



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/29/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, October 14, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sandra Belson, City of Florence
Angela Lazarean, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DATE STAMP		
DEPT OF		
SEP 26 2011		
LAND CONSERVATION AND DEVELOPMENT		
For Office Use Only		

Jurisdiction: **City of Florence**

Local file number: **PC 06 CPA 01**

Date of Adoption: **9/19/2011**

Date Mailed: **9/23/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 6/9/2011

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Legislative amendments to the Comp. Plan, Stormwater Management Plan, and City Code for consistency with the Florence Stormwater Design Manual. The purpose of amendments is to streamline, simplify, and achieve consistency in stormwater management administration; make the Comp. Plan policies consistent with the Guiding Principles of the Siuslaw Estuary Partnership; and clarify which portions of the Comp. Plan Appendices are incorporated into the Comp. Plan, including population projections.

Does the Adoption differ from proposal? Yes, Please explain below:

Includes adoption of coordinated population projections for Florence adopted by Lane County; also includes the Water System Master Plan Updated, January, 2011. Added topical headings to Comp. Plan policies and detailed policy #11 was dispersed under these headings and removed unenforceable or redundant policies. Added policies regarding County.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Lane County, Heceta Water District, and all federal, state, tribal and local agencies on the Siuslaw Estuary Partnership Interdisciplinary Team

Local Contact: **Sandra Belson**

Phone: **(541) 997-8237** Extension:

Address: **250 Highway 101**

Fax Number: **541-997-4102**

City: **Florence**

Zip: **97439-**

E-mail Address:

sandra.belson@ci.florence.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

CITY OF FLORENCE
Ordinance No. 18, Series 2011

**AN ORDINANCE ADOPTING LEGISLATIVE AMENDMENTS TO THE FLORENCE
REALIZATION 2020 COMPREHENSIVE PLAN ("COMPREHENSIVE PLAN"),
STORMWATER MANAGEMENT PLAN, AND FLORENCE CITY CODE TITLES 9, 10,
AND 11 FOR CONSISTENCY WITH FLORENCE STORMWATER DESIGN MANUAL,
VARIOUS HOUSEKEEPING AMENDMENTS AND DECLARING AN EMERGENCY**

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, on August 9, 2011, the Planning Commission held a public hearing on the proposed amendments, deliberated, and recommended approval of the proposed amendments;

WHEREAS, the City Council held a public hearing on the proposed amendments on September 19, 2011; and all those providing testimony were mailed notice of the hearing and the hearing was posted to the City web site and advertised in the Siuslaw News;

WHEREAS, the City Council deliberated at its meeting on September 19, 2011 and found the proposed Comprehensive Plan, Stormwater Management Plan, and Code amendments consistent with applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes, Oregon Administrative Rules, and Oregon Statewide Planning Goals.

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1. Adoption of Findings of Fact in Exhibit A;

Section 2. Adoption of Florence Comprehensive Plan amendments as shown in Exhibit B1: Amendments to the Florence Realization 2020 Comprehensive Plan Text for Consistency with Florence Stormwater Design Manual and Various Housekeeping Amendments, September 12, 2011;

Section 3. Adoption of Florence Stormwater Management Plan amendments as shown in Exhibit B2: Proposed Amendments to the Florence Stormwater Management Plan for Consistency with Florence Stormwater Design Manual, September 12, 2011;

Section 4. Adoption of Florence City Code amendments as shown in Exhibit B3: Proposed Amendments to the Florence City Code Titles 9, 10, and 11 For Consistency with the City of Florence Stormwater Design Manual, September 12, 2011;

Section 5. Inasmuch as it is necessary to facilitate development through immediate implementation of the revised Comprehensive Plan and Code to streamline and simplify the administration of stormwater management, this ordinance shall take effect immediately upon adoption by the Council and approval by the Mayor.

Passed by the Florence City Council this 19th day of September, 2011.

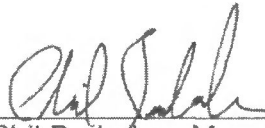
AYES: 5 – Councilors Jagoe, Xavier, Roberts, Holman, and Mayor Brubaker

NAYS: 0

ABSTAIN: 0


ABSENT: 0

APPROVED BY THE MAYOR, this 20th day of September, 2011.



Phil Brubaker, Mayor

ATTEST:



Kelli Weese, City Recorder

EXHIBIT A
Findings of Fact for Ordinance No. 18, Series 2011

Public Hearing Date: September 19, 2011
Lead Staff: Sandra Belson, Community Development Director
Mike Miller, Public Works Director
Carol Heinkel, Planning Consultant

I. PROPOSAL DESCRIPTION

Objectives

This proposal is for the City Council to adopt Ordinance No. 18, Series 2011: 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 (see Exhibit B).

In addition, this request is for the City Council to approve by motion amendments to the *Florence Stormwater Design Manual*, December 2010 (see Exhibit C).

The proposal achieves the following objectives:

1. Amend the Comprehensive Plan, Code, and Florence Stormwater Design Manual (Design Manual) to streamline, simplify, and achieve consistency in stormwater management administration;
2. Make the Comprehensive Plan policies consistent with the Guiding Principles of the Siuslaw Estuary Partnership;¹
3. Clarify which portions of the Comprehensive Plan and Comprehensive Plan Appendices are incorporated into the Comprehensive Plan, including coordinated population projections and the Water Master Plan Update;
4. Make the Comprehensive Plan consistent with the minimum requirements of Statewide Planning Goal 11, Public Facilities and Services (OAR Chapter 660, Division 11);
5. Update Chapter 11 of the Comprehensive Plan as it relates to Public Safety policies and recommendations; and
6. Make various changes to the Comprehensive Plan and Code to clean up formatting and to improve clarity and consistency.

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.

Amendments

Exhibit B: Amendments to the Comprehensive Plan, Stormwater Management Plan, and Code

Exhibit B1: Comprehensive Plan Amendments

1. Amend 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 to adopt the coordinated 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, to refer to the Water Master Plan Update, January 2011 and to refer to the 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.

Exhibit B2: Florence Stormwater Management Plan Amendments

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.

Exhibit B3: Florence City Code Titles 9, 10, and 11 Amendments

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 Chapter 5 supersedes 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 Chapter 5 supersedes 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 change the reference to "Title 11 Public Improvements" in Title 11 Chapter 4 to "Title 9" and to reference Titles 9 and 10.

Exhibit C: Amendments to the Florence Stormwater Design Manual

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 Design Manual section 3.6, starting on page 9, for consistency with City permit and review processes.
4. Amend sections of the Design Manual to provide clarity and consistency in the terminology.
5. Amend Operations and Maintenance section to be consistent with City operations and maintenance policies.
6. Amend Appendix A.3 to specify that these are the minimum submittal requirements and to add additional specific submittal requirements.

II. NARRATIVE

On June 7, 2011, the Planning Commission held a work session and 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.

On August 9, 2011, the Planning Commission held a public hearing and approved Resolution PC 11 06 CPA 01 and PC 11 07 ZC 01 recommending City Council adopt the amendments set out in Exhibit B. No members of the public presented oral comments at the public hearing. Prior to the Planning Commission public hearing, Lane County Land Management staff submitted written comments which were addressed in the staff report and revised Comprehensive Plan amendments recommended by the Planning Commission. No other written comments have been submitted on this proposal.

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 Ordinance 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

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

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 the June 7, 2011 Work Session on these amendments. Community Stakeholder Jean White attended the work session and provided comment.

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. The bulk of the amendments are intended to achieve the objective to streamline, simplify, and achieve consistency in stormwater management administration. 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.

As the City's staff and Planning Consultant began to explore the question of consistency among the various City policy documents, it became apparent that additional issues needed to be addressed concurrently. These issues are outlined below.

Issue #1: Existing Comprehensive Plan is unclear as to what is adopted as part of the Plan.

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.³ This clarification is important because it distinguishes those changes that necessitate a Plan amendment and those that do not. Amendments to the Introduction to the Comprehensive Plan are proposed in Exhibit B-1 to begin to clarify. 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.

Issue #2: Existing Comprehensive Plan does not incorporate coordinated population projections.

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

³ 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.

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. These projections replace the existing projections in the Plan.

Issue #3: Existing Comprehensive Plan does not incorporate the 2011 Water Master Plan Update.

The City Council approved the *City of Florence Water System Master Plan Update* in January, 2011, which replaced the Water Facilities Plan (Brown and Caldwell, 1998). The amendments incorporate this Water System Master Plan into the Comprehensive Plan.

Issue #4: Existing Comprehensive Plan Exceeds Minimum State Public Facility Requirements.

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.⁴ 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.

On May 2, 2002, the Oregon Department of Land Conservation and Development (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

⁴ 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).

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)."

As stated in Oregon Administrative Rules (OAR) Chapter 660 Division 11, below, only the project lists and maps, or written description 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. To address this issue, Comprehensive Plan amendments are proposed to Chapter 11 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

The proposed amendments provide that the only time a Comprehensive Plan amendment would be necessary is when the City changes a public stormwater

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.

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.

Issue #5: Existing Comprehensive Plan Public Safety provisions are out of date.

In proposing changes to Comprehensive Plan Chapter 11, staff noted that the Plan provisions pertaining to Public Safety needed to be updated; Plan amendments are proposed to achieve this in Exhibit B1.

Issue #6: Amendments to the Florence Stormwater Design Manual are needed and are proposed for approval by City Council motion in Exhibit C.

In reviewing the Design Manual for consistency with adopted City policy and Code, needed changes to the Manual were identified, as outlined above and in Exhibit C. These changes reflect, among other things, how responsibility for operations and maintenance of stormwater facilities is determined and how “public” stormwater facility is defined in adopted City policy.

In keeping with the intent to streamline and simplify the administration of stormwater management in the City, the changes to the Manual are proposed for City Council approval by motion rather than by ordinance. This is appropriate because the Manual is an administrative tool that implements adopted City policy.

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 before the Planning Commission was noticed in the Siuslaw News on July 27, 2011, as required by state law and the Florence Development Code. Notice of the Planning Commission hearing was also sent to Siuslaw Estuary Partnership Elected Official Stakeholders, Community Stakeholders, and interested parties list on June 30 and the Community Stakeholders were sent a reminder email on July 22, 2011.

Notice of the September 19 City Council public hearing was sent on August 31, 2011 to Lane County Land Management staff who were the only persons to submit testimony in the Planning Commission process (Exhibit E). Notice was sent to some Siuslaw Estuary Partnership interested par-

ties and Stakeholders on September 8, 2011 and others on September 12; and the hearing was noticed in the Siuslaw News on September 7, 2011, meeting the requirements of State law and the Florence Development Code. The staff report and Exhibits were also posted on the City web site. Bob Hursh, Chairman of the Heceta Water District, sent an e-mail in support of the amendments (Exhibit K).

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, and 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 Commission 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 made 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 Re-**

view 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 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 docu-

mented 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 Resolution;*
- *Notice of the public hearing was sent to DLCD 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 proposed Comprehensive Plan amendments are 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 proposed Comprehensive Plan amendments are consistent with State-wide 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 (Exhibit D in the record) for the Siuslaw Estuary Partnership provides for annual newsletters, open houses, Stake-

holder 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 power point presentations so that information necessary reach policy decisions is available in a simplified, understandable form. City staff provides 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 notices of decisions. Written comments are addressed in staff reports and included as Exhibits. Written minutes of all public hearings, including oral testimony, 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 proposed Comprehensive Plan amendments are consistent with Goal 2 because:

- they 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 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 proposed Comprehensive Plan amendments are 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 proposed Comprehensive Plan amendments are 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 regula-

tions 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 June 9, 2011, 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 ad-

ministrative 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. 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.

VII. DOCUMENTS IN THE RECORD NOT INCLUDED IN THE ORDINANCE

- Exhibit C: Amendments to December 2010 Florence Stormwater Design Manual, September 12, 2011
- Exhibit D: Public Involvement Plan, Approved by the Florence Planning Commission, January 12, 2010
- Exhibit E: Letter from Mark Rust, Lane County Land Management Division, dated July 27, 2011
- Exhibit F: Stormwater Design Manual, November 2011
- Exhibit G: Water Master Plan Update, January 2011
- Exhibit H: Planning Commission Resolution PC 11 06 CPA 01 & PC 11 07 ZC 01 and Exhibits
- Exhibit I: Minutes from Planning Commission June 7, 2011 Work Session
- Exhibit J: Minutes from Planning Commission August 9, 2011 Public Hearing
- Exhibit K: Email from Bob Hursh to Sandra Belson dated September 11, 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\CC Ord 18 Series 2011 Stormwater\Ord 18 Approved\Exhibit A to Ord 18 Series 2011 Findings.doc

EXHIBIT B1
Ordinance No. 18, Series 2011

**Amendments to the Florence Realization 2020 Comprehensive Plan Text for
Consistency with Florence Stormwater Design Manual and
Various Housekeeping Amendments
September 12, 2011**

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

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 LCDC (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.
3. Appendices, or portions of the Appendices, listed in Part II of the Table of Contents that are specifically adopted by reference as part of this Comprehensive Plan. These portions of the Appendices include:
 - Chapter 11: portions of the Public Facility Plan, as specifically described in Chapter 11; and

- Other portions of Appendices specifically adopted by reference in the Comprehensive Plan.

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

This Comprehensive Plan is applicable to all properties within the Florence Urban Growth Boundary (UGB). Planning and development of land in the UGB that is in the unincorporated area of Lane County shall be a cooperative effort between Lane County and the City as specified in the Joint Agreement for Planning Coordination Between Lane County and the City of Florence, February 2002, included in Appendix 14 of this Plan.

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).**

Introduction, page 6

Projected Population for Florence City Limits

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

Projected Population within the UGB

<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>

2035	17,434
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Introduction, page 19:

Definitions

Public Facility Plan A Public Facility Plan is a support document or documents to this Comprehensive Plan adopted to meet the Public Facility Plan requirements of Statewide Planning Goal 11, Public Facilities and Services. The Public Facility Plan describes the water, wastewater, stormwater, and transportation facilities that support the land uses within the urban growth boundary designated in the Comprehensive Plan. Certain elements of the Public Facility Plan are adopted as part of the Comprehensive Plan, as specified in Chapters 11 and 12.

Stormwater Management: The planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to flood control, erosion prevention, conservation, and water quality utilizing the construction of facilities or structures to control the quantity and quality of stormwater.

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

Chapter 11: Utilities, Facilities, and Services

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

- Public Facility Plan:¹
 - Wastewater Collection and Treatment
 - Water System Supplies and Needs
 - Stormwater Management
- Other Utilities and Facilities:
 - Telephone Services and Telecommunications
 - Public Safety and Health-related Services

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).

Public Facility Plan

Goal

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

Policies

1. The following plans, in addition to the Transportation System Plan in Chapter 12, comprise the Florence Public Facility Plan, adopted as a supporting document to this Comprehensive Plan:
 - a. City of Florence Wastewater Facilities Plan, Brown and Caldwell, October, 1997, as amended
 - b. City of Florence Water System Master Plan Update, January, 2011, as amended
 - c. City of Florence Wellfield and Water Treatment Expansion Project, February, 2001
 - d. City of Florence Stormwater Management Plan, October 2000, as amended
2. Use the project lists and maps, or described locations of projects, in the Public Facility Plan for water, wastewater, and stormwater to guide water, wastewater, and stormwater facilities and their general location in the urban growth boundary. Use City Code, Capital Improvement Programming, and City Public Works work programs, engineering reports, and other administrative tools as the guide for project timing, detailed planning, financing and implementation.
3. Amend the Public Facility Plan, and the Comprehensive Plan, in order to modify, add to, or delete projects from the project lists in the Public Facility Plan for water, wastewater, and stormwater or to make significant changes to project location from that described in the Public Facility Plan. The following changes to the Public Facility Plan do not require a Comprehensive Plan amendment unless changed as part of an overall update of the Plan:
 - a. 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; or
 - b. Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or

- c. Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations.

Recommendations

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

Background

The City adopted a Public Facility Plan for wastewater, water, and stormwater as part of the Comprehensive Plan through Ordinance No. 6 Series 2002. These Plan amendments were to comply with the requirements of the 1995 Florence Periodic Review. In February, 2011, the City Council approved the Water Master Plan Update, January 2011. Through post acknowledgement amendments made in 2011, this Master Plan became part of the Public Facility Plan and the project lists and general locations in the Plan were adopted as part of the Comprehensive Plan. These three facility plans, included in Appendix 11 of this Comprehensive Plan, are supporting documents to this Comprehensive Plan; and they meet the requirements for a "Public Facility Plan" in Statewide Planning Goal 11, Public Facilities and Services. As required by Goal 11, the Public Facility Plan identifies and shows the general location of the water, wastewater, and stormwater projects needed to serve land in the UGB.

The *Public Facilities Plan* finds that almost all areas within the city limits are served or can be served in the short-term (0-5 years) with water, wastewater, and stormwater. In terms of stormwater, there are areas in the City that have been identified for piping solutions to reduce localized flooding. For example, a Local Improvement District (LID) was proposed for the area around Mariners Village and Westshore subdivision; but the residents were not supportive of the LID. Due to the decline in development in the years following the 2008 economic recession, Systems Development Charge (SDC) funds were not sufficient to address these deficient areas. Service to all areas within city limits are either in a capital improvement plan or can be extended with development. With the improvements specified in the *Public Facilities Plan* project lists, all urbanizable areas within the UGB can be served with water, wastewater, and stormwater service at the time those areas are developed.

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

The project lists and maps, or written descriptions of locations, in the Public Facility Plan are adopted as part of the Comprehensive Plan, although physically located in the separate Plans. The exact location of the projects shown on the Public Facilities Plan's planned facilities maps or described in writing in the Plan is determined through City processes, outside of the Comprehensive Plan amendment process. The Public Facilities Plan will be updated as part of the City's Periodic Review process or in a Public Facility Plan update process initiated by the City outside of Periodic Review.

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.**

Chapter 11: Utilities and Facilities, Page XI-3

Water System Supplies and Needs Goal

To continue to provide an adequate supply of potable water for domestic, business, and industrial needs, as well as sufficient water for fire protection, all in a cost effective manner.

Policies

1. The City shall continue to operate and upgrade the current facilities in a way that consistently provides high quality potable water for all needs in the community.
2. The City shall identify new sources of water to meet anticipated demands during the ~~2000-2020~~ 2010-2030 period, and will provide treatment as appropriate for those sources.
3. The City shall pursue strategies to protect domestic water sources.
4. The City ~~will~~ shall continue to pursue cooperative agreements in the interests of providing the most cost-effective system for supplying potable water.

5. The City shall continue to maintain and upgrade the distribution system as necessary to meet anticipated demand.
6. 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.

Recommendations

1. The City should identify and prepare a schedule, together with associated costs, for necessary improvements to the water treatment facility located north of 24th Street for the 20-year planning period. In addition, the City needs to pursue and develop a new well field and treatment facility separate from the existing facility located north of 24th Street.
2. The City should prepare a plan for the systematic upgrade of water lines in older parts of the City with a goal of upgrading all lines to modern standards by the year ~~2020~~2030.
3. The City should continue to pursue a variety of water sources, which taken together, will meet the anticipated need for potable water for the ~~2020~~2030 period and beyond.
4. The City should pursue ownership of private lands containing the proposed future wellfields.
5. ~~The City, in anticipation of having to rely more heavily on water from wells,~~ should initiate development of a wellhead/aquifer protection plan in order to assure that the aquifer, and the area around the wellheads is managed with a goal of maintaining the aquifer as a source of domestic water meeting state and federal standards for potability.
6. The City should work with local landscaping firms and the media to provide education in water conservation measures, especially as related to outdoor use during summer months.
7. The City should work with qualified public/private agencies to provide education about measures and practices for preventing the entrance of contaminants into the sole source aquifer.

Background

The City is currently supplied with groundwater from a system of wells that produce water with relatively high levels of iron. The water from the wells is pumped to the 3.0 mgd (million gallons per day) Water Treatment Plant (WTP) located adjacent to the City's well field near the intersection of Willow Street and 24th

Street. The WTP uses pressurized biological reactors and pressurized green sand filters for iron and manganese removal and sodium hydroxide for pH adjustment. Sodium fluoride is added to the treated groundwater before it enters the distribution system. The City is currently supplied with water from a well system that produces relatively high levels of iron. Chemicals are added to oxidize the soluble iron. The water treatment facility produces an average of 1.0 million gallons per day (mgd) with a peak capacity of 4.83.0 mgd. The City has three active storage reservoirs providing 4.5 million gallons (MG) of water storage. These storage reservoirs are: Sandpines Reservoirs No. 1 and 2, which are identical 2.0 MG welded steel tanks located adjacent to the Sandpines golf course, and the East Reservoir which is a 0.5 MG welded steel storage tank located on the east hills at 31st Street. Storage is provided in four reservoirs, an elevated 250,000 gallon tank near the City shops which is slated for demolition; a 500,000 gallon steel tank on the east hills and two 2,000,000 gallon tanks located adjacent to Sandpines.

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

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

The City and Heceta Water District had signed a cooperative agreement to move forward with the filtration/treatment plant. However, due to opposition by landowners on Clear Lake, the City has decided not to move forward on this option at this time, but to expand the City's wellfield (Option 1). Option 1 has been revised

by the "Wellfield and Water Treatment Expansion Project," Brown and Caldwell, February 26, 2001.

The "Expansion Project" Plan provides for the following:

Summer 2001

Develop the capability to supply 2.0 mgd net to the City's water distribution system by rehabilitation and optimization of the existing wellfield and treatment plant projected 2.2 mgd gross production with 2.0 mgd net capability.

Summer 2002

Develop the capability to supply 3.0 mgd net to the water distribution system by:

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

Summer 2008

Develop new groundwater source and water treatment facility to meet future demands.

The 1988 City of Florence Water Facilities Plan, prepared by Brown and Caldwell, identifies potential new wellfields for expansion on public lands west of Highway 101, both north and south of Heceta Beach Road. It has not been determined whether these sites are available or can be permitted for development of domestic water facilities.

Detailed recommendations and information about future water facilities and supplies are contained in the City of Florence Water Facilities Plan, September 1998 prepared by Brown and Caldwell, and in the 2001 Wellfield and Water Treatment Expansion Project, which are included as Appendix 11 of this Comprehensive Plan.

Although the City's Urban Growth Boundary (UGB) extends significantly further north of the existing city limits, customers in this area are currently served by the neighboring Heceta Water District (HWD). As land north of the City develops it is assumed that there will be some adjustment in water service area boundaries for both the City and District but the majority of new City water customers are anticipated to be within the city limits. The study area for this master plan includes the area within the City of Florence's existing city limits, areas on either side of Highway 101 between Munsel Lake Road and the UGB and areas west and

south of Munsel Lake Road near Florentine Estates. Two recently annexed areas to the north, Driftwood Shores Resort and Conference Center and the Fawn Ridge subdivisions are not included in the study area and will continue to be served by the District. This study area represents the City's future water service area which extends beyond the existing service area boundary.

Based the expanded service area, the City's updated water facility plan recommends that the City expand the existing groundwater supply system to provide an ultimate capacity of 3.2 mgd, the projected maximum daily demand (MDD) in 2030. This is a supply increase of approximately 350 gpm (0.5 mgd). The City holds sufficient groundwater right permits to allow this groundwater supply expansion.

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

Chapter 11: Utilities and Facilities, Page XI-5

Stormwater Management

Goal

To provide a stormwater system that enhances and maintains livability through balanced, cost-effective solutions to 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.~~

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

Policies

Water Quality

1. Protect water quality in ground and surface waters from the effects of urbanization through land use and development policies and procedures.**
2. Protect the quality of water in surface waters, i.e., the estuary, creeks, lakes, wetlands, and ocean/beach, from contamination threats that could impair the quality of the water for fish and wildlife habitat and human recreation.**²
3. Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.
4. Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with Comprehensive Plan policies.
5. Stormwater shall be managed in as close proximity to the development site as is practicable, and stormwater management shall avoid a net nega-

² **Guiding Principle for Water Quality and Quantity

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

6. Land use activities of particular concern as pollution sources shall be required to implement additional pollution controls, including but not limited to, those management practices specified in Florence City Code Title 9 Chapter 5.
7. Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters.
8. Require containment and/or pretreatment of toxic substances.
9. Require containment to minimize the effects of chemical and petroleum spills.

Water Quantity (Flow Control)

10. Prevent adverse flooding conditions through natural storage and slow release of surface water and runoff.**
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.
12. The quantity and flow rate of stormwater leaving the site after development shall be equal to or less than the quantity and flow rate of stormwater leaving the site before development, as much as is practicable.
13. Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.

Stormwater Management Facilities and Design

14. Stormwater management facilities are required for public and private development and shall be designed, installed and maintained in accordance with Florence City Code Title 9 Chapter 5 and the policies of the Comprehensive Plan.

15. Foster and support the design and use of innovative stormwater management practices, including the incorporation of properly-designed constructed wetlands into public and private stormwater systems.**
16. Tailor stormwater management plans and practices for new development and re-development to the Oregon coastal environment in a manner that can adapt to changes in temperature and precipitation, and other notable climate change impacts.**
17. Promote water conservation through efficient landscape and irrigation, including water reuse and recycling, and other strategies to reduce water consumption, to reduce the need for new drinking water sources and/or expanded water storage.**
18. Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.
19. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use.
20. Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage.
21. 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.
22. Reduce street-related water quality and quantity problems caused by stormwater run-off:

Public Stormwater System

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

Groundwater

24. 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.

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

26. 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.

Maintenance

27. 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.

Public Education

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

29. Work with the development community to increase their awareness of, and concern for, water quality and fish and wildlife habitat; and encourage them to actively seek new and innovative ways to design stormwater systems in a manner that best achieves water quality and quantity objectives.*³

Intergovernmental Coordination

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

Recommendations

1. ~~The City, in anticipation of having to rely more heavily on water from wells, should initiate development of a wellhead/ aquifer protection plan in order to assure that the aquifer, and the area around the wellheads, is managed~~

³ *Guiding Principle for Public Education and Stewardship

~~with a goal of maintaining the aquifer as a source of domestic water meeting state and federal standards for potability.~~

- ~~2.1. The City should maintain the Flood Damage Prevention chapter of City Code (Title 4, Chapter 4) in continuing conformance with the requirements of the Federal Emergency Management Agency (FEMA) in order to retain eligibility for flood insurance for property owners located in the floodplain.~~
- ~~2. The City and Lane County should work cooperatively to reduce the negative effects of filling in floodplains and prevent the filling of natural drainage channels except as necessary to ensure public operations and maintenance of these channels in a manner that preserves and/or enhances floodwater conveyance capacity and biological function.~~

Background

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

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

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

In the late 1990s, the City contracted with Brown and Caldwell to prepare a Stormwater Management Plan. The consultants, working with the City's Stormwater Committee and residents of the community, identified known problem ar-

eas and performed groundwater-modeling studies. A range of solutions was prepared, together with ordinances and regulations necessary to implement the plan. The City of Florence Stormwater Management Plan was adopted in 2002 as a supporting document for this Comprehensive Plan; was approved by the Oregon Department of Land Conservation and Development as meeting the requirements of Statewide Planning Goal 11 Public Facilities Planning; and was later amended through different Ordinances and Resolutions.

~~A preliminary draft of the Stormwater Plan was completed in April 2000. The final Stormwater Management Plan was completed in October 2000. The October 2000 Stormwater Plan was accepted by the City Council on November 6, 2000, and it was adopted as part of Appendix 11 of this Comprehensive Plan when the Realization 2020 Comprehensive Plan was adopted in 2002. The City Council subsequently took separate, formal action approving the October 2000 Stormwater Plan by adopting Resolution 8, Series 2004, on March 15, 2004.~~

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

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

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

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

Chapter 11: Utilities and Facilities, Page XI-16

Public Safety and Health-Related Services

Policies

3. ~~The City shall work to build and maintain its police services at parity with similar size communities in Oregon. Periodically, the City shall review the level of service being provided by its police department and will strive to maintain a full-service department as City Council policies and the City's financial resources allow.~~
5. The City shall continue to cooperate with other public safety agencies in the provision of emergency management service according to the Western Lane County Emergency Management Plan. Additionally, as resources allow, the City shall continue to cooperate and participate with other public safety, governmental and other organizations in the Western Lane Emergency Operations Group (WLEOG). The WLEOG's primary purpose is for emergency response training, public education, and disaster planning.

Recommendations

5. ~~The City should work towards providing police staffing consistent with standards for communities of its size in Oregon. Police Department staffing levels should be maintained to provide the level of services as determined by the City Council.~~

Police Services, Page XI-18 (Third Paragraph)

Background

~~Police personnel include regular officers, communications officers to man "911" center, reserve officers, a police auxiliary and an officer in the schools and a domestic violence officer. The department has mutual aid agreements with the Lane County Sheriff's Department and the Oregon State Police. Staffing levels are less than generally accepted standards for a community of its size within Oregon. The police department is also working with SRFPD #1 and other agencies on emergency/disaster planning.~~

The Florence Police Department strives to remain a full service police department. The services offered are: police patrol and investigatory response; 911 Communications and Dispatch; a jail operated as a full service local correctional facility; and code enforcement. Police personnel include: police officers; reserve police officers; communications officer to staff the Public Safety Answering Point (911 Dispatch); a code enforcement officer; and an auxiliary. The Department

has, and will maintain, mutual aid agreements with the Lane County Sheriff's Department and the Oregon State Police.

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EXHIBIT B2
Ordinance No. 18, Series 2011

**Amendments to the Florence Stormwater Management Plan for Consistency with
Florence Stormwater Design Manual
September 12, 2011**

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

1. **Amend the Florence Stormwater Management Plan to 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 Stormwater Management Plan, Page 1-10

“Code, Ordinances, and Development Standards

City codes, ordinances, and development standards provide direction and support for the SWMP. A new storm water ordinance was developed for the City, including new minimum development standards. This local regulatory framework provides clear direction to developers and contractors concerning the minimum standards and controls required for managing storm water quantity and quality. In addition, the code and ordinances provide the City with the authority and responsibility for implementing and enforcing the program. The policy direction in this Plan is implemented through the provisions of Florence City Code, primarily FCC Title 9 Chapter 5. ~~The recommended code, ordinance, and development standards are described in a technical memorandum, provided in Appendix D.~~

“Best Management Practices

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

Florence Stormwater Management Plan, Page 1-10

“Best Management Practices (BMPs)”

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

Stormwater Management Plan Appendix E: Best Management Practices

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

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

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

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

General BMP Guidelines

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

Treatment BMPs affect stormwater after it enters the conveyance system. BMPs for treatment are mostly structural facilities rather than activities. Examples include detention/retention ponds, water quality ponds, constructed wetlands, vegetated swales, infiltration facilities, and other similar measures including a number of commercially designed units. These structural measures are more expensive and less effective than preventative BMPs at reducing pollutants in runoff.

Treatment BMPs can be further distinguished in terms of the size of the facility, either regional or on-site. Regional facilities are designed to treat runoff from more than a single site. Typically, a public agency will construct a regional facility to provide coverage for multiple users. In this case, those that discharge to the regional facility would usually pay an in-lieu-of fee. Regional facilities have a number of advantages, including: greater reliability, longer life span, and more reliable maintenance—particularly if it is provided by the municipality. Their disadvantages include requiring more land, costing more to construct, and requiring maintenance by a public entity.

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

Considering the relative merits of BMP types, it is recommended that the emphasis in Florence be on implementing preventative BMPs. Onsite facilities should be encouraged where adequate space exists for installation and clear responsibility for maintenance can be established.

In addition to these general considerations, the Florence area has several relatively unique features that must be considered for stormwater management:

1. Virtually all of the soils within the city limits are dunal sands, with high rates of infiltration. Infiltration is desirable to minimize the amount of infrastructure required to transport stormwater flows, increase base stream flow in the summer months, and recharge the aquifer. The City of Florence has traditionally relied heavily on infiltration to dispose of stormwater and this practice should be encouraged in areas that do not threaten the quality of the aquifer.
2. Currently, the existing City well field and Clear Lake are the source of drinking water for the entire Florence area. Planning projections identify the need for additional wells and well fields to meet the future water requirements of the area. The wells draw water from the aquifer that lies beneath the entire area. Consequently, it is very important that the quantity and quality of the water infiltrating into the ground (and the aquifer) is well managed. Industrial and commercial land uses are more likely to generate hazardous pollutants than residential, parks and open space areas. As a result, areas up gradient from existing and future well field sites should be managed carefully to protect the quality of the groundwater. In these areas, land uses with a high pollution potential should not be allowed to infiltrate unless certain types of BMPs are implemented to treat the surface water prior to infiltration. As an alternative, a piped collection system should be considered in these high risk areas to reduce the likelihood of aquifer contamination.
3. Much of the flooding within the City limits is due to high groundwater tables, rather than surface runoff. This, rather than impermeable soils, limits the use of infiltration in Florence.

BMP Manual Comparison

A number of factors must be considered when deciding upon the most appropriate BMP manual for Florence to adopt. The manual should meet the following requirements:

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

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

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

Table E-1. BMP Manual Comparison

	Portland SW Quality 1995	Portland SW Mgmt 1999	USA Sewer De- sign	Tech Guidance Handbook 1994	Valley County, Idaho 1997	King County	WDOE SW Mgmt Draft 1990	ODOT Hydraul- ics 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 avail- able manual	X	X	X	X	X		X			X
Relatively recent (1990s)	X	X	X	X	X	X	X	X	X	X
Contains design details	X	X	X	X	X	X	X	X		X
Final, not draft	X	X	X	X	X	X			X	X

Recommended BMP Manual

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

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

~~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.~~

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EXHIBIT B3
Ordinance No. 18, Series 2011

Amendments to the Florence City Code Titles 9, 10, and 11
For Consistency with the City of Florence Stormwater Design Manual
September 12, 2011

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

1. **Amend Florence City Code (FCC) Title 9 Chapter 5 to show modifications in section headings.**

FLORENCE CITY CODE (FCC) TITLE 9, CHAPTER 5

**STORMWATER MANAGEMENT UTILITY, USER FEE SYSTEM AND
STORMWATER MANAGEMENT REQUIREMENTS**

SECTION:

9-5-1:	General Provisions
9-5-1-1:	Purpose
9-5-1-2:	Definitions
9-5-1-3:	Findings
9-5-1-4:	Establishment of Stormwater Utility
9-5-1-5:	Stormwater Management Charge
9-5-1-6:	Public Stormwater Charge
9-5-1-7:	Extension of Public Stormwater System
<u>9-5-1-8:</u>	<u>Stormwater Manual Adoption by Reference</u>
9-5-2:	<u>Drainage Plan Submittal Requirements</u>
9-5-2-1:	General
9-5-2-2:	Preliminary Development Plan
9-5-2-3:	Stormwater Management Plans
9-5-2-4:	<u>Exemptions and Modified Requirements</u>
9-5-3:	Stormwater Design Criteria
9-5-3-1:	General
9-5-3-2:	Stormwater Quantity
9-5-3-3:	Stormwater Quality
9-5-4:	Maintenance Responsibility
9-5-4-1:	Public Facilities
9-5-4-2:	Private Facilities
9-5-4-3:	City Acceptance of New Stormwater Facilities
9-5-5:	Easements
9-5-5-1:	Public Facilities
9-5-5-2:	Private Facilities
9-5-6:	Construction and Inspection

- 9-5-6-1: Construction
- 9-5-6-2: Inspection
- 9-5-7: Miscellaneous Provisions
- 9-5-7-1: Technical Equivalency
- 9-5-7-2: Penalties
- 9-5-7-3: Conflict with Other Laws
- 9-5-7-4: Severability
- 9-5-7-5: Liability

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 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.”**

9-5-1: GENERAL PROVISIONS

9-5-1-2: DEFINITIONS

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

BEST MANAGEMENT PRACTICES (BMPs) ~~Includes a wide range of storm water management procedures to effectively control the quantity and quality of storm water runoff. Loosely interpreted, BMPs include the wide range of storm water management facilities available for quantity and quality control (e.g. detention ponds, water quality ponds, water quality manholes, vegetated swales, infiltration systems, etc.).~~ BMPs to be used in Florence are described in the Stormwater Manual.

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

DETENTION FACILITY A permanent storm water management structure that temporarily stores runoff by controlling the release rate from the facility to prevent down gradient flooding and high velocities.

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

~~DRAINAGE 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 major-proposed development on the quality and quantity of storm water and the proposed activities to limit and address negative impacts. The submittal requirements for the Drainage Plan are specified in the Stormwater Manual.

FLOW CONTROL The practice of limiting the release of peak flow rates and volumes from a site. Flow control is intended to protect downstream properties, infrastructure, and natural resources from the increased stormwater runoff peak flow rates and volumes resulting from development. The terms "flow control" and "flood control" are used interchangeably.

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

IMPERVIOUS SURFACES Buildings, roofs, sidewalks, streets, paved parking areas, gravel streets and parking areas, and other types of paved or hard surfaces that severely limit the infiltration of storm water into the underlying soil. Surfaces with a Rational Method runoff coefficient of 0.8 or higher shall be considered impervious.

PORTLAND EROSION AND SEDIMENT CONTROL MANUAL The technical document that provides guidance for temporary and permanent erosion prevention, sediment control, and control of 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 that generate pollution, including but not limited to: impervious surfaces subject to regular vehicular use, including: such as 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 streams, rivers, or lakes and areas defined by the City of

Florence's Local Wetlands and Riparian Inventory. Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.

~~SITE STORM WATER MANAGEMENT PLAN OR DRAINAGE PLAN~~ A plan submitted to the City for review and approval prior to the major development of land. The Storm Water Management Plan or Drainage Plan is more detailed than the Preliminary Development Plan and is intended to help prevent negative impacts to storm water quality and quantity associated with major land disturbing activities.

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

STORMWATER MANAGEMENT The planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to flood control, erosion prevention, conservation, and water quality water, flood plains, flood control, grading erosion, tree conservation, and sediment control utilizing the construction of facilities or structures to control the quantity and quality of stormwater.

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

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

STORM WATER MANAGEMENT PLAN OR SWMP The City-recognized plan that was prepared with the input of a Stakeholder Advisory Committee that makes recommendations for addressing flooding problems, improving water quality, and protecting 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.
- C. Storm drainage and management facilities within a Planned Unit Developments (PUD) may or may not have a publicly owned and maintained system. Generally, if the City owns and maintains the roads and there is free ingress and egress from the community (not gated), then the City may own and maintain the storm water system provided the easement and

maintenance requirements of this Code are satisfied. Ownership of the PUD storm water system shall be established prior to the issuance of construction permits.

- D. Natural streams and drainage ways ~~are not owned and maintained by the City~~ may or may not be publicly owned and maintained.
- E. The storm water management facilities identified in the City of Florence Storm Water Management Plan shall be publicly owned.
- F. The City may accept ownership of the major components of the existing storm water ~~drainage and management system~~ located outside of the current City boundary after the area is annexed into the City. In general, the storm water ~~drainage system~~ owned and maintained by Lane County (prior to annexation) will be accepted by the City. The City Manager or his/her designee shall consider the following factors prior to acceptance of any facilities into the public drainage system:
 - 1. standards used in the design,
 - 2. the location of the system relative to the public right-of-way,
 - 3. functionality of the system,
 - 4. associated flooding problems,
 - 5. maintenance requirements,
 - 6. ability to access facilities, and
 - 7. any other factors pertinent to the decision.

9-5-1-7: EXTENSION OF PUBLIC STORM WATER SYSTEM

- A. If necessary or required, ~~t~~The public storm water system shall be extended up to and through the most distant up gradient and down gradient parcel boundary(ies) to accommodate current and future flows entering or exiting the property, ~~unless otherwise approved by the City. Consideration and accommodation shall be made for all existing drainage routes.~~ Except as otherwise provided, the extension of the public storm water ~~drainage system~~ to serve any parcel or tract of land shall be done by and at the expense of the property owner(s) or applicant. The City may require that a storm water system that serves more than one property be a public system.

- 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.**

9-5-1-8: Stormwater Manual, Adoption by Reference. Except as noted below in Sections 9-5-1-8 A and B, the standards and require-

ments contained in the 2008 City of Portland Stormwater Management Manual, the 2008 City of Portland Erosion and Sediment Control Manual, and the City of Florence Stormwater Design Manual, December 2010, are adopted by reference into this Code.

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

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

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

5. **Amend the following 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.**

9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS

9-5-2-1: GENERAL

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

9-5-2-2: ~~PRELIMINARY DEVELOPMENT PLAN~~

- A. ~~A Preliminary Development Plan is required for all projects not specifically identified as being exempt or subject to the modified requirements. The plan shall include as a minimum the following:~~
- ~~1. A general description of the proposed improvements.~~
 - ~~2. A general description of the topography, soil, storm water drainage and management system (include how surface runoff or flow enters and leaves the project site), and natural resource conditions of the site. If the area is subject to flooding from a high groundwater table, show how this water is managed to prevent flooding of existing or proposed structures.~~
 - ~~3. A general description of the proposed project property and a description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties.~~
 - ~~4. A Site Plan that identifies the following features:~~
 - ~~a. The site location of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams, wetlands, and rivers.~~
 - ~~b. The boundary lines of the project site.~~
 - ~~c. All areas of the site that will be disturbed by construction activities and the total disturbed area calculated.~~
 - ~~d. The total quantity of impervious surface added by the project.~~
 - ~~e. The existing and proposed topography of the project site.~~
 - ~~f. The general location and identification of natural vegetation.~~
 - ~~g. The location and identification of the existing and proposed storm water drainage system, including natural and man-made features.~~
 - ~~h. The location of buffers and regulatory setbacks from streams and wetlands.~~
 - ~~i. The required easements for all public facilities.~~
 - ~~j. A description and plan of erosion prevention and sediment control practices to be implemented during construction and prior to landscaping becoming established.~~

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

- B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Preliminary Development Plan whenever a Professional Engineer is required in the Stormwater Manual or by City and state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.
- C. If a land use approval is required, the Drainage Preliminary Development Plan shall be submitted and approved as part of the land use approval

process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit. The Storm Water Management Plan, where required, shall be submitted along with the construction drawings.

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

~~9-5-2-3: STORM WATER MANAGEMENT PLANS~~

- ~~A. Storm Water Management Plans are required for larger development projects: major partitions, subdivisions, land disturbing activities affecting over one (1) acre, projects involving the construction or extension of the public storm water system, or where the project is deemed by the City to present a special risk to the public health, safety, and general welfare.~~
- ~~B. The plan shall include as a minimum the following:~~
- ~~1. A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the project site.~~
 - ~~2. The existing and proposed topography of the development site except for individual lot grading associated with the construction of each single family residence, unless the single family residence construction is a part of the overall development of the subdivision.~~
 - ~~3. Physical improvements on the site, including existing and proposed development.~~
 - ~~4. Location, dimensions, elevations, and characteristics of existing and proposed storm water drainage and management facilities.~~
 - ~~5. All areas within the site that will be included in the land disturbing activities shall be identified and the total disturbed area calculated.~~
 - ~~6. The total quantity of impervious surface added by the project.~~
 - ~~7. The location and dimensions of stream and wetlands buffers and regulatory setbacks shall be shown.~~
 - ~~8. A determination that no occupied first floor elevation of any structure is below the 100-year plus one foot flood elevation. The 100-year flood elevation to be used in this determination is as established by the Federal Emergency Management Agency (FEMA).~~
 - ~~9. The required easements shall be shown for all public facilities along with all dedicated tracts of land for storm water management facilities.~~

- ~~10. A landscaping plan shall be provided in accordance with Title 10 Chapter 34, Landscaping.~~
 - ~~11. The Storm Water Management Plan shall include all engineering calculations needed to design the drainage system and associated structures including the pre and post development flow rates and velocities, peak rates of discharge at all existing and proposed points of discharge from the site, and the up gradient and down gradient analysis as required by Section 9-5-3-2-H. Storage volumes and infiltration rates shall be shown for the applicable facilities.~~
 - ~~12. Description or site conditions at the existing and proposed discharge points from the development site.~~
 - ~~13. Construction and design details for all storm water drainage and management facilities.~~
 - ~~14. A description and plan of erosion prevention and sediment control practices to be implemented during construction and prior to landscaping becoming established.~~
 - ~~15. A schedule showing the construction timing of the major components of the storm water system.~~
 - ~~16. The site Storm Water Management Plan or Drainage Plan shall contain certification by the persons responsible for the land disturbing activity that the proposed activities will be accomplished pursuant to the plan. The certification shall include an assurance that impacts to wetlands, streams, or their buffers will be mitigated in accordance with the requirements of all the applicable regulatory agencies.~~
 - ~~17. An Operations and Maintenance Plan shall be submitted for all storm water quantity control and treatment facilities.~~
- ~~C. Storm Water Management Plans shall be prepared, certified, and stamped/sealed by a qualified registered Professional Engineer licensed by the State of Oregon. The engineer must follow the standards of practice for the engineering community and verify that the plans have been designed in accordance with this Code, along with all standards and criteria stated or referred to in this Code.~~

9-5-2-4: EXEMPTION AND MODIFIED REQUIREMENTS

- A. **Exemptions:** ~~Certain categories of projects are either exempt from this Code or are required to follow a modified version of the Code requirements. Projects exempt from the requirements of this Code include:~~
- 1. Projects with site development applications submitted for City review and approval prior to the effective date of this Code.
 - 2. Emergency projects which if not performed immediately would substantially endanger life or property.
 - 3. Public works and private utility projects completely within easements adjacent to the public right-of-way which do not add impervious surface (not to

- include trenching activities) or impact water quality, wetlands, streams, open space buffers, park and recreation lands, or natural resource lands.
4. Grading and working of land for agricultural purposes, provided the activity does not affect water quality, wetlands, streams, open space buffers, park and recreation lands, or natural resource lands.
 5. Maintenance of public roads or utilities when performed by a public agency and the project has been reviewed and approved for compliance with applicable State, Federal and City regulations, and the work is in an existing right-of-way or easement dedicated to or on property owned by the City.
 6. Public Works maintenance activities for routine repetitive activities, provided that erosion and sediment control measures are implemented as required.
 7. All utility trenching and installation where said utility has filed a plan with the City that addresses sediment and erosion control methods to be implemented as part of the work.

B. **Modified Requirements:** ~~For the types of projects described below, the requirements identified in the "Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects" brochure available from the City shall be followed. Projects described below shall follow the requirements contained in the "Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects" brochure available from the City:~~

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

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

9-5-3: STORM WATER DESIGN CRITERIA

9-5-3-1: GENERAL

A. ~~The criteria within this section in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems.~~
Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management

Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

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

- A. A 25-year, return period storm shall be used for the design of all private and public storm water drainage systems.
- ~~B. Acceptable hydrologic methods include the Rational Method, Soil Conservation Service (SCS) unit hydrograph methods and the Santa Barbara Urban Hydrograph Method. Use of HEC-1, HECRAS, HSPF, HYDRA, SWMM and other hydro-logic/hydraulic models may be used if prior approval is provided by the City.~~
- ~~C. Structures for proposed pipe systems must be demonstrated to provide a minimum of 12 inches of freeboard between the hydraulic grade line and the top of the structure or finished grade above the pipe for the 25-year post-developed conditions. Surcharging of the piped system shall not be allowed if it will cause flooding in buildings including crawl spaces.~~
- ~~D. Open channel systems shall be designed with a minimum 6-inch freeboard for systems conveying up to 10 cubic feet per second and a minimum 12-inch freeboard for flows over 10 cubic feet per second. Under no conditions shall public or private buildings or structures be impacted by the design water elevation.~~
- ~~E. A secondary outlet or emergency spillway is required for all storm water storage facilities. The secondary outlet or emergency spillway shall be designed to safely pass without danger to the public, property, or the facility the 100-year, storm while assuming that the normal outlet structure is plugged.~~
- F.B. Onsite storm water management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.
- G.C. Each new development project is responsible for mitigating its impacts on the storm water system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:

1. Construction of onsite facilities to limit the flow rate of storm water runoff leaving the development site, in accordance with the Storm-water Manual.
 2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Storm Water Management Plan or as approved by the City.
- ~~HD.~~ The development of any land requiring a Drainage Storm Water Management Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:
1. Modifications to the existing onsite storm water drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage or impoundment area. This area shall be clearly shown on the submitted Storm Water Management Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.
 2. Storm water facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.
 3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.
- ~~IE.~~ The types of storm water management controls presented in the appendix of the City of Florence Storm Water Management Plan Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.

9-5-3-3: STORM WATER QUALITY

- A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Stormwater Management Plan and for other projects as required by this section. ~~Acceptable stormwater management facilities, or combination of facilities must be in accordance with a DEQ approved manual as identified in Oregon Department of Environmental Quality Stormwater Management Plan Guidelines.~~ Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.
- B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Storm Water Management Plan, or meeting the following requirements;
1. ~~Greater than 5,000 square feet of new impervious surfaces,~~
 2. ~~Greater than 5,000 square feet of any combination of new and/or replaced impervious surfaces as part of a redevelopment project,~~
 3. ~~Greater than 43,560 square feet (1 acre) of contiguous pollution generating pervious surface that will be added and/or modified unless a landscape management plan to minimize the use of pesticides and fertilizers has been approved by the City Manager or his/her designee.~~
- C. ~~Projects located within the aquifer's Zone of Contribution shall meet, at a minimum, the above requirements (Sections 9-5-3-3-A through 9-5-3-3-C), as applicable, and any additional requirements as identified in the City of Florence Storm Water Management Plan. Projects located in the Zones of Contribution must have pre-treatment facilities prior to infiltration facilities as prescribed in the Stormwater Manual. shall not use infiltration facilities to meet the water quality requirement. When a wellhead protection plan is developed and adopted by the City, this specific requirement may be rescinded or modified by the City.~~
- 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 water quality requirement. More than one of these types of facilities may be required to satisfy this requirement.

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 changes to the Design Manual for this purpose.**

9-5-4: MAINTENANCE RESPONSIBILITY

9-5-4-1: PUBLIC FACILITIES

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

9-5-4-2: PRIVATE FACILITIES

- A. Privately-owned storm water facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the ~~Site Storm Water Management Plan or Drainage Plan.~~ The Operations and Maintenance Agreement will be recorded recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.
- B. ~~A Maintenance Agreement shall be established that defines maintenance responsibilities. Acceptable arrangements for maintenance assignment include the following:~~
- ~~1. Private maintenance by homeowner association,~~
 - ~~2. Private maintenance by development owner(s),~~
 - ~~3. Homeowner association or owner(s) arrange to pay City for maintenance, or~~
 - ~~4. Homeowner association or owner(s) arrange contract with a private maintenance company.~~
- CB. The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance

~~Agreement~~owner of the facility shall be charged the costs of the work performed by the City or its agents.

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

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

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

9-5-5: EASEMENTS

9-5-5-1: PUBLIC FACILITIES

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

9-5-5-2: PRIVATE FACILITIES

- A. ~~Privately owned~~ facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities ~~by the owners, homeowner's association, or developer.~~ in accordance with the Operations and Maintenance Agreement.
- B. The City may determine that certain privately owned facilities are critical components of the overall storm water system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public

inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.

9-5-6: CONSTRUCTION AND INSPECTION

9-5-6-1: CONSTRUCTION

- A. Prior to the construction of, or modification to any public storm water facility, a letter of commitment along with a performance bond or cash deposit in form and substance satisfactory to the City shall be submitted by the owner or his agent as a performance assurance for such work. The amount of the performance assurance shall be the sum necessary to construct the public storm water facility improvements. The performance assurance shall remain in effect until released by the City. A final inspection shall be conducted by the City upon completion of the work included in the approved Site Storm Water Management Plan or Drainage Plan to determine if the completed work is constructed in accordance with the plan(s). At a minimum, all of the following must be complete prior to release of the performance assurance:
1. Construction is completed on all public improvements required for the storm water drainage and management system to operate. Each component of the storm water system must have been inspected and accepted by the City, including all compaction, pipeline video inspections, and plastic pipe deflection testing.
 2. The City has inspected and accepted the public improvements and the owner has submitted a maintenance assurance (letter of commitment, maintenance bond, or cash deposit, as approved by the City Manager or his/her designee). The amount of the maintenance assurance shall be for ten (10) percent of the cost of construction of the public improvements, excluding the cost of landscaping. The assurance shall be for a period of not less than one year from the date of completion of construction.
 3. For projects with landscaping, the landscaping has been installed and accepted by the City. A two-year landscaping maintenance assurance has been submitted and accepted by the City. The amount of the assurance shall be fifty (50) percent of the cost of construction of the landscaping features.
 4. All onsite and off-site easements as required by the City are granted to the City and recorded with the Lane County Deeds and Records Office.
 5. The post construction erosion control is completed.
 6. All required record drawings are submitted.

9-5-6-2: INSPECTION

- A. A City representative shall inspect the storm water project as necessary and shall check materials, equipment, and the construction of the project to determine whether the work is proceeding in accordance with the approved plans and the requirements of this Code. The purpose of these inspections is to monitor compliance with City construction standards and the inspections are for the benefit of the City. The City does not provide the primary inspection for the project, and only provides a level of inspection necessary to monitor the quality of work being performed by others. The City's role in making inspections is not supervisory and the City has no responsibility, by virtue of such inspections, for any construction means or methods or compliance with safety requirements that remain the responsibility of the Contractor.

9-5-7: MISCELLANEOUS PROVISIONS

9-5-7-1: TECHNICAL EQUIVALENCY

- A. The City may grant a technical deviation from the requirements of this Code if there are exceptional circumstances applicable to the project such that the provisions of the Code will result in unnecessary hardship and not fulfill the intent and objectives of the Code. The costs to comply with the requirements of this Code shall not be considered as justification for a technical equivalency.
- B. To be approved, the proposed technical equivalency shall meet the following conditions:
1. The technical equivalency complies with the development conditions imposed on the project.
 2. The granting of a technical equivalency will produce compensating or comparable results that are in the public interest.
 3. The granting of a technical equivalency will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment.
 4. The City shall make written findings supporting the determination of technical equivalency.
- C. A written request for a technical equivalency shall be required and shall state the specific equivalency sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed equivalency. A technical equivalency shall only be granted when the applicant can show that an unnecessary hardship exists that is unique to the project or the property.

- D. The City may have the technical equivalency proposal reviewed by an engineer licensed by the State of Oregon. The City reserves the right to select the engineer to perform the evaluation. The City will take the recommendation of the engineer under consideration as part of the technical equivalency review process. The applicant shall pay for the cost of the engineering review.

9-5-7-2: PENALTIES

- A. Upon determination that a violation of this Code has occurred the owner shall be given a written notice of the violations and the time in which to correct the deficiencies.
- B. If construction violations of the approved plan are occurring, an immediate stop work order may be issued by the City. If the City issues a stop work order, the City must show cause within forty-eight (48) hours.
- C. Any person violating this Code or any part thereof, including failing to stop work upon order, shall upon conviction thereof, be fined not more than one thousand dollars or imprisoned not more than thirty (30) days for each offense. Each separate interval of 24 hours, or every day, such violations shall be continued, committed or existing, shall constitute a new and separate offense and be punished for each separate period of violation.
- D. The City Attorney shall institute appropriate actions or proceedings at law or equity for the enforcement of this Code or to correct violations of this Code.

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

- A. Whenever the provisions of this Code potentially conflict with any other Code, the requirements of the more restrictive Code shall prevail.

9-5-7-4: SEVERABILITY

- A. If any term, requirement or provision of this Code or the application of this Code to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Code shall be valid and be enforced to the fullest extent permitted by law.

9-5-7-5: LIABILITY

- A. Neither the approval of a plan under the provisions of this Code nor the compliance with the provisions of this Code shall relieve any person from the responsibility for damage to any person or property otherwise imposed

by law nor shall it impose any liability upon the City for damage to any person or property.

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.**

FCC Title 10

Chapter 3: Off-Street Parking and Loading

10-3-2: GENERAL PROVISIONS:

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

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

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 Chapter 5."**

10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR

E. **Site Development Requirements:** The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section F only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

10-19-7: MIXED DEVELOPMENT OVERLAY DISTRICT (/MD):

- F. Site and Development Requirements for Special and Conditional Uses:
The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7, Special Development Standards for any applicable requirements.
4. For existing lots which are too small to accommodate the buffer zone, development will be allowed within the buffer zone only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

10-19-10: Natural Resource Conservation Overlay District (/NRC)

- F. Site and Development Requirements. The following specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.
1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section G only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).
3. **Amend FCC Title 10, Chapter 34, Landscaping, to cross-reference Title 9 Chapter 5 and to stipulate that Title 9 Chapter 5 supersedes and supplements the provisions of Chapter 34, in order to clarify how conflicts between Title 9 and this Chapter will be addressed.**

**FCC TITLE 10
CHAPTER 34
LANDSCAPING**

FCC 10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

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.**

FCC Title 10 Chapter 36: Public Facilities

10-36-1: PURPOSE AND APPLICABILITY

- C. **Engineering Design Criteria, Standard Specifications and Details.**
The Standard Specifications for Public Works Construction, Oregon Chapter of the American Public Works Association (APWA), as may be amended by the City of Florence, are incorporated by reference. The design criteria, standard construction specifications and details specified in Title 9 of this Code and those maintained by the Public Works Director, or any other road authority with jurisdiction, shall supersede and supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this Code by reference.

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

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

Florence City Code 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.

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

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

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

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 Titles 9 and 10, as follows.

FCC Title 11 (All Chapters)

Information Required: The application or the tentative plan must contain the following information with respect to the subject area:

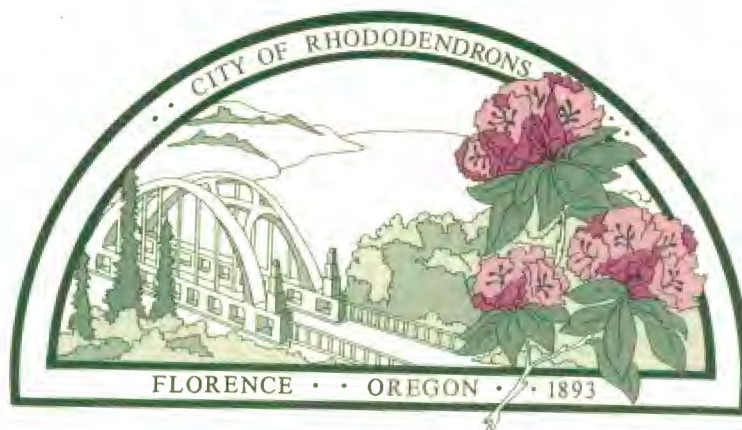
- The width and location of all easements for drainage and public utilities.
- The approximate width and location of all proposed public utility easements.
- The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
- All proposals for sewage disposal, flood control and easements or deeds for drainage ~~land~~facilities, including profiles of proposed drainage ways.
- All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.
- All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.

**TITLE 11
CHAPTER 4
MAJOR PARTITION MAP, PLAT PROCEDURE**

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

- C. The proposal conforms to the requirements of this Title, Title 9, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, Comprehensive Plan, and all other applicable laws and regulations as well as Section 11-1-1, Purpose, of this Title.
- H. Either:
1. Improvements as required by ~~this~~ Titles 9 and 10, or as a condition of tentative plan approval have been completed and filed with the City; or
 2. A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the Finance Officer in a sufficient amount of time to insure the completion of all required improvements; or
 3. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.

P:\Community Development 2\All Post-2007 LU Decisions\Comp Plan Amendments\CC Ord 18 Series 2011 Stormwater\Ord 18 Approved\Exhibit B3 Ord No 18 Series 2011 Code Amendments.doc



I, Sandra Bekon, certify
that I deposited this
envelope in the U.S. mail
on September 23, 2011.

This envelope contains notice
of city's adoption of Ord. 18
Series 2011, Stormwater-
Related Amendments.

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ZIP 97439
041L11223890

DEPT OF

LAND CONSERVATION
AND DEVELOPMENT

TO: Attention: Plan Amendment
Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

