

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION 04-07-27-28

IN THE MATTER OF AN APPLICATION FOR A CONDITIONAL USE PERMIT TO CONSTRUCT REVETMENT ALONG AND ON LOTS 36-41 OF SHELTER COVE PUD, NORTH, SOUTH AND WEST OF SINGLE FAMILY RESIDENCES AND EAST OF THE SIUSLAW RIVER IN THE RESTRICTED RESIDENTIAL DISTRICT WITH OVERLAYS OF THE NATURAL RESOURCES CONSERVATION COMBINING DISTRICT (NRC), AND THE CONSERVATION ESTUARY DISTRICT (CE), MR 18-12-16-41, TAX LOT 600-1000 AND MR 18-12-11-32, TAX LOT 1600, AS APPLIED FOR BY ROB WARD, AGENT FOR SHELTER COVER HOMEOWNERS.

WHEREAS, application was made by Rob Ward, agent for Shelter Cove Homeowners, for a construction of revetment in and along the Siuslaw River of the west facing frontage for lots 36-41 of the Shelter Cove PUD; and

WHEREAS, the Planning Commission/Design Review Board met in public hearing on July 27, 2004 to consider the application, evidence in the record and testimony received; and

WHEREAS, the Planning Commission/Design Review Board determined, after review of the application, testimony and evidence in the record, that the application meets the applicable criteria, or can meet the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the following conditions are required for full compliance with applicable criteria:

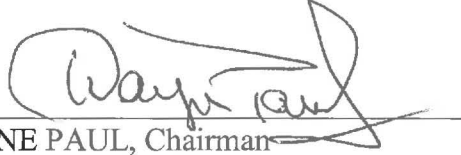
1. Approval shall be shown on Dune Stabilization evaluation and recommendation for a portion of Shelter Cover subdivision Project number 203.081 completed by Boire Associates Inc. Any modifications to the approved plans or changes of use, except those changes relating to the criteria regulated by the Uniform Building Code, will require approval by the Community Development Director or the Planning Commission/Design Review Board.

2. A construction plan shall be submitted to the Community Services Department prior to commencement of the project. The construction plan shall be prepared by a registered civil engineer and shall include design specification and drawings, site access plan, construction schedule, and mitigation plan for areas disturbed during construction, if necessary. Interim soil stabilization methods shall be implemented during construction of rip-rap project.
3. The consulting engineer shall submit a notice of acceptance of installation of rip-rap to the Community Services Department within 14 days of the project completion. Said notice shall provide documentation that the project was completed according to the approved plans.
4. Vegetation clearing on site shall be kept to a minimum to comply with the NRC District requirements. Area where vegetation is removed shall be mitigated through a revegetation plan. The revegetation plan shall be prepared by a specialist in dune stabilization and approved by a registered civil engineer. A copy of the said plan shall be submitted to the Community Service Department prior to any work on site. The revegetation plan shall include type, location and size of plant materials, method of irrigation, and a maintenance schedule to ensure establishment of vegetation. This plan shall be implemented immediately following completion of the rip-rap installation.
5. Copies of the approved DSL and ACE permits for construction of the bank stabilization project shall be submitted to the Community Services Department prior to any work being done on site.
6. Property owner shall enter into an agreement to indemnify, defend, and hold the City of Florence harmless from any claims arising in regard to this approval prior to construction. This agreement shall be subject to City approval prior to recordation, and apply to all assigns and successors of the subject property.
7. The applicants will present to the Community Development Department a signed "Affidavit of Acceptance" of all conditions prior to commencement of construction. The signed affidavit must be received by the Community Service Department before the project approval shall become effective.
8. The Consulting Engineer or his/her qualified designee will be on site during installation of rip rap or other stabilization method.

NOW THEREFORE BE IT RESOLVED by the Planning Commission/Design Review Board of the City of Florence that the proposal is approved and that the Findings of Fact

attached as Exhibit "A", revised July 27, 2004, is hereby incorporated by reference and adopted in support of this decision.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 27th day of July, 2004.

A handwritten signature in black ink, appearing to read "Wayne Paul", written over a horizontal line.

WAYNE PAUL, Chairman
Florence Planning Commission