Master
40 Plan Update, January 2011. Through post acknowledgement amendments
41 made in 2011, this Master Plan became part of the Public Facility Plan and the
42 project lists and general locations in the Plan were adopted as part of the Com-
43 prehensive Plan. These three facility plans, included in Appendix 11 of this Com-

1 prehensive Plan, are supporting documents to this Comprehensive Plan; and
2 they meet the requirements for a “Public Facility Plan” in Statewide Planning
3 Goal 11, Public Facilities and Services. As required by Goal 11, the Public Faci-
4 lity Plan identifies and shows the general location of the water, wastewater, and
5 stormwater projects needed to serve land in the UGB.

6
7 The *Public Facilities Plan* finds that almost all areas within the city limits are
8 served or can be served in the short-term (0-5 years) with water, wastewater,
9 and stormwater. In terms of stormwater, there are areas in the City that have
10 been identified for piping solutions to reduce localized flooding. For example, a
11 Local Improvement District (LID) was proposed for the area around Mariners Vil-
12 lage and Westshore subdivision; but the residents were not supportive of the LID.
13 Due to the decline in development in the years following the 2008 economic re-
14 cession, Systems Development Charge (SDC) funds were not sufficient to ad-
15 dress these deficient areas. Service to all areas within city limits are either in a
16 capital improvement plan or can be extended with development. With the im-
17 provements specified in the *Public Facilities Plan* project lists, all urbanizable ar-
18 reas within the UGB can be served with water, wastewater, and stormwater ser-
19 vice at the time those areas are developed.

20
21 The policies resulting from the Public Facility Plan process have been inserted
22 into the relevant portions of this Chapter. The policies provide direction for public
23 and private developmental and program decision-making regarding urban facili-
24 ties and services. Development should be coordinated with the planning, financ-
25 ing, and construction of key urban facilities and services to ensure the efficient
26 use and expansion of these facilities.

27
28 The project lists and maps, or written descriptions of locations, in the Public Fa-
29 ility Plan are adopted as part of the Comprehensive Plan, although physically
30 located in the separate Plans. The exact location of the projects shown on the
31 Public Facilities Plan’s planned facilities maps or described in writing in the Plan
32 is determined through City processes, outside of the Comprehensive Plan
33 amendment process. The Public Facilities Plan will be updated as part of the
34 City’s Periodic Review process or in a Public Facility Plan update process inti-
35 ated by the City outside of Periodic Review.

- 36
37 **5. Amend the Water System Supplies and Needs section of Chapter 11: Utili-**
38 **ties and Facilities, as follows, to refer to the Water Master Plan Update,**
39 **January 2011 and updated planning period in that plan.**

40
41 **Chapter 11: Utilities and Facilities, Page XI-3**

42
43 **Water System Supplies and Needs**

1 **Goal**

2
3 To continue to provide an adequate supply of potable water for domestic, busi-
4 ness, and industrial needs, as well as sufficient water for fire protection, all in a
5 cost effective manner.

6
7 **Policies**

- 8
9 1. The City shall continue to operate and upgrade the current facilities in a
10 way that consistently provides high quality potable water for all needs in
11 the community.
12
13 2. The City shall identify new sources of water to meet anticipated demands
14 during the ~~2000-2020~~ 2010-2030 period, and will provide treatment as ap-
15 propriate for those sources.
16
17 3. The City shall pursue strategies to protect domestic water sources.
18
19 4. The City ~~will~~shall continue to pursue cooperative agreements in the inter-
20 ests of providing the most cost-effective system for supplying potable wa-
21 ter.
22
23 5. The City shall continue to maintain and upgrade the distribution system as
24 necessary to meet anticipated demand.
25
26 6. The quality and quantity of recharge to the City’s sole source aquifer shall
27 be maintained consistent with use of the aquifer as a domestic water
28 source.

29
30 **Recommendations**

- 31
32 1. The City should identify and prepare a schedule, together with associated
33 costs, for necessary improvements to the water treatment facility located
34 north of 24th Street for the 20-year planning period. In addition, the City
35 needs to pursue and develop a new well field and treatment facility sepa-
36 rate from the existing facility located north of 24th Street.
37
38 2. The City should prepare a plan for the systematic upgrade of water lines in
39 older parts of the City with a goal of upgrading all lines to modern stan-
40 dards by the year ~~2020~~2030.

- 1 3. The City should continue to pursue a variety of water sources, which taken
2 together, will meet the anticipated need for potable water for the 2020-2030
3 period and beyond.
- 4
- 5 4. The City should pursue ownership of private lands containing the pro-
6 posed future wellfields.
- 7
- 8 5. The City, ~~in anticipation of having to rely more heavily on water from wells,~~
9 should initiate development of a wellhead/aquifer protection plan in order
10 to assure that the aquifer, and the area around the wellheads is managed
11 with a goal of maintaining the aquifer as a source of domestic water meet-
12 ing state and federal standards for potability.
- 13
- 14 6. The City should work with local landscaping firms and the media to pro-
15 vide education in water conservation measures, especially as related to
16 outdoor use during summer months.
- 17
- 18 7. The City should work with qualified public/private agencies to provide edu-
19 cation about measures and practices for preventing the entrance of con-
20 taminants into the sole source aquifer.
- 21

22 **Background**

23
24 The City is currently supplied with groundwater from a system of wells that pro-
25 duce water with relatively high levels of iron. The water from the wells is pumped
26 to the 3.0 mgd (million gallons per day) Water Treatment Plant (WTP) located ad-
27 adjacent to the City's well field near the intersection of Willow Street and 24th
28 Street. The WTP uses pressurized biological reactors and pressurized green
29 sand filters for iron and manganese removal and sodium hydroxide for pH ad-
30 justment. Sodium fluoride is added to the treated groundwater before it enters the
31 distribution system. The City is currently supplied with water from a well system
32 that produces relatively high levels of iron. Chemicals are added to oxidize the
33 soluble iron. The water treatment facility produces an average of 1.0 million gal-
34 lons per day (mgd) with a peak capacity of 4.83.0 mgd. The City has three active
35 storage reservoirs providing 4.5 million gallons (MG) of water storage. These
36 storage reservoirs are: Sandpines Reservoirs No. 1 and 2, which are identical 2.0
37 MG welded steel tanks located adjacent to the Sandpines golf course, and the
38 East Reservoir which is a 0.5 MG welded steel storage tank located on the east
39 hills at 31st Street. Storage is provided in four reservoirs, an elevated 250,000
40 gallon tank near the City shops which is slated for demolition; a 500,000 gallon
41 steel tank on the east hills and two 2,000,000 gallon tanks located adjacent to
42 Sandpines.
43

1 Historically, the City purchased a portion of its water supply from Heceta Water
2 District (HWD); however, the City stopped purchasing water from HWD in 2003
3 after the expansion of the WTP and completion of the wellfield including Wells 8-
4 12. The City has relied heavily upon Heceta Water District for water supplies to
5 supplement their production. The City maintains two metered emergency inter-
6 ties with the neighboring Heceta Water District at the northern boundary of the
7 City's existing water service area. The first is an 8-inch diameter intertie on Rho-
8 dodendron Drive between Treewood and Rhodowood Drives that can be used to
9 supply water from the District to the City's system. At the second, 10-inch intertie
10 on Highway 101 and Munsel Lake Road, water can be provided either from the
11 District to the City or to the District from the City. The District's water is supplied
12 from a surface water intake on Clear Lake northeast of Florence. An updated
13 emergency water supply agreement between the City and the District was ap-
14 proved on July 6, 2010. Annually, over half of the District's production is sold to
15 the City. The maximum daily flow of this facility is 2.0 mgd. A recent agreement
16 between Heceta and other parties, not includingg the City, limits withdrawals
17 from Clear Lake to 1.0 mgd. The District has four reservoirs totaling about 1.8
18 million gallons. The City may work with Heceta Water District to obtain future
19 withdrawals from Clear Lake up to sustainable units.

20
21 ~~The City's Facilities Plan identifies 7.0 mgd as the target demand when planning~~
22 ~~for adequate water supplies for the planning period. Two options were identified~~
23 ~~in the Facilities Plan. Option 1 includes an expanded City treatment plant, a~~
24 ~~Clear Lake filtration/treatment plant and new groundwater sources and treatment.~~
25 ~~Option 2 excludes the Clear Lake source and plant.~~

26
27 ~~The City and Heceta Water District had signed a cooperative agreement to move~~
28 ~~forward with the filtration/treatment plant. However, due to opposition by land-~~
29 ~~owners on Clear Lake, the City has decided not to move forward on this option at~~
30 ~~this time, but to expand the City's wellfield (Option 1). Option 1 has been revised~~
31 ~~by the "Wellfield and Water Treatment Expansion Project," Brown and Caldwell,~~
32 ~~February 26, 2001.~~

33
34 The "Expansion Project" Plan provides for the following:

35
36 **Summer 2001**

37
38 ~~Develop the capability to supply 2.0 mgd net to the City's water distribution~~
39 ~~system by rehabilitation and optimization of the existing wellfield and~~
40 ~~treatment plant projected 2.2 mgd gross production with 2.0 mgd net ca-~~
41 ~~pability.~~

42
43 **Summer 2002**

1
2 Develop the capability to supply 3.0 mgd net to the water distribution sys-
3 tem by:

- 4 •obtaining a groundwater use permit from the Oregon Water Resources
- 5 Department for an additional 1.9 mgd;
- 6 •constructing five new production wells;
- 7 •providing associated improvements to the water treatment plant

8
9 **Summer 2008**

10
11 Develop new groundwater source and water treatment facility to meet fu-
12 ture demands.

13
14 The 1988 City of Florence Water Facilities Plan, prepared by Brown and Cald-
15 well, identifies potential new wellfields for expansion on public lands west of
16 Highway 101, both north and south of Heceta Beach Road. It has not been de-
17 termined whether these sites are available or can be permitted for development
18 of domestic water facilities.

19
20 Detailed recommendations and information about future water facilities and sup-
21 plies are contained in the City of Florence Water Facilities Plan, September 1998
22 prepared by Brown and Caldwell, and in the 2001 Wellfield and Water Treatment
23 Expansion Project, which are included as Appendix 11 of this Comprehensive
24 Plan.

25
26 Although the City's Urban Growth Boundary (UGB) extends significantly further
27 north of the existing city limits, customers in this area are currently served by the
28 neighboring Heceta Water District (HWD). As land north of the City develops it is
29 assumed that there will be some adjustment in water service area boundaries for
30 both the City and District but the majority of new City water customers are antici-
31 ipated to be within the city limits. The study area for this master plan includes the
32 area within the City of Florence's existing city limits, areas on either side of
33 Highway 101 between Munsel Lake Road and the UGB and areas west and
34 south of Munsel Lake Road near Florentine Estates. Two recently annexed areas
35 to the north, Driftwood Shores Resort and Conference Center and the Fawn
36 Ridge subdivisions are not included in the study area and will continue to be
37 served by the District. This study area represents the City's future water service
38 area which extends beyond the existing service area boundary.

39
40 Based the expanded service area, the City's updated water facility plan recom-
41 ends that the City expand the existing groundwater supply system to provide
42 an ultimate capacity of 3.2 mgd, the projected maximum daily demand (MDD) in
43 2030. This is a supply increase of approximately 350 gpm (0.5 mgd). The City

1 holds sufficient groundwater right permits to allow this groundwater supply ex-
2 ansion.

- 3
4 **6. Amend the Stormwater Management section of Chapter 11: Utilities and**
5 **Facilities, as follows, to make this section consistent with the minimum**
6 **Public Facility Plan requirements of Statewide Planning Goal 11, Public Fa-**
7 **cilities and Services and the Florence Stormwater Design Manual. Note**
8 **that the entire set of policies in this section of the Comprehensive Plan is**
9 **proposed for replacement by the amended and new policies in this section.**

10
11 **Chapter 11: Utilities and Facilities, Page XI-5**

12
13 **Stormwater Management**

14
15 **Goal**

16
17 To provide a stormwater system that enhances and maintains livability through
18 balanced, cost-effective solutions to stormwater management.

19
20 **Policies**

- 21
22 ~~1. The City shall encourage on-site retention of stormwater. However, in in-~~
23 ~~stances where flows are in excess of that generated on-site, or where site~~
24 ~~conditions make this physically impracticable, a combination of piped sys-~~
25 ~~tems and natural drainage systems may carry stormwater off-site to ap-~~
26 ~~proved collection or dispersion facilities.~~
27
28 ~~2. The quality and quantity of recharge to the City's sole source aquifer shall~~
29 ~~be maintained consistent with use of the aquifer as a domestic water~~
30 ~~source.~~
31
32 ~~3. Maintenance of stormwater facilities is critical to their functioning, espe-~~
33 ~~cially with natural systems. The City shall ensure that adequate measures~~
34 ~~are available to provide, or to require developers and homeowners to pro-~~
35 ~~vide, on-going maintenance.~~
36
37 ~~4. City approved provision for controlling storm run-off shall be made before~~
38 ~~development takes place in areas that have drainage problems.~~
39
40 ~~5. Storm drainage facilities, as approved by the City, may include culverts,~~
41 ~~drywells, catchment basins, pretreatment facilities, natural or surface~~
42 ~~channel systems or pipelines, or other facilities developed with accepted~~

1 engineering practices and standards. Such facilities shall be a part of all
2 subdivisions, planned unit developments, street construction or improve-
3 ments, commercial and industrial development or other developments
4 which may impact storm drainage patterns.

5
6 6. Stormwater shall be managed to protect water quality of streams, rivers,
7 and other waterbodies.

8
9 7. Stormwater management shall be consistent with the City's adopted
10 Stormwater Management Plan.

11
12 **6. (continued) Replace existing policies with the following. Note that footnotes**
13 **with asterisks are intended for explanatory purposes and are not part of the**
14 **amendments.**

15
16 *[Please note the following differences from the original proposal: topical head-*
17 *ings are inserted and policies are re-ordered under each heading. Also, the de-*
18 *tailed policy #11 in the June 7th version was dispersed under the topic headings*
19 *and the following portions of that policy are no longer recommended for inclusion*
20 *because they are unenforceable and redundant, respectively:*

21
22 11. Protect and improve surface and ground water quality and quantity in the
23 UGB by developing regulations or instituting programs for stormwater to:

- 24 b. Improve management of industrial and commercial operations to
25 reduce negative water quality and quantity impacts;
- 26 e. Require on-site controls and development standards, as practical,
27 to reduce offsite impacts from stormwater runoff;]

28
29
30 **Policies**

31
32 **Water Quality**

33
34 1. Protect water quality in ground and surface waters from the effects of ur-
35 banization through land use and development policies and procedures.**

36
37 2. Protect the quality of water in surface waters, i.e., the estuary, creeks,
38 lakes, wetlands, and ocean/beach, from contamination threats that could
39 impair the quality of the water for fish and wildlife habitat and human rec-
40 reation.**2

41

² **Guiding Principle for Water Quality and Quantity

- 1 3. Manage or enhance waterways and open stormwater systems to reduce
2 water quality impacts from runoff and to improve stormwater conveyance.
- 3
- 4 4. Include measures in local land development regulations that minimize the
5 amount of impervious surface in new development in a manner that re-
6 duces stormwater pollution, reduces the negative affects from increases in
7 runoff, and is compatible with Comprehensive Plan policies.
- 8
- 9 5. Stormwater shall be managed in as close proximity to the development
10 site as is practicable, and stormwater management shall avoid a net nega-
11 tive impact on nearby streams, wetlands, groundwater, and other water
12 bodies. The quality of stormwater leaving a site after development shall
13 be equal to or better than the quality of stormwater leaving the site before
14 development, as much as is practicable.
- 15
- 16 6. Land use activities of particular concern as pollution sources shall be re-
17 quired to implement additional pollution controls, including but not limited
18 to, those management practices specified in Florence City Code Title 9
19 Chapter 5.
- 20
- 21 7. Use natural and simple mechanical treatment systems to provide treat-
22 ment for potentially contaminated runoff waters.
- 23
- 24 8. Require containment and/or pretreatment of toxic substances.
- 25
- 26 9. Require containment to minimize the effects of chemical and petroleum
27 spills.
- 28

Water Quantity (Flow Control)

- 29
- 30
- 31 10. Prevent adverse flooding conditions through natural storage and slow re-
32 lease of surface water and runoff.**
- 33
- 34 11. Development shall mitigate all project impervious surfaces through reten-
35 tion and on-site infiltration to the maximum extent practicable. Where on-
36 site retention is not possible, development shall detain stormwater through
37 a combination of provisions that prevent an increased rate of flow leaving
38 a site during a range of storm frequencies as specified in Florence City
39 Code. Surface water discharges from onsite facilities shall be discharged
40 to an approved drainage facility.
- 41

1 12. The quantity and flow rate of stormwater leaving the site after develop-
2 ment shall be equal to or less than the quantity and flow rate of stormwa-
3 ter leaving the site before development, as much as is practicable.

4
5 13. Maintain flood storage capacity within the floodplain, to the maximum ex-
6 tent practical, through measures that may include reducing impervious
7 surface in the floodplain and adjacent areas.

8
9 **Stormwater Management Facilities and Design**

10
11 14. Stormwater management facilities are required for public and private de-
12 velopment and shall be designed, installed and maintained in accordance
13 with Florence City Code Title 9 Chapter 5 and the policies of the Compre-
14 hensive Plan.

15
16 15. Foster and support the design and use of innovative stormwater manage-
17 ment practices, including the incorporation of properly-designed con-
18 structed wetlands into public and private stormwater systems.**

19
20 16. Tailor stormwater management plans and practices for new development
21 and re-development to the Oregon coastal environment in a manner that
22 can adapt to changes in temperature and precipitation, and other notable
23 climate change impacts.**

24
25 17. Promote water conservation through efficient landscape and irrigation, in-
26 cluding water reuse and recycling, and other strategies to reduce water
27 consumption, to reduce the need for new drinking water sources and/or
28 expanded water storage.**

29
30 18. Implement changes to stormwater facilities and management practices to
31 reduce the presence of pollutants regulated under the Clean Water Act
32 and to address the requirements of the Endangered Species Act.

33
34 19. All local, state, and federal permit requirements related to implementation
35 of stormwater management facilities must be met by the owner/operator
36 prior to facility use.

37
38 20. Regulate site planning for new development and construction to better
39 manage pre- and post-construction storm runoff, including erosion, veloc-
40 ity, pollutant loading, and drainage.

1 21. Increase storage and retention and natural filtration of storm runoff to
2 lower and delay peak storm flows and to settle out pollutants prior to dis-
3 charge into waterways.

4
5 22. Reduce street-related water quality and quantity problems caused by
6 stormwater run-off;

7
8 **Public Stormwater System**

9
10 23. Planned public stormwater projects and their general location shall be
11 consistent with the project lists and locations described or mapped in the
12 City's adopted Public Facility Plan for stormwater.

13
14 **Groundwater**

15
16 24. The quality and quantity of recharge to the City's sole source aquifer shall
17 be maintained consistent with use of the aquifer as a domestic water
18 source.

19
20 25. All stormwater management activities shall be in conformance with the
21 City's adopted aquifer protection plan in order to assure that the North
22 Florence Sole Source Dunal Aquifer, and the area around the wellheads,
23 is managed with a goal of maintaining the aquifer as a source of domestic
24 water meeting state and federal standards for potability.

25
26 26. Use dry wells only when other tools for managing stormwater are not fea-
27 sible; and consider impacts to wellhead protection areas, surface water
28 supplies, and groundwater quality in the design and location of dry wells.
29 Dry wells are required to be permitted through DEQ as an Underground
30 Injection Control Device. In order to protect the North Florence Sole
31 Source Dunal Aquifer, use of this tool shall be only as a last resort in Flor-
32 ence.

33
34 **Maintenance**

35
36 27. Maintenance of stormwater facilities is critical to their functioning, espe-
37 cially with natural systems. The City shall ensure that adequate measures
38 are available to provide, or to require developers and homeowners to pro-
39 vide, on-going maintenance.

40
41 **Public Education**

1 28. As available funding and budgetary priorities allow, increase public
2 awareness of techniques and practices private individuals can employ to
3 help correct water quality and quantity problems; and provide public infor-
4 mation on how personal choices and actions affect watershed health.*

5
6 29. Work with the development community to increase their awareness of,
7 and concern for, water quality and fish and wildlife habitat; and encourage
8 them to actively seek new and innovative ways to design stormwater sys-
9 tems in a manner that best achieves water quality and quantity objec-
10 tives.*³

11 Intergovernmental Coordination

12
13
14 30. Stormwater drainage onto County right-of-way is prohibited.

15 **Recommendations**

16
17
18 1. ~~The City, in anticipation of having to rely more heavily on water from wells,~~
19 ~~should initiate development of a wellhead/ aquifer protection plan in order~~
20 ~~to assure that the aquifer, and the area around the wellheads, is managed~~
21 ~~with a goal of maintaining the aquifer as a source of domestic water meet-~~
22 ~~ing state and federal standards for potability.~~

23
24 2.1. The City should maintain the Flood Damage Prevention chapter of City
25 Code (Title 4, Chapter 4) in continuing conformance with the requirements
26 of the Federal Emergency Management Agency (FEMA) in order to retain
27 eligibility for flood insurance for property owners located in the floodplain.

28
29 2. The City and Lane County should work cooperatively to reduce the nega-
30 tive effects of filling in floodplains and prevent the filling of natural drainage
31 channels except as necessary to ensure public operations and mainte-
32 nance of these channels in a manner that preserves and/or enhances
33 floodwater conveyance capacity and biological function.

34 **Background**

35
36
37 Stormwater management has become an increasingly important issue in Flor-
38 ence as climatic cycles return to a period of high rainfall, and as developments in
39 the City have been experiencing severe stormwater inundation problems. Larger
40 Oregon cities such as Portland and Eugene have been mandated for a number
41 of years to implement stormwater management in compliance with the Clean

³ *Guiding Principle for Public Education and Stewardship

1 Water Act. The City of Florence has chosen to implement stormwater manage-
2 ment voluntarily and proactively. The importance of stormwater management in
3 Florence is highlighted by the region's unique hydrology, climate, and geology
4 that call for unique design and construction techniques.

5
6 There are many advantages to keeping channels open, including, at a minimum,
7 natural biofiltration of stormwater pollutants; greater ability to attenuate effects of
8 peak stormwater flows; retention of wetland(s) habitat, and open space functions;
9 and reduced capital costs for stormwater facilities. An increase in impervious
10 surfaces, without mitigation, results in higher flows during peak storm events,
11 less opportunity for recharging of the aquifer, and a decrease in water quality.

12
13 Stormwater systems tend to be gravity-based systems that follow the slope of the
14 land rather than political boundaries. In many cases, the natural drainageways
15 such as streams serve as an integral part of the stormwater conveyance system.
16 Filling in designated floodplain areas can increase flood elevations above the
17 elevations predicted by Federal Emergency Management Agency (FEMA) mod-
18 els, because the FEMA models are typically based only on the extent of devel-
19 opment at the time the modeling was conducted and do not take into account the
20 ultimate buildout of the drainage area. This poses risks to other properties in or
21 adjacent to floodplains and can change the hydrograph of the stream or river.

22
23 In the late 1990s, the City contracted with Brown and Caldwell to prepare a
24 Stormwater Management Plan. The consultants, working with the City's Storm-
25 water Committee and residents of the community, identified known problem ar-
26 reas and performed groundwater-modeling studies. A range of solutions was
27 prepared, together with ordinances and regulations necessary to implement the
28 plan. *The City of Florence Stormwater Management Plan* was adopted in 2002
29 as a supporting document for this Comprehensive Plan; was approved by the
30 Oregon Department of Land Conservation and Development as meeting the re-
31 quirements of Statewide Planning Goal 11 Public Facilities Planning; and was
32 later amended through different Ordinances and Resolutions.

33
34 A preliminary draft of the Stormwater Plan was completed in April 2000. The fi-
35 nal Stormwater Management Plan was completed in October 2000. The October
36 2000 Stormwater Plan was accepted by the City Council on November 6, 2000
37 and it was adopted as part of Appendix 11 of this Comprehensive Plan when the
38 Realization 2020 Comprehensive Plan was adopted in 2002. The City Council
39 subsequently took separate, formal action approving the October 2000 Stormwa-
40 ter Plan by adopting Resolution 8, Series 2004, on March 15, 2004.

41
42 One of these amendments was the In July 2006, Branch Engineering prepared
43 the report, "*Stormwater Design Report for Spruce Street LID*," prepared by

1 Branch Engineering. This report modified the design for the stormwater system
2 in the northeast section of the Florence UGB. This report was approved by City
3 Council motion on September 5, 2006 and formally incorporated into Appendix
4 11 of the Comprehensive Plan as part of the housekeeping amendments
5 adopted in 2008.

6
7 The 2000 Florence Stormwater Management Plan was based on assumptions
8 and methods used in the 1999 Portland Stormwater Management Manual and it
9 included an Appendix E that provided guidance on the use of Best Management
10 Practices (BMPs). Following several years of experience with these BMPs, the
11 City became aware that they did not always work in Florence's unique climatic
12 and hydrogeologic environment.

13
14 As a result, in 2011, the City Council adopted amendments to the Comprehen-
15 sive Plan, including the Stormwater Management Plan in Appendix 11, and the
16 Florence City Code that provide a new legal framework for the design and con-
17 struction of public and private stormwater facilities. Specifically, the City
18 amended Florence City Code Title 9 to adopt by reference the 2008 City of Port-
19 land Stormwater Management Plan, 2008 City of Portland Erosion and Sediment
20 Control Plan, and the 2010 City of Florence Stormwater Design Manual, pre-
21 pared by Branch Engineering. The purpose of these amendments was to provide
22 clear direction on how to effectively implement the Stormwater Management Pol-
23 icy contained in this Comprehensive Plan.

- 24
25 **7. Amend the Public Safety Section of Chapter 11 to update the policies and**
26 **recommendations, for consistency with current conditions.**

27
28 **Chapter 11: Utilities and Facilities, Page XI-16**

29
30 **Public Safety and Health-Related Services**

31
32 **Policies**

- 33
34 3. ~~The City shall work to build and maintain its police services at parity with~~
35 ~~similar size communities in Oregon. Periodically, the City shall review the~~
36 ~~level of service being provided by its police department and will strive to~~
37 ~~maintain a full-service department as City Council policies and the City's~~
38 ~~financial resources allow.~~
39
40 5. The City shall continue to cooperate with other public safety agencies in
41 the provision of emergency management service according to the Western
42 Lane County Emergency Management Plan. Additionally, as resources al-
43 low, the City shall continue to cooperate and participate with other public

1 safety, governmental and other organizations in the Western Lane Emer-
2 gency Operations Group (WLEOG). The WLEOG's primary purpose is for
3 emergency response training, public education, and disaster planning.
4

5 **Recommendations**

6

7 5. The City should work towards providing police staffing consistent with
8 standards for communities of its size in Oregon. Police Department staff-
9 ing levels should be maintained to provide the level of services as deter-
10 mined by the City Council.
11

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

13

14 **Background**

15

16 ~~Police personnel include regular officers, communications officers to man “911”~~
17 ~~center, reserve officers, a police auxiliary and an officer in the schools and a do-~~
18 ~~mestic violence officer. The department has mutual aid agreements with the~~
19 ~~Lane County Sheriff’s Department and the Oregon State Police. Staffing levels~~
20 ~~are less than generally accepted standards for a community of its size within~~
21 ~~Oregon. The police department is also working with SRFPD #1 and other agen-~~
22 ~~cies on emergency/disaster planning.~~
23

24 The Florence Police Department strives to remain a full service police depart-
25 ment. The services offered are: police patrol and investigatory response; 911
26 Communications and Dispatch; a jail operated as a full service local correctional
27 facility; and code enforcement. Police personnel include: police officers; reserve
28 police officers; communications officer to staff the Public Safety Answering Point
29 (911 Dispatch); a code enforcement officer; and an auxiliary. The Department
30 has, and will maintain, mutual aid agreements with the Lane County Sheriff’s De-
31 partment and the Oregon State Police.
32
33
34

1
2
3
4
5
6
7

Exhibit B Attachment 2

Proposed Amendments to Florence Stormwater Management Plan For Consistency with the December 2010 City of Florence Stormwater Design Manual August 2, 2011

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

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

18

Florence Stormwater Management Plan, Page 1-10

19

“Code, Ordinances, and Development Standards

20
21
22
23 City codes, ordinances, and development standards provide direction and sup-
24 port for the SWMP. A new storm water ordinance was developed for the City, in-
25 cluding new minimum development standards. This local regulatory framework
26 provides clear direction to developers and contractors concerning the minimum
27 standards and controls required for managing storm water quantity and quality.
28 In addition, the code and ordinances provide the City with the authority and re-
29 sponsibility for implementing and enforcing the program. The policy direction in
30 this Plan is implemented through the provisions of Florence City Code, primarily
31 FCC Title 9 Chapter 5. ~~The recommended code, ordinance, and development~~
32 ~~standards are described in a technical memorandum, provided in Appendix D.~~”

33
34

“Best Management Practices

35
36 The code, ordinance, and development standards recommended as part of the
37 overall-adopted to implement the Sstorm-water Management Plan program re-
38 quire that certain types of controls, or Best Management Practices (BMPs), be
39 implemented to reducemanage flow rates and/or improve water quality. BMPs
40 are available for controlling flow rate and water quality. BMPs that may be used
41 in Florence are referenced in Florence City Code Title 9 Chapter 5. Appendix E
42 identifies a list of BMPs that are acceptable for use on projects within the study

1 area. The list should be considered a toolbox that local developers and the City
2 can use to meet the requirements of the SWMP.”

3 4 **Florence Stormwater Management Plan, Page 1-10**

5 6 **“Best Management Practices (BMPs)**

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

17 18 **Stormwater Management Plan** 19 **Appendix E: Best Management Practices**

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

30
31 The purpose of this document is to provide guidance on the appropriate selection
32 and design of stormwater BMPs by reference. By itself, this document is not a
33 design manual for BMPs. Instead, it provides guidance to the broad range of re-
34 sources available for selecting and designing these facilities.

35
36 There are many manuals available that provide guidance for the selection, instal-
37 lation, and maintenance of BMPs. The development of one of these documents
38 for the City of Florence would be prohibitively expensive and not be a wise use of
39 City resources. Instead, the adoption and use of an existing document is rec-
40 ommended. Of course, the unconditional adoption of another city’s or agency’s
41 manual may not be prudent since the document was prepared for an area with
42 topography, soils, rainfall, vegetation, land use, and political structure that may
43 be quite different from the city of Florence.

1 This Appendix provides general guidance for the application of stormwater BMPs
2 and recommends a BMP manual for adoption by the City of Florence, along with
3 modifications and exceptions to tailor the manual to the needs of the Florence
4 area.

5 **General BMP Guidelines**

6
7
8 Stormwater BMPs can be divided into two main categories, preventative and
9 treatment. Preventative BMPs are designed to decrease the volume of runoff or
10 prevent pollutants from mixing with the stormwater. In other words, they take
11 care of the stormwater before it enters the public conveyance system. In gen-
12 eral, preventative BMPs are mostly activities rather than facilities. They rely on
13 actions to reduce flow, prevent erosion, or reduce the exposure of construction
14 materials and other potential pollutants to stormwater runoff. Also known as source
15 control BMPs, these types of BMPs include limiting impervious area, preventing
16 erosion, cleaning up work sites, and the covering or containing of chemicals and
17 exposed construction materials. Preventative BMPs tend to be less expensive
18 and more effective than treatment BMPs at reducing pollutants in runoff.

19
20 Treatment BMPs affect stormwater after it enters the conveyance system. BMPs
21 for treatment are mostly structural facilities rather than activities. Examples in-
22 clude detention/retention ponds, water quality ponds, constructed wetlands,
23 vegetated swales, infiltration facilities, and other similar measures including a
24 number of commercially designed units. These structural measures are more ex-
25 pensive and less effective than preventative BMPs at reducing pollutants in run-
26 off.

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

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

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

5
6 In addition to these general considerations, the Florence area has several rela-
7 tively unique features that must be considered for stormwater management:
8

- 9 1. Virtually all of the soils within the city limits are dunal sands, with
10 high rates of infiltration. Infiltration is desirable to minimize the
11 amount of infrastructure required to transport stormwater flows, in-
12 crease base stream flow in the summer months, and recharge the
13 aquifer. The City of Florence has traditionally relied heavily on infil-
14 tration to dispose of stormwater and this practice should be en-
15 couraged in areas that do not threaten the quality of the aquifer.
16
- 17 2. Currently, the existing City well field and Clear Lake are the source
18 of drinking water for the entire Florence area. Planning projections
19 identify the need for additional wells and well fields to meet the fu-
20 ture water requirements of the area. The wells draw water from the
21 aquifer that lies beneath the entire area. Consequently, it is very
22 important that the quantity and quality of the water infiltrating into
23 the ground (and the aquifer) is well managed. Industrial and com-
24 mercial land uses are more likely to generate hazardous pollutants
25 than residential, parks and open space areas. As a result, areas up
26 gradient from existing and future well field sites should be managed
27 carefully to protect the quality of the groundwater. In these areas,
28 land uses with a high pollution potential should not be allowed to in-
29 filtrate unless certain types of BMPs are implemented to treat the
30 surface water prior to infiltration. As an alternative, a piped collec-
31 tion system should be considered in these high risk areas to reduce
32 the likelihood of aquifer contamination.
33
- 34 3. Much of the flooding within the City limits is due to high groundwa-
35 ter tables, rather than surface runoff. This, rather than imperme-
36 able soils, limits the use of infiltration in Florence.
37

38 **BMP Manual Comparison**

39
40 A number of factors must be considered when deciding upon the most appropri-
41 ate BMP manual for Florence to adopt. The manual should meet the following
42 requirements:
43

- 44 ■ Be simple to use;

- 1 ■Address quantity control;
- 2 ■Address quality control;
- 3 ■Be applicable to the soils, climate, vegetation, relevant to Florence;
- 4 ■Allow adjustments for different size rain events;
- 5 ■Provide a selection matrix for BMPs;
- 6 ■Be readily accessible to the engineering and development community;
- 7 ■Be relatively recent (mid to late 1990s);
- 8 ■Contain design details; and
- 9 ■Be a final version, not a draft.

10
11 The results of a comparison of ten manuals considered for use in Florence are
12 shown in Table E-1.

13 **Table E-1. BMP Manual Comparison**

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

15
16 **Recommended BMP Manual**

17
18 Upon review of Table E-1, it is recommended that Florence adopt the 1999 ver-
19 sion of the Portland Stormwater Management Manual as the City's BMP Manual
20 with the following caveats:
21

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1) — ~~The City of Florence Comprehensive Plan, Zoning Codes, Ordinance, Code and Development Standards are not superseded or replaced by the BMP Manual. The BMP Manual is to be used as a guide for the selection and design of appropriate BMPs. Many of the references throughout the Portland Stormwater Management Manual are specific to the regulatory and physical requirements of the City of Portland. Therefore, the user of the BMP Manual will have to use professional engineering judgment to determine the applicability of an approach or technique to the City of Florence.~~

2) — ~~The City of Florence has not adopted Chapters 1 through 5.5 of the Portland Stormwater Management Manual. The City has adopted Chapters 5.6 through 9 to be used as guidance for selecting and designing BMPs for use in the Florence area. The use of equations (based on Portland rainfall and soils), the forms and other submittals identified in the BMP Manual are not to be used unless specifically requested by the City Public Works Director or as required by City Ordinance, Code or Development Standards.~~

3) — ~~Exhibit 5-8, Grass Seed Mix should be adjusted in conjunction for local conditions as per the characteristics listed.~~

4) — ~~The rainfall depths shown in Table A-1 shall not be used.~~

5) — ~~The Simplified Approach discussed throughout the BMP Manual shall not be used.~~

6) — ~~The flow control requirements and techniques defined in Chapter 6.4 through 6.6 shall not be used.~~

7) — ~~The use of sumps and sedimentation manholes as defined in Chapter 6.7.5 shall not be allowed.~~

8) — ~~Appendices 6-A and 6-B shall not be used.~~

1
2
3 **Exhibit B Attachment 3**

4 **Proposed Amendments to Florence City Code Titles 9, 10, and 11**
5 **For Consistency with the December 2010 City of Florence**
6 **Stormwater Design Manual**
7 **August 2, 2011**

8 The following Draft Amendments show additions in double-underline and deletions in
9 ~~strike-out~~. Portions of Code not shown remain in effect unless noted otherwise. **Modifi-**
10 **cations made to the June 7th version of this Exhibit are shown in yellow highlight.**

- 11
12
13 1. **Amend Florence City Code (FCC) Title 9 Chapter 5 to show proposed**
14 **modifications in section headings.**

15
16 **FLORENCE CITY CODE (FCC) TITLE 9, CHAPTER 5**

17
18 **STORMWATER MANAGEMENT UTILITY, USER FEE SYSTEM AND**
19 **STORMWATER MANAGEMENT REQUIREMENTS**

20
21 **SECTION:**

- 22
23 9-5-1: General Provisions
24 9-5-1-1: Purpose
25 9-5-1-2: Definitions
26 9-5-1-3: Findings
27 9-5-1-4: Establishment of Stormwater Utility
28 9-5-1-5: Stormwater Management Charge
29 9-5-1-6: Public Stormwater Charge
30 9-5-1-7: Extension of Public Stormwater System
31 9-5-1-8 Stormwater Manual Adoption by Reference
32 9-5-2: Drainage Plan Submittal Requirements
33 9-5-2-1: General
34 ~~9-5-2-2: Preliminary Development Plan~~
35 ~~9-5-2-3: Stormwater Management Plans~~
36 9-5-2-4: Exemptions and Modified Requirements
37 9-5-3: Stormwater Design Criteria
38 9-5-3-1: General
39 9-5-3-2: Stormwater Quantity
40 9-5-3-3: Stormwater Quality
41 9-5-4: Maintenance Responsibility
42 9-5-4-1: Public Facilities
43 9-5-4-2: Private Facilities
44 9-5-4-3: City Acceptance of New Stormwater Facilities
45 9-5-5: Easements

- 1 9-5-5-1: Public Facilities
- 2 9-5-5-2: Private Facilities
- 3 9-5-6: Construction and Inspection
- 4 9-5-6-1: Construction
- 5 9-5-6-2: Inspection
- 6 9-5-7: Miscellaneous Provisions
- 7 9-5-7-1: Technical Equivalency
- 8 9-5-7-2: Penalties
- 9 9-5-7-3: Conflict with Other Laws
- 10 9-5-7-4: Severability
- 11 9-5-7-5: Liability

12

13 **2. Amend the Definitions in Florence City Code (FCC) Title 9 Chapter 5 to be**
 14 **consistent with the 2008 Portland Stormwater Management Manual, 2008**
 15 **Portland Erosion and Sediment Control Manual, and the Florence Stormwa-**
 16 **ter Design Manual. The proposed definition for “Stormwater Manual” al-**
 17 **lows this term to be used for all references to stormwater facility design**
 18 **and it incorporates the reference to both of the 2008 Portland Manuals and**
 19 **the 2010 Florence Stormwater Design Manual. The definition for “Drainage**
 20 **Plan” replaces “Site Stormwater Management Plan” and “Preliminary De-**
 21 **velopment Plan.”**

22

23 **9-5-1: GENERAL PROVISIONS**

24

25 **9-5-1-2: DEFINITIONS**

26

27 For the purposes of this Chapter, the following words and phrases shall have the
 28 meanings indicated:

29

30 **BEST MANAGEMENT PRACTICES (BMPs)** Includes a wide range of storm
 31 water management procedures to effectively control the
 32 quantity and quality of storm water runoff. Loosely inter-
 33 preted, BMPs include the wide range of storm water man-
 34 agement facilities available for quantity and quality control
 35 (e.g. detention ponds, water quality ponds, water quality
 36 manholes, vegetated swales, infiltration systems, etc.).
 37 BMPs to be used in Florence are described in the Stormwa-
 38 ter Manual.

39

40 **BUFFER ZONE** A physical setback from a sensitive area used to protect the
 41 water quality, the aquatic and riparian wildlife communities,
 42 and the habitat value within the sensitive area. The start of
 43 the buffer starts at the edge of the defined channel (bank full
 44 stage) for streams/rivers, delineated wetland boundary, de-
 45 lined spring boundary, or average high water for lakes.

1
2 DETENTION FACILITY A permanent storm water management structure that
3 temporarily stores runoff by controlling the release rate from
4 the facility to prevent down gradient flooding and high veloci-
5 ties.
6

7 DRAINAGE FACILITY Any of a number of types of stormwater conveyance
8 detention, retention or other related facilities, including:
9 pipes, culverts, ditches, natural drainageways, streams,
10 catch basins, inlets, trash racks, and other types of open-
11 channel systems.
12

13 ~~DRAINAGE PRELIMINARY DEVELOPMENT PLAN~~ The ~~minimum~~ submittal re-
14 quirement for all projects except those specifically exempt
15 from the submittal process or subject to the modified re-
16 quirements. The plan helps to identify the major impact of
17 the ~~major~~ proposed development on the quality and quantity
18 of storm water and the proposed activities to limit and ad-
19 dress negative impacts. The submittal requirements for the
20 Drainage Plan are specified in the Stormwater Manual.
21

22 FLOW CONTROL The practice of limiting the release of peak flow rates and
23 volumes from a site. Flow control is intended to protect
24 downstream properties, infrastructure, and natural resources
25 from the increased stormwater runoff peak flow rates and
26 volumes resulting from development. The terms “flow con-
27 trol” and “flood control” are used interchangeably.
28

29 FLOW CONTROL FACILITY Any structure or drainage device that is designed,
30 constructed, and maintained to collect, retain, infiltrate, or
31 detain surface water runoff during and after a storm event for
32 the purpose of controlling post-development quantity leaving
33 the site.
34

35 IMPERVIOUS SURFACES Buildings, roofs, sidewalks, streets, paved
36 parking areas, gravel streets and parking areas, and other
37 types of paved or hard surfaces that severely limit the infiltra-
38 tion of storm water into the underlying soil. Surfaces with a
39 Rational Method runoff coefficient of 0.8 or higher shall be
40 considered impervious.
41

42 PORTLAND EROSION AND SEDIMENT CONTROL MANUAL The technical
43 document that provides guidance for temporary and perma-
44 nent erosion prevention, sediment control, and control of
45 other development activities that can cause pollution during

the construction process (before, during, and after clearing, grubbing, grading, and excavation).

POST-DEVELOPED CONDITIONS The conditions that exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.

POLLUTION GENERATING IMPERVIOUS SURFACE Impervious surfaces subject to regular vehicular use, including: roads, un-vegetated road shoulders, driveways, parking lots, diesel equipment storage yards, and airport runways; storage areas of erodable or leachable materials, wastes, or chemicals; and metal roofs that are not treated to prevent leaching.

POLLUTION GENERATING PERVIOUS SURFACE Any non-impervious surface with vegetative ground cover subject to the use of pesticides and fertilizers, including: lawns and landscaping of commercial sites, golf courses, parks and sports fields.

PRE-DEVELOPED CONDITIONS The conditions of the land prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.

~~PRELIMINARY DEVELOPMENT PLAN The minimum submittal requirement for all projects except those specifically exempt from the submittal process or subject to the modified requirements. The plan helps to identify the major impact of the proposed development on the quality and quantity of storm water and the proposed activities to limit negative impacts.~~

PUBLIC STORM WATER FACILITY Drainage and storm water management facilities located within the public right-of-way or easements dedicated to the City **and** that are owned and maintained by the City.

RETENTION FACILITY Similar to a detention facility, except the retention facility is designed with a permanent pool of water that may have a detention storage volume above the permanent pool. Many of these facilities use infiltration and evaporation to discharge the retained volume of water.

SENSITIVE AREAS Natural streams (perennial or intermittent), rivers, lakes, or wetlands hydraulically connected by surface water to

1 streams, rivers, or lakes and areas defined by the City of
2 Florence's Local Wetlands and Riparian Inventory. Also, in-
3 cludes all areas that are protected for species as per areas
4 designated by Oregon Department of Fish and Wildlife, Ore-
5 gon Division of State Lands, National Marine Fisheries Ser-
6 vice, United States Fish and Wildlife Service and Oregon
7 Department of Transportation.
8

9 ~~SITE STORM WATER MANAGEMENT PLAN OR DRAINAGE PLAN~~ A plan
10 submitted to the City for review and approval prior to the ma-
11 jor development of land. The Storm Water Management Plan
12 or Drainage Plan is more detailed than the Preliminary De-
13 velopment Plan and is intended to help prevent negative im-
14 pacts to storm water quality and quantity associated with
15 major land disturbing activities.
16

17 STORMWATER DESIGN MANUAL (CITY OF FLORENCE STORMWATER DE-
18 SIGN MANUAL) The City-recognized guide to designing
19 and installing Best Management Practices (BMPs) in order
20 to meet the requirements for stormwater facilities in this Title.
21 The Stormwater Design Manual supersedes the 2008 Port-
22 land Stormwater Management Manual.
23

24 STORMWATER MANAGEMENT The planning, design, construction, regulation,
25 improvement, repair, maintenance, and operation of facilities
26 and programs relating to flood control, erosion prevention,
27 conservation, and water quality water, flood plains, flood
28 control, grading erosion, tree conservation, and sediment
29 control. utilizing the construction of facilities or structure to
30 control the quantity and quality of stormwater.
31

32 STORM WATER MANAGEMENT FACILITIES Facilities or structures that control
33 the quantity or quality of storm water, including: detention
34 ponds, water quality ponds, vegetated swales, water quality
35 manholes, treatment wetlands, infiltration systems, etc.
36

37 STORMWATER MANAGEMENT FUND OR FUND The Fund created by this
38 Chapter to operate, maintain, and improve the City's storm-
39 water system.
40

41 STORM WATER MANAGEMENT PLAN OR SWMP The city-recognized plan
42 that was prepared with the input of a Stakeholder Advisory
43 Committee that makes recommendations for addressing
44 flooding problems, improving water quality, and protecting
45 the quantity and quality of the aquifer and valuable natural

resources (e.g. wildlife habitat). It is intended to guide upgrades and expansion of the public storm water conveyance system and related public facilities to meet the area’s needs over a 20 year period.

STORMWATER MANUAL. The term “Stormwater Manual” means the 2008 City of Portland Stormwater Management Manual, as superseded by the City of Florence Stormwater Design Manual, December 2010, and the 2008 City of Portland Erosion and Sediment Control Manual. The 2008 City of Portland Stormwater Management Manual is the technical document that outlines the City of Florence’s stormwater management requirements. The requirements defined in the manual apply to all development and redevelopment projects within the City of Florence on both private and public property, except as superseded by the Florence Stormwater Design Manual, as amended by the City of Florence.

STORM WATER SYSTEM All of the structures and facilities that are designed for the collection, conveyance, storage, treatment, and disposal of storm water runoff and surface water, including both man made and natural drainage systems.

SWMM This is a hydrologic and hydraulic storm water management model and it is an official EPA model. It was originally developed and maintained by Wayne Huber of Oregon State University. It is available at: <http://www.ccee.orst.edu/swmm>.

ZONE OF CONTRIBUTION The up-gradient boundary of a wellhead protection area as defined by the 10-year time of travel.

3. Amend the following specific sections of Florence City Code (FCC) Title 9 Chapter 5 to be consistent with the “Stormwater Manual.”

9-5-1-6: PUBLIC STORM WATER SYSTEM

- A. Storm drainage and management facilities may or may not be publicly owned and maintained.
- B. The City Manager or his/her designee may require that a storm water facility that serves more than one property be a public facility provided the easement and maintenance requirements of this Code are satisfied.

- 1 C. Storm drainage and management facilities within a Planned Unit Devel-
 2 opments (PUD) may or may not have a publicly owned and maintained
 3 system. Generally, if the City owns and maintains the roads and there is
 4 free ingress and egress from the community (not gated), then the City may
 5 own and maintain the storm water system provided the easement and
 6 maintenance requirements of this Code are satisfied. Ownership of the
 7 PUD storm water system shall be established prior to the issuance of con-
 8 struction permits.
 9
- 10 D. Natural streams and drainage ways are not owned and maintained by the
 11 City.
 12
- 13 E. The storm water facilities identified in the City of Florence Storm Water
 14 Management Plan shall be publicly owned.
 15
- 16 F. The City may accept ownership of the major components of the existing
 17 storm water drainage and management system located outside of the cur-
 18 rent City boundary after the area is annexed into the City. In general, the
 19 storm water drainage system owned and maintained by Lane County
 20 (prior to annexation) will be accepted by the City. The City Manager or
 21 his/her designee shall consider the following factors prior to acceptance of
 22 any facilities into the public drainage system:
 23
- 24 1. standards used in the design,
 - 25 2. the location of the system relative to the public right-of-way,
 - 26 3. functionality of the system,
 - 27 4. associated flooding problems,
 - 28 5. maintenance requirements,
 - 29 6. ability to access facilities, and
 - 30 7. any other factors pertinent to the decision.

31
 32 **9-5-1-7: EXTENSION OF PUBLIC STORM WATER SYSTEM**
 33

- 34 A. If necessary or required, tThe public storm water system shall be ex-
 35 tended up to and through to the most distant up gradient and down gradi-
 36 ent parcel boundary(ies) to accommodate current and future flows enter-
 37 ing or exiting the property, ~~unless otherwise approved by the City. Con-~~
 38 ~~sideration and accommodation shall be made for all existing drainage~~
 39 routes. Except as otherwise provided, the extension of the public storm
 40 water drainage system to serve any parcel or tract of land shall be done
 41 by and at the expense of the property owner(s) or applicant. The City may
 42 require that a storm water system that serves more than one property be a
 43 public system.
 44

- 1 4. Amend Florence City Code (FCC) Title 9 Chapter 5 to add a new section 9-
2 5-1-8 to adopt the 2008 Portland Stormwater Management Manual, 2008
3 Portland Erosion and Sediment Control Manual, and the Florence Stormwa-
4 ter Design Manual by reference.

5
6 9-5-1-8: Stormwater Manual, Adoption by Reference. Except as noted
7 below in Sections 9-5-1-8 A and B, the standards and require-
8 ments contained in the 2008 *City of Portland Stormwater Manage-*
9 *ment Manual*, the 2008 *City of Portland Erosion and Sediment Con-*
10 *trol Manual*, and the *City of Florence Stormwater Design Manual*,
11 December 2010, are adopted by reference into this Code.

12
13 A. The following Sections of the 2008 *City of Portland Stormwa-*
14 *ter Management Manual* are not adopted by the City of Flor-
15 ence:

- 16 ■ Appendix A: (City of Portland Code and Policy)
- 17 ■ Appendix B: (Vendor Submission)
- 18 ■ Appendix D: (Submittal Guides)
- 19 ■ Appendix E: (Storm Development Methodology)
- 20 ■ Other Sections that the Florence Public Works Direc-
21 tor finds are not directly applicable to Florence or are par-
22 tially applicable because they have been modified by the
23 *Florence Stormwater Design Manual*, December 2010.

24
25
26 B. The *City of Florence Stormwater Design Manual*, December
27 2010, shall supersede the 2008 *City of Portland Stormwater*
28 *Management Manual*.

- 29
30 5. Amend the following sections of Florence City Code (FCC) Title 9 Chapter 5
31 to make the submittal requirements and criteria consistent with the Storm-
32 water Manual. These amendments will replace confusing and conflicting
33 provisions in the Code for different types of plans with a requirement to
34 submit a drainage plan that is consistent with the Stormwater Manual, ex-
35 cept as specifically exempted or modified by this Code.

36
37 **9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS**

38
39 **9-5-2-1: GENERAL**

- 40
41 A. ~~The Preliminary Development Plan and the Storm Water Management~~
42 ~~Plan are required to prevent or mitigate the potentially negative impacts~~
43 ~~associated with larger site disturbance and development activities. A~~
44 ~~Drainage Plan is required for all development, except as provided in FCC~~
45 ~~9-5-2-4. Submittal requirements are tailored to the size and impacts of the~~

1 development. The submittal requirements are specified in the Stormwater
2 Manual.

3
4 **9-5-2-2: PRELIMINARY DEVELOPMENT PLAN**

5
6 A. A Preliminary Development Plan is required for all projects not specifically
7 identified as being exempt or subject to the modified requirements. The
8 plan shall include as a minimum the following:

- 9 1. A general description of the proposed improvements.
- 10 2. A general description of the topography, soil, storm water drainage
11 and management system (include how surface runoff or flow enters
12 and leaves the project site), and natural resource conditions of the
13 site. If the area is subject to flooding from a high groundwater table,
14 show how this water is managed to prevent flooding of existing or
15 proposed structures.
- 16 3. A general description of the proposed project property and a de-
17 scription of existing structures, buildings, and other fixed improve-
18 ments located on the property and surrounding properties.
- 19 4. A Site Plan that identifies the following features:
 - 20 a. The site location of the proposed project, indicating the loca-
21 tion of the proposed project in relation to roadways, jurisdic-
22 tional boundaries, streams, wetlands, and rivers.
 - 23 b. The boundary lines of the project site.
 - 24 c. All areas of the site that will be disturbed by construction ac-
25 tivities and the total disturbed area calculated.
 - 26 d. The total quantity of impervious surface added by the pro-
27 ject.
 - 28 e. The existing and proposed topography of the project site.
 - 29 f. The general location and identification of natural vegetation.
 - 30 g. The location and identification of the existing and proposed
31 storm water drainage system, including natural and man-
32 made features.
 - 33 h. The location of buffers and regulatory setbacks from streams
34 and wetlands.
 - 35 i. The required easements for all public facilities.
 - 36 j. A description and plan of erosion prevention and sediment
37 control practices to be implemented during construction and
38 prior to landscaping becoming established.

39
40 **6. Amend the following sections of FCC 5-2-2 and move these sections to**
41 **FCC 5-2-1.**

42
43 B. A registered Professional Engineer licensed by the State of Oregon shall
44 prepare, certify, and seal the Drainage Preliminary Development Plan as
45 required by City and state law and as specified in the Stormwater Manual.

1 Furthermore, prior to land disturbing activity, the developer for the land
2 disturbing activity shall certify that the proposed activities will be accom-
3 plished pursuant to the approved plan.
4

5 C. The Drainage Preliminary Development Plan shall be submitted and ap-
6 proved as part of the land use approval process. The Storm Water Man-
7 agement Plan, where required, shall be submitted along with the construc-
8 tion drawings.
9

10 D. If the City approves the Preliminary Development Plan, no further submit-
11 tal, review and approval of the storm water system shall be required
12 unless changes are made to the design, a Storm Water Management Plan
13 as described in 9-5-2-3-A is required, or the project presents a unique
14 threat to the public health, safety, and general welfare as determined by
15 the City.
16

17 **9-5-2-3: STORM WATER MANAGEMENT PLANS**

18
19 A. Storm Water Management Plans are required for larger development pro-
20 jects: major partitions, subdivisions, land disturbing activities affecting over
21 one (1) acre, projects involving the construction or extension of the public
22 storm water system, or where the project is deemed by the City to present
23 a special risk to the public health, safety, and general welfare.
24

25 B. The plan shall include as a minimum the following:

26 1. A vicinity map indicating a north arrow, scale, boundary lines of the
27 site, and other information necessary to locate the project site.

28 2. The existing and proposed topography of the development site ex-
29 cept for individual lot grading associated with the construction of each
30 single family residence, unless the single family residence construction
31 is a part of the overall development of the subdivision.

32 3. Physical improvements on the site, including existing and proposed
33 development.

34 4. Location, dimensions, elevations, and characteristics of existing
35 and proposed storm water drainage and management facilities.

36 5. All areas within the site that will be included in the land disturbing
37 activities shall be identified and the total disturbed area calculated.

38 6. The total quantity of impervious surface added by the project.

39 7. The location and dimensions of stream and wetlands buffers and
40 regulatory setbacks shall be shown.

41 8. A determination that no occupied first floor elevation of any struc-
42 ture is below the
43 100-year plus one foot flood elevation. The 100-year flood elevation to
44 be used in
45 this determination is as established by the Federal Emergency Man-

1 agement Agency
2 (FEMA).—

3 9. The required easements shall be shown for all public facilities along
4 with all dedicated tracts of land for storm water management facilities.

5 10. A landscaping plan shall be provided in accordance with Title 10
6 Chapter 34, Landscaping.

7 11. The Storm Water Management Plan shall include all engineering
8 calculations needed to design the drainage system and associated
9 structures including the pre and post development flow rates and ve-
10 locities, peak rates of discharge at all existing and proposed points of
11 discharge from the site, and the up gradient and down gradient analy-
12 sis as required by Section 9-5-3-2-H Storage volumes and infiltration
13 rates shall be shown for the applicable facilities.

14 12. Description or site conditions at the existing and proposed dis-
15 charge points from the development site.

16 13. Construction and design details for all storm water drainage and
17 management facilities.

18 14. A description and plan of erosion prevention and sediment control
19 practices to be implemented during construction and prior to landscap-
20 ing becoming established.

21 15. A schedule showing the construction timing of the major compo-
22 nents of the storm water system.

23 16. The site Storm Water Management Plan or Drainage Plan shall
24 contain certification by the persons responsible for the land disturbing
25 activity that the proposed activities will be accomplished pursuant to
26 the plan. The certification shall include an assurance that impacts to
27 wetlands, streams, or their buffers will be mitigated in accordance with
28 the requirements of all the applicable regulatory agencies.

29 17. An Operations and Maintenance Plan shall be submitted for all
30 storm water quantity control and treatment facilities.

31
32 C. Storm Water Management Plans shall be prepared, certified, and
33 stamped/sealed by a qualified registered Professional Engineer licensed
34 by the State of Oregon. The engineer must follow the standards of prac-
35 tice for the engineering community and verify that the plans have been
36 designed in accordance with this Code, along with all standards and crite-
37 ria stated or referred to in this Code.

38
39 **9-5-2-4: EXEMPTION AND MODIFIED REQUIREMENTS**

40
41 A. Exemptions: Certain categories of projects are either exempt from this
42 Code or are required to follow a modified version of the Code require-
43 ments. Projects exempt from the requirements of this Code include:
44

- 1 1. Projects with site development applications submitted for City review and
- 2 approval prior to the effective date of this Code.
- 3 2. Emergency projects which if not performed immediately would substan-
- 4 tially endanger life or property.
- 5 3. Public works and private utility projects completely within easements adja-
- 6 cent to the public right-of-way which do not add impervious surface (not to
- 7 include trenching activities) or impact water quality, wetlands, streams,
- 8 open space buffers, park and recreation lands, or natural resource lands.
- 9 4. Grading and working of land for agricultural purposes, provided the activity
- 10 does not affect water quality, wetlands, streams, open space buffers, park
- 11 and recreation lands, or natural resource lands.
- 12 5. Maintenance of public roads or utilities when performed by a public
- 13 agency and the project has been reviewed and approved for compliance
- 14 with applicable State, Federal and City regulations, and the work is in an
- 15 existing right-of-way or easement dedicated to or on property owned by
- 16 the City.
- 17 6. Public Works maintenance activities for routine repetitive activities, pro-
- 18 vided that erosion and sediment control measures are implemented as re-
- 19 quired.
- 20 7. All utility trenching and installation where said utility has filed a plan with
- 21 the City that addresses sediment and erosion control methods to be imple-
- 22 mented as part of the work.

23 8. A Drainage Plan is not required for projects that the Public Works Director
24 determines do not necessitate such a Plan.

25
26 B. Modified Requirements: ~~For the types of projects described below, the~~
27 ~~requirements identified in the "Erosion Prevention and Sediment Control~~
28 ~~Practices for Single Family Residences and Small Projects" brochure~~
29 ~~available from the City shall be followed.~~ Projects described below shall fol-
30 low the requirements contained in the "Erosion Prevention and Sediment
31 Control Practices for Single Family Residences and Small Projects" bro-
32 chure available from the City:

- 34 1. Single family residential construction projects that are separate
- 35 from the development (partitioning or subdividing) of the land.
- 36 2. Non-residential construction projects adding less than 500 square
- 37 feet of impervious surface to the area.
- 38 3. Land clearing and grading activities disturbing less than 10,000
- 39 square feet of land and involving less than 50 cubic yards of exca-
- 40 vated or fill material.

41
42 C. In accordance with Section 9-5-2-1 the City Manager or his/her designee
43 will determine if a proposed project meets the criteria defined by Section
44 9-5-2-4 The City reserves the right to require additional protection meas-
45 ures if a project is deemed to present a risk to the community.

1 **9-5-3: STORM WATER DESIGN CRITERIA**

2
3 **9-5-3-1: GENERAL**

4
5 A. The criteria ~~within this section~~ in Section 9-5-3 shall be used in the design
6 of public and private stormwater drainage and management systems.
7 Stormwater management facilities shall be constructed in accordance with
8 the Stormwater Manual: the 2008 Portland Stormwater Management
9 Manual, as superseded by the December 2010 City of Florence Stormwa-
10 ter Design Manual; and the 2008 City of Portland Erosion and Sediment
11 Control Manual.

12
13 **9-5-3-2: STORM WATER QUANTITY (FLOW CONTROL)**

14
15 A. A 25-year, return period storm shall be used for the design of all private
16 and public storm water drainage systems.

17
18 ~~B. Acceptable hydrologic methods include the Rational Method, Soil Conservation~~
19 ~~Service (SCS) unit hydrograph methods and the Santa Barbara Urban~~
20 ~~Hydrograph Method. Use of HEC-1, HECRAS, HSPF, HYDRA, SWMM~~
21 ~~and other hydro-logic/hydraulic models may be used if prior approval is~~
22 ~~provided by the City.~~

23
24 ~~C. Structures for proposed pipe systems must be demonstrated to provide a~~
25 ~~minimum of 12 inches of freeboard between the hydraulic grade line and~~
26 ~~the top of the structure or finished grade above the pipe for the 25-year~~
27 ~~post-developed conditions. Surcharging of the piped system shall not be~~
28 ~~allowed if it will cause flooding in buildings including crawl spaces.~~

29
30 ~~D. Open channel systems shall be designed with a minimum 6-inch freeboard for~~
31 ~~systems conveying up to 10 cubic feet per second and a minimum 12-inch~~
32 ~~freeboard for flows over 10 cubic feet per second. Under no conditions~~
33 ~~shall public or private buildings or structures be impacted by the design~~
34 ~~water elevation.~~

35
36 ~~E. A secondary outlet or emergency spillway is required for all storm water stor-~~
37 ~~age facilities. The secondary outlet or emergency spillway shall be de-~~
38 ~~signed to safely pass without danger to the public, property, or the facility~~
39 ~~the 100-year, storm while assuming that the normal outlet structure is~~
40 ~~plugged.~~

41
42 F.B. Onsite storm water management facilities shall be required to prevent the
43 post-development runoff rates from a project site from exceeding the pre-
44 development runoff rates from the site, based on a 2 through 25-year
45 storm. Exemptions to this requirement may be approved by the City Man-

1 ager or his/her designee if it is determined that a more effective solution is
2 available and that downstream capacity will accommodate the increase in
3 flow.
4

5 G.C. Each new development project is responsible for mitigating its impacts on
6 the storm water system. This mitigation requirement can be satisfied
7 through the use of any of the following techniques, subject to the other
8 limitations identified by this Code:
9

- 10 1. Construction of onsite facilities to limit the flow rate of storm water
11 runoff leaving the development site, in accordance with the Storm-
12 water Manual.
13
- 14 2. Enlargement or improvement of the down gradient conveyance sys-
15 tem in accordance with the requirements of this Code and the City
16 of Florence Storm Water Management Plan, ~~or as approved by the~~
17 ~~City.~~
18

19 H.D. The development of any land requiring a Drainage Storm Water Manage-
20 ment Plan shall address onsite and off-site drainage concerns, both up
21 gradient and down gradient (a minimum of 1/4-mile) of the project, includ-
22 ing:
23

- 24 1. Modifications to the existing onsite storm water drainage and man-
25 agement facilities and drainage patterns shall not restrict or redirect
26 flows creating backwater or direct discharge onto off-site property
27 to levels greater than the existing condition unless approved by the
28 affected off-site property owners and the City. Proof of off-site
29 property owners approval shall be provided by having the affected
30 property owner(s) sign an easement identifying the location of the
31 backwater storage or impoundment area. This area shall be clearly
32 shown on the submitted Storm Water Management Drainage Plan
33 site sheet(s). The easement shall be in a form approved by the City
34 and recorded with the Lane County Deeds and Records Office.
35
- 36 2. Storm water facilities shall be designed and constructed to accom-
37 modate all flows generated from the project property in accordance
38 with the land use zoning as shown in the most recent approved City
39 Code.
40
- 41 3. Capacity of the downstream drainage system to determine if in-
42 creases in peak flow rates resulting from the proposed develop-
43 ment can be accommodated.
44

1 ~~E.~~ The types of storm water management controls presented in the appendix
2 of the City of Florence Storm Water Management Plan Stormwater Man-
3 ual are available for owners and developers to use in satisfying the pre-
4 developed and post-development runoff requirement. More than one of
5 these types of controls may be needed to satisfy the runoff requirement.
6 In areas where the runoff requirement in Section 9-5-3-2-F are exempt or
7 partially exempt, the City may require improvements to the down gradient
8 conveyance system.
9

10 **9-5-3-3: STORM WATER QUALITY**

11
12 A. Stormwater management facilities to treat stormwater are required for cer-
13 tain types of projects. These water quality facilities shall be designed and
14 constructed for all projects requiring a Drainage Stormwater Management
15 Plan and for other projects as required by this section. ~~Acceptable storm-~~
16 ~~water management facilities, or combination of facilities must be in accor-~~
17 ~~dance with a DEQ approved manual as identified in Oregon Department of~~
18 ~~Environmental Quality Stormwater Management Plan Guide-~~
19 ~~lines. Stormwater management facilities required for development shall be~~
20 ~~designed, installed and maintained in accordance with the Stormwater~~
21 ~~Manual, which is based on achieving at least 70% removal of the Total~~
22 ~~Suspended Solids (TSS) from the flow entering the facility for the design~~
23 ~~storm specified in the Stormwater Manual.~~

24
25 B. Water quality facilities shall be designed and constructed for all projects
26 requiring a Drainage Storm Water Management Plan, or meeting the fol-
27 lowing requirements:
28 1. Greater than 5,000 square feet of new impervious surfaces,
29 2. Greater than 5,000 square feet of any combination of new and/or
30 replaced impervious surfaces as part of a redevelopment project,
31 3. Greater than 43,560 square feet (1 acre) of contiguous pollution
32 generating pervious surface that will be added and/or modified
33 unless a landscape management plan to minimize the use of pesti-
34 cides and fertilizers has been approved by the City Manager or
35 his/her designee.

36
37 C. Projects located within the aquifer's Zone of Contribution shall meet, at a
38 minimum, the above requirements (Sections 9-5-3-3-A through 9-5-3-3-C),
39 as applicable, and any additional requirements as identified in the City of
40 Florence Storm Water Management Plan. Projects located in the Zones of
41 Contribution must have pre-treatment facilities prior to infiltration facilities
42 as prescribed in the Stormwater Manual. shall not use infiltration facilities
43 to meet the water quality requirement. When a wellhead protection plan is
44 developed and adopted by the City, this specific requirement may be re-
45 scinded or modified by the City.

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D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.

E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual. ~~The applicant is strongly advised to consider bypass facilities for any flows above the water quality design storm.~~

F. Sensitive areas shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-foot setback from the edge of the sensitive area, or wider if required by other City requirements (See Florence City Code Title 10, Chapter 7.) The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements. No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

1. Roads, pedestrian, or bike paths crossing the buffer from one side to the other in order to provide access to or across the sensitive area.
2. A pedestrian or bike path constructed within a buffer and parallel to a sensitive area shall have the buffer widened by the width of the path if the path is constructed of impervious material.
3. Pedestrian or bike paths shall not exceed 10-feet in width.
4. Utility/service infrastructure construction (i.e., storm, sanitary sewer, water, phone, gas, cable, etc.) If approved by the City Manager or his/her designee.
5. Measures to remove or abate hazards, nuisance, or fire and life safety violations as approved by the City.
6. Enhancement of the riparian corridor for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
7. Water quality facilities planted with appropriate native vegetation may encroach into the buffer area as approved by the City and other appropriate authorities.

G. _____ The types of storm water management facilities presented in the Stormwater Manual ~~appendix of the City of Florence Storm Water Management Plan~~ are available for owners and developers to use in satisfying the storm

1 water quality requirement. More than one of these types of facilities may
2 be required to satisfy this requirement.

- 3
4 **6. Amend FCC Section 9-5-4 to clarify, and make the Code internally consis-**
5 **tent regarding, maintenance responsibility; and to make the Code and the**
6 **Design Manual consistent. See proposed changes to the Design Manual**
7 **for this purpose.**

8
9 **9-5-4: MAINTENANCE RESPONSIBILITY**

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

- 12
13 A. The City will maintain and operate Public Stormwater Facilities as set out
14 in FCC 9-5-1-2 and FCC 9-5-1-6. ~~the public storm water drainage system~~
15 ~~and storm water management facilities that receive storm water within a~~
16 ~~public right-of-way, on land owned by the City, or within easements dedi-~~
17 ~~cated to the City.~~

18
19 **9-5-4-2: PRIVATE FACILITIES**

- 20
21 A. Privately owned storm water facilities must be maintained in accordance
22 with the Operations and Maintenance Plan approved as part of the Site
23 Storm Water Management Plan or Drainage Plan. The Operations and
24 Maintenance Agreement will be recorded recorded with the Lane County
25 Deeds and Records Office. The Stormwater Manual contains the Opera-
26 tions and Maintenance Agreement Form to be used. A log of all mainte-
27 nance activity shall be kept by the owner and made available to the City
28 upon request. The City may, at its option, inspect the facilities for compli-
29 ance with the requirements. If a property owner fails to maintain their facili-
30 ties, the City may issue a written notice specifying the required actions. If
31 corrective actions are not completed in a timely manner, the City may pur-
32 sue legal remedies to enforce the provisions of the Operations and Main-
33 tenance Plan. The City will only enter the property to perform the required
34 corrections if the public's health and public property are in imminent dan-
35 ger. In this situation, reasonable attempts will be made to contact the
36 property owner(s), but a written notice may not be required. The property
37 owner(s) will be billed for City incurred expense.

- 38
39 ~~B. A Maintenance Agreement shall be established that defines maintenance~~
40 ~~responsibilities. Acceptable arrangements for maintenance assignment in-~~
41 ~~clude the following:~~

- 42 ~~1. Private maintenance by homeowner association,~~
43 ~~2. Private maintenance by development owner(s),~~
44 ~~3. Homeowner association or owner(s) arrange to pay City for main-~~
45 ~~tenance, or~~

1 ~~4. Homeowner association or owner(s) arrange contract with a private~~
2 ~~maintenance company.~~

3
4 CB. The Maintenance Agreement shall provide that upon notification by the
5 City of any violation, deficiency or failure to comply with the agreement or
6 this Code, corrections shall be completed within ten (10) days after notice
7 thereof. Thereafter the City may pursue legal action to enforce the provi-
8 sions of the agreement. In an emergency situation, the City may provide
9 for all necessary work to place the facility in proper working conditions.
10 The persons specified as responsible for maintenance in the Maintenance
11 Agreement owner of the facility shall be charged the costs of the work per-
12 formed by the City or its agents.

13
14 **9-5-4-3: CITY ACCEPTANCE OF NEW STORM WATER FACILITIES**

- 15
16 A. The City may accept for maintenance new residential storm water facilities
17 constructed under approved permits when the following conditions are
18 met:
- 19 1. Improvements in the residential subdivisions or Planned Unit De-
20 velopments have been completed to the satisfaction of the city,
 - 21 2. All drainage and storm water management facilities have been in-
22 spected and have been in satisfactory operation for at least one (1)
23 year, and
 - 24 3. Any storm water system improvements made during the one-year
25 maintenance period have been inspected and approved by the City.

26
27 **7. Amend Code Section 9-5-5, Easements, to correct section numbers and to**
28 **improve clarity and consistency with the Design Manual.**

29
30 **9-5-5: EASEMENTS**

31
32 **9-5-5-1: PUBLIC FACILITIES**

- 33
34 A. Public facilities must have an easement, tract, or right-of-way granted to
35 the City to provide for the inspection and maintenance of the drainage sys-
36 tem and storm water management facilities. A minimum of 7-1 /2 feet is
37 required along each side of the centerline of storm water pipes and cul-
38 verts. A fifteen-(15) foot wide access is required around the perimeter of
39 storm water management facilities (ponds, wetlands, infiltration facilities,
40 etc). A fifteen-(15) foot wide easement with a minimum 10' wide access
41 road located within the easement shall be provided when the public facility
42 does not front a public road. Increased easements/improvements may be
43 required on a case-by-case basis depending upon the unique drainage
44 situation or facility maintenance requirements.

1 **9-5-5-2: PRIVATE FACILITIES**

- 2
- 3 A. Privately ~~owned~~ facilities must be placed in an easement, tract, or right-of-
- 4 way that allows for the maintenance of these facilities ~~by the owners,~~
- 5 ~~homeowner's association, or developer.~~ in accordance with the Operations
- 6 and Maintenance Agreement.
- 7
- 8 B. The City may determine that certain privately owned facilities are critical
- 9 components of the overall storm water system. In these situations, the
- 10 City shall be granted perpetual, non-exclusive access that allows for public
- 11 inspection. The access shall be defined in accordance with the require-
- 12 ments for a public easement, tract, or right-of-way.
- 13

14 **9-5-6: CONSTRUCTION AND INSPECTION**

15

16 **9-5-6-1: CONSTRUCTION**

17

- 18 A. Prior to the construction of, or modification to any public storm water facil-
- 19 ity, a letter of commitment along with a performance bond or cash deposit
- 20 in form and substance satisfactory to the City shall be submitted by the
- 21 owner or his agent as a performance assurance for such work. The
- 22 amount of the performance assurance shall be the sum necessary to con-
- 23 struct the public storm water facility improvements. The performance as-
- 24 surance shall remain in effect until released by the City. A final inspection
- 25 shall be conducted by the City upon completion of the work included in the
- 26 approved Site Storm Water Management Plan or Drainage Plan to deter-
- 27 mine if the completed work is constructed in accordance with the plan(s).
- 28 At a minimum, all of the following must be complete prior to release of the
- 29 performance assurance:
- 30
- 31 1. Construction is completed on all public improvements required for
- 32 the storm water drainage and management system to operate.
- 33 Each component of the storm water system must have been in-
- 34 spected and accepted by the City, including all compaction, pipeline
- 35 video inspections, and plastic pipe deflection testing.
- 36 2. The City has inspected and accepted the public improvements and
- 37 the owner has submitted a maintenance assurance (letter of com-
- 38 mitment, maintenance bond, or cash deposit, as approved by the
- 39 City Manager or his/her designee). The amount of the maintenance
- 40 assurance shall be for ten (10) percent of the cost of construction of
- 41 the public improvements, excluding the cost of landscaping. The
- 42 assurance shall be for a period of not less than one year from the
- 43 date of completion of construction.
- 44 3. For projects with landscaping, the landscaping has been installed
- 45 and accepted by the City. A two-year landscaping maintenance as-

1 surance has been submitted and accepted by the City. The amount
2 of the assurance shall be fifty (50) percent of the cost of con-
3 struction of the landscaping features.

- 4 4. All onsite and off-site easements as required by the City are
5 granted to the City and recorded with the Lane County Deeds and
6 Records Office.
- 7 5. The post construction erosion control is completed.
- 8 6. All required record drawings are submitted.

9
10 **9-5-6-2: INSPECTION**

- 11 A. A City representative shall inspect the storm water project as necessary
12 and shall check materials, equipment, and the construction of the project
13 to determine whether the work is proceeding in accordance with the ap-
14 proved plans and the requirements of this Code. The purpose of these in-
15 spections is to monitor compliance with City construction standards and
16 the inspections are for the benefit of the City. The City does not provide
17 the primary inspection for the project, and only provides a level of inspec-
18 tion necessary to monitor the quality of work being performed by others.
19 The City's role in making inspections is not supervisory and the City has
20 no responsibility, by virtue of such inspections, for any construction means
21 or methods or compliance with safety requirements that remain the re-
22 sponsibility of the Contractor.

23
24
25 **9-5-7: MISCELLANEOUS PROVISIONS**

26
27 **9-5-7-1: TECHNICAL EQUIVALENCY**

- 28 A. The City may grant a technical deviation from the requirements of this
29 Code if there are exceptional circumstances applicable to the project such
30 that the provisions of the Code will result in unnecessary hardship and not
31 fulfill the intent and objectives of the Code. The costs to comply with the
32 requirements of this Code shall not be considered as justification for a
33 technical equivalency.
34
- 35 B. To be approved, the proposed technical equivalency shall meet the follow-
36 ing conditions:
 - 37 1. The technical equivalency complies with the development condi-
38 tions imposed on the project.
 - 39 2. The granting of a technical equivalency will produce compensating
40 or comparable results that are in the public interest.
 - 41 3. The granting of a technical equivalency will meet the objectives of
42 safety, function, appearance, environmental protection, and main-
43 tainability based on sound engineering judgment.

1 4. The City shall make written findings supporting the determination of
2 technical equivalency.
3

4 C. A written request for a technical equivalency shall be required and shall
5 state the specific equivalency sought and the reasons, with supporting
6 data, for their granting. The request shall include descriptions, drawings,
7 calculations and any other information that is necessary to evaluate the
8 proposed equivalency. A technical equivalency shall only be granted when
9 the applicant can show that an unnecessary hardship exists that is unique
10 to the project or the property.

11
12 D. The City may have the technical equivalency proposal reviewed by an en-
13 gineer licensed by the State of Oregon. The City reserves the right to se-
14 lect the engineer to perform the evaluation. The City will take the recom-
15 mendation of the engineer under consideration as part of the technical
16 equivalency review process. The applicant shall pay for the cost of the en-
17 gineering review.
18

19 **9-5-7-2: PENALTIES**

20
21 A. Upon determination that a violation of this Code has occurred the owner
22 shall be given a written notice of the violations and the time in which to
23 correct the deficiencies.
24

25 B. If construction violations of the approved plan are occurring, an immediate
26 stop work order may be issued by the City. If the City issues a stop work
27 order, the City must show cause within forty-eight (48) hours.
28

29 C. Any person violating this Code or any part thereof, including failing to stop
30 work upon order, shall upon conviction thereof, be fined not more than one
31 thousand dollars or imprisoned not more than thirty (30) days for each of-
32 fense. Each separate interval of 24 hours, or every day, such violations
33 shall be continued, committed or existing, shall constitute a new and sepa-
34 rate offense and be punished for each separate period of violation.
35

36 D. The City Attorney shall institute appropriate actions or proceedings at law
37 or equity for the enforcement of this Code or to correct violations of this
38 Code.
39

40 **9-5-7-3: CONFLICT WITH OTHER LAWS**

41
42 A. Whenever the provisions of this Code potentially conflict with any other
43 Code, the requirements of the more restrictive Code shall prevail.
44

1 **9-5-7-4: SEVERABILITY**

- 2
3 A. If any term, requirement or provision of this Code or the application of this
4 Code to any person or circumstance shall, to any extent, be invalid or un-
5 enforceable, the remainder of this Code shall be valid and be enforced to
6 the fullest extent permitted by law.
7

8 **9-5-7-5: LIABILITY**

- 9
10 A. Neither the approval of a plan under the provisions of this Code nor the
11 compliance with the provisions of this Code shall relieve any person from
12 the responsibility for damage to any person or property otherwise imposed
13 by law nor shall it impose any liability upon the City for damage to any per-
14 son or property.
15

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

- 17
18 1. **Amend FCC Title 10, Chapter 3, Off-Street Parking and Loading, to cross-**
19 **reference Title 9 and to stipulate that Title 9 supersedes and supplements**
20 **the provisions of Chapter 3, in order to clarify how conflicts between Title 9**
21 **and this Chapter will be addressed.**
22

23 **FCC Title 10**

24 **Chapter 3: Off-Street Parking and Loading**

25
26 **10-3-2: GENERAL PROVISIONS:**

27
28 **A. The provisions of this Chapter shall be in addition to the provisions**
29 **for parking design and construction in FCC Title 9 Chapter 5 and,**
30 **where there are conflicts, Title 9 Chapter 5 shall prevail.**
31

32
33 **10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS:** All off-street
34 parking spaces shall be improved to conform to City standards for surfacing,
35 stormwater management, and striping **and where provisions conflict, the provi-**
36 **sions of FCC Title 9 Chapter 5 shall prevail.** Standard parking spaces shall con-
37 form to minimum dimensions specified in the following standards and Figures 10-
38 3(1) and Table 10-3-3:
39

- 40 2. **Amend FCC Title 10, Chapter 19, Districts in Sections 6, 7, and 10 to qualify**
41 **the requirements for stormwater to be directed away from the bank by add-**
42 **ing, “or as mitigated through the standards in Title 9 Chapter 5.”**
43
44 3. **Amend FCC Title 10, Chapter 34, Landscaping, to cross-reference Title 9**
45 **Chapter 5 and to stipulate that Title 9 Chapter 5 supersedes and supple-**

1 ments the provisions of Chapter 34, in order to clarify how conflicts be-
2 tween Title 9 and this Chapter will be addressed.

3
4 **FCC TITLE 10**
5 **CHAPTER 34**
6 **LANDSCAPING**

7
8 **FCC 10-34-3: LANDSCAPING**
9

10 **10-34-3-1: Applicability.** Except for single-family and duplex dwelling uses, this
11 Section shall apply to all new development as well as changes of use and ex-
12 pansion as described below, and shall apply in all districts except where super-
13 seded by specific zoning district requirements. These provisions shall be in addi-
14 tion to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the
15 provisions of Title 9 Chapter 5 shall prevail.
16

- 17 4. **Amend FCC Title 10, Chapter 36, Public Facilities, to stipulate that Title 9**
18 **supersedes and supplements the provisions of Chapter 36, in order to clar-**
19 **ify how conflicts between Title 9 and this Chapter will be addressed; and to**
20 **modify the provisions related to easements and underground utilities to**
21 **ensure consistency with the Stormwater Manual.**
22

23 **FCC Title 10**
24 **Chapter 36: Public Facilities**

25
26 **10-36-1: PURPOSE AND APPLICABILITY**
27

- 28 C. **Engineering Design Criteria, Standard Specifications and Details.**
29 The Standard Specifications for Public Works Construction, Oregon Chap-
30 ter of the American Public Works Association (APWA), as may be
31 amended by the City of Florence, are incorporated by reference. The de-
32 sign criteria, standard construction specifications and details specified in
33 Title 9 of this Code and those maintained by the Public Works Director, or
34 any other road authority with jurisdiction, shall supersede and supplement
35 the general design standards of this Development Code. The City's speci-
36 fications, standards, and details are hereby incorporated into this Code by
37 reference.
38

39 **FCC 10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND**
40 **FIRE PROTECTION**
41

- 42 C. **Existing Watercourse.** Where a proposed development is traversed by a
43 watercourse, drainage way, channel, or stream, there shall be provided a
44 storm water easement or drainage right-of-way conforming substantially to
45 the lines of such watercourse and such further width as will be adequate

1 for conveyance and maintenance to protect the public health and safety
2 and consistency with the Stormwater Manual.
3
4

5 Florence City Code Title 11: Subdivision Regulations

- 6
7 1. Amend FCC Title 11 all chapters to change the term “Drainage Land” to
8 “Drainage Facility” and replace this definition with the definition of Drain-
9 age Facility in Title 9.

10
11 **FCC 11-1-3: DEFINITIONS:** For the purpose of this Title, certain words, terms
12 and phrases are defined as follows:

13 ~~**DRAINAGE LAND** Land required for drainage ditches or required along a natural~~
14 ~~stream or watercourse for preserving the channel and providing for the flow of~~
15 ~~water therein to safeguard the public against floor damage or the accumulation~~
16 ~~of surface water~~
17

18
19 **DRAINAGE FACILITY** Any of a number of types of stormwater conveyance de-
20 retention, retention or other related facilities, including: pipes, culverts, ditches,
21 natural drainageways, streams, catch basins, inlets, trash racks, and other types
22 of open-channel systems..
23

- 24 2. Modify the requirements for public improvements in all Chapters of Title 11
25 to be consistent with Title 9 and to change the reference to “Title 11 Public
26 Improvements” in Title 11 Chapter 4 to Title 9 and Titles 9 and 10, as fol-
27 lows.

28 **FCC Title 11 (All Chapters)**

29
30
31 Information Required: The application or the tentative plan must contain the fol-
32 lowing information with respect to the subject area:

- 33
34 ■ The width and location of all easements for drainage and public utilities.
35 ■ The approximate width and location of all proposed public utility ease-
36 ments.
37 ■ The approximate location of areas subject to inundation or storm water
38 overflow, all areas covered by water, and the location, width and direction
39 of flow of all watercourses.
40 ■ All proposals for sewage disposal, flood control and easements or deeds
41 for drainage ~~land~~facilities, including profiles of proposed drainage ways.
42 ■ All public areas proposed to be dedicated by the partitioner and the pro-
43 posed uses thereof. In this connection, the application is subject to the re-
44 quirements pertaining to reserve strips as stipulated in Chapter 5 of this

1 Title. Said reserve strips shall be clearly indicated on the proposed parti-
2 tion.

- 3 ■ All public improvements proposed to be made or installed, and the time
4 within which such improvements are envisioned to be completed.
5

6 **TITLE 11**
7 **CHAPTER 4**
8 **MAJOR PARTITION MAP, PLAT PROCEDURE**
9

10 **FCC 11-4-4: APPROVAL OF MAP, PLAT:...** Approval shall be granted pro-
11 vided affirmative findings can be made that: (Amd. Ord 30, Series 1990)....
12

13 C. The proposal conforms to the requirements of this Title, Title 9, all appli-
14 cable provisions of the Oregon Revised Statutes, the Florence Zoning Or-
15 dinance, Comprehensive Plan, and all other applicable laws and regula-
16 tions as well as Section 11-1-1, Purpose, of this Title.
17

18 H. Either:

- 19
20 1. Improvements as required by ~~this~~ Titles 9 and 10, or as a condition
21 of tentative plan approval have been completed and filed with the
22 City; or
23
- 24 2. A performance agreement (bond) or suitable substitute as agreed
25 upon by the City and applicant has been filed with the Finance Offi-
26 cer in a sufficient amount of time to insure the completion of all re-
27 quired improvements; or
28
- 29 3. A petition for improvements has been properly executed by the ap-
30 plicant who is eaffecting the partition or subdivision and will be as-
31 sessed for said improvements.
32
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Exhibit C

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

The following Draft Amendments show additions in double-underline and deletions in ~~strike-out~~. Portions of Florence Stormwater Manual (Manual) not shown remain in effect unless noted otherwise. Modifications made to the June 7th version of this Exhibit are shown in yellow highlight.

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

Design Manual Policy and Permitting, Page 5:

Table 3.1: Summary of Florence Stormwater Regulation.

Stormwater Quantity (Flow Control)

Applies to all development projects (partitioning or subdividing). Also includes non-residential construction projects adding more than 500 square feet of impervious surfaces or disturbing over 10,000 square feet one acre. Individual single family residential construction projects are exempt.

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

2. Amend Design Manual section 3.5, page 9, to clarify City maintenance provisions.

3.5 Projects on Private and Public Property

Stormwater management requirements apply to projects on both private and public property, including all streets, alleys, driveways, and sidewalks. Stormwater generated from private property must be managed on private property, in privately maintained facilities. However, single family residential developments may collectively manage stormwater in public facilities. Stormwater that is generated from public property must be managed on public property, in publicly maintained facilities. The City will maintain and operate Public Stormwater Facilities as defined in FCC 9-5-1-2 and FCC 9-5-1-6. FCC 9-5-1-2 defines a Public Storm Water Facility as follows: "Drainage and storm water management facilities located

1 within the public right-of-way or easements dedicated to the City and that are
2 owned and maintained by the City.” FCC 9-5-1-6 contains the provisions for de-
3 termination of drainage and stormwater management facilities that are “owned
4 and maintained by the City.”

- 5
6 3. Amend the following sections of the Manual to provide clarity and consis-
7 tency in the terminology.
8

9 **Design Manual Design Storm Requirements, Page 12:**

10
11 4.2 Design Methods

12
13 The site plans and reports specified in this section meet the requirements for a
14 Drainage Plan in Florence City Code Title 9 Chapter 5. Applicants must select
15 **one** of the following approaches....
16

17 **Design Manual Design Storm Requirements, Page 17:**

18
19 **“4.5 Design Rainfall**

20
21 ...The design storms, as listed in the City’s Florence Stormwater Management
22 Plan Manual, are shown in Table 4.1 below.
23
24

25 **Table 4.1: City of Florence Design Storms**

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

26
27 “For manufactured treatment technologies or other flow rate based treatment
28 facilities the rational method (Q=CIA) equation shall be used with the follow-
29 ing intensities.”

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

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

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

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

Design Manual Chapter 5, Stormwater Facility Design, Page 18

Table 5.3 Stormwater Facilities: Structural Facilities

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

Design Manual Design Storm Requirements Page 22:

“Presumptive Approach Sizing Criteria:

- 1) Pollution Reduction Criteria (no flow control): The swale width and profile shall be designed to convey runoff from the Water Quality Design Storm (See Table 4.2) and shall meet the following criteria:
 - Maximum flow depth during the Water Quality Design Storm is 4 inches.
 - Maximum water velocity during the Water Quality Design Storm is 0.9 feet per second.
 - Minimum hydraulic residence time (time for Q_{design}design flow rate to pass through the swale) of 9 minutes (if infiltration not possible)
 - Minimum longitudinal slope of 0.5 percent, maximum slope of 6 percent. For slopes greater than 2 percent, check dams shall be used (one dam every 12 feet).
 - Designed using a Manning "n" value of 0.35 for vegetated swales.

Design Manual Design Storm Requirements Page 33:

“5.7.1 Soakage Trench Design and Sizing Method

1 **General Requirements:**

2
3 Maximum area to be served:

4
5 15,000 square-feet per trench

6
7 (1) If designed as the only stormwater destination, the soakage trench shall infil-
8 trate the entire flood control design storm (i.e., 25-year storm) without overflow.

9
10 **4. Amend Operations and Maintenance section to be consistent with City op-**
11 **erations and maintenance policies.**

12
13 **Design Manual Section 6: Operations and Maintenance, Page 46**
14 **and 47:**

15
16 The O&M requirements for the City of Florence are the same as City of Portland
17 as described in Chapter 3 of the Portland Stormwater Management Manual and
18 apply to all stormwater management facilities and related facility components of
19 this *Stormwater Design Manual*, except that the determination of public versus
20 private stormwater facilities shall be made consistent with Florence City Code Ti-
21 tle 9 Chapter 5.

22
23 **Page 47:**

24
25 This agreement must be recorded with Lane County prior to building permit issu-
26 ance. Maintenance responsibility of Stormwater Management Facilities will be set
27 out in the Operations and Maintenance Agreement (see Appendix for a sample
28 agreement). For example, facilities located within public street right-of ways or
29 easements dedicated to the City maywill be shared between the City and adja-
30 cent private property owner. The City's maintenance responsibility maywill in-
31 clude periodic removal of accumulated trash, debris, and sediment, and repair or
32 replacement of curbing, inlet drains, or rock check-dams. Weeding and trimming
33 or replacement of shrubs, grasses, or other plantings maywill be the responsibil-
34 ity of the adjacent private property owner. In order to comply with adjacent pri-
35 vate property owners' aesthetic values, adjacent private property owners may
36 perform trash and sediment removal on a more frequent basis than the City is
37 capable of achieving. Under no circumstance shall a private property owner
38 place fill, trash, lawn trimmings, or leaves into public or private stormwater facili-
39 ties.

40
41 **Design Manual Section 7: Source Controls, Page 48:**

42
43 **"7.1 Site Uses and Characteristics That Trigger Source Controls**

1 Source controls are additional requirements for high risk sites or activities. Pro-
2 jects with the following site uses and characteristics are subject to the require-
3 ments of Chapter 4 of the Portland Stormwater Management Manual:
4

- 5 ■ Fuel Dispensing Facilities and Surrounding Traffic Areas
- 6 ■ Above-Ground Storage of Liquid Materials
- 7 ■ Solid Waste Storage Areas, Containers, and Trash Compactors
- 8 ■ Outdoor Storage of Bulk Materials
- 9 ■ Material Transfer Areas/Loading Docks
- 10 ■ Equipment and/or Vehicle Washing Facilities
- 11 ■ Stormwater and Groundwater Management for Development on Land With-
- 12 Suspected or Known Contamination
- 13 ■ Covered Vehicle Parking Areas

14
15 Detailed descriptions of these site uses and characteristics can be found in the
16 City of Portland Stormwater Management Manual. Refer to the Portland Storm-
17 water Management Chapter 4 for detailed Source Control Requirements applica-
18 ble within the City of Florence.”
19

- 20 **5. Amend Appendix A to specify that these are the minimum submittal re-**
21 **quirements and to add additional specific submittal requirements.**

22 .
23 **Design Manual, Appendix A**

24
25 **APPENDIX A.3 Stormwater Management Report Checklist**

26
27 The Stormwater Management Report is required for every site improvement
28 where the Presumptive or Performance Approach is used and the minimum
29 submittal requirements are as follows. All reports shall be paginated and
30 securely fastened (including maps and exhibits).
31

32 **APPENDIX A Checklists:**

- 33
- 34 ■ Engineers scale: Maximum 1"=10' Minimum 1"=50'
- 35 ■ All site topography with existing and proposed contours and spot elevations
- 36 as necessary
- 37 ■ If there are streets, provide the names
- 38 ■ If curbs and no section view, show the curb height
- 39 ■ Utility structures, underground and overhead lines
- 40 ■ Sidewalks
- 41 ■ Surface materials
- 42 ■ Dimensions
- 43
- 44
- 45