APPROVED
City of Florence
Community Development
Department
"A" PC 16 15 CUP 05
Exhibit File Number

FINDINGS OF FACT
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Exhibit "A"

Public Hearing Date:	December 13, 2016	**Planner:**	Glen Southerland
Date of Report:	December 6, 2016		
Application:	PC 16 15 CUP 05		

I. PROPOSAL DESCRIPTION

Proposal: A conditional use permit request to convert a residential building into a sales and engineering office.

Applicant: Larry Porter, Solv-IT International

Property Owners: Larry Porter

Location: 1684 29th Street
Northwest corner of the intersection of 29th Street and Pine Street

Site: Map # 18-12-23-32 Taxlot 01401

Comprehensive Plan Map Designation: High Density Residential

Zone Map Classification: Multiple Family Residential (RM)

Surrounding Land Use / Zoning:

Site:	Residential / RM
North:	Residential / RM
South:	Residential / RM
East:	Manufactured Building Lot / Highway
West:	Residential / RM

Streets / Classification:

West – Oak Street / Collector; North – 29th Street / Local; East – Pine Street / Local; South – None

II. NARRATIVE

The residence at 1684 29th Street was constructed in 1978, with permits being pulled on May 10, 1978. On May 4, 1978, an Agreement of Nonremonstrance Concerning Street Improvements was received from the then owner of Lots 1-20 of Block 37 of Frasier and Berry's Addition to the City of Florence.

Planning staff became aware of the business operating on the premises on May 23, 2016. At that time, the applicant was informed that he was required to obtain a business license by the City Recorder's office. On May 26, 2016, Planning

Department staff contacted the applicant and informed them that a business at this location required a conditional use permit to operate. The applicant visited the Planning Department on June 2, 2016. On June 14, 2016 a letter was mailed to the applicant to inform them of their obligation to submit a conditional use permit application. This letter was hand delivered by the Code Enforcement Officer on June 22, 2016.

The applicant applied for a conditional use permit for the facility on July 14, 2016 and mailed a Notice of Incompleteness on August 8, 2016. The applicant submitted requested information on October 13, 2016. The application was deemed complete on November 1, 2016.

III. NOTICES & REFERRALS

Notice: On November 22, 2016 notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on November 22, 2016. Notice was published in the Siuslaw News on December 7, 2016.

At the time of this report, the City had received written public comments on the proposal from:

Cindy K. Dawes voiced concerns about the traffic generated by the new use, speeding in the neighborhood, possible effects on property values and taxes, and parking on the site (Exhibit E).

Referrals: On November 22, 2016 referrals were sent to the Florence Building Department, Florence Police Department, Florence Public Works, the Building Department LLC, and Siuslaw Valley Fire and Rescue.

At the time of this report, the City had received referral comments on the proposal from:

Sean Barrett, SVFR Fire Marshal, stating that he had no concerns with the use (Exhibit D).

Dave Mortier, Florence Building Official, stating that the applicant must obtain all of the required building permits for the project as well as a ramp and pathway from an approved ADA parking space to the entry. Interior changes will need to address removing architectural barriers up to the 25% rule. (Informational 3)(Exhibit D).

Mike Miller, Florence Public Works Director, submitted comments regarding fire hydrant accessibility and access from Pine Street (Condition 10, Informational 1 - 3)(Exhibit D)

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

Florence City Code, Title 10:
Chapter 1: Zoning Administration, Section 1-5
Chapter 3: Off Street Parking & Loading, Sections 2 through 5, and 8 through 10

Chapter 4: Conditional Uses, Sections 3 through 11 & 12-D
Chapter 6: Design Review, Sections 5 and 9
Chapter 13: Multi-Family Residential, Sections 3, 4-A, 4-B, 4-C-2, 4-D-2, 5-A-3, 5-H through 5-K
Chapter 34: Landscaping, Sections 3 & 5
Chapter 35: Access and Circulation, Sections 2 & 3
Chapter 36: Public Facilities, Sections
Chapter 37: Lighting, Sections 1 through 4

Florence Realization 2020 Comprehensive Plan
Chapter 2: Land Use:
Residential Section, Policy 8 (1) and 8 (2), Recommendation 2, High-Density Residential Text
Commercial Section, Policy 3, 4, 6, Recommendations 3 through 7 and 10
Chapter 9: Economic Development: Policy 1
Chapter 10: Housing Opportunities: Policies 1 through 3

V. ISSUES

The applicant has submitted an application which does not meet City Code in several key issues. These include parking, ADA access, vehicle and pedestrian access, lot coverage, and landscaping. These items which do not meet City Code have been assigned conditions of approval which will allow the proposal to meet the minimum development standards.

The applicant and Planning Commission have also been provided "Option 1" and "Option 2." Option 1 outlines the necessary requirements for permanent location in this building. Option 2 outlines the bare minimum necessary for the business to locate in this building *temporarily* until a new location could be found according to an approval timeline. Option 1 will require significant site improvements which were not proposed by the applicant, therefore, Option 2, which allows only a temporary location and minimal investment in the site, was proposed by staff. Option 2 would also allow the reintegration of the property into the housing stock following the temporary occupancy of the applicant's business. The options are both addressed below and conditions of approval have been proposed for each.

Neither Options 1 nor 2 address the ability of this business to operate legally out of this structure according to Oregon Structural Specialty Code or Fire Code. The applicant will need to consult the Building Official and Fire Marshal in order to determine their compliance with those regulations.

The applicant and the Planning Commission may determine which choice would best suit the needs of the applicant's business and the community.

VI. PROPOSED FINDINGS

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

10-1-1-5: LAND USE HEARINGS

A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.

B. Notification of Hearing:

1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.

2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.

Notification of the quasi-judicial land use hearing for this conditional use permit application was mailed on November 22, 2016, 22 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on December 7, 2016. The notification procedures met the requirements of FCC 10-1-1-5.

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

1. The notice shall:

a. Explain the nature of the application and the proposed use or uses which could be authorized;

b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;

c. Set forth the street address or other easily understood geographical reference to the subject property;

d. State the date, time and location of the hearing;

e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;

f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

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

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; a geographical reference to the subject property; the date, time, and location of the meeting; the need to "raise it or waive it" appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

D. Hearing procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.

The Planning Commission will meet and decide upon the application in accordance with FCC (Florence City Code) 2-10.

E. Action by the Planning Commission:

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.

2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.

4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

The Planning Commission held a public hearing on December 13, 2016 regarding the application for PC 16 15 CUP 05. The Planning Commission was provided with all evidence deemed relevant to the issue and then set forth in the record what it found to be the facts supported by reliable, probative, and substantive evidence. The conclusions drawn by the Planning Commission were from the facts and stated that the Ordinance requirements were met, the Comprehensive Plan was complied with, and that the requirements of State law were met. The applicant provided all evidence required to support the application, which met the burden of proof for approval.

TITLE 10: CHAPTER 3: OFF-STREET PARKING AND LOADING

10-3-2: GENERAL PROVISIONS:

A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.

B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.

C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.

D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.

E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.

F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.

The applicant has proposed three on-street parking spaces as well as one parking space within a garage. It also appears that the applicant has proposed an ADA parking space within the existing driveway (please see Exhibit C).

Within this district, on-street parking does not count towards required parking. The applicant must provide off-street parking. A change of use constitutes a point at which parking must be provided.

The applicant shall provide off-street parking meeting the requirements of FCC 10-3. No on-street parking will be counted towards meeting the required parking spaces. The applicant shall also submit a revised parking plan for review which meets the requirements of FCC 10-3 and the conditions of approval. **(Condition 4.1)**

The parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours. **(Condition 4.2)**

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.

The applicant has proposed parking which does not meet this criterion. The applicant, per Condition 3.1, will need to submit a revised parking plan.

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole

space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces, plus additional spaces(s) as needed to meet the minimum accessible parking requirement.

Table 10-3-1, Minimum Required Parking By Use:

C. Commercial and Retail Trade Types:

Offices Call centers, data centers, and other similar telecommunications or internet businesses	1 for every 400 square feet of floor area.

The applicant has proposed the conversion of 1,012 square feet of residence to office space. The building also has a 352 square foot garage which has not been calculated towards the total floor area. Future conversion of this garage to usable space by the business (for office, storage, or other needs) will require that this area be included in the parking calculation. The applicant will need to provide one additional space for the garage area, if converted to a commercial use, according to the current parking standard. The applicant will be subject to the parking standards in place at the time of conversion.

The applicant is required to provide, per the parking requirement listed above, two parking spaces (1,012 ft^2 / 400 ft^2 = 2.53 ≈ 2) for an office/call-center use of this size.

The applicant shall provide two paved, off-street parking spaces, not including those needed to meet the minimum accessible parking requirement. **(Condition 4.3)**

10-3-5: VEHICLE PARKING – MINIMUM ACCESSIBLE PARKING:

A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting offstreet parking requirements in Table 10-3-1;

B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 10-3-2 – Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	**Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)**	**Van Accessible Parking Spaces with min. 96" wide access aisle**	**Accessible Parking Spaces with min. 60" wide access aisle**
1 to 25	**1**	**1**	**0**

The applicant, with two parking spaces, shall provide one van-accessible ADA parking space. **(Condition 4.4)**

The applicant has proposed non-accessible parking within the existing garage. According to section 10-3-5-D above, the applicant would need to also provide covered ADA accessible parking. The exact dimensions of the garage are unknown, but may not be sufficient for ADA accessible parking with a van-accessible aisle. The applicant must choose how they will utilize the existing garage for parking, if at all.

The applicant shall choose either: 1) to provide covered parking for both non-accessible and accessible parking within the covered parking area, 2) to provide only ADA-accessible parking within the covered parking area, or 3) to not utilize the garage for parking at all. **(Condition 4.5)**

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete , porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

The applicant has not proposed any parking areas.

The applicant shall submit a parking plan including paved driveways within the first 50 feet of each entrance from a public right-of-way. **(Condition 4.6)**

The applicant shall submit a parking plan with grading details which demonstrate that the parking lot and driveways will be graded as to not drain storm water over public sidewalks. The drainage systems shall be connected to bio-swales to infiltrate the storm water rather than directing it to a storm sewer system to be conveyed off-site. (Condition 4.7)

C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

The proposed use is surrounded by residential uses to the north, south, and west.

The applicant shall provide a parking plan which demonstrates location or sufficient screening as to not shine onto adjacent residential uses. (Condition 4.8)

E. No parking area shall extend into the public way except by agreement with the City.

No parking area exists or has been proposed which extends into the public right-of-way. Any parking area which is proposed by the applicant that will extend into the public right-of-way will require an agreement with the City. (Informational 1)

G. Lighting: Refer to Section 10-37 of this Title for requirements.

The applicant has not proposed lighting as part of their application. Criteria will be addressed below as part of FCC 10-37.

I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

Proposed parking shall not be located in a required front or side yard (five feet setbacks within the Multi-Family Residential District). (Condition 4.9)

J. Building permits are required for all parking lot construction or resurfacing.

The parking lot will be constructed in conjunction with a change of use for the building, which will require building permits. **(Informational 2)**

K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. Individual parking and loading spaces.

2. Circulation area.

3. **Access to streets and property to be served.**

4. **Curb cut dimensions.**

5. **Dimensions, continuity and substance of screening, if any.**

6. **Grading, drainage, surfacing and subgrading details.**

7. **Obstacles, if any, to parking and traffic circulation in finished parking areas.**

8. **Specifications for signs, bumper guards and curbs.**

9. **Landscaping and lighting.**

The applicant shall provide a parking plan which includes the information listed in FCC 10-3-8-K. **(Condition 4.1)**

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) 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:

A. **Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.**

B. **Each space shall have double line striping with two feet (2') wide on center.**

C. **The width of any striping line used in an approved parking area shall be a minimum of 4" wide.**

D. **All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;**

E. **Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;**

F. **Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.**

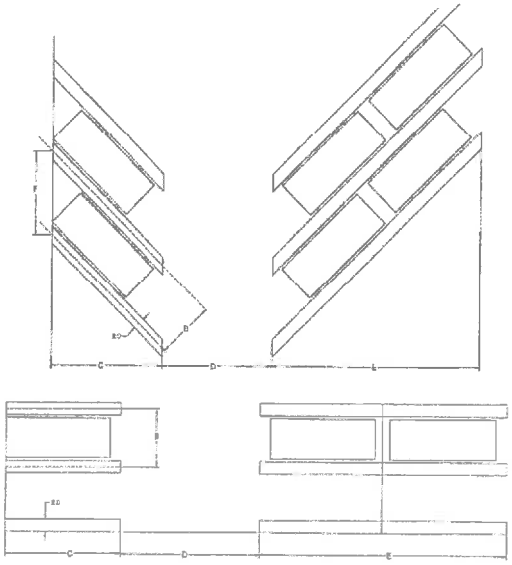


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
Space Dimensions in feet	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	334	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

The applicant has not submitted a parking plan with the details required.

The applicant shall provide marked parking spaces and drive aisle widths meeting the requirements of FCC 10-3-9. **(Condition 4.10)**

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

A. Minimum Size Space: Bicycle parking shall be on a two (2) feet by six (6) feet minimum.

B. Minimum Required Bicycle Parking Spaces. Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.

G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board or Community Development Director may waive or modify the bicycle parking requirements.

The applicant has not proposed any bicycle parking.

The applicant shall provide two bicycle parking spaces, which are also shown on a required revised parking plan, meeting the criteria of FCC 10-3-10. (Condition 4.11)

TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-4: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.

C. Existing and proposed utility lines and easements.

D. Operational data explaining how the buildings and uses will function.

E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

10-4-5: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.

10-4-6: ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

10-4-7: EFFECTIVE DATE: A conditional use permit shall become effective at the close of the appeal period.

The Planning Commission held a hearing December 13, 2016 regarding the proposed office building. The Planning Commission shall make specific findings regarding the application for a conditional use permit according to the criteria as presented in these findings. Should the request for a conditional use permit be approved, it shall become effective at the close of the appeal period.

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The request for an extension is made in writing prior to expiration of the original approval.

2. There are special or unusual circumstances that exist which warrant an extension.

3. No material changes of surrounding land uses or zoning has occurred. The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

Option 1: Since the building has already been constructed and the use has already commenced on-site, the applicant shall complete all required conditions of approval within six months (**June 13, 2017**). **(Condition 5.1a)**

Option 2: The applicant shall be issued a temporary approval for a conditional use permit, expiring two years from the date of approval (**December 13, 2018**). The use shall cease after this date and the applicant shall be required to relocate to a new facility. **(Condition 5.1b)**

Option 1 and 2: Authorization of a conditional use permit shall be void one (1) year after the date of approval, December 13, 2017. **(Condition 5.2)**

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

A. Conformity with the Florence Comprehensive Plan.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

Special conditions of approval shall be established by the Planning Commission to carry out the purpose of this Chapter. Review of the conditional use permit criteria are reviewed later in this report. Conditions as necessary are included.

C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.

Staff review of Comprehensive Plan Policies is included later within this staff report.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

Design Review of the site will be addressed later in these findings.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

The public facilities, services, or utilities necessary to service the proposed structure exist within the surrounding right-of-ways. The public services available are adequate to service the proposed office facility other than those for fire protection. Please see Exhibit D for more information as well as Informational 2.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

The proposed site is accessible by both private and emergency vehicles. Pedestrian access via sidewalk is not available and will need to be provided.

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the

other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82)

A. Regulation of uses, special yard setbacks, coverage and height.

No special yard setbacks, coverage, or height will be required. Uses, yard setbacks, coverage, and height are addressed as part of review of FCC 10-13.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

Landscaping and other screening will be addressed below under section FCC 10-34.

C. Regulation and control of points of vehicular ingress and egress.

The applicant will need to propose, per conditions previously mentioned related to parking and addressed later as part of staff review of FCC 10-35, a parking plan which properly addresses vehicular ingress and egress.

D. Regulation of noise, vibration, odors, and sightliness.

The proposed office facility should not have the potential for noise, vibration, odor, or sightliness issues. Any issues that arise will be subject to the City nuisance code.

G. Regulation of hours of operation and duration of use or operation.

The applicant has proposed hours of operation of 6 a.m. to 5 p.m. Monday through Friday. Hours of operation will not be regulated by this approval.

H. Requiring a time period within which the proposed use shall be developed.

As stated above and as part of Condition 5.2, this conditional use permit will be valid until one year from the date of approval unless a building permit has been issued or significant construction has taken place.

Unless otherwise specified, Conditions of Approval shall be completed prior to six months from the issuance of this approval.

I. Requiring bonds to insure performance of special conditions.

No bonds will be required to insure performance of special conditions.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

No vegetation removal has been proposed or will be permitted.

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

The Florence Comprehensive Plan will be addressed later within this report.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.

B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.

Further review of the setbacks, yards, height, density, lot area, dimensions and percentage of coverage will be reviewed as part of FCC 10-13 later in this report, however, the existing setbacks, yards, and height are appropriate for the underlying zoning district. This criterion is met.

C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.

Screening and landscaping will be addressed as part of review of Chapter 34: Landscaping later in this report.

D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

The proposed location and design of access and egress points for vehicles and pedestrians will be reviewed as part of review of FCC 10-35.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interferences.

There are no proposed or likely possibilities for noise, vibration, smoke, dust, odor, light intensity, or electrical interferences emanating from the facility. Any nuisances which occur will be subject to City Code Enforcement action.

F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.

The criteria of FCC 10-3: Off-Street Parking and Loading were reviewed earlier within this report.

G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.

No changes have been proposed to the exterior of the building. The building is of appropriate architectural quality and aesthetic appearance for the district, and is compatible with adjacent buildings. This criterion is met.

I. Exterior lighting and security.

Lighting will be addressed in and regulated by FCC 10-37.

J. Public health, safety and general welfare.

There are no likely public health, safety, or general welfare issues as a result of approval of this application. There have been, however, reports of traffic issues created by employees of the business located at this facility such as speeding or other traffic issues. The applicant and their employees will be required to observe the posted speed limit and other traffic laws enforceable by the Florence Police Department just as any other occupants of the building, commercial or residential, would be required to do.

K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

Review of this public facility according to the standards of FCC 10-36 will take place later within these Findings.

L. Requiring a time period within which the proposed use or portions thereof shall be developed.

There will be no time period within which the proposed use or portions thereof shall be developed.

M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)

No bonds will be required to insure performance of special conditions.

N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

Other conditions needed in order to implement policies contained within the Florence Comprehensive Plan will be addressed as part of that section of this report.

10-6-9: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval.

B. There are special or unusual circumstances that exist which warrant an extension.

C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

In this specific instance, since the building has been completed, the approval for Design Review of the facility shall be dependent upon, and substantial construction considered, the completion of site improvements required through the conditions of approval.

(Option 1 and 2) The approval for Design Review of the proposed facility shall expire on December 13, 2017. (Condition 5.3)

TITLE 10: CHAPTER 13: MULTI-FAMILY RESIDENTIAL DISTRICT

10-13-1: PURPOSE: The Multiple-Family Residential District is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary.

10-13-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following buildings and uses:

Professional offices.

The applicant has proposed offices for his business, which will function largely as a call-center/engineering office.

10-13-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, an existing lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet and the depth shall be eighty feet (65' x 80').

The lot dimensions were not provided by the applicant. The Regional Land Information Database (RLID) lists Taxlot 1401 as consisting of Lots 1 and 2 of Block 27 of Frasier & Berry's Plat Part of the City of Florence. Lot 1 is 31 feet wide by 120 feet deep. Lot 2 is 26 feet wide by 120 feet deep. Together, the lots are 57 feet wide and 120 feet deep. This criterion is met.

B. Minimum Lot Area: To be designated a building site, an existing lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

Although the applicant stated that the lot area had been provided, the applicant did not make the lot area information available. Using the information provided by RLID above to calculate the area, the lot is 6,840 square feet. RLID lists the lot at 6,970 square feet. Both results meet the minimum lot area requirements.

C. Lot Coverage:

2. For multiple-family dwellings and other uses, the maximum coverage by all enclosed buildings shall not exceed fifty percent (50%) of the lot area. The maximum coverage by all storage structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

The applicant has not provided the lot coverage. By using the available RLID data, it appears that the site currently has a 1,012 square foot residence building, a 352 square foot garage, a 64 square foot paved patio, and a 594 square foot paved driveway for a total of 2,022 square feet of covered area. Using the smaller of the two numbers provided for the lot area gives 29.6% lot coverage currently (2,022 square feet / 6,840 square feet * 100% = 29.56% ≈ 29.6%).

The applicant, through parking requirements or other building onsite, shall not surpass the 75% coverage maximum for the Multi-Family Residential zone. (Condition 6.1)

D. Yard Regulations:

2. For multiple-family dwellings and other uses, the front, side and rear setback shall be five feet (5'). When a multiple use adjoins a single-family use, the multiple use shall be set back from all lot

lines one additional foot for each foot of height over twenty eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.

3. **The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles.**

The applicant has not provided information regarding their current setbacks. The applicant has provided that the front building face is 32.2 feet from the curb face, but has not provided distance to the property line. No other setbacks have been provided, however, no other items of concern have been proposed which may affect the setback areas other than parking, addressed below:

Option 1: The applicant may have enough space to provide two parking spaces within the front yard, minus the front setback of 5 feet (which will also be required for vegetation) for a total of 24 feet width, with the parking spaces oriented east to west. It appears, however, that the garage would not be able to serve as an ADA accessible parking space with room for an access aisle. The applicant would need to locate their front lot line in order to determine whether parking could be accomplished within the front yard area. If not, the applicant would need to locate parking in the rear, accessed through Pine Street.

The applicant shall ensure that the required parking plan does not encroach onto the required five foot front, side, or rear setbacks. (Condition 6.2)

Option 2: The applicant would not have to provide permanent parking, therefore parking areas and their effect on the required setback areas would not be an issue.

10-13-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

2. **Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').**

3. **Nonresidential Buildings: The maximum building or structural height shall not exceed twenty eight feet (28').**

The height of the existing building meets the above criterion.

C. Fences: See Chapter 10-34-5 of this Title.

D. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.

E. Off-Street Parking: Refer to Chapter 3 of this Title (Off- Street Parking and Loading).

F. Access and Circulation: Refer to Section 10-35 of this Title for requirements. Additionally, vehicle ingress or egress to a multiple-family dwelling shall not be allowed from less than a fifty foot (50') right of way and thirty two foot (32') paved street. Multiple-family dwellings shall not have vehicle access to and from a cul-de-sac.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements. The developer of a multiple family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

H. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

J. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

K. Lighting: Refer to Section 10-37 of this Title for requirements.

All applicable sections will be referred to as needed.

TITLE 10: CHAPTER 34: LANDSCAPING

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.

A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)

The applicant has proposed a conditional use, requiring that landscaping for the proposed development meet current code.

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

C. The location, size, and species of the new proposed plant materials (at time of planting).

D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

E. Existing and proposed building and pavement outlines.

F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

G. Other information as deemed appropriate by the City Planning Official.

The applicant has provided a landscape plan with only the location of existing plantings. The applicant has not provided any of the other required information.

Conditions 7.1 through 7.18 apply to both **Option 1 and Option 2**.

The applicant shall provide a landscape plan including all information listed as part of FCC 10-34-3-2 for review by the Planning Department prior to the deadline for completion of conditions of approval. **(Condition 7.1)**

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

It is unknown what percentage of the lot is landscaped.

The applicant shall provide a minimum of 15% of the lot area as landscaped area. **(Condition 7.2)**

A. Landscaping shall include planting and maintenance of the following:

1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.

2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the

first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

5. **Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

The proposed site has 179 total lineal feet of street frontage.

The applicant is required to provide six trees (179 l.f. / 30 l.f. = 5.967 ≈ 6 trees). The applicant has stated that there are three existing trees within the first 20 feet of lot lines which abut a street.

The applicant shall provide an additional three trees (for a total of six trees) located within the first 20 feet of street-abutting lot lines and which are listed on the Tree and Plant List for the City of Florence and meet the planting standards therein. **(Condition 7.3)**

The applicant is required to provide 36 shrubs (179 l.f. / 30 l.f. * 6 = 35.799 ≈ 36 shrubs). The applicant has stated that there are two shrubs on the property and only one shrub within the first 20 feet of lot lines which abut a street.

The applicant shall provide an additional 35 shrubs (for a total of 36 shrubs) located within the first 20 feet of street-abutting lot lines and which are listed on the Tree and Plant List for the City of Florence and meet the planting standards therein. **(Condition 7.4)**

Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting. **(Condition 7.5)**

Plants and tress shall be pocket-planted with a soil-compost blend to ensure healthy growth. **(Condition 7.6)**

B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

It is unknown if there are any noxious weeds on the site.

The applicant shall remove all invasive or noxious weeds from the site and shall not plant invasive or noxious species. **(Condition 7.7)**

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. **Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested Tree and Plant List for the City of Florence and the Sunset Western Garden Book are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.**

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

2. Shrubs. Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.

3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

The applicant shall select all plants from the Tree and Plant List for the City of Florence. **(Condition 7.8)**

C. **Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.**

The applicant has not proposed any hardscape features.

D. **Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are**

encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

As part of Option 1, involving the development of a parking area, storm water will need to enter a swale area. Landscaping within a bio-swale may count towards the landscaping requirements.

Storm water facilities shall be reviewed by the Planning, Building, and Public Works Departments prior to approval and necessary permits shall be obtained for their construction. **(Condition 7.9)**

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

Irrigation shall be installed for all landscaping, except existing native, preserved vegetation and new drought tolerant plants. Drought tolerant plants shall have temporary irrigation necessary for plant establishment. **(Condition 7.10)**

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

A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-8-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

Should the applicant pursue Option 1, the proposed parking area, if adjacent to a street shall be separated from that street by a berm, evergreen hedge, masonry decorative wall with openings, or an arcade, trellis, or similar structure three to four feet in height.

The proposed screen shall meet the requirements of FCC 10-34-3-7-A and shall not intrude into a vision clearance area. (Condition 7.11)

B. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

The applicant, if pursuing Option 1, shall propose a parking area, if adjacent to a building, which meets the requirements of FCC 10-34-3-7-B. **(Condition 7.12)**

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),

2. evergreen hedge,

3. opaque or sight-obscuring fence complying with Section 10-34-5, or

4. a similar feature providing an adequate screen.

The applicant has not proposed any mechanical equipment, outdoor storage, service or delivery areas, or any needed other screening.

The trash/recycle containers for the office shall be enclosed by a solid fence or wall not less than five feet in height or stored out-of-view inside the building. (Condition 7.13)

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

buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

The proposed location abuts residential uses on east and south. The applicant has provided information that the building is 14.8 feet from the abutting residence on the east. The applicant has not provided information regarding residences to the rear of the office building. The difference between 14.8' and 15' is negligible and meets the intent of code for the purposes of this section.

The applicant shall provide, in addition to required plantings within 20 feet of an adjacent street, a 15-foot vegetated buffer and no less than a six foot tall solid fence or wall to screen the office building and provide a buffer for abutting residences. (Condition 7.14)

10-34-3-8: Maintenance. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal. (Condition 7.15)

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. Street Tree List. Trees shall be selected from the Tree and Plant List for the City of Florence based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All

street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-13.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soilcompost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

The applicant has not proposed any street trees.

If the applicant proposes street trees as part of their landscaping plan, the applicant shall plant the proposed street trees with root guards to preserve the adjacent sidewalks, as well as pocket-plant the trees with a soil-compost blend in order to ensure healthy growth. **(Condition 7.16)**

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements: A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed three (3) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

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

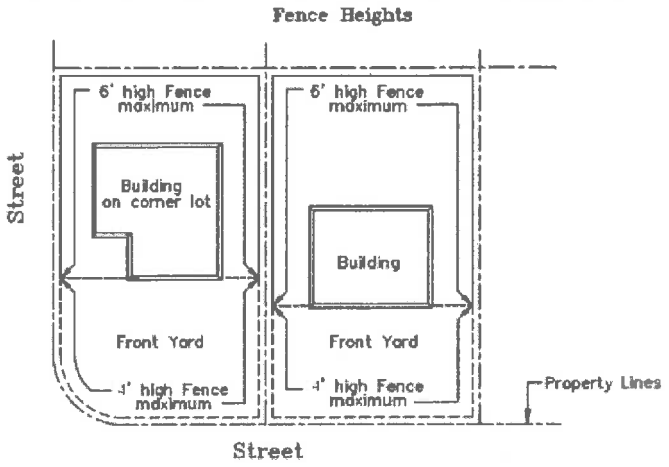


*Figure 10-34(2) demonstrates current code requirements

The applicant has not proposed fencing surrounding the office building. Fencing other than that required above as part of Condition 7.15 shall meet the requirements listed as part of FCC 10-34-5-B. **(Condition** 7.17)

D. Specific Requirements

2. Fences and walls shall comply with the vision clearance standards of FCC 10-35- 2-13.

Any proposed fencing or walls shall comply with the vision clearance standards of FCC 10-35-2-14. **(Condition 7.18)**

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

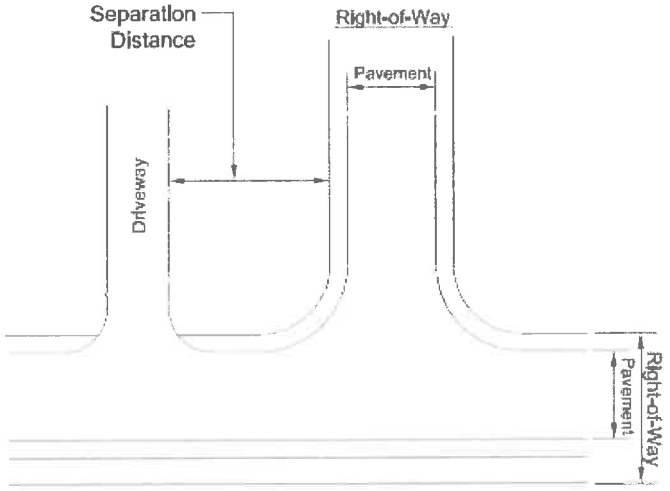
10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

Alley	15 feet
Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet

Figure 10-35(1): Separation Distance from Driveway to Street



C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

It is unclear whether the applicant will utilize the existing driveway, which meets the requirements of FCC 10-35-2-7 or another driveway.

Conditions 8.1 through 8.5 apply only to **Option 1**.

The applicant shall submit a site and parking plan with driveway and street access which meets the requirements of FCC 10-35-2-7. **(Condition 8.1)**

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

All streets which the applicant may propose to access are local streets. Regardless of the access method chosen, access will be provided off of a local street. This criterion is met.

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

The applicant has not proposed pedestrian and bicycle connections through the site. The applicant shall provide a parking plan which demonstrates adequate bicycle and pedestrian connections and which conforms to the provisions of FCC 10-35-3. **(Condition 8.2)**

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.

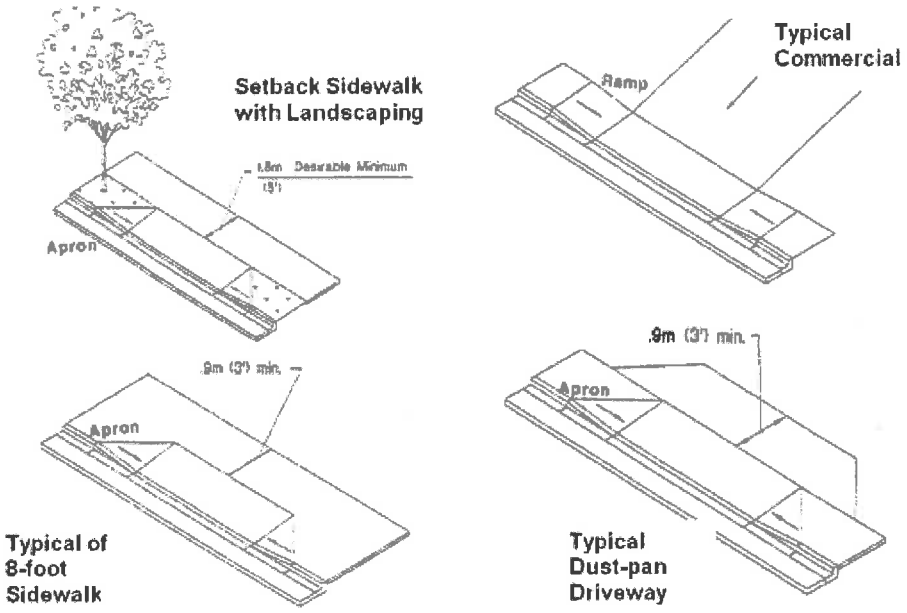
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.

4. One-way driveways shall have appropriate signage designating the driveway as a oneway connection. Fire apparatus lanes shall be so marked (parking prohibited).

5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

The applicant shall provide a site and parking plan which demonstrates that the driveway requirements of FCC 10-35-2-12-A and –B are met. **(Condition 8.3)**

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



C. Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2) (pictured on next page). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

The driveways proposed by the applicant shall meet the criteria of FCC 10-35-2-12-C. (Condition 8.4)

10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

The applicant has not proposed any structures that would have less than the minimum vertical clearance within the driveway area.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets,

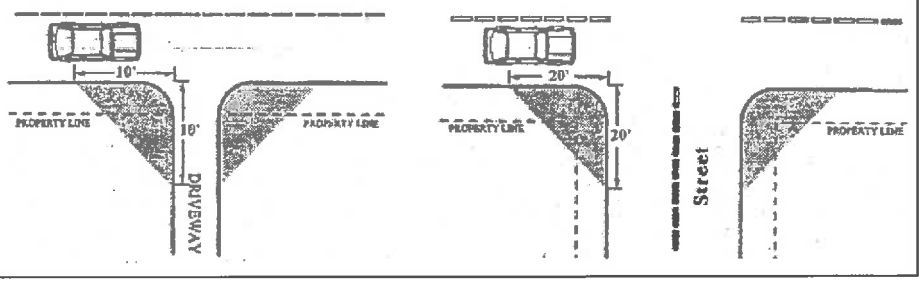
driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.

The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height. (Condition 8.5)

Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)



10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements:

A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:

1. Upon any new development of property.

The applicant has proposed to a conditional use within a residential district.

Conditions 9.1 through 9.5 apply only to **Option 1**.

The applicant shall provide sidewalks meeting the requirements of FCC 10-35-3 along the 29th Street frontage of the property. (Condition 9.1)

B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.

2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

3. Topography or contours make the construction of a sidewalk impractical.

4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.

5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.

The applicant has not proposed sidewalks and has not discussed sidewalk options with the Public Works Director. No known issues listed above exist on the property other than those related to Pine Street.

The applicant shall provide a non-remonstrance agreement for improvements to Pine Street. If the applicant is required to develop Pine Street due to a need for parking, the applicant shall construct sidewalks along the portion of the street developed to City standards. **(Condition 9.2)**

C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.

D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

The applicant shall either provide a non-remonstrance agreement or construct sidewalks adjacent to the property prior to final inspection and Certificate of Occupancy. **(Condition 9.3)**

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned offsite adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

A. Vehicle/Walkway Separation. Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

B. Pedestrian Crossing. Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

C. Width and Surface. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10- 36-2)

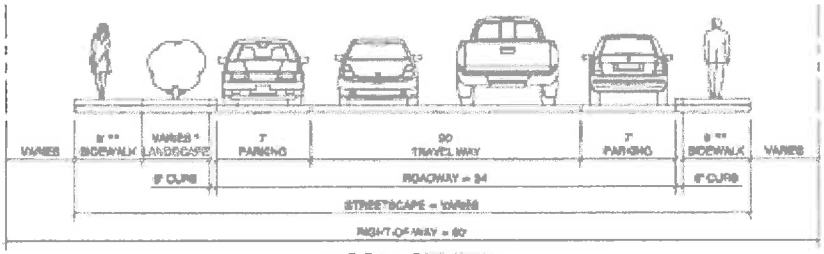
D. Accessible routes. Walkways and multiuse paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

The applicant shall propose walkways which meet the applicable requirements of FCC 10-35-3-2 and -3. **(Condition 9.4)**

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).



LOCAL STREET
(PARKING BOTH SIDES)

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 10' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY

The applicant has not proposed any changes to the cross section standard for 29th Street or Pine Street, included above. The applicant, if proceeding with **Option 1**, may be required to install a portion of Pine Street in order to access the rear of the site.

The applicant shall consult with the Public Works Director and determine his course of action, including whether street improvements will be required and to what extent those improvements will be required. (Condition 10)

10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:

A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.

D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).

E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.

F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

Sidewalks will be required as a result of this approval (see Conditions 9.1 through 9.4).

The sidewalks shall be constructed at the property line with planter strips adjacent and will meander around existing trees where possible. The applicant shall be the maintaining property owner of sidewalks and planter strips adjacent to the property. **(Condition 9.5)**

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following standards:

A. Curb exposure shall be per City Standards and Specifications.

These criteria have been evaluated above as part of staff review of FCC 10-35.

TITLE 10: CHAPTER 37: LIGHTING

10-37-3: LIGHTING PLANS REQUIRED: All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

The applicant has not submitted lighting information to the Planning Commission for review.

Lighting Conditions 11.1 through 11.4 apply to both **Option 1 and Option 2**.

Any additional lighting installed on the exterior of the building shall be evaluated by the Planning Department. **(Condition 11.1)**

10-37-4: LIGHTING STANDARDS:

A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.

The applicant shall ensure that lighting fixtures do not project light onto adjacent or nearby property. **(Condition 11.2)**

B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) footcandles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

The applicant shall add lighting fixtures or reposition proposed fixtures to provide at least two foot-candles of illumination for all required parking spaces. **(Condition 11.3)**

D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

The applicant has not stated whether or not the lights will be extinguished at the end of business hours.

The applicant shall extinguish all exterior lighting other than the minimum needed for safety and security at the end of business hours. Motion-activated lights are encouraged. **(Condition 11.4)**

Lighting will be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 2: LAND USE

RESIDENTIAL

POLICY 8 (1). **Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.**

The proposed use has been considered an appropriate companion to existing and future residential uses within the High-Density Residential Designation. Professional office uses are by definition (formerly included in FCC 10-1-5) a Commercial Use Category and:

> ***Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.***

Office uses can be considered low-intensity commercial development and appropriate for the Multi-Family Residential District.

POLICY 8 (2). **An adequate supply and mix of housing types (single family, duplex, multiple family) shall be maintained throughout the 20-year planning period for all projected ages and income levels.**

The property was designated High-Density Residential, the implementing zoning being Multi-Family Residential. The last Buildable Lands Inventory was completed in 2004. At that time, this property was developed and zoned Multi-Family Residential and would likely have been considered as redevelopable land due to the following factors:

- High-Density Residential Designation
- Land use is single family or manufactured home
- Improvement was built before 1980

- Improvement value is less than $150,000

The 2004 study, which may be obsolete due to changing market factors and population estimates, concludes that by 2025, an additional 2,678 housing units would be required (2,002 single family, 61 duplex, and 615 multi-family). Through analysis of building permits issued from 2005 – Nov. 2016, the following housing units have been provided:

- Single-family: 417
- Duplex: 23
- Multi-family: 53

A new housing study will be completed in 2017. Until the completion of that study and until the update of other Goal 10 (Housing) policies and City codes has occurred, the State has advised caution when converting housing stock or re-zoning property which could be used for needed housing.

Recommendation 2. **Where multiple family residential densities and uses are appropriate within city limits, use of such lands for new single family residential development should be prohibited by zoning.**

The Multi-Family Residential Zone allows both single-family and office uses conditionally. While this lot is likely too small for a typical multi-family development, it does have redevelopment potential for a small two- to four-plex. It also served, prior to occupancy by the applicant, as a low-cost detached single-family residence both sold last well below median home price for the area and assessed at well below the median home price for the area.

High Density Residential

The High Density Residential designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment of areas close to parks, schools and shopping. Lot sizes are, or would be, less than 5,000 square feet per unit. The applicable zoning district is Multi-family.

The site is a property very close to City parks, is across Oak Street from Siuslaw High School. The site is currently zoned Multi-Family Residential. The site is appropriate for multi-family redevelopment.

COMMERCIAL

POLICY 3. **The City shall promote the efficient use of available lands designated for the establishment of commercial uses.**

Currently, there are appropriately zoned lands available for the construction of commercial uses as well as vacant commercial spaces which would be easily converted by the applicant to their desired use.

POLICY 4. **The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.**

The City Code implements this policy. Those sections cited above require appropriate and attractive architecture, scale, abundant landscaping, access improvements. Signage is regulated through the Florence City Code Title 4: Building Regulations.

POLICY 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.**

This Commercial development will be required to meet the minimum level of improvement and development standards, the Florence City Code.

Recommendation 3. **The City should ensure that vacant commercial lands are efficiently utilized by encouraging parcel consolidation, proper subdivision design, and redirecting inappropriate uses to more compatibly planned and zoned lands within the Florence area.**

The proposed project is located within a Multi-Family Residential-zoned area and is permitted conditionally. Commercial lands are available within the City which are vacant.

Recommendation 4. **The City should discourage the establishment of itinerant businesses that do not meet the same design standards as permanent commercial uses.**

Recommendation 5. **The City should rely on its site design guidelines and standards for objectively evaluating each new development proposed pursuant to its design review process.**

Recommendation 6. **Commercial developments, commercial planned unit developments, and commercial subdivisions should include adequate provisions for pedestrian and bicycle access including sidewalks, bike lanes, bike racks, benches and appropriate safety signage and lighting.**

Recommendation 7. **Local improvement districts for streets, sidewalks, curbs and gutters, parking and other public**

improvements should be encouraged in commercial areas for the purpose of rejuvenating commercial neighborhoods.

The applicant has not proposed an itinerant business. As a permanent commercial use, the applicant will be required to meet the minimum level of design and development standards. Options have been provided to allow the applicant, who may not wish to invest in the level of improvements required to convert this location into a commercial building. As a permanent commercial use, full improvement of the site will be required. As a temporary location for the applicant's commercial business, this full improvement will not be required.

Recommendation 10. **Commercial developments should provide minimum a landscaped buffer and/or a minimum six foot high solid wood fence or architectural block wall as provided in the table below when proposed abutting land is planned or used for residential development.**

Adjoining Land Use / Zoning	Landscaped Buffer	Fence or Wall
Abutting single family zoning or use	35 Feet	6' solid wood fence or architectural block wall
Abutting duplex, triplex or townhouse zoning or use	25 Feet	6' solid wood fence or architectural block wall
Abutting multiple family or condominiums	15 Feet	6' solid wood fence or architectural block wall

The applicant will be required to provide a 15 foot landscaped buffer with a six foot tall fence per Condition 7.14. The full extent of this recommendation has not yet been implemented in code, however, so a 15 foot buffer is the requirement at this time.

CHAPTER 9: ECONOMIC DEVELOPMENT

POLICY 1. **The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.**

The applicant provides employment for several employees.

CHAPTER 10: HOUSING OPPORTUNITIES

POLICY 1. **The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.**

The zoning code allows for a variety of different types of housing, densities, and regulations. The property owned by the applicant is zoned Multi-Family Residential, appropriate for the densest of housing developments.

POLICY 2. **City codes and standards shall be enforced for the purpose of maintaining and upgrading the housing supply.**

City Codes have been implemented and enforced for the purpose of maintaining and upgrading the housing supply. The applicant has converted a residential use into a commercial use. Staff was informed of this change and contacted the applicant. The applicant was made to apply for a conditional use permit, a requirement for the proposed use in the Multi-Family Residential zone.

POLICY 3. **Sufficient land within the Florence area shall be made available for high density housing development where public services are adequate and where higher densities and traffic levels will be compatible with the surrounding area.**

Without a current Buildable Lands Inventory or Housing Needs Assessment, it is difficult to say if there is adequate land available for high density housing development within the Florence area. A large portion of appropriately zoned lands are currently developed and would need to be redeveloped to meet the projected housing needs.

VII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Site, Landscaping, Parking Plans
"D" Referral Comments from SVFR, Building, Public Works
"E" Dawes Testimony

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

Type of Request

☐ Design Review (DR) (See FCC 10-6) ☑ Conditional Use Permit (CUP) (See FCC 10-4)

Applicant Information

Name: Larry Porter Phone 1:

E-mail Address: Phone 2:

Address:

Signature: Date: July 11, 2016

Applicant's Representative (if any):

Property Owner Information

Name: Larry Porter Phone 1: "

E-mail Address: Phone 2: "

Address:

Signature: Date: July 11, 2016

Applicant's Representative (if any):

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

* Do mail to be sent to street address!

For Office Use Only:

RECEIVED
City of Florence
JUL 14 2016
By:

APPROVED
City of Florence
Community Development Department
"B" Exhibit
PC1615CUP05 File Number

Exhibit
Exhibit B

Form Revised 4/28/15

Property Description

Site Address: 1684 29th St. Florence 97439

General Description: Residential House 3 Bdrm / 1 bath

Assessor's Map No.: 18 - 12 - 23 - 32 Tax lot(s): 1401

Zoning District: _____

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map (FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: N/A Square feet of existing: _____

Hours of operation: _____ Existing parking spaces: 3 (inc garage)

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

Timetable of proposed improvements: N/A

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

If yes, please describe: _____

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

Requesting use of 1684 29th St. for a sales & engineering office by owners company: SolvIT International, Inc. a 2002 Oregon registered C-corp. This company operated from 2002-2007 in lease space in Salem and from 2007-2015 in residential space, and all years w/o any biz license

For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid

Other Information Required

Below is a check list of the required information to determine if an application is complete. The Florence City Code is available at City Hall or online at www.ci.florence.or.us (click on "City Code" which is located on the main page). You will also find the *Florence Transportation Plan, Downtown Architectural Guidelines, Highway 101 Access Management Plans, Stormwater Design Manual,* and *Stormwater Management Plan* available on the City's website or at the City Hall for review or purchase.

☐ Site Plan existing and proposed drawn to scale, showing the following:

N/A

Existing and proposed site boundaries and proposed lot boundaries
Existing and proposed structures
Existing and proposed roads, streets, rights-of-way, pedestrian walks (widths and types), names, grades, radii
Existing and proposed utility services – location of water and sewer lines, drainage routes and facilities, manholes, meters, fire hydrants, etc...
Areas of scenic value, wildlife habitat, potential hazard areas (floodplains, geologic instability), wetlands, or other areas of special significance

Note: Please submit an electronic copy of any plans submitted larger than 11" x 17"

☑ A title report from a title company showing:

Existing liens
Access and/or utility easements
Legal description

☑ Utility Plan:

List all utilities currently available to the site AND add this information to a utility plan map (See FCC 10-1-1-4-B-2).
Note: For help identifying the location of utilities, please call Dig Safely Oregon at 1-800-332-2344 or dial 811. Call Public Works (541-997-4106) to determine the size of utility lines. Call the Fire Marshal (541-997-3212) to determine fire flows.

city

Water Supply: 7 - inch line available from 24th (Street)
Sanitary Sewer: 8 - inch line available from 24th (Street)
Storm Sewer: 7 - inch line available from 24th (Street)
Check if available: ☐ Telephone ☐ Cable TV ☐ Electrical ☐ Other (Such as fiber optics)
Please provide a plan drawn to common scale showing the location of existing and proposed buildings, existing and proposed utility services, location and size of water and sewer lines, drainage routes, manholes, meters, fire hydrants, fire flows, and 2' contours.

☐ Lighting Plan:

N/A

Show location of each light fixture, diagram illustrating foot-candle distribution, and elevation drawing of each light fixture in conformance to FCC 10-37.

☐ Access Permits:

N/A

For properties along State or County roads (see FCC 10-35-2-4), a state or county access permit or application is required. For properties on Highway 101 located between Highway 126 and the Siuslaw River Bridge, please also refer to the *Highway 101 Access Management Plan*.

☑ Proposed:

Are new streets planned or needed? (Please refer to the Transportation System Plan)
☐ Yes ☑ No If yes, please describe: _____
Are utility upgrades or extensions planned or needed?
☐ Yes ☑ No If yes, please describe: _____
If you answered yes to either question above, how will these improvements be funded?

☐ Stormwater Plan:

N/A Per FCC 9-5-2-4, a drainage plan is required for projects which add **500 SQUARE FEET OR GREATER** of impervious surface area or clearing vegetation from **10,000 SQUARE FEET OR GREATER** (single family homes are excluded). Please refer to FCC 9-5 and the Florence Stormwater Design Manual for requirements.

☐ Traffic Impact Study:

N/A Per FCC 10-1-1-4-D, larger projects may require a Traffic Impact Study. Please attach a TIA if needed.

☐ Design & Architectural Drawings:

N/A Per FCC 10-6-6-C, if applying for a design review, please attach or describe colors and materials being used as well as elevations of the proposed building.

☐ Landscaping Plan: (existing)

N/A Per FCC 10-34-3-2, the location, size and species of newly proposed plant materials, location(s) of area where existing vegetation will be cleared and/or preserved, irrigation and anticipated planting schedule, and location of existing and proposed fences and walls including buffering and screening materials.

☐ Erosion Control:

N/A Projects of over 1 acre of land disturbance over a period of time (please see FCC 10-36-4) are required to obtain a National Pollution Discharge Elimination System permit from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

☐ Site Investigation Report:

N/A Refer to FCC 10-7-3 for the list of hazard areas within the City Limits which will require a SIR.

☐ Old Town District:

N/A Survey: Properties within the Old Town District require a recent survey per FCC 10-17 for all new development, redevelopment, and additions which show property lines, easements, 2' contours, existing structures, floodplain, and highest observed tide.

Visual Aids: New construction or story additions require visual aids. Please refer to FCC 10-17.

APPROVED
City of Florence
Community Development
Department
"C" PC1615CUP05
Exhibit File Number

SOLVIT

August 11,2016

City of Florence

250 Hwy 101, Florence, OR 97439

RE: Conditional Use Permit Application for Residence at 1684 29th Street, Florence, Or 97439

The proposed site is Assessors map # 18-12-23-32 Tax lot 1401, in Multi-Family Residential district and is regulated by Florence City Code Title 10 Chapter 13.

Here are the documents and information needed for *completeness* for this matter as well as the $1500.00 Conditional Use Permit Application Fee.

Site Plan, including:

Lot Area - A

Landscaping - B

Parking - C

Square footage of Building and Details of use –D

Lot coverage – E

Setback – F

Thank you for the time to comply with City Codes if you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

Larry Porter
SolvIT International, Inc.
PO Box 2648
Florence, OR 97439
Phone: (1) 503-763-6659

Exhibit C

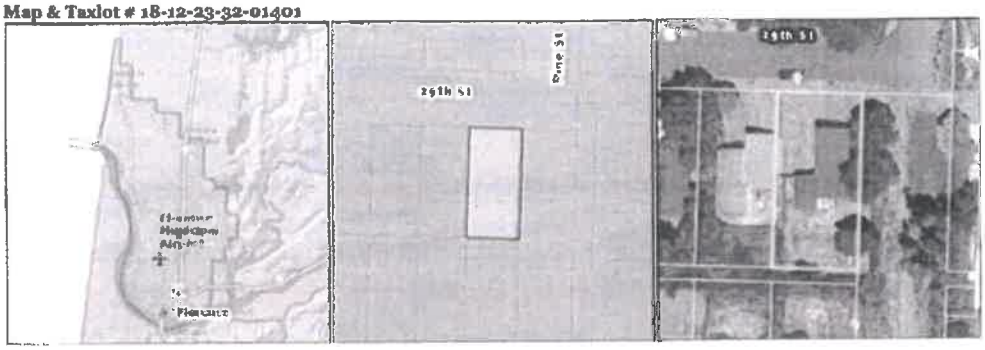
Site Address 1684 29TH ST Florence, OR 97439
Map & Taxlot# 18-12-23-32-01401
SIC N/A
Tax Account# 1262763

Property Owner 1
PORTER LARRY D
PO BOX 2648
FLORENCE, OR 97439
Tax account acreage 0.16
Mapped taxlot acreage† 0.16

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Maps

Map & Taxlot # 18-12-23-32-01401



Business Information

Improvements

Dwelling 1 / Building Type » Class 3 dwelling

Assessor Photo

Click to enlarge photo

Assessor Sketch

Inspection Date	02/05/2009	Bedrooms	3	Roof Style	Flat or Shed
Building Class	3	Full Bath(s)	1	Roof Cover	Comp shingle medium
Year Built	1978	Half Bath(s)	0	Masonry Fireplace(s)	No
Effective Year Built	1995	Depreciation	12%	Improvement Complete	100 %
				Heat	Baseboard

Floor Characteristics

	Base Sq Ft	Finished Sq Ft	Exterior
1st Floor	1012	1012	T 111 plywood
Total Sq Ft	1012	1012	

Other Square Footage

Detached Garage	N/A	Attached Garage	352
Basement Garage	N/A	Carport	N/A
Paved Patio	64	Paved Driveway	594

Site Address Information

1684 29TH ST
FLORENCE, OR 97439

House #	1684	Suffix	N/A	Pre-directional	N/A
Street Name	29TH	Street Type	ST	Unit type / #	N/A
Mail City	FLORENCE	State	OR	Zip Code	97439
Zip + 4	N/A	Create Date	Aug 09, 1983	Update Date	May 13, 2016

Land Use 1111 Single Family Housing
USPS Carrier Route N/A

General Taxlot Characteristics

- Geographic Coordinates

  X 3973357 Y 867749 (State Plane X,Y)
  Latitude 43.9916 **Longitude** -124.1028

- Zoning

  Zoning Jurisdiction Florence

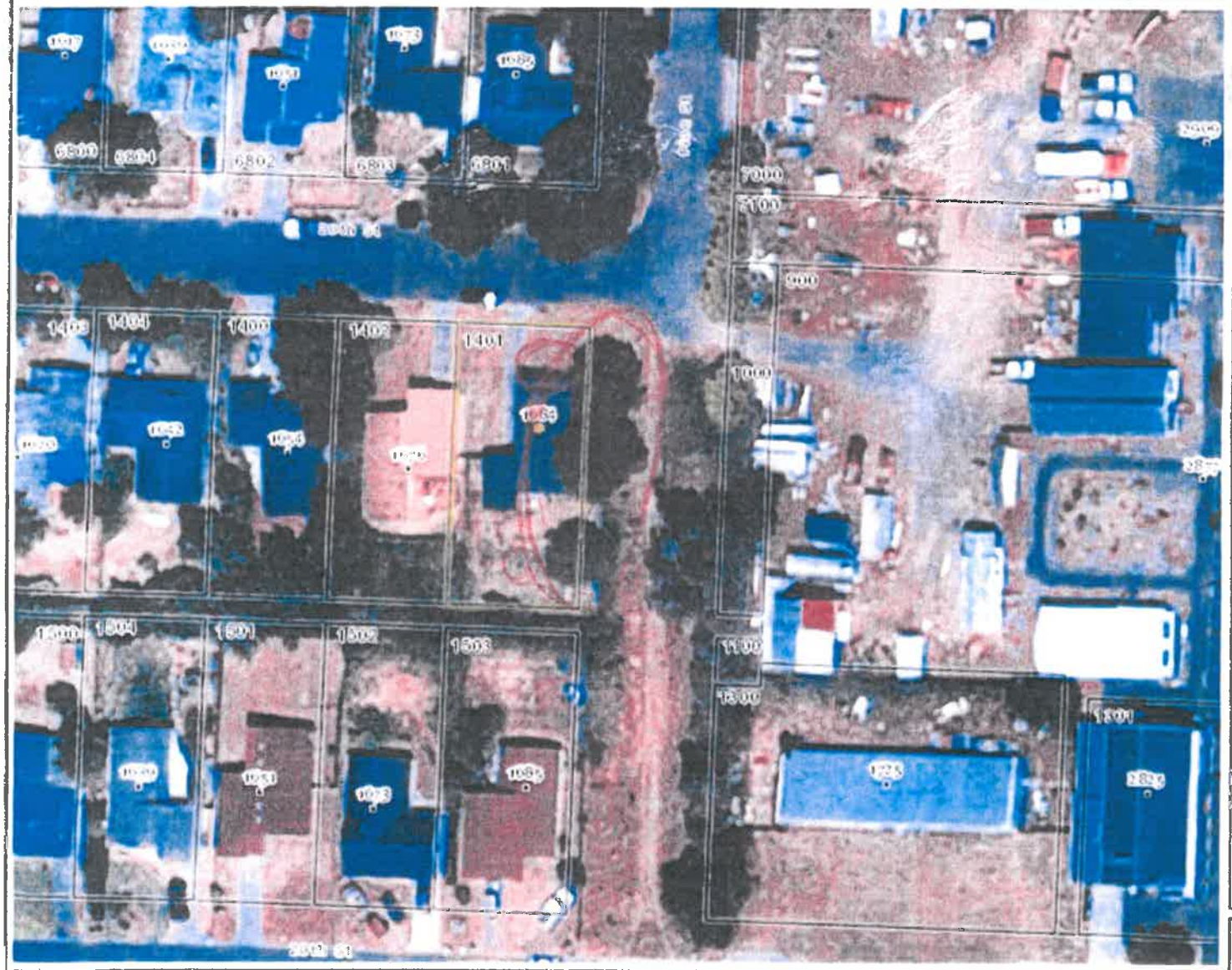
Taxlot Characteristics

Incorporated City Limits	FLORENCE
Urban Growth Boundary	Florence
Year Annexed	N/A
Annexation #	N/A
Approximate Taxlot Acreage	0.16
Approx Taxlot Sq Footage	6,970
2010 Census Tract	0705

(B)

RLID MAPS

Vicinity Map
1684 29th



Legend

Rail Lines

3 Trees on East [illegible]

1:743

Notes NOTHING NEW TO PROPOSE

0.0 0 0.01 0.0 Miles

NAD_1983_HARN_StatePlane_Oregon_South_FIPS_3602_Feet_Intl

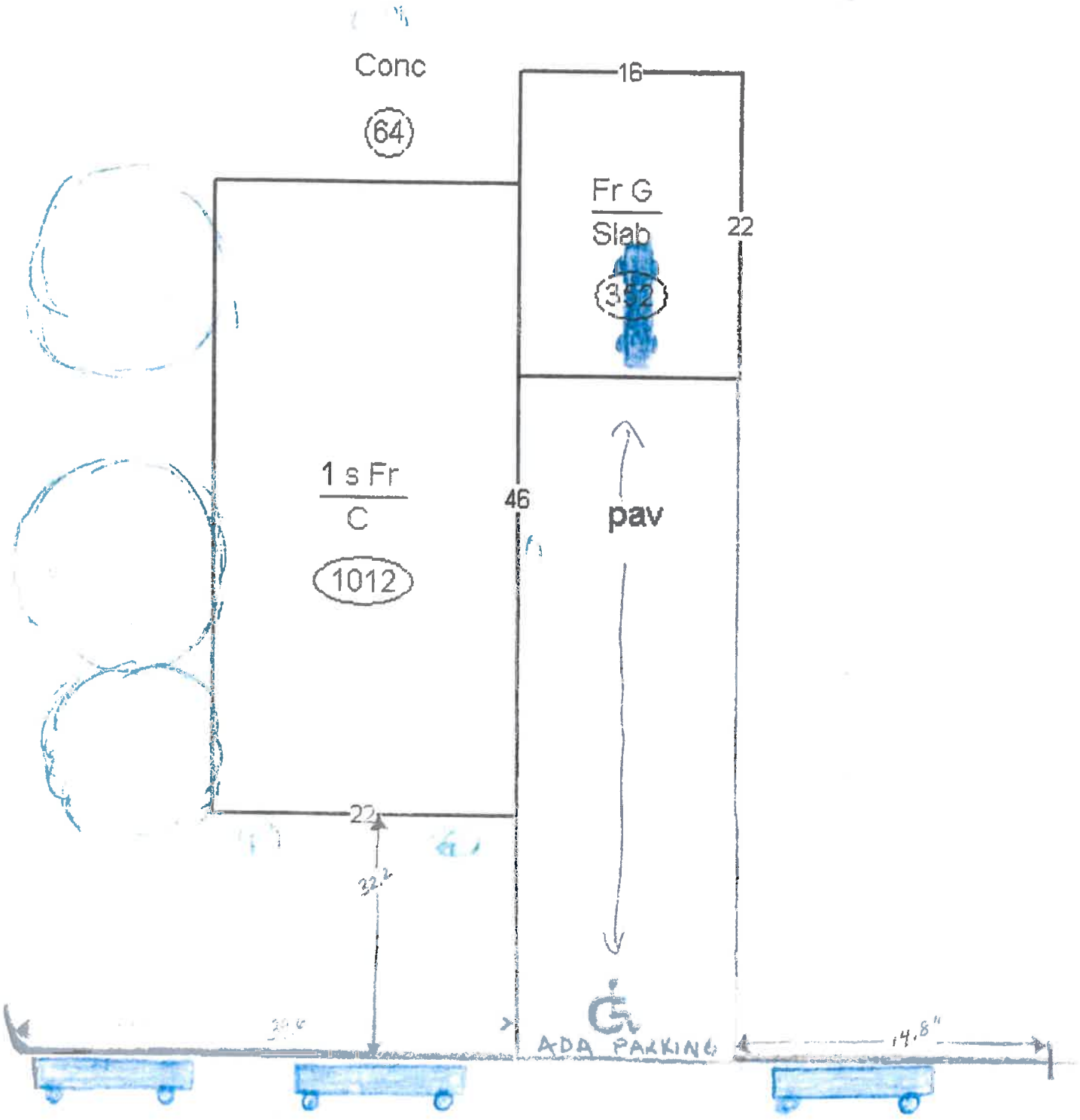
© Lane Council of Governments

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

(C)

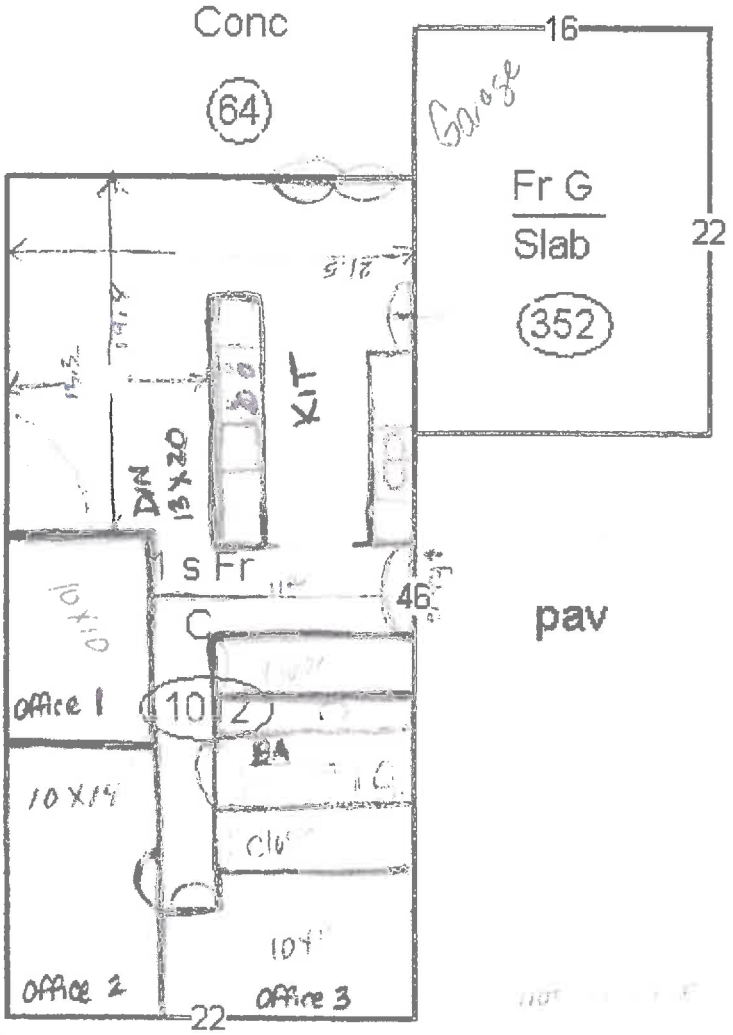
1262763


Conc
64
16
Fr G
Slab
352
22
1 s Fr
C
1012
46
pav
22
22.2
ADA PARKING
14.8"

(D) FLOOR PLAN

- Hours of OPERATION mon - Fri 6AM - 5pm
- Number of employees 3
- CARETAKER OF FACILITY IS OWNER LARRY PORTER
- Type of conversions made: N/A

1262763



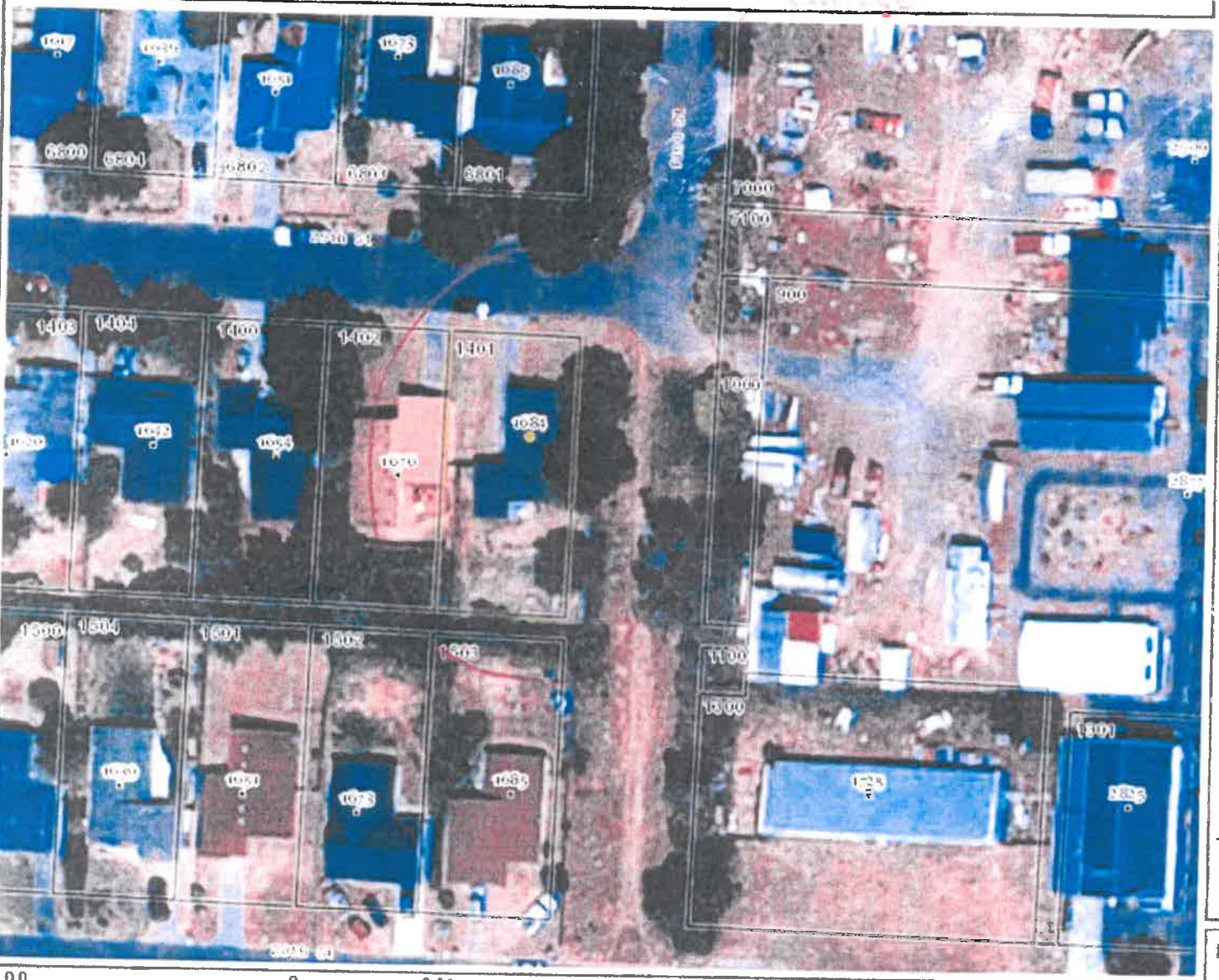
DETACHED GARAGE
TOTAL SQFT: 352

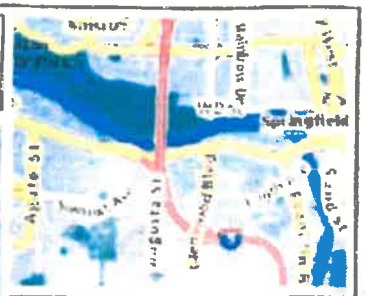
TOTAL SQFT = 1012

(E)

RLID MAPS

Vicinity Map
1684 29th





Legend

Rail Lines

1:743

Notes

0.0 0 0.01 0.0 Miles

NAD_1983_HARN_StatePlane_Oregon_South_FIPS_3602_Feet_Intl

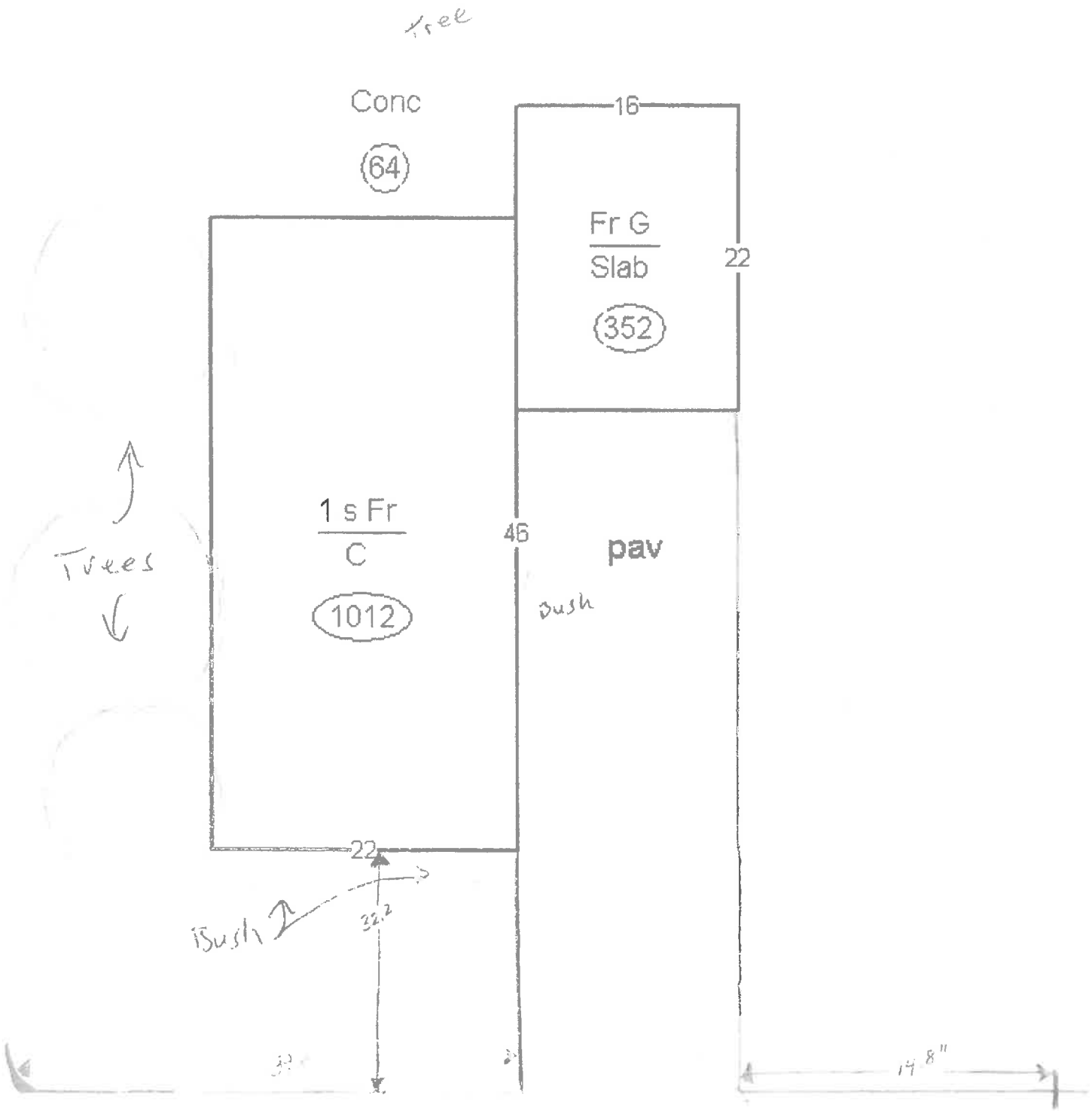
© Lane Council of Governments

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

(F)

1262763


tree
Conc
64
16
Fr G
Slab
352
22
1 s Fr
C
1012
46
pav
push
Trees
22
Bush
32.2
14.8"

APPROVED
City of Florence
Community Development
Department

"D" Exhibit

PC 16 15 CUP 05 File Number

Vevie McPherren

From: Sean Barrett <sean@svfr.org>
Sent: Wednesday, November 23, 2016 4:43 PM
To: Vevie McPherren
Subject: RE: Referral - PC 16 15 CUP 05 - Residence to Office Building

Fire has no concerns with this conditional use. Sean

From: Vevie McPherren [mailto:vevie.mcpherren@ci.florence.or.us]
Sent: Wednesday, November 23, 2016 2:37 PM
To: Mike Miller; Jim Langborg; Sean Barrett; Tom Turner; Dave Mortier; jason@thebldgdept.com
Cc: Wendy Farley-Campbell; Glen Southerland
Subject: Referral - PC 16 15 CUP 05 - Residence to Office Building

Good afternoon!

The purpose of this notice is to acquaint you with the proposed development, to gather information you may have about the project, and provide an opportunity to comment and express concerns prior to the city's decision to approve or deny the proposal.

PC 16 15 CUP 05 – Residence to Office Building: A Conditional Use Permit application from Larry Porter, representing Solv-It International, requesting to change the use of a residence located at 1684 29th Street to an office building, a conditional use within the Multi-Family Residential District. The site is located at 1684 29th Street on the west side of Highway 101 behind Terrace Homes, Map #18-12-23-32, Tax Lot 01401, regulated by Florence City Code Title 10 Chapter 13.

Please contact the Planning Department with any questions or concerns.

Thank you kindly,

Vevie "Viva"
LiveHappy!
Vevie M. McPherren
Planning Administrative Assistant
vevie.mcpherren@ci.florence.or.us
541-997-8237

City of Florence
250 Hwy 101
Florence, OR 97439

Follow Us! City Website | Facebook | Twitter | Vimeo

The City of Florence is an equal opportunity employer and service provider.

PUBLIC RECORDS LAW DISCLOSURE:
This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

Exhibit D

Glen Southerland

From: Mike Miller
Sent: Tuesday, December 06, 2016 5:59 PM
To: Glen Southerland; dave@thebldgdept.com
Cc: Wendy Farley-Campbell; Eric Rines; jason@thebldgdept.com
Subject: RE: Solv-IT - 1684 29th Street

Hi Glen,

In reviewing the location, the nearest fire hydrant is located at the southeast corner of Oak and 29th street; and at the southeast corner of 30th and Pine streets. The structure is in excess of the 280 feet from a fire hydrant. Typically, for non-sprinklered commercial structures, all portions of the building must be within 250 feet of and fire hydrant. The measurement is via a drivable route. Specifically the northwest corner of the building is 278 feet from the fire hydrant located on Oak Street. The center of the rear wall is 369 feet from the hydrant. The fire hydrant located on 30th at Pine Street is 360 feet from the northeast corner of the structure. The required footage from a fire hydrant can be increased to 500 feet by adding a fire sprinkler system. More details concerning fire suppression requirements can be addressed by the Fire Marshal.

Any access from the undeveloped Pine Street right-of-way will require a separate review and approval. Access from the undeveloped Pine Street right-of-way will require surface and drainage improvements along the lot frontage as a minimum. Please note that this portion of the right-of-way between 28th and 29th streets is used as a pedestrian accessway.

Thank you,

Mike

From: Glen Southerland
Sent: Tuesday, December 06, 2016 9:59 AM
To: Mike Miller <mike.miller@ci.florence.or.us>; dave@thebldgdept.com
Cc: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>; Eric Rines <eric.rines@ci.florence.or.us>; jason@thebldgdept.com
Subject: Solv-IT - 1684 29th Street

Hi Mike and Dave,

I was wondering if you had any specific comments you would like to include regarding conditional use permit application PC 16 15 CUP 05 for conversion of residential use to office use. Those would be appreciated today, if possible.

Thank you,

Glen Southerland
Assistant Planner
City of Florence Planning Department
ci.florence.or.us
250 Highway 101
Florence, OR 97439
Phone: (541) 997-8237

The City of Florence is an equal opportunity employer and service provider.

PUBLIC RECORDS LAW DISCLOSURE:
This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

Glen Southerland

From: Dave Mortier <dave@thebldgdept.com>
Sent: Tuesday, December 06, 2016 10:57 AM
To: Glen Southerland; Mike Miller
Cc: Wendy Farley-Campbell; Eric Rines; Jason Bush
Subject: RE: Solv-IT - 1684 29th Street
Attachments: interp-14-01-25percentdisproportionate.pdf

Hi
He must get the proper Permits, a ramp and pathway from an approved ADA parking space to the entry will be required. Any changes inside will need to address removing architectural barriers up to the 25% rule see attached.
Thanks,

David Mortier C.B.O.
144 E 14th
Eugene, Oregon 97401
Office: 541-484-9043
Cell: 541-729-8156

****
This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, immediately advise the sender by reply email and destroy this message.
****

From: Glen Southerland [mailto:glen.southerland@ci.florence.or.us]
Sent: Tuesday, December 06, 2016 9:59 AM
To: Mike Miller <mike.miller@ci.florence.or.us>; Dave Mortier <dave@thebldgdept.com>
Cc: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>; Eric Rines <eric.rines@ci.florence.or.us>; Jason Bush <jason@thebldgdept.com>
Subject: Solv-IT - 1684 29th Street

Hi Mike and Dave,

I was wondering if you had any specific comments you would like to include regarding conditional use permit application PC 16 15 CUP 05 for conversion of residential use to office use. Those would be appreciated today, if possible.

Thank you,

Glen Southerland
Assistant Planner
City of Florence Planning Department
ci.florence.or.us
250 Highway 101
Florence, OR 97439
Phone: (541) 997-8237

The City of Florence is an equal opportunity employer and service provider.

PUBLIC RECORDS LAW DISCLOSURE:
This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

State of Oregon
Building Codes Division
Better Buildings for Oregon

Statewide Statutory Interpretation
November 2014

No. 14-01
Alterations and Application of the 25% Disproportionate Cost Limitation

Statutory Reference: Oregon Revised Statute (ORS) 447.241

Code Edition: 2014 Oregon Structural Specialty Code (OSSC)

Code Section: Chapter 11 and Section 3411

Date: November 3, 2014

Subject:

Alterations and Application of the 25% Disproportionate Cost Limitation

Question:

When an alteration is made to an existing building, how much additional work is required to remove architectural barriers?

Answer:

1. All new work must comply with OSSC Chapter 11, regardless of cost.
2. Additional work to remove architectural barriers is only required when the existing building, or portion thereof, is an affected building.
3. When an alteration project to an affected building affects the usability of an area of primary function, the path of travel to the altered area must be made accessible, unless the additional work is disproportionate to the overall alteration to the primary function area. Oregon Revised Statute (ORS) 447.241 defines "disproportionate" as when the cost exceeds 25% of the alteration to the area of primary function, and defines "path of travel" as the elements listed and prioritized in ORS 447.241(4).
4. Alteration projects include additions as indicated in OSSC Section 3411.5.
5. A barrier removal plan is approved in statute as an alternate method to spending up to 25% of the alteration that affects the usability of the area of primary function.

Analysis:

1. All new work must comply with OSSC Chapter 11, regardless of cost. For changes to

The information contained in this statewide statutory interpretation is legally binding on any party involved in activities regulated by applicable Oregon law, applicable Oregon regulations or State Building Code. If the information contained in this statewide statutory interpretation is cited as a basis for a civil infraction, a representative of the jurisdiction must cite the interpretation number found in this document.

existing buildings, consideration should be given to OSSC Section 3411.4, Section 3411.5 and Section 3411.6. These sections provide essentially identical provisions from the Americans with Disabilities Act of 1990 (ADA) for alteration projects. The intent is to provide accessibility to the maximum extent feasible.

- Example 1.1: A new exit is required from an existing building because of a change in occupancy classification. The new exit must be accessible, or have an area of refuge, regardless of cost. However, any existing exits that are not accessible are not required to have an area of refuge.
- Example 1.2: Additional plumbing fixtures are required in an existing building because of a change in occupancy classification. The new fixtures must be accessible, but any existing fixtures are not necessarily required to be upgraded.
- Example 1.3: A parking lot that serves an affected building is restriped. The new parking lot striping is required to comply with the appropriate number of accessible parking spaces and access aisles required by ORS 447.233.

2. Additional work to remove architectural barriers is only required when the existing building, or portion thereof, is an affected building. ORS 447.241 clearly does not apply to other facilities such as covered multifamily dwellings. This is consistent with OSSC Section 1103.2.2 and Section 3411.
3. When an alteration project to an affected building affects the usability of an area of primary function, other accessible path of travel elements must be added, or existing path of travel elements made accessible, unless the additional work is disproportionate to the overall alteration. This requirement is consistent with the ADA. However, ORS 447.241 defines "disproportionate" as when the cost exceeds 25% of the alteration to the area of primary function; ADA uses 20%. The following detailed discussion of this determination is essentially what is printed in the ADA Title II and Title III Technical Assistance Manuals. [Call 1-800-HELP-ADA for free copies of these manuals, or access manuals at http://www.ada.gov]
   - To be considered in the disproportionate cost calculation, an alteration or the portion of a larger renovation project, must affect usability of the area of primary function. Such alterations include remodeling, renovation, rearrangements in structural parts, and changes or rearrangements of walls and full height partitions. The following are NOT considered by the state or the U.S. Department of Justice as alterations that affect usability, unless the project involves alteration to elements required to be accessible:
   - Normal maintenance; reroofing; painting; wallpapering; asbestos, lead, or other hazardous material removal; automatic sprinkler retrofitting; and changes to electrical, mechanical and plumbing systems.
   - Example 3.1: An electrical outlet is being relocated. The location of the new outlet is required to be within reach ranges if it were part of new construction. Therefore, the outlet must be located according to Chapter 11. However, if the electrical wiring inside the wall is being changed, usability by an individual with disabilities is not affected. Thus, that work is not considered an alteration that affects usability.
   - An alteration must affect the usability of an area of primary function. The term "primary function" is defined in statute as "a major activity for which the facility is intended." See OSSC Section 1102. The U.S. Department of Justice's Title III Technical Assistance Manual further clarifies this definition as including customer service areas and employee

work areas, such as offices. It specifically states that an area of primary function does NOT include:

- Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, rest rooms, windows, hardware (such as on doors), electrical outlets, and signs.
- Therefore, in determining the 25 percent disproportionate limit that may apply to an alteration project, only work that affects the usability of an area of primary function (customer service areas and employee work areas) should be included.
- Example 3.2: New flooring is installed throughout a store. The flooring affects the usability of the area because it affects whether or not a person in a wheelchair can travel in the store. The new flooring must comply with accessibility requirements. Additionally, no more than 25% of the cost of the flooring in the customer service areas and employee work areas must be spent to provide accessible elements as outlined in ORS 447.251(4).
- Example 3.3: Remodeling a store's public rest room is proposed. The remodeled rest room must comply with the accessibility requirements in OSSC Section 1109.2. However, no additional work is required because the rest room is not an area of primary function of the store. An exception to this case is a highway rest stop building whose primary function is being a rest room.
- Example 3.4: A library is remodeling its public reading area at a cost of $20,000. The reading area is considered an area of primary function. Therefore the library must spend up to an additional $5,000 to bring into compliance, accessible paths of travel as described in ORS 447.241 Once the accessible path of travel to the area of primary function is in full compliance with OSSC Chapter 11, additional accessible elements within the building such as storage and alarms shall be improved until the $5,000 (25%) threshold is met, or until the entire building is in compliance as per ORS 447.241(4)(g).
- Once it has been determined that the path of travel must be made accessible by spending up to 25% of the alteration that affects the usability of the area of primary function, priority shall be given to the list of elements, in the order provided, in ORS 447.241(4). This list is identical to the list provided by the U.S. Attorney General. Note that interestingly, "path of travel" is defined by both to include the rest rooms, telephones and drinking fountains. This is consistent with ADA.
- Additionally, an owner cannot evade providing accessible path of travel elements by making several "small" alterations. Such alterations, if considered alone, would be so inexpensive that the 25% disproportionate limit would not result in additional accessible path of travel features. Whenever the usability of an area containing a primary function is altered, other alterations to this area (or to other areas on the same path of travel) made within the preceding three years are considered together in determining disproportionality. See ORS 447.241(6).

4. Alteration projects include additions as indicated in OSSC Section 3411.5. The intent of the code and ADA is that the addition itself must comply with all new construction provisions. Then, the paths of travel must be made accessible, unless the additional work is disproportionate to the alteration as previously explained. OSSC 3411.7 references the statutory requirement for path of travel upgrades, which takes precedence over the confusing code language.
5. A barrier removal plan is approved in statute as an alternate method to spending up to 25%

of the alteration that affects usability of the area of primary function. The plan shall provide an equivalent or greater level of barrier removal than required by ORS 447.241.

- The plan shall include a letter of participation from the building owner, a building survey that identifies existing architectural barriers, an improvement plan, a time schedule for the removal of architectural barriers, and an implementation agreement.
- The plan MUST be reviewed and accepted through the waiver process under ORS 447.250 and shall be reviewed upon completion or every three years for compliance. Therefore, the Oregon Disabilities Commission designee must be consulted in this process.
- In developing an appropriate plan, consideration should be given to removing architectural barriers that are readily achievable. Readily achievable means easily accomplishable and able to be carried out without major difficulty or expense. The U.S. Department of Justice has a published list of items that are considered readily achievable, provided they can be accomplished without much difficulty or expense. The list includes:
- Installing ramps; making curb cuts in sidewalks and entrances; repositioning telephones; installing visual alarms; widening doors and installing accessible door hardware; installing accessible signage; installing grab bars, rearranging toilet stalls and insulating lavatory pipes in bathrooms; installing raised toilet seats, and full-length bathroom mirrors; repositioning paper towel dispensers; creating accessible parking spaces; installing accessible paper cup dispensers at existing inaccessible water fountains; and removing high-pile, low density carpeting.
- In effect, the building owner may use a barrier removal plan, when approved, to defer costs of barrier removal over the lifetime of the barrier removal and improvement plan.

Contact:

Rex Turner
Structural Program Chief
503-373-7755
Rex.L.Turner@oregon.gov

Steve Judson P.E.
Facilities Engineer
503-378-4635
Steven.W.Judson@oregon.gov

Tony Rocco
Building Code Specialist
503-373-7529
Anthony.J.Rocco@oregon.gov

APPROVED
City of Florence
Community Development
Department
"E" Exhibit
PC 16 15 CUP 05 File Number

Glen Southerland

From: cindy dawes <cindykd34@yahoo.com>
Sent: Monday, December 05, 2016 12:06 PM
To: Glen Southerland
Subject: Regarding 29th Street-Residence to Office Building

I am writing in regards to Notice of Public Hearing 29th Street.
I have several concerns regarding Conditional Permit..
1.Traffic. This is a residential area and traffic has already increased
2.Speeding.
3.Property taxes. I called Lane County and there does not seem to be an direct answer whether this will effect taxes
4.Parking
5.Property Value
I purchased a home in a residential neighborhood. I am sure there are plenty of office buildings located in a more appropriate area. Cindy K.Dawes

Exhibit E