

**FINDINGS OF FACT (Proposed)
FLORENCE PLANNING COMMISSION
Exhibit “A”**

Public Hearing Date: August 23, 2022 **Planners:** Henry Hearley, AICP
Roxanne Johnston

Applications: PC 22 05 DR 04 & SR 22 11 SIR 06

Related Application: AR 22 07 PT 01

I. PROPOSAL DESCRIPTION

Proposal: A consolidated application for a Design Review and Phase 1 Site Investigation Report for development of a hotel and associated improvements on an approximate 3.12-acre site.

Applicant: Matt Braun, Quince Street Hospitality

Property Owner: Urban Renewal Agency of City of Florence

Location/Site: Assessor’s Map 18-12-26-33, Tax Lots 900 and 901

General Location: 750 Quince St. Located at the SE intersection of Quince St. and 8th St., East of the Florence Event Center.

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Old Town District Area C (OTC)

Surrounding Land Use / Zoning:

Site: Vacant/OTC
North: Vacant, Commercial & Office / OTC
South: Vacant/Natural Estuary, OTC & Old Town District Area B
East: Estuary / Natural Estuary
West: Florence Event Center /OTC

Streets / Classification:

West – Quince St./Collector.; East – None; North – None; South – None

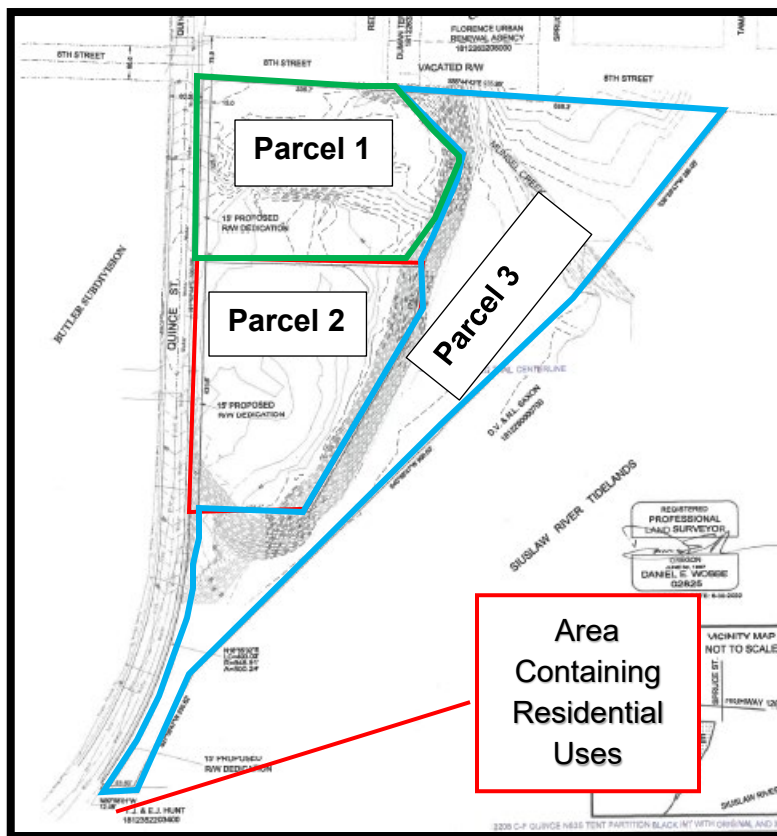
II. NARRATIVE:

The development proposal includes a 37,256 sq. ft., four-story, 86 room Wyndham-branded ‘microtel’ and improvements to be situated on the 3.12-acre site. Improvements include a vehicle parking lot with an electric vehicle charging station, trailer parking, an outdoor green space, stormwater facilities and two driveways connecting to Quince St. on the former Florence Middle School property east of the Florence Event Center. An outside short-term

bicycle parking area and secured long-term bicycle parking room with a bike work rack is also proposed. Site preparation and development timetables are targeted for 2022 and 2023. Although the Applicant Narrative proposes an outdoor covered patio, the materials submitted do not provide details for this amenity. Amenities such as the outdoor covered patio will be reviewed under the final landscape plan application, conditioned later in these findings.

In addition to a Design Review requirement, the proposed site requires a Phase 1 Site Investigation Report (SIR) as it contains a steep slope leading down to the Siuslaw Estuary which empties into the Siuslaw River Estuary. The estuary experiences a range of tidal water level fluctuations. Except for consolidated applications such as this, Phase 1 Site Investigation Reports are typically reviewed administratively through a Type 1 review. Although both the Design Review and SIR have been consolidated within these findings, specific criteria related to the SIR is discussed under FCC 10-7 below under the heading “Special Development Standards.”

AR 22 07 PT 01, an application for a tentative partition of Tax Lots 900 and 901, is related to the development since the site straddles Lots 900 and 901. The tentative partition was conditionally approved on July 8, 2022, and once the final partition is reviewed and recorded with Lane County, the entire property will consist of three parcels: Parcel 1 to the north, which will provide the opportunity for a future multi-family development; Parcel 3 on the east side and southwest which would skirt the Siuslaw River Estuary; Parcel 2, the central western parcel, containing the site of the proposed Wyndham Microtel discussed in these Findings. The parcel layout of the Tentative Partition proposal is shown in the following image. Note the image demonstrates that Parcel 2 will not abut a residential use to the south. This idea will be discussed under FCC 10-6 in relation to screening parking areas:



The applicant's narrative (Exhibit C) states: "The proposal for a hotel has been designed in close coordination with the City of Florence in response to a published Request for Expressions of Interest (RFEI) from the Florence Urban Renewal Agency. The objective of this public-private partnership is to develop a hotel that will:

1. Enhance and support the functions of the Florence Events Center;
2. Establish a cornerstone project in Old Town Area C that will increase property values and transient room tax revenue to support future housing and economic development projects;
3. Support the development of the Siuslaw Estuary Trail; and
4. Provide visibility and a welcoming gateway to Florence's historic areas from Highway 126."

The Siuslaw Estuary Trail within the newly created Parcel 3 has been a vision of the City for many years. The Estuary Memo (Exhibit M) has been added as an exhibit of these findings because the Trail is discussed later. The Memo provides further details about the Trail's history including the planning background, phasing timelines and funding. The developer of the hotel will not be responsible for constructing the Trail since the Trail is included within the *2012 Transportation Systems Plan* and will serve as an outdoor recreation amenity for the entire community.

III. Issues:

The applicant proposes a series of departures from the regulation requirements within this review (p.9, Exhibit C). Staff has identified additional departures. These issues are outlined here relation to whether these are decision points that can be approved at the discretion of the Planning Commission, an adjustment, or a variance.

Planning Commission Discretion

The following are either proposed minor design departures from the criteria or need an interpretation by the Planning Commission to ensure the intent of the regulations are followed.

1. Allow walkways crossing vehicle areas to be striped rather than contrasting paving material (FCC 10-35-3-3.B)
2. Allow the building to have two overall distinct exterior finishes with the third being horizontal awning as one of these finishes. (FCC 10-6-6-5.A.1)
3. Allow a secure bicycle room to count towards the short-term bicycle requirements. The secured room would be located at the rear of the building, near the rear entrance patrons will be accessing from the rear parking area (FCC 10-3-10.D.7)
4. Reduction of lumens within the parking area.(FCC 10-37-4 B)
5. Allow increased height for lighting to accommodate recreational vehicle parking in the parking lot as Old Town District C requires pedestrian scaled lighting.(FCC 10-37-4-C)

Adjustment

The following proposal would require an adjustment through a Type III process per FCC 10-5-4-B 3.

1. Allow façade alcoves with a yellow branding component • 10-6-6-4.G.2 Due to sign regulations, the color of the signage cannot be regulated, so this is not a decision point. PC interpretation Adjustment per FCC 10-5-4 B 3, Type II.

Variances

Variances would require a separate application (Type III) process which are found under FCC 10-5, Zoning Adjustments and Variances. These include:

1. Allowing parking between building and street (FCC 10-17-C-4-E)
2. Allow a reduced recess from four to three feet (FCC 10-6-6-3.C.1.a)
3. Allow the aluminum “storefront” area to have a vertically distinguished materials change (FCC 10-6-6-5.A.3).

IV. NOTICES & REFERRALS:

Notice: On August 2, 2022, notice was mailed to surrounding property owners within 100 feet of the property and a sign posted on the property. Notice was published in the Siuslaw News on August 17, 2022.

At the time of this report, the City had received no written comments on the application.

Referrals: On August 2, 2022, referrals were sent to the Florence Public Works and Building Departments;; ODOT; Siuslaw Valley Fire and Rescue/Western Lane Ambulance; Oregon Department of State Lands; Oregon Department of Transportation; U.S. Environmental Protection Agency; Oregon Department of Fish and Wildlife; the U.S. Army Corp of Engineers; the Florence Urban Renewal Agency; U.S. Fish and Wildlife Service; Department of Land Conservation; National Marine Fisheries; and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. On August 3, 2022, referral requests were sent to Central Lincoln PUD and Central Coast Disposal.

At the time of this report, the following referral comments were received:

Florence Public Works Director (Exhibit N)

Water:

“City of Florence and the Florence Urban Renewal Agency (FURA) has made significant investments of resources within the Quince and 2nd Street corridor during the last ten years. This includes the installation of a 16-inch water main from OR126 south along Quince Street to 2nd Street and then along 2nd to Kingwood Street. With the new major water main and other improvements

along Kingwood Street; US101; OR126; and Rhododendron Drive the City has significantly increased the available water supply to the area. Water supplies to the Wyndham Microtel site is more than adequate for the proposed uses in the area.”

“Specifically, the City has a water static pressure of 53 pounds per square inch (psi) on Quince Street at the fire hydrant near 6th Street. Fire flows were calculated with a residual water pressure of 48 psi and a flow of 1,160 gallons per minute (gpm). Taking into account the 16-inch water main on Quince Street, the fire flow capacity out of two fire hydrants would be a total of 4,000 gpm.”

“The development is proposing to add one additional fire hydrant along its frontage on Quince Street and install a fire sprinkler system. Again, water is available at the quantities and quality necessary for this development.”

“The developer is responsible for installing the appropriate backflow protection device(s) on the domestic, irrigation and fire system. The domestic and irrigation system both shall be a minimum of a double check valve assembly device. As noted on the plans the backflow prevention device for the fire sprinkler system shall be a detector double check valve assembly and will be located in a concrete vault near the property line. A drain or sump pump shall be installed as part of the installation of the detector double check valve assembly in the vault.”

Wastewater:

“The City has an 8-inch wastewater main line within Quince Street that the development is proposing to connect. The 8-inch sewer main is adequate in meeting the needs of the development.

If the Microtel provides a hot breakfast or coffee bar, they will need to include a grease interceptor as part of their kitchen design. Page 2 of 3

The City wastewater treatment plant has adequate excess capacity to meet the needs of the Wyndham Microtel facility.”

Stormwater:

“Public Works has reviewed the Civil West stormwater management plan dated June 2022 along with the geotechnical report dated February 1, 2022 by Professional Service Industries, Inc (PSI). The design concept relies upon 100% infiltration of stormwater on site as the geotechnical report and investigation supports. The system as designed, provides detention and treatment of the stormwater through the use of a vegetated stormwater facility.

While there is no emergency overflow connection to Quince Street, given the soils and infiltration rates, if the stormwater facility were to ever not infiltrate

correctly or become overwhelmed, there is adequate emergency surcharge (overflow) area within the parking lot of the Microtel site to contain an overflow if one was ever to occur.

A fully executed operations and maintenance plan will need to be submitted to Public Works for review prior to the completion of the stormwater facility.”

Transportation:

“There has been a lot of discussions with the developer and our transportation professionals regarding transportation and transportation impacts. The following is a recap of those discussions and agreements.”

Quince Street.

“The City enlisted the help of DOWL to provide input on traffic operations and develop a cross section of Quince Street in the vicinity of the Florence Event Center (FEC) and the Microtel development. Quince Street is a collector in the City’s Transportation System Plan (TSP) and currently it has a roadway cross section of 40-foot curb-to-curb with sidewalks directly adjacent to the curbs. Bicycles share the roadway with vehicles, with sharrows painted on the roadway and a posted speed of 25 mph.”

“The new road section for Quince Street, which the developer has already agreed to participate in, will be a roadway section within at 75 foot right-of-way. The new cross section will include 8-foot sidewalks; 7-foot parking lane; 2-foot buffer; 6-foot bike lane; and 11-foot travel lane(s). As mentioned, the developer has already agreed to the proportional share of the roadway improvements. The proportional share is \$315,000 of an estimated \$1.8 million roadway project. Timing of the project is to coincide with the future expansion of the FEC. This proportional cost is already contained in the development agreement between the City/FURA and the developer. No additional consideration is necessary from the developer of the Microtel site.”

“Siuslaw Estuary Trail. In May 2022, the City received a Recreational Trails Program (RTP) grant from the Oregon Parks and Recreation Department. The grant provides up to \$115,000 in grant funds towards the \$208,700 project. The local match plus additional funding for the project has been budgeted by the City as well as FURA.

Phase One of the Siuslaw Estuary Trail includes building a trailhead and parking lot on the southside of Highway 126 at Spruce Street (where Spruce Street would be extended to the south across the roadway). The trail would utilize the existing sidewalk along Highway 126 to Redwood Street and then a new sidewalk would be constructed to the current terminus of Redwood. A compacted gravel multi-use (pedestrian and bicycle) path would then lead trail users along the upland area of the estuary on the City owned property meandering to Quince Street. We expect that this project will be completed in Spring 2023.”

Other transportation projects.

*“Over the course of discussions regarding the Microtel development the issue of additional off-site transportation projects have arisen. As Public Works Director, I have determined that given the contribution towards the Quince Street frontage improvements including the substantial transportation SDC’s that the developer will be paying, there is **no need** for a proportional share of costs for the intersection of Quince and Hwy 126. The issue at Quince and Hwy 126 is that sometime in the future, the intersection will fail (not meet standards), however it is too close to Hwy 101/9th Street which prevents the installation of a signal and/or roundabout at this location. Given this fact and realization, the TSP is recommending Quince Street to be right in right out only. This means that left turns from Hwy 126 onto Quince will not be permitted.”*

“Additionally, prior to restricting the intersection at Quince and Hwy 126 (which is the east entry into Old Town) to a right in right out only intersection, the extension of 8th Street to the east of Quince Street, with a bridge crossing of Munsel Creek and connection to Spruce Street, needs to be completed. This multi-million-dollar project would also include traffic control treatment of the intersection of Spruce and Hwy 126, and an extension of Spruce Street to 8th Street. A project of this size and magnitude will depend upon the resources of Oregon Department of Transportation, the City and possibly FURA in order to make this project possible in the future. This project is beyond the scope and timeline of any development proposal.”

Siuslaw Valley Fire and Rescue Chief (Exhibit O)

V. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10: Zoning Regulations

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3

Chapter 3: Off-Street Parking and Loading, Sections 2 through 5, and 7 through 11

Chapter 6: Design Review, Section 3A.1.a, 2. and 3., Sections 4, 5.1., 6-1 through 6-5, Sections 7 through 9, and Section 11

Chapter 7: Special Development Standards, Sections 2, 3, 4, 6, and 7

Chapter 17: Old Town District, Sections 17C-2A, 17C-3 and 17C-4

Chapter 19: Estuary Shorelands, and Beaches and Dunes, Sections 1, 2, 5 and 10

Chapter 34: Landscaping, Sections 3, 4, and 5

Chapter 35: Access and Circulation, Sections 2-2 through 2-6, 2-9, 2-12 through 2-23, and 3-1 through 3-3 & 4.

Chapter 36: Public Facilities, Sections 2-1-B & C, 2-2, 2-4, 2-5, 2-16 through 2-23, and 3 through 9

Chapter 37: Lighting, Sections 2 through 6

Florence City Code, Title 9: Utilities

Chapter 5: Stormwater Management Requirements, Sections 3, 4, and 7

Florence Realization 2020 Comprehensive Plan

Chapters 2, 5, 6, 7, 9, 11, 12, (Policy #s 6, 9, 10, 11, 13, & 14); Chapter 13, Objectives 1 & 5, and Chapter 16.

VI. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**

The application was submitted on the required City of Florence application form. Information submitted with the application was reviewed for completeness. Criterion met.

- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures [...]**

[...]

- 3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council;...**

- D. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. By Ord. No. 30 Series 1990)**

At the time of writing the applicant had not submitted evidence less than 30 days from the date of the public hearing scheduled for August 23, 2022. This criterion has been met.

10-1-1-5: GENERAL PROVISIONS

- A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to**

Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)

The application was deemed complete by the Planning Department as of June 3, 2022. Proper notification processes were observed for the August 23, 2022, Planning Commission' public hearing. This criterion has been met.

- B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.**
- 1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.**
 - 2. When proceedings are consolidated:**
 - a. The notice shall identify each application to be decided.**

In accordance with this subsection, two applications are being consolidated within these findings – the Design Review and a Phase 1 Site Investigation Report which are reviewed by the Planning Commission. Both applications have been property noticed per this Section and their respective findings combined into one set of findings.

- C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:**
- 1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.**
 - a. The required forms.**
 - b. The required, non-refundable fee.**
 - c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.**
 - 2. Completeness.**
 - a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning**

Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.

- b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 101-1-5-C-2-a, above.**

The application was accepted on March 21, 2022 after which staff determined the proper form and fee were submitted. Additional materials were required by the applicant. The application was deemed 'complete' on June 3, 2022 upon submission of additional materials. Criteria met.

- c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.**

Applicable standards and criteria have not changed between the time the applications were submitted, when the applications were reviewed, and findings drafted. Criterion met.

- d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.**

Notices to all relevant agencies were provided on August 3. Utility notices were provided on August 4, 2022.

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

- 5. New construction requiring Design Review by the Planning Commission.**

This proposal requires a Type III Planning Commission review and approval because it is new construction.

Notification of Hearing:

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

[...]

2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the application was provided on August 3, 2022 to property owners within 100 feet of the subject property and posted on the property 20 days prior to the August 23, 2022 public hearing. The public hearing notice was also published in the Siuslaw News on August 17, 2022.

B. 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 contained all the required information listed in FCC 10-1-1-6-3-C. These criteria have been met.

C. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

D. 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.**
- 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 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.**

A duly noticed public hearing was scheduled for the August 23, 2022 Planning Commission meeting per the procedures of FCC 2-3 and FCC 2-10 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received. In the event evidence is not provided by the applicant to the extent needed to make a final recommendation, staff has recommended conditions in these findings to have this information submitted and reviewed prior to issuance of a building permit.

E. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

Following a decision by the Planning Commission, notice of the action and decision will be mailed to the applicant and any party who has testified either in writing or verbally at the public hearing.

TITLE 10: CHAPTER 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.**

Aside from a pending review from the Fire Marshal who may require conditions to the parking plan, the applicant supplied sufficient information through a parking plan (Sheet LU-1, Exhibit D) demonstrating that off-street parking requirements, including a loading space will be provided in accordance with FCC 10-3-2 A and B. No on-street parking is requested. The applicants provide a total count of 102 parking spaces in Sheet LU-1 yet upon review, three of these spaces would not count towards required parking. These include the single loading space (discussed elsewhere and demonstrated in FCC 10-32-2 F) and the two 12' x 19' 'food truck' spaces, which are discussed below. Regardless, the required spaces total 89 spaces and 99 are provided.

Food trucks are not allowed outright in Old Town Districts but are allowable through a special events application. The applicant's narrative in Exhibit C does not discuss the food trucks as being part of this design review application, simply the spaces. Criterion "D" above states that 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. A food truck is none of the above mentioned in criterion "D." Since the two food truck parking stalls are included in the applicant's total number of off-street parking spaces and the parking of food trucks in those required spaces is prohibited by virtue of criterion "D," the total number of off-street parking spaces totals 99.

Please note that FCC 10- 3-2 D relates to required parking spaces not being used for storage of materials of any type. While food trucks may be viewed as an amenity enjoyed by the guests of the proposed hotel and the public in general; they constitute separate businesses. The City has a business licensing process for the review of food trucks. The Planning

Commission may place conditions of approval on Design Reviews as they deem necessary through FCC 10-6-5-1 N. If the food trucks are to be left overnight in the parking stalls, any appurtenances associated with the food trucks shall be completely secured within the food trucks or placed indoors in a locked and secured area.

As outlined in FCC 10-3-2 A, C, D and F, required 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]

[...]

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

10-3-3: 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 within two new parking lots accessory to the main use. No parking is proposed within driveways. This criterion is met, however front yard setback parking approval will require a variance, which is processed through a separate Type III application.

- C. **The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:**

1. **Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:**
2. **The proposal is located within a ¼ mile of an existing or planned transit route, and;**
3. **Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.**

A parking demand analysis was neither requested by the Planning Commission and staff nor provided because the applicant does not seek a parking reduction. Had reductions been

requested, there may have been opportunity for a reduction because the property is located within a ¼ mile of at least two existing transit stops along 8th St. Criteria not applicable.

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 Planning Commission for 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 Planning Commission 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 for non-residential uses, plus additional space(s) as needed to meet the minimum accessible parking requirement.

No parking reduction is requested.

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

A. Residential and Commercial Dwelling Types:

Lodging: Motels, hotels (see also Bed and Breakfast Inns)	1 space per rental unit, hotels, etc. plus additional spaces as required for restaurants, gift shops, bars, public assembly rooms and other activities.
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In reviewing the minimum parking space requirements as indicated in Table 10-3-1, the required spaces for the hotel rooms totals 86 because 86 rooms are proposed as indicated in the parking table, above. The applicant has met the minimum space requirement and has provided an additional ten (10) spaces. Total parking space counts are 102 spaces, however this total includes the two food truck stalls and the loading space on the east side of the parking lot, which staff finds does not count towards the minimum off-street parking total, so the effective number provided by the applicant is 99. Included in the total count are 3 standard ADA spaces, 1 van accessible space, 1 ADA trailer/RV parking space and two electric vehicle spaces. The parking criteria is exceeded. The applicant provided a parking count shown on Sheet LU-1 of Exhibit D.

No restaurants, bars, gift shops, public assembly rooms are proposed.

This parking count is discussed again under FCC 10-3-5.

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 off-street 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;**

As seen on Sheet LU-1 Exhibit D, three standard ADA accessible spaces are located between the ADA van accessible parking space north of the main entrance. The fifth ADA space has been designated as a trailer/RV parking space and is located on the east side of the building, nearest as possible to the rear entrance. Criterion met.

- C. Accessible spaces shall be grouped in pairs where possible;**

As seen on Sheet LU-1 Exhibit D, the four ADA spaces are grouped together near the front main entrance (west side of the building). The ADA trailer/RV parking space is located along additional trailer parking spaces yet nearest to the rear entryway to the hotel. Criterion met.

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

Covered parking is not proposed. Criterion not applicable.

- 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.**

The applicant has provided ADA signage details on Sheets C13, C14 and C15 of Exhibit E. Included in these sheets are the proposed locations of these signs. Pursuant to FCC 10-3-5-E and FCC Table 10-3-2, four (4) ADA spaces shall be constructed and required signage provided per ADA standards. Signage shall be installed during construction and inspected by the Building Official prior to the issuance of certificates of occupancy. [Condition 4.1]

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
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4

Table 10-3-2, below dictates that for a parking proposal providing between 76 and 100 parking spaces, the American with Disabilities Act (ADA) requirement is 4 accessible

spaces in total. Three of these is to contain 60” access aisles and one is to contain a 96” access isle for the van space. Sheet LU-1 of Exhibit D shows the parking plan and contains a parking count table based on parking space type:

ROOM COUNT: 86 TOTAL @ 1:1		86 STALLS REQ
PARKING COUNT:		
STD	9.5x19	89 PROVIDED
ACC	9.5x19	4 PROVIDED
LOADING	12X40	1 PROVIDED
FOOD CART	12x19	2 PROVIDED
TRAILER	12X40	6 PROVIDED
TOTAL		102 PROVIDED

Although the total in the above Parking Plan indicates that 102 parking spaces are provided, the loading space and two food truck parking spaces do not count towards required parking spaces which leaves a total of 99 off-street parking spaces. As discussed earlier, the minimum requirement is exceeded. Based on Table 10-3-2, above, the minimum required accessible spaces are four with one of these to be van accessible. As seen on Sheet LU-1 of Exhibit D, there are three standard ADA parking spaces and a van accessible stall near the front entrance of the hotel and one ADA space provided for trailer parking at the rear of the building. The van accessible space is provided near the front of entrance as required with extra loading space.

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.

Sheet C2 of Exhibit E shows that asphalt is planned for all driveway aprons, parking areas and driveways. The details for asphalt construction are found in Sheet C5 of the same exhibit. Criterion met.

[...]

C. All parking areas except those required in conjunction with a single-family, duet or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. 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 site grading plan for the development is located on Sheet C2 of Exhibit E. The plan shows at least 8 catch basins that will convey stormwater to the screened stormwater facility that will be located on the north side of the property. Criteria met.

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

The orientation of the head-in parking stalls indicated on Sheet LU-1 of Exhibit D demonstrate that headlights will not shine onto adjacent residential uses located to the south. The subject site is located approximately 40 feet higher in elevation than the residential area. Mature natural vegetation serves as a buffer between the two uses. Furthermore, once the final partition is recorded by Lane County, the site will not technically adjoin the southern residential area since the two current tax lots will be officially divided into three parcels. Development of the subject site will occur within Parcel 2 shown in the tentative partition (Exhibit L). Parcel 3, which will buffer Parcel 2 to the south and east sides will at some date include an estuary trail. Should a future residential use be added to the north, however, screening could be required by that developer depending on the proposal. The preliminary landscape plan provided with this application does provide some screening to the north (Sheet L1.O of Exhibit F). There is currently no application submittal for a residential use to the north. Criteria met.

E. Except for parking areas required in conjunction with a single-family attached or detached, duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, all parking areas shall provide:

- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**
- 2. Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

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

No parking area is proposed to extend to the public right-of-way. Criterion met.

G. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.

Adjacent southern dwelling already screened by existing vegetation. Criterion met.

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

Lighting is discussed in review of FCC 10-37.

- I. Except for single-family, duet and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.**

No backing or other maneuvering is proposed within a street right of way.

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

Per FCC 10-17C 3, the front yard setback in the Old Town District C is 15-feet from the property line. The side yard setback requirement in this district is 5 feet. Parking spaces shown in Sheet LU-1, Exhibit D demonstrates that parking and loading spaces would not be located within the required setbacks. They are situated in excess of 25 feet from the front property line and in excess of 30 feet to the sides. The loading space is located on the east side (rear) of the hotel. These criteria are met.

- K. Planning review is required for all parking lot construction or resurfacing.**
- L. 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.**

Sheet LU-1, Exhibit D

- 2. Circulation area.**

Sheet LU-1, Exhibit D

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

Sheet LU-1, Exhibit D

- 4. Curb cut dimensions.**

Sheets C2 and C5, Exhibit E

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

Sheets LU-1 and LU-10 of Exhibit D

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

Sheets C2, C3, and C5 of Exhibit E

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

No obstacles are anticipated.

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

See Sheet C13, C14 and C15 of Exhibit E.

9. Landscaping and lighting.

For the purpose of a Design Review, the applicant has supplied the required information and conditional approval will be based on the applicable criteria within this Chapter. The applicant will be required to submit specifics related to this code subsection for Building permit review and will be notified if further information or revisions needing to be made during that process in order to meet the intentions of FCC 10-3-7 L, above.

The applicant provided both a lighting plan and a preliminary landscape plan and intends to provide a final landscape plan for review and approval at a later date. Meanwhile, the preliminary plan indicates that the landscaping width along Quince St. will exceed 5' and tentatively meets the criteria of this section. The applicant will be conditioned under FCC 10-34 of these Findings to apply for and receive at the minimum, a Type I administrative review which will include a conditional approval for a final landscape and irrigation plan.

M. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

- 1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
- 2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)**

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)

Space Dimensions in feet	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	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

Proposed standard parking spaces meet the requirements of this section, with typical 90° stalls being not less than 9.5' by 19', and accessible parking spaces meeting the appropriate ADA requirements as shown on Sheet LU-1, in Exhibit D. The two-way drive aisles measure 30', more than the minimum required 23' in width. The stall width for the 45° trailer parking measures 12' x 40'. This includes one loading space. The two 90° food truck stalls, located SE of the building, are proposed to measure 12' x 19'.

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.

The applicant is providing both long and short-term bicycle storage as illustrated on Sheet LU-1 in Exhibit D. Total spaces required equal nine (9) and the applicant has exceeded this number and provided a total of 11: four (4) short-term bicycle parking via a hoop and seven (7) long-term storage opportunities located inside the microtel. The criterion below discusses whether providing the additional 5 short-term bicycle spaces through interior long-term parking provisions meets the intent of FCC 10-3-10(A) upon Planning Commission review, additionally through the condition that the applicant provides strategically situated signage that indicates the location and availability of inside bicycle parking. This is a decision that can be made at the Planning Commission's discretion.

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.

Sheet LU-1 shows that a total of 102 parking spaces are provided and 1 loading space. Loading spaces do not count towards required parking spaces; nor do the 2 food truck parking stalls. From the 99 parking spaces provided, 10 short-term bicycle spaces are required. Although long-term parking is not required for the microtel use, only 4 short-term (outdoor)

spaces are provided for as indicated below. Instead, the applicant has provided 7 long-term bicycle parking spaces within a secured bike storage room accessible via a keycard locking system, so the Planning Commission may determine whether these long-term provisions can serve as short-term parking, and whether they are sufficient to meet the deficit of 6 short-term spaces within the Parking Plan.

- C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of three or more units. The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Tri-plex, Quad-plex, Cluster Housing or Multi-Family = 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms**

Although long-term covered parking is not required for the microtel use, the applicant has provided 7 long-term bicycle parking spaces within a secured bike storage room accessible via a keycard locking system. According to FCC10-3-10 B, only 4 short-term spaces are planned. The Planning Commission may determine whether the short-term bicycle parking deficit of 5 spaces is sufficient to meet the intent of the codes given that additional secure inside spaces are provided, in which case the criteria would be exceeded.

- 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.**

As shown on Sheet LU-1 of Exhibit D, below, the applicant provides for short-term bicycle parking spaces. These are located between the nearest ADA parking space north of the main entrance to the main entrance itself. The entrance faces the west side of Quince St. Two stationary hoops to secure bicycles to which appear easily accessible and practical for bicyclists entering the property from the street. Although Sheet LU-7 provides a rendering depicting this short-term bicycle parking area, no measurements have been provided to indicate that bicycles would be parked outside of the walkway nor is there an indication that four parking spaces are provided at that location. Per FCC 10-3-10 A, the applicant shall submit a revised short-term bicycle parking plan to the Florence Building Department with construction permit application demonstrating that the bicycle parking spaces measure a minimum two feet by six feet and can adequately fit four bicycles and retain required pedestrian access. [Condition 4.2]



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;

The proposed location of a portion of the short-term bicycle parking is near the main entrance of the hotel (facing Quince St.) and should be visible from the building entrance. Long-term bicycle parking is to be located within a secured room inside of the hotel and the Planning Commission may decide that the internal bicycle parking is adequate for this Design Review.

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.

The applicant requests reduced lighting with this Design Review. Lighting near the short-term bicycle parking area is provided in the applicant's Photometric Plan (Exhibit G) and appears to range between 1.7 and 1.8 lumens. The requirement is 2 lumens, per FCC 10-37-4 B. The same section provides an approval avenue for the Planning Commission when the applicant can demonstrate the presence of adequate lighting. Lighting is further discussed under FCC 10-37 of these Findings.

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

The applicant's plans do not include signage for areas reserved for bicycle parking areas. This is tied to the Planning Commission's decision on permitting short-term bicycle parking within the building to make up for the deficiency of outside bike parking. Prior to issuance of the final Certificate of Occupancy, the applicant shall submit a revised-signage plan for bicycle storage to the Florence Building Department in compliance with FCC 10-3-10(G). [Condition 4.3]

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 Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

Per FCC 10-3-10 (H), the applicant's proposed bicycle parking plan shall demonstrate that such parking will not impede nor create any pedestrian hazards. [Condition 4.4]

10-3-11: LOADING AREAS:

- A. Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- B. Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

The total square footage of this large-scale proposal equals 37,256 sq. ft., which requires a minimum of one loading space. The applicant has provided one loading space which meet the above criterion.

- C. Location.**
 - 2. All necessary loading spaces for commercial and industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces.**
 - 3. Vehicles in the berth shall not protrude into a public right of way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.**

The applicant is proposing one loading zone space. It is to be located next to trailer parking near the eastern rear entrance, nowhere near a public street. This space is not included within the required parking space count. Criteria met.

Number of Loading Spaces.

- 6. Non-residential and mixed-use buildings. Buildings where any floor area is in nonresidential uses shall meet the following standards:**
 - a. Less than 20,000 square feet total floor area: No loading spaces required.**
 - b. 20,000 to 50,000 square feet of total floor area: One (1) loading space.**

The total square footage of the hotel is 37,256 sq. ft., which requires a minimum of one loading space. Criterion met.

- D. Size of Spaces.** Required loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

As seen on Sheet LU-1 in Exhibit D, the proposed loading space exceeds the required length and width as it is 12' x 40'. Height clearance is not an issue as there is no covered parking planned. Criterion met.

- E. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.**

The proposed loading zone is not located within the street right-of-way and is situated to the rear of the building (the building's east side) and, once landscaping is established, most likely not visible from Quince St. The loading zone is not expected to obstruct traffic during peak hours or interfere with emergency response services and will be adjacent to landscaped areas and include lighting proposed for the general rear parking lot area. Sheet LU-1 of Exhibit D provides plans for the proposed location of the loading zone and abuts a landscape island. A preliminary landscape plan was submitted; however, a comprehensive landscape plan will be reviewed through a Type I administrative process. This criterion is met.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-2: DESIGN REVIEW BOARD: The Planning Commission shall act as the Design Review Board. Planning Commission and Design Review action may take place simultaneously.

This application is being duly reviewed by the Planning Commission through a Type III (quasi-judicial) procedure.

10-6-3: GENERAL APPLICABILITY:

A. The Planning Commission/ shall:

- 1. Unless otherwise directed by the underlying zoning district, or subsection (B) below, review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:**
 - a. New construction,**

The Planning Commission is reviewing this new construction design review proposal through a Type III process.

- 2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5-1 and, when applicable, 10-6-6 or 10-6-7;**

The development is being reviews as required, by the applicable criteria in relation to the proposal and its zoning.

3. **Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; [...]**

10-6-4: DRAWINGS TO BE APPROVED: No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission, Planning Director, or their designee.

This application is being processed as a Type III by the Planning Commission. Criteria met as outlined and as applicable in FCC 10-6-3 and FCC 10-6-4. The applicant Narrative in Exhibit C includes the provision for covered outdoor seating. No drawings were provided for review. This Design Review and approval does not include covered outdoor patio seating. Such proposal may be reviewed with the final landscape plan, which has been conditioned elsewhere.

10-6-5: GENERAL APPROVAL CRITERIA:

10-6-5-1: GENERAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT: Nonresidential projects shall meet the following criteria. The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- 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.**
- 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.**
- 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.**
- E. **Noise, vibration, smoke, dust, odor, light intensity and electric interferences.**

Per FCC 10-6-5 E, the applicant shall ensure that noise, vibration, smoke, dust, odor, intense lighting, and electrical interferences shall not exceed levels allowed by applicable nuisance codes. **[Condition 5.1]**

- 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.**
- G. **Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.**
- H. **Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan and in applicable zoning districts.**
- I. **Exterior lighting and security.**
- J. **Public health, safety and general welfare.**
- K. **Provision of public facilities and infrastructure according to standards set forth in FC 10-36Public Facilities.**
- L. **Requiring a time period within which the proposed use or portions thereof shall be developed.**
- M. **Requiring bonds to ensure performance of special conditions (Ord, 625, 6-30-80)**
- N. **Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan Ord. 680, 1-11-83)**

These design elements are reviewed under the respective code sections within these Findings of Fact.

10-6-6: DOWNTOWN ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historic character of Florence through proper building massing, siting, and materials in this code may apply may differ by district. The following requirements are intended to create and maintain a building environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with building placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

Development in the Old Town and Mainstreet districts shall comply with the standards in this section.

This Section is included in review because the site zoning designation is Old Town District C. Before examining the proposed hotel development through the lens of this Section, per 10-17C-1, Old Town Area C is specifically “intended for mixed uses which provide a range of housing and hospitality options around the Events Center that take advantage of the surrounding natural features and views of the river.” The reference of a mixed use in this

sense within the area as a whole. For the purposes of this Section, however, the proposed development will be considered “Commercial Storefront.”

The City Planning Official, the City Planning Official’s designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

10-6-6-1: BUILDING TYPE: These types of building currently exist within the applicable zoning districts and are compatible with each other, despite being different in their massing and form. The following building types are permitted in future development and infill. Other building types not listed which are compatible with the surrounding area buildings and are compatible with the historic nature of the zoning district are also permitted. Not all types may be permitted or regulated in all zoning districts.

- A. Residential Type, single-family, duplex (attached & detached), or multi-family**
- B. Commercial Storefront Type**
- C. Mixed-Use House Type**
- D. Community Building Type**

The proposed hotel in appearance most closely resembles a multi-storied commercial storefront building. Additionally, the proposal of a motel near the Florence Event Center is discussed and recommended within the *Florence Realization 2020 Comprehensive Plan* for the area as a supportive use to the Florence Events Center, FCC Title 10, Ch. 17C, titled ‘Old Town District Area C,’ and the *Florence Downtown Plan - June 1999.* This use is also reflected under FCC 10-17C which outlines uses and development criteria for Old Town District C.

10-6-6-2: BUILDING STYLE:

- A. Context: Each building or addition shall be designed within the context of its larger surroundings and environment in terms of overall street massing, scale and configuration.**

The hotel will be similar in scale, street massing and configuration as area structures including the adjacent Florence Event Center to the west, an apartment complex to the northwest, and the Dunes Village (shopping) Center, also to the northwest. These structures share similar ground floor elevations and are near the City’s eastern Gateway area. The retention of some existing native vegetation and installation of quickly growing site landscaping should visually assist with modulating any stark structural height differences in heights between the area structures and lend to the harmony of scale. More detail is provided later in these findings. Criteria met or have been conditioned as necessary.

- B. Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are:**

Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.

[...]

- 2. New Buildings: Design shall be compatible with adjacent historic buildings.**

This review ensures that while new construction is proposed, and while the hotel contains elements of Art Deco architecture taken from the area bridges, additional local architectural styles are evident. These elements include the flat roofing surrounded by a parapet as those found in many Old Town buildings such as Lovejoy's Restaurant at 195 Nopal St. and StitchandSole at 1377 Bay St, and horizontal lap siding found on the Marketplace building on 1st. St. There is no historic structure within the subject area.

10-6-6-3: BUILDING FAÇADES:

- A. Horizontal Design Elements: Multi-story commercial storefront buildings shall have a distinctive horizontal base; second floor; and eave, cornice and/or parapet line; creating visual interest and relief. Horizontal articulations shall be made with features such as awnings, overhanging eaves, symmetrical gable roofs, material changes, or applied fascia detail. New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.**

West Elevation Details:

Architectural elements are provided for each of the hotel's exterior elevations within Sheets LU-5 of Exhibit D. Renderings depicting each side of the hotel are provided on Sheets LU-6 through 9. The hotel will have a flat roof surrounded by a parapet. Pertaining to siding, the hotel will mainly feature 6" horizontal wood-look siding broken up by areas of shake siding, which will be applied to alcoved, or inset walls. The siding is planned to contain neutral coastal coloring including #131 Gull Gray, #577A Bluebell, #528 Citation (which appears to be a dark gray/blue blend), and #636 Steel Blue. Proposed trims include an ivory white and the dark gray #528 Citation color which are to be used around aluminum windows. The contrast in these neutral colors serve to break up the monotony of long expanses of siding as do the cedar sheet building alcoves, aluminum downspouts, signage, vinyl windows and doors, and aluminum canopy (located on the west side over the main entrance). From the ground floor to the bottom of the 3rd floor, 4-inch horizontal wood-look siding is planned for the hotel front (west side); particularly drawing attention to the entrance area and storefront lobby windows. This section of 4" siding is framed in white trim. Additionally planned are horizontal bands of 1 X 12 trim. Below is a rendering excerpt taken from Sheet LU-6 depicting the west elevation:



- B. Vertical Design Elements:** Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied facia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.
- C. Articulation and Detailing:** All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:
1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:

To be submitted under Supplemental Findings.

10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS: Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

- A. Exterior Building Walls:**
1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.

Neither metal nor vinyl siding is proposed. The two primary exterior surfacing elements include lap siding, with cornices separating the floors, and shake siding. Criterion met.

[...]

- 4. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.**

Secondary materials proposed include the steel canopy over the main entryway on the west side of the hotel and cornices. Neither of these materials will be applied to the façade in excess of 30%. Criterion met.

B. Roofs, Awnings, Gutters, and Visible Roofing Components:

[...]

- 3. Gutters and downspouts: copper, terne metal, or coated metal.**

[...]

- 5. Glass, steel, wood or canvas fabric awnings.**

[...]

To be submitted under Supplemental Findings.

D. Windows, Entrances, and Accessories:

- 1. Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.**
- 2. Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.**
- 3. Solid wood, painted welded steel or iron trellises.**
- 4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.**

E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies

1. **Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.**
2. **Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.**
3. **Solid wood, painted welded steel or iron trellises.**
4. **Railings, balustrades, and related components shall be solid wood, painted welded steel or iron.**

F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:

1. **Brick and stone masonry or precast concrete.**
2. **Architecturally finished exposed concrete.**
3. **Cement-based stucco over masonry or concrete substrate.**
4. **Solid wood pickets, lattice and boards.**
5. **Painted welded metal or iron.**

G. Building and Site Material Colors: Color finishes on all building exteriors shall be approved by the City and be of a muted coastal Pacific Northwest palette. Reflective, luminescent, sparkling, primary, and “day-glow” colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee may approve adjustments to the standards as part of a site Design Review approval.

To be submitted under Supplemental Findings.

10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:

A. Building Walls:

1. **For each building, there shall be one single, clearly dominant exterior wall material and finish.**

As shown on Sheet LU-5, (Exhibit D) the building displays a single-clearly dominant wall material – wood-look composite lap siding. However, the proposed building is broken into three distinct elements to provide the appearance of historical features and a reduced sense of overall scale. Each element has a single, clearly dominant finish.

2. **Brick and stone front façades shall return at least 18” around side walls.**

Brick and stone are not proposed.

3. **Building walls of more than one materials shall change along horizontal**

lines only, with a maximum of three materials permitted per façade.

As shown on Sheet LU-5 (Exhibit D) the building walls predominantly consist of wood-look composite lap siding. Shingle siding is also incorporated. No façade includes more than two wall materials. The proposal also includes a segment of the façade that reflects an historical aluminum “storefront” design. However, the applicant discusses in their Narrative (Exhibit C), that due the design intent of the building, this element is one of three segments. Therefore, the aluminum “storefront” area is vertically distinguished from other segments.

- 4. Heavier materials, such as stone, shall only be used below lighter materials, such as siding.**

To be submitted under Supplemental Findings.

- 5. Siding and shingles shall have a maximum 6” to the weather.**

As shown on Sheet LU-5, 4’ and 6” horizontal siding is proposed.

- 6. 4” minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.**

As shown on Sheet LU-5, proposed trim is 4” or 6”, running the full height of each façade.

- 7. Board and batten siding: battens shall be spaced a maximum of 8” on center.**

No board and batten siding is proposed.

B. Roofs, Awnings, Gutters and Roofing Accessories:

[...]

- 4. Flat roofs shall be concealed by cornices or parapets.**

The proposed hotel will have a flat roof concealed by a parapet.

- 5. Gutters shall be round or ogee profile. Leaders shall be round or square.**

Gutters are not proposed. Water is conveyed from the flat rooftop via scuppers and square aluminum downspouts/leaders.

- 6. All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.**

The laundry venting equipment is shown on Sheet LU-4 of Exhibit D to extend 4 feet in height atop the roof. This equipment is situated away from the roof edges to the east and will be shielded by the parapets. The equipment is unlikely to be visible from Quince St, 6th and 8th Streets at the street level, particularly since the hotel will enjoy a height of four stories. The maximum height allowance for Old Town District C per FCC 10-17C-4 A is 55 feet. Sheet LU-

5 of Exhibit D demonstrates that the highest point of the parapet measures approximately 46 feet in height. Criterion met.

[...]

D. Visible Windows, Glazing, and Entrances:

- 1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.**

As shown on Sheet LU-5, Exhibit D, proposed windows are vertical rectangular in shape with straight tops.

- 2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.**

As shown on Sheet LU-5, all windows proposed on the public façade are vertical rectangular in shape. The applicant did not provide information in their narrative that the total max. windows are within the 10% allowed on the front 'public' façade. The applicant shall provide evidence to the Planning Department prior Building Permit submittal that the window area is within the 10% allowed on the front public façade per FCC 10-6-6-5 D. 2. [[Condition 5.2](#)]

- 3. Bay windows shall have visible bracket support.**
- 4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.**
- 5. Door and window shutters shall be sized to cover the entire window.**
- 6. Exterior shutters shall be solid wood or fiberglass.**

No bay windows, overhead doors nor exterior shutters are proposed.

- 7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.**

As shown on Sheet LU-5, Exhibit D, the largest single glass panels visible from the street are within the "storefront" segment and measure 21 sq. ft. in area. Criterion met.

- 8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.**

As shown on Sheet LU-5, Exhibit D, the proposal does not include multiple vertical windows in the same horizontal opening. The "storefront" segment includes large windows with mullions.

- 9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.**

All windows and doors in exterior walls include a minimum of 2.5" width trim applied flush or projecting beyond finished wall surfaces as shown in Exhibit D, Sheet LU-5. Criterion met.

- 10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.**

Sheet LU-5 of Exhibit D demonstrates that, “storefront” segment mullions extend beyond the face of the glazing to divide lights in texture and appearance. Individual windows are not proposed to have divided lights, consistent with more recent developments in the area such as the 1st floor of the North Bay Condominiums at 211 Harbor St. Criterion met.

- E. Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½” in cross-section.**

No decks or balconies are proposed as part of the proposal. Criterion not applicable.

F. Visible Landscape/Retaining Walls and Fences:

- 1. Freestanding concrete and masonry walls shall be minimum 8” nominal thickness with a finished top course, cap, or other compatible termination.
[...]**

- 3. Metal and iron fencing shall be configured in predominately vertical elements**

No landscape retaining walls or fences composed of concrete, masonry, metal or iron are proposed as part of the proposal. What is planned are screened privacy fencing for the stormwater facility near the north end of the building, the trash enclosure, and the condensation units on the east side of the hotel.

G. Mechanical Equipment:

- 1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.**

Mechanical equipment placement is not proposed on the west side facing the central right-of-way (Quince St.) and civic space (Florence Events Centers). Such equipment is to be located at the rear (east side) of the building and is to be screened. Criteria met.

- 2. Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-66-4-G above and shall make the equipment visually subordinate to the building**

and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

Sheet LU-4 of Exhibit D shows a laundry ventilation system that would sit 4' in height above the roof towards the rear of the building yet situated away from its edges. The parapet should serve to conceal this feature along with the interior positioning. The rooftop design suggests that future solar photovoltaic systems could be put in place at a later phase of development. Criteria met.

10-6-8: DRAWING SUBMITTAL: In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, offstreet parking and off-street loading areas, landscaped areas, locations of entrances and exits, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.

The applicant has submitted required materials within Exhibits D and E that contain the necessary information. Criterion met.

B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.

The applicant submitted a tentative Landscape Plan. The applicant has been conditioned to submit a final landscape and irrigation plan.

C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.

The applicant submitted Exhibit D which contains the required information including renderings illustrating each elevation. Criterion met.

D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.

The applicant has provided the required material listed in this section. Any missing information is conditioned to be provided in these Findings.

10-6-11: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III 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 accordance with FCC 10-6-11, this Design Review approval will expire on August 24, 2023, one year after Planning Commission approval, unless substantial construction has taken place. [[Condition 5.3](#)]

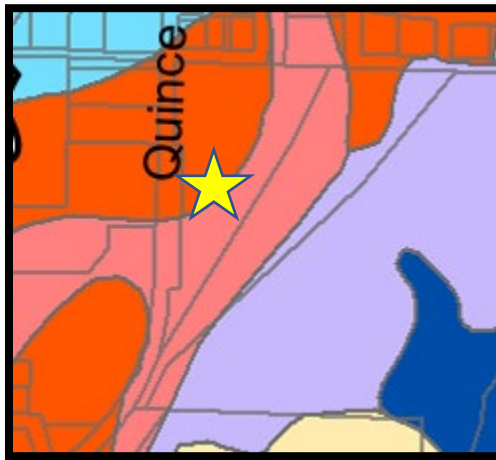
TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7

The following images are excerpts extracted from the Soils Map, found in the Florence Realization 2020 Comprehensive Plan Appendix 7. The orange area represents the presence of Waldport-Urban land complex soils with no to moderate slopes. Had the site soils been solely composed of the Waldport- Urban, a Site Investigation Report would likely not have been required. In this instance, however, the soils indicated in pink demonstrate the presence of Waldport Fine Sand with 12 to 30% slopes thereby requiring at a minimum, a Phase 1 Site Investigation Report in order to determine what mitigation practices may be needed in order to stabilize any hydric (moist, very wet) soils and protect surrounding areas against possible negative development impacts:



(X) - These soil types are unsuitable or conditionally suitable for development. A site investigation report is required before development is permitted.

- Waldport-Urban land complex, 0 to 12 percent slopes
- Waldport fine sand, 12 to 30 percent slopes (X)

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.

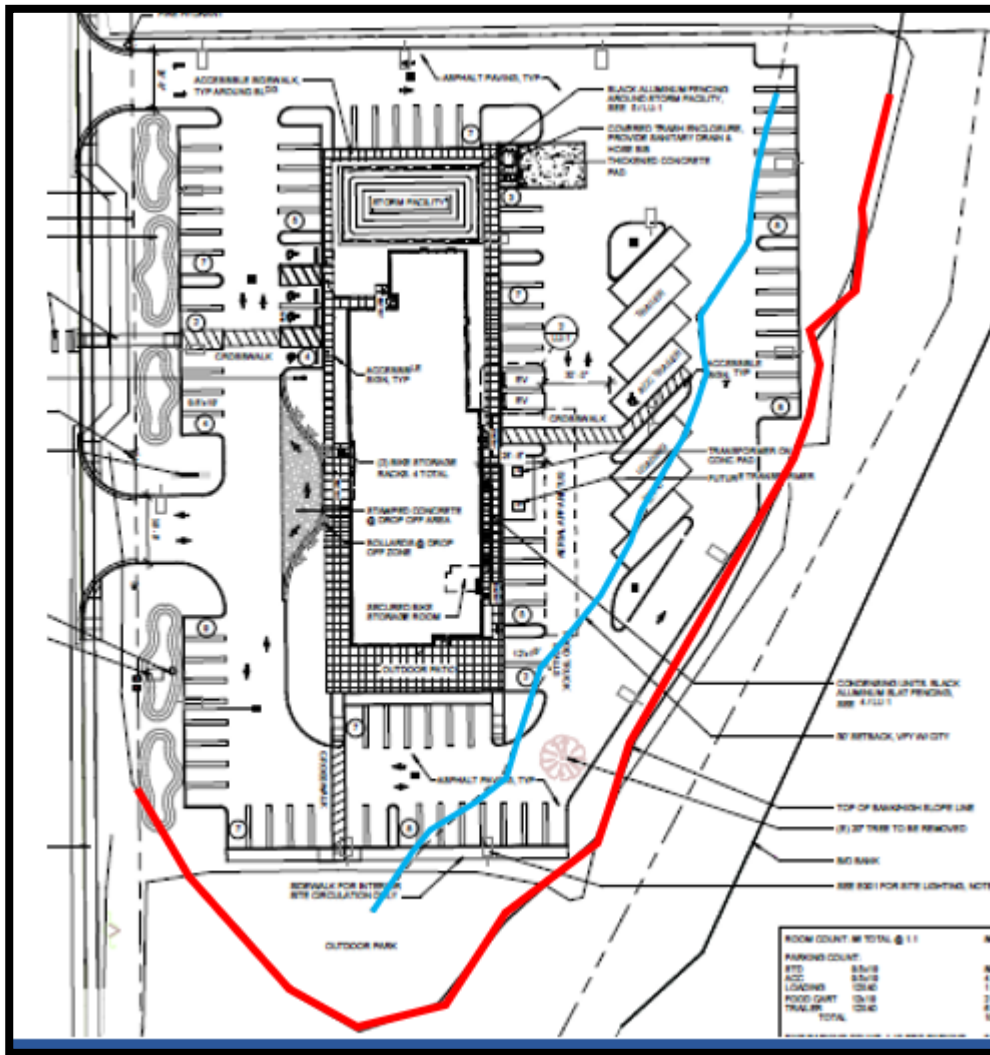
The lower elevations of the property fall within the base flood zone, yet the proposed development area is located outside of the 100-year base flood elevation. The base flood zone is located at the 14-foot elevation and the proposed development site is located at approximately the 40-foot elevation, or approximately 40 feet above the 100-year base flood elevation. The image below, taken from the current FEMA Flood Insurance Rate Map (FIRM) (effective June 5, 2020), indicates that all areas demarcated in blue lie within Zone AE meaning the Floodway. Additionally, the Base Flood Elevation (also referred to as ‘Water Surface Elevation,’) is shown to be 14-feet within this image:



The depth of the Siuslaw River naturally fluctuates with the tides and weather conditions. Since this is the case, Exhibit I,a, Memo by Civil West Engineering dated May 23, 2022, identifies the mean (average) high tide line at 6-foot 11-inches above the BFE. The subject property is well above the mean high tide line area with the lowest bank elevation on the site being approximately 40-feet.

B. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.

As shown in a modified excerpt of Exhibit D, Sheet LU-1, A portion of the parking lot on the east side of the hotel is located within 50' from the top of the Siuslaw River cutbank. The river cutbank is indicated in red, whereas the 50-foot setback from the top of the bank is indicated in light blue. The hotel is proposed to lie outside of this 50' river cutbank mark, thereby meeting the criteria. and meets the criterion.



[...]

E. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

The subject site contains slopes greater than 12% and although the subject site is currently located on both Tax Lots 900 and 901. Lot 900 technically lies within a Special Flood Hazard Area (SFHA) and contains a river cutbank. Once the final partition is recorded with Lane County, the parcel containing the development (Parcel 2) will be outside of the SFHA yet will continue to contain steep slopes on its eastern and southern areas. Additionally, once the partition is recorded, the lowest elevation for Parcel 2 will be approximately 20 feet above the Base Flood Elevation (BFE) of 14-feet, and approximately 13 feet (rounded up) above the mean high tide mark as explained under subsection B of this FCC 10-7-3, above.

The application materials for this SIR includes Exhibit I, the Stormwater Management Plan, prepared by a registered engineer and addresses drainage. Structural foundation and paving plans, since the use is commercial, shall be prepared by an engineer, per FCC 10-7-3 E, with

special emphasis on the relationship to the ability of the bank to handle the proposed loads.
[Condition 6]

10-7-6: SITE INVESTIGATION REPORTS (SIR):

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur TERNYK" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property;...

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.

The City has adopted City codes related to Special Flood Hazard Areas and building codes related to slopes and drainage. On-site conditions can be addressed by existing codes and thus are adequate to eliminate danger.

10-7-7: REVIEW AND USE OF SITE INVESTIGATION REPORTS

A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required. If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

A Phase I Site Investigation Report dated March 28, 2022 (Exhibit H) was prepared by Matt Braun and submitted to the City by the applicant, Braun Hospitality, LLC. Due to the location of the subject site in relation to the Siuslaw Natural Estuary and area containing steep slopes, this Phase 1 SIR is being reviewed in concert with the Design Review by the Planning Commission to determine whether there is a need for a Phase II Site Investigation Report.

B. Required Certifications and Inspections:

For any Phase II SIR submitted, the registered professional of record shall be required to:

- 1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.**
- 2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.**
- 3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.**

The applicant has not submitted application for a Phase 2 Site Investigation Report nor is required to.

- C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.**

The Phase I Site Investigation Report shown in Exhibit H indicates that no hazardous conditions have been identified, and that on site vegetation will afford adequate protection against soil erosion from wind and surface water runoff. Furthermore, the report indicates that the condition of adjoining and nearby areas will not pose a threat to the site. Threats relevant to the proposed development would include storm runoff erosion, slide areas and combustible vegetative cover. Under number 9 c. of the Report, Development Impacts, the applicant's Phase I Site Investigation Report indicates that landform capability (density, slope failure, groundwater, vegetation, etc.) has not been a consideration in preparing the development proposal. This is an error as the applicant has submitted a Stormwater Plan (Exhibit I) that has assessed the proposed development and provided recommendations for protecting the slope. An underlying need to protect the slope is the retention of natural landscaping. Any future proposal involving the removal of these critical plants shall require a Type II Vegetation Clearing Permit application to ensure protection of the bank. [[Condition 6.2](#)]

- D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."**

Per FCC 10-7-7 D, the property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, “The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project.” [Condition 6.2]

- E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)**

TITLE 10: CHAPTER 17: OLD TOWN DISTRICT

OLD TOWN DISTRICT AREA C

10-17C-2 LAND USES FOR AREA C: The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

- A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:**

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

Basic utilities (water, sewage, electrical, and communication facilities - not staffed)

Lodging, motels and hotels

As discussed throughout these findings, the plan for a hotel that supports the Florence Events Center, tourism and local recreational uses has been long envisioned within this District and supported by the Comp Plan, Downtown Plan and the Zoning Regulations through this Chapter whereupon hotels are an allowed use. Criteria met.

10-17C-3: LOT AND YARD PROVISIONS FOR AREA C

- A. Lot Area: The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.**

The subject site totals 147,233 sq. ft., which meets the minimum required lot area criterion.

- B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25’).**

According to Exhibit L, the lot measures nearly 440 ft in width along Quince St. and the width to the rear on the east side measures slightly over 484 ft. in width thus exceeding the 200 feet minimum criterion.

- C. Lot Coverage: The Planning Commission or their designee may allow up to eighty percent (80%) lot coverage by buildings and other impervious surfaces.**

To be submitted under Supplemental Findings.

D. Yard Regulations:

- 1. Garage and Carport Entries: Garage and carport entries shall have a minimum setback of twenty feet (20'), with all parking to have access from side or rear of property.**

Garages and carport entries are not proposed. Criterion not applicable.

- 2. Front Yards: Front yard setback shall be a minimum of fifteen feet (15').**

As shown on Sheet LU-1, Exhibit D, the proposed building is located over 60 feet from the front property line. A portion of the parking area is proposed to be located within the front yard setback and will be an issue discussed elsewhere. The building meets this criterion.

- 3. Side Yard: No side yard shall be less than five feet (5') unless zero lot line spacing is approved.**

As shown on Sheet LU-1, Exhibit D, the proposed building is to be located approximately 60 feet from the northern property line and 100 feet from the southern property line. Criterion met.

- 4. Rear Yard or Alley: Rear yard or alley setback shall be a minimum of five feet (5').**

The rear yard setback exceeds 5' because the site contains a cutbank along the rear, which requires a 50' minimum setback from the top of the bank per FCC 10-7-3 B. This issue is discussed elsewhere.

- 5. The Planning Commission may allow reduction of any Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.**

To be submitted under Supplemental Findings.

10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C

- A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area C shall be four (4) stories above grade with a maximum height of fifty-five feet (55').**

As shown on Sheet LU-5 (Exhibit D) and discussed under FCC 10-6, the proposed hotel is four stories above grade with a maximum height of 45 ft. Criterion met

For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

- 1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.**
- 2. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set. Any third or fourth story shall be set back a minimum of 10 feet from the wall plane of the floor below if it faces a street.**
- 3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.**
- 4. A public plaza may be provided between the buildings and the street right-of-way. The plaza shall be a 1,000 square feet in size for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.**

Since the proposed hotel is to contain 4 stories, the street-facing facade has been broken into multiple planes with horizontal accents, vertical plane breaks, parapet steps, and vertical window accents. The primary entrance and public lobby has been highlighted by the use of a more highly detailed ground floor complete with “storefront” arched heads, recessed entrances, exterior canopy, and traditional accent lighting. In addition to the physical plane changes and horizontal breaks, the use of varying coastal palette colors across the elevation gives the appearance of multiple, adjacent buildings instead of one large development. Additionally, a plaza/park space is proposed in front of the building which wraps around to the south side. This contains approx. 1,800 sq. ft. between the building and the Quince St., and an additional 1,800 sq. ft. at the southern end of the building. The Narrative (Exhibit C, p 21) explains that the plaza will contain a variety of features including shade structures and landscaping to provide safety and privacy for the occupants. The shade structures have not been included within this Design Review and discussed earlier.

- B. Building Size Limitation: No structure designed solely for non-residential use shall have a building footprint that exceeds 15,000 square feet. Mixed use buildings may have greater building footprints, subject to Design Review for compatibility with surrounding structures and uses.**

LU-1, Exhibit D demonstrates that the proposed building footprint is approx. 9,300 sq. ft. Criterion met.

- C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the building codes.**
- D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.**

The proposal does not include the area at Quince and 2nd Streets. Sheets C1-C6 of Exhibit E demonstrate that the proposed width of the walkway surfaces are at least 5-feet wide. The applicant is working with the City Public Works Director in the design of Quince St. Sidewalks shall be constructed to be a minimum of 8' wide for the length of the site or a non-remonstrance signed prior to issuance of a Certificate of Occupancy. [[Condition 7](#)]

- E. Parking and Loading Spaces: Off-street parking shall not be located between the building and the street, unless mitigation measures are approved by the Planning Commission that include each of the following: pedestrian pathways from the street to the building, landscaped berms and professionally designed landscaping. All required parking shall be on site unless otherwise provided in Chapter 3.**

Parking and the loading space have been discussed under FCC 10-3. While the majority of site parking is behind the proposed hotel, some parking is provided in front. Allowing parking within the front yard setback is a decision point for the Planning Commission as such parking is typically not allowed. As shown on Exhibit F, site design includes clearly marked pedestrian pathways, landscaped berms and future professionally designed landscaping. Criterion met or conditioned as necessary.

Every building of three (3) stories or more above grade and every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

In accordance with FCC 10-17C-4 E and state building and fire code regulations, the applicant shall provide for an approved sprinkler system which will be reviewed and approved through the building permitting and inspection process by the Fire Marshal and City's Building Official of record. [[Condition 7.1](#)]

Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required pedestrian walkway.

The provision of bicycle racks is discussed under FCC 10-3. Two bicycle racks that will accommodate a total of 4 bikes are to be located outside the main entrance. These racks have been conditioned to demonstrate that bicycles will not be situated within the pedestrian walkway. Additional bicycle parking is proposed to be located inside a secure room on the

first floor and wall mounted and the applicant conditioned to provide signage indicating the location of additional bicycle parking and discussed under FCC 10-3. The criteria are met.

F. Vision Clearance: Refer to Sections 10-2-13 and 10-35-2-14 of this Title for definition and requirements.

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

General sign location and size are shown on Sheet LU-5 of Exhibit D. Sign details have been provided in Exhibit E. All signage shall be in accordance with FCC 10-7. [[Condition 7.2](#)]

H. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

- 1. Landscaping: A minimum of fifteen percent (15%) landscaping is required unless a preservation credit is achieved in accordance with 10-34-2-4. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All required landscaping must be installed and maintained by the applicant or his/her successors.**
- 2. Walls, Fences and Hedges: Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area C.**

No chain linked fencing nor eating establishments are proposed. Fencing for the mechanical equipment, stormwater facility and trash enclosure has been reviewed elsewhere in this report.

I. Lighting: Street lighting, building lighting, and lighting of parking lots and walkways shall conform to the following lighting standards:

- 1. The light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)**
- 2. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.**
- 3. Lighting shall be pedestrian scaled.**

4. **Refer to Section 10-37 of this Title for additional requirements.**
5. **Wiring for historic light fixtures shall be placed underground.**
6. **Other overhead wiring shall be placed underground, where possible.**

Lighting has been addressed under FCC 10- 37. Historic-style gooseneck lighting is proposed along the façade of the hotel.

- J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than five feet (5') in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.**

The trash enclosure is proposed to be located on a concrete pad on the northeast side of the building. A sanitary drain and hose are included. The trash enclosure will measure 8 feet from the lowest bottom of the roofing and 7 feet, 4 inches to the top of the wall. Exhibit D, Sheet LU-10 shows many of the required construction details. The enclosure will consist of painted concrete blocks to match areas with the same color on the main building. The top of the enclosure will feature a corrugated metal deck. Four bollards are indicated on the outside of the enclosure of the same sheet. Also included are visual images on Sheet LU-9 of Exhibit D that provides a near-realistic representation of how the enclosure will appear from the outside. Metal gates will contain the trash receptacles. Per FCC 10-6-5 F, the metal gates shall be solid. Corrugated metal is not a permitted roofing material and shall be constructed of an approved material such as standing seam. Additionally concrete block walls require a capped top. The applicant shall provide a revised trash enclosure plan with the landscape plan. **(Condition 9.2)**

- K. Design Review: All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.**

The application being reviewed is that of a Design Review which require the applicant to provide evidence that the architectural design is compatible with the intent of Old Town Area C. Criterion met and conditioned elsewhere in these findings as needed.

L. Additional Requirements:

- a. **Survey: All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:**

- i. **Property lines**
- ii. **Easements**
- iii. **2' Contours**

The applicant supplied a recent survey map dated April 15, 2021 (Exhibit K) with their Design Review Application. All property lines and 2' contour lines are demonstrated as required. Also included is a 30' public right-of-way easement for Quince St. Criteria have been met.

- iv. **Existing structures (including height of sea-wall, if appropriate)**

Former structures have been removed prior to the Design Review and Phase I Sight Investigation Report application submittal. Criterion no applicable.

- v. **Floodplain**

- vi. **Highest observed tide**

The applicant supplied a recent survey map dated April 15, 2021 (Exhibit K) with their Design Review Application. The survey includes both Tax Lots 900 and 901 and provides the outline of the future 3 parcels that will be created once the final partition is recorded and filed with Lane County. Missing from the map was the highest observed tide as indicated in Note 8 of the Survey; however, this information is provided in a Memo by Civil West dated May 23, 2022 (Exhibit I.i). Response 9 in the Memo states:

"Tide Elevations & Flood Plain:

- a. *Mean high tide is approx. 6.77. Available data is for highest astronomical tide and is 9.42. FEMA maps indicate Base Flood Elevation Line of 14".*
- b. **New Construction or Story Addition: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.**

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area C.

The proposed hotel will contain 4 stories. The applicant provided Type II virtual images detailing of each side of the hotel in relation to the site surrounds. These are found within Exhibit D. These criteria have been met.

- L. Development Prohibition: Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.**

The site is not within Map 5H-1 in the Comprehensive Plan. The Comp. Plan, FCC 10-17 and the Downtown Plan have included the proposed use in the area. Criteria not applicable.

TITLE 10: CHAPTER 19: ESTUARY SHORELANDS, AND BEACHES AND DUNES

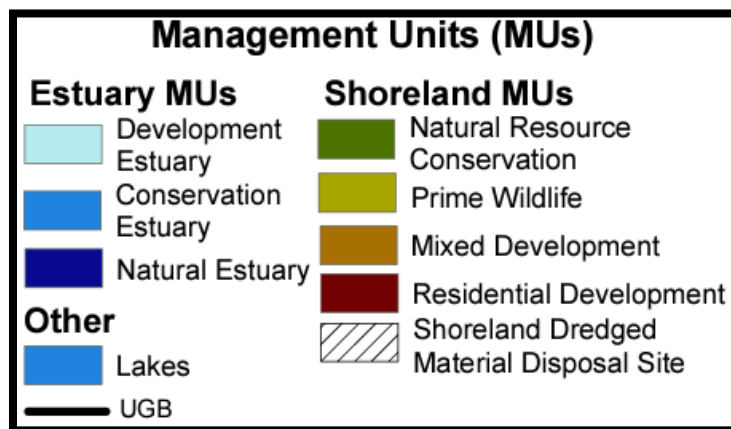
10-19-1: ESTUARY DISTRICT ADMINISTRATION

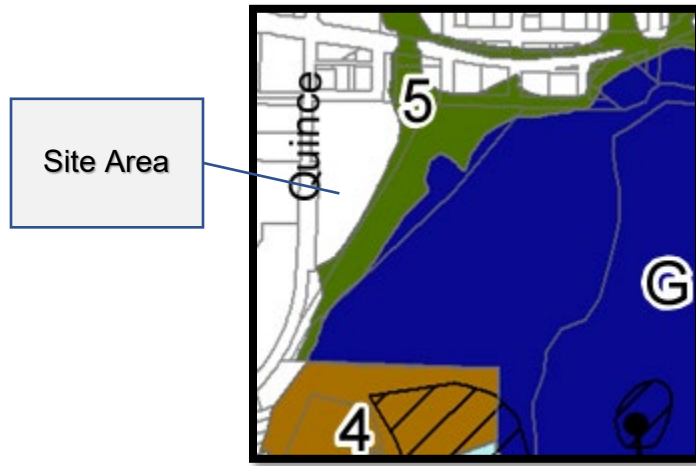
A. Applicability

- 1. The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding “management units.” In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.**

- 2. Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.**

The tentative partition for the site has been discussed above and found in Exhibit L. As shown in the Florence Realization 2020 Comprehensive Plan Map 17-1 excerpts, the site lies in Management Unit 5 of the Natural Estuary, as a Natural Resource Conservation area.





Florence Realization 2020 Comprehensive Plan, p. XVII-11:

“Management Unit #5 is a 50-foot wide strip of land measured from the mean high tide line, starting at the northern boundary of MU #4 and extending to the UGB, including any adjacent lands within the 100-year floodplain.

Rationale is:

- a. Steeply rising bank limits estuarine influence;*
- b. Adjacent tideflats limit accessibility to river channel;*
- c. Expansive tideflats limit erosion danger;*
- d. Adjacent to a biologically productive part of the estuary – marshes at the confluence of North Fork and Main Stem;*

This management unit is intended to protect the riparian vegetation and provide a buffer for the adjacent natural estuarine Management Unit. Hazard of flooding or bank erosion is limited by the steeply rising banks and the wide expanse of tideflats adjacent ...”

B. Resource Capability Assessment:

- 1. Purpose:** Uses Requiring a Special Use Permit (Type II Review) or Conditional Uses (Type III Review) in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.
- 2. Definition of Resource Capability Assessment:** An assessment used to determine if a use or activity is consistent with the resource capabilities

of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

- a. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.
 - b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.
3. **Identification of Resources and Impacts:** The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.
- a. The type and extent of alterations expected. The type of resources affected.
 - b. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.
 - c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.
 - d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.
4. **Resource Capability Assessment:** Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit

(Type II) or Conditional Use Permit (Type III) procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

5. **Resource Capability Findings:** Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:
 - a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or
 - b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or
 - c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or
 - d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

The notice and materials were provided to all of the following agencies, as applicable, on August 2, 2022.

6. **Notification of Agencies:** Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:
 - a. U.S. Fish and Wildlife Service
 - b. U.S. Environmental Protection Agency

- c. **U.S. Army Corps of Engineers**
- d. **National Marine Fisheries**
- e. **Oregon Dept. of Fish and Wildlife**
- f. **Oregon Dept. of Land Conservation and Development**
- g. **Oregon Department of State Lands**
- h. **Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.**

C. Estuarine Impact Assessment:

- 1. **Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. [...]**

The proposed use is permitted outright in the Natural Estuary District. Therefore, an Estuarine Impact Assessment is not required.

10-19-2: NATURAL ESTUARY DISTRICT (NE):

A. Purpose and Extent: The purpose of the Natural Estuary District (NE) is to assure the protection of significant fish and wildlife habitats and continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE District are determined by the natural estuarine features. The NE District includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the City Zoning Map as specified by this Title.

B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:

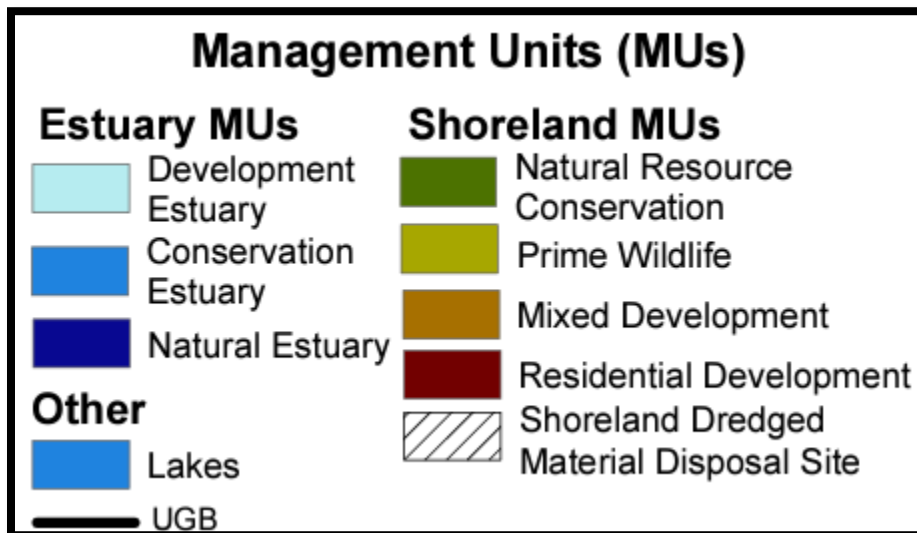
- 1. **Undeveloped low-intensity water-dependent recreation**
- 2. **Research and educational observations**
- 3. **Navigational aids, such as beacons and buoys**
- 4. **Protection of habitat, nutrient, fish, wildlife and aesthetic resources;**
- 5. **Passive restoration measures;**

6. **Maintenance of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance shall not increase the size, extent, or scope of the riprap or otherwise alter the estuary.**

7. **Bridge crossings.**

Once formally partitioned, the proposed hotel development will not lie within the Natural Estuary District. The future Estuary Trail described in Exhibit M and supported by other Exhibits such as K, and L will be constructed in this District and what is shown as being Management Unit #5 of the *Florence Realization 2020 Comprehensive Plan*:

*Excerpts taken from *Map 17-1 Estuary & Coastal Shorelands Management Units in the UGB*



The Comp Plan states:

“Management Unit #5 is a 50-foot wide strip of land measured from the mean high tide line, starting at the northern boundary of MU #4 and extending to the UGB, including any adjacent lands within the 100-year floodplain.

Rationale is:

- a. Steeply rising bank limits estuarine influence;*
- b. Adjacent tideflats limit accessibility to river channel;*
- c. Expansive tideflats limit erosion danger;*
- d. Adjacent to a biologically productive part of the estuary – marshes at the confluence of North Fork and Main Stem;*

This management unit is intended to protect the riparian vegetation and provide a buffer for the adjacent natural estuarine Management Unit. Hazard of flooding or bank erosion is limited by the steeply rising banks and the wide expanse of tideflats adjacent.”

- C. Special Uses Approved by Type II Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.**
- 1. Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.**
 - 2. Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.**
- D. Conditional Uses: 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 (Type III review) for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District, and upon satisfaction of all of the applicable criteria in F and below. A Resource Capability Assessment is required as set**

forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

1. **Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.**
 2. **Communication facilities.**
 3. **Active restoration of fish and wildlife habitat or water quality and estuarine management.**
 4. **Boat ramps for public use where no dredging or fill for navigational access is needed**
 5. **Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.**
 6. **Temporary alterations, subject to the requirements in d and the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition.**
 7. **Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this MU.**
 8. **Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities.**
- E. A use or activity is consistent with the resource capabilities of Natural Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.**
- F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit (Type II) or Conditional Use Permit (Type III) in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:**
1. **no feasible alternative upland locations exist;**

2. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in C and D above;
3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
4. dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and
5. all federal and state requirements, including mitigation requirements, are met as a condition of approval.

10-19-5: COASTAL SHORELANDS OVERLAY DISTRICT ADMINISTRATION

- A. Coastal Shorelands Overlay Districts are applied to Coastal Shorelands within city limits as classified on the City of Florence Coastal Overlay Zoning Map.
- B. As lands are annexed over time, Coastal Shorelands shall include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. Upon annexation, Coastal Shorelands Overlay Zoning Districts are applied to the properties depicted on the Map 17-1 Estuary and Coastal Shoreland Management Units in the Florence UGB in the Comprehensive Plan. In addition, the Comprehensive Plan designates two sites in the UGB “Water Dependent,” which are zoned Marine (Code Chapter 18) and Waterfront Marine (Code Chapter 24).
- C. These overlay districts implement policies in the Florence Comprehensive Plan and corresponding “management units.” In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 17, Coastal Shorelands: Ocean, Estuary, and Lake Shorelands. Where there are conflicts between the two, the stricter requirements shall apply.

The requirements of the adjacent Estuary District shall supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland District. Shoreland uses and

buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

- D. Consultant's Reports:** Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant.
- E. Uses Subject to State and Federal Permits**
- 1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.**
 - 2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary .**
 - 3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.**
 - 4. Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department.**
- F. The requirements imposed by the overlay districts shall be in addition to those imposed by the base zoning district, or, if the overlay district conflicts with the requirements of the base zoning district, the more restrictive requirements apply.**

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

- A. Purpose:** The Natural Resource Conservation Overlay District (/NRC) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resources Management Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any

adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

Intent. The requirements imposed by the /NRC District shall be in addition to those imposed by the base zoning district. Where the requirements of the /NRC District conflict with the requirements of the base zoning district the more restrictive requirements shall apply. The requirements of the adjacent Estuary District shall supersede the requirements of this Section of the Code.

B. Permitted Uses: In addition to the uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright as specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary District.

1. Harvesting of wild crops.
2. Low intensity recreation.
3. In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary District.
4. In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Florence City Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in section D. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary District requirements.
5. In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

- C. Special Uses Approved by Type II Review:** In addition to the Special Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title upon satisfaction of the applicable criteria set forth in 10-19-10 F, G, & H, except as expressly exempted below and except as expressly prohibited by 10-19-10-E, and provided they are consistent with the requirements of the adjacent Estuary District.

[...]

- 3. All buildings and uses allowed as permitted uses in the base zoning district, except as expressly prohibited by 10-19-10-E, and subject to the following additional criteria:**
 - a. The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Comprehensive Plan.**
 - b. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.**

- E. Prohibited Uses:** The following uses are specifically prohibited:

- 1. Fill in freshwater marsh areas.**

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

[...]

- 2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.**
- 3. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.**
- 4. Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in 10-19-10-F, where vegetation removal beyond that allowed above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of native species in order to maintain the natural character of the area.**

5. **The requirements for parking and vision clearance shall be as provided by the respective base zoning district.**
6. **No topographic modification is permitted within the 50 foot buffer zone specified by 10-1910-G.**
7. **The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowable:**
 - a) **Foot paths**
 - b) **Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.**
 - c) **Replanting of the area or other areas which have been 1previously cleared.**
8. **All mature trees must be retained within the setback area specified by 10-19-G, except where removal is subject to requirements of the Oregon Forest Practices Act.**
9. **Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.**

Existing native vegetation including trees along the eastern and southern area of the site should serve to retain aesthetic quality of the site. As explained elsewhere, the vegetation will lend a continuity of scale between the site and its neighbors. At four stories in height, the hotel will rise above the tree line along the eastern and southern slopes, yet such height is allowable in the Old Town Area C District.

10. **The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.**

Exterior building colors, other than yellow proposed and what appears to be proposed within alcove areas, contain neutral colors of gray, brown, blue, white and tan which should be compatible with the sky and surrounding vegetation. Aside from proposed yellow, criterion met.

- G. **Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.**

1. In addition to the yard setbacks required in the base zoning district, a 50 foot buffer zone shall be required. The buffer zone is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer zone shall be as specified in 10-19-10-F.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-2-4: Preservation Credit. The City may grant a “Preservation Credit” if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. [...]

The applicant is not requesting a Preservation Credit and states in the preliminary landscape plan (Exhibit X) the following:

“This site contains no “stands of native vegetation” or “significant vegetation” therefore this condition [FCC 10-34-2] is not applicable”.

Per Sheet LU-1 (Exhibit D), the applicant proposes to remove one 20’ tree near the SE area; presumably in order to construct the parking lot. Approval of this design review does not include removal of this tree as it is part of a separate process and will be reviewed under the final landscape plan, as conditioned. This tree is associated with the eastern slope and may be integral to its stabilization. The minimum required percent of landscape required is 15%. total site landscaping proposed in the preliminary landscaped plan is 66,680 SF, or 45.2% which will exceed the criterion if retained and carried over in the final landscape plan, which has been conditioned.

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 narrative,(Exhibit F/0 states ‘*The FINAL site landscape plan will demonstrate the requirements per 10-34-3-1-A.*’ This implies that the applicant is aware of the requirement to submit a final landscape plan.

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

The applicant narrative (Exhibit F) states *'The FINAL site landscape plan will demonstrate the requirements per A, B, C, D, E, F, & G.'* This implies that the applicant is aware of the requirement to submit a final landscape plan.

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

The property currently has no fencing along the perimeter of the property. Sheet LU-1 of Exhibit D provides information on screening for the stormwater facilities and trash enclosure to be located on the north end of the property and the condensation (mechanical) unit screening on the east side of the hotel. Heights for the screening are demonstrated on Sheets LU-1 and LU-10 of the exhibit.

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

There are no existing terraces, retaining walls, decks, patios, shelters or play areas, as the site is currently vacant. According to Sheet LU-1, Exhibit D, 4'10" in height (from grade) black aluminum security fencing is to surround the stormwater facilities to the north, and black aluminum slat fencing 7'4" in height (from grade) to screen condensing units, which are located on the east (rear) side of the hotel. Included are descriptions and images of these screening materials shown in Diagrams 4 and 5 of Sheet LU-1.

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

The applicant submitted a preliminary landscape plan containing general information with a note that they intend to submit application for a final landscaping plan to be reviewed under a Type I process at a future date.

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.

The applicant has submitted a preliminary landscape plan that indicates areas of existing vegetation to be preserved. This plan is drawn to scale; however, the final landscape plan will also be required to meet these criteria.

E. Existing and proposed building and pavement outlines.

The architecture and engineering plans submitted by the applicant include proposed building and pavement outlines. Criterion met.

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

The applicant submitted a Preliminary Landscape Plan (Exhibit F) containing general information with a note that they intend to submit application for a final landscaping plan to be reviewed under a Type I process at a future date.

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

The applicant's final Landscaping Plan, to be reviewed under a Type 1 Administrative Review, will ensure that required information is provided, or conditioned to provide necessary information.

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.

The minimum required percent of landscape required in Old Town District C and under this subsection is 15%. The overall site is 147,233 sq. ft, and the total site landscaping proposed in the preliminary landscaped plan is 66,680 SF, or 45.2%. 12,130 sq. ft. or 8.2% of the overall site square footage involves a 30 ft dedication along Quince St. The proposed landscaping area of 66,680 sq. ft. exceeds the required 10%. Applicable Criteria will be met upon submission and approval of the final landscape plan.

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-planting³ with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

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.
- 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 is not proposing reductions in required landscaping area.

- 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.

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 9-23-5.

The applicant shall submit a final landscape and irrigation plan demonstrating that the plan meets the requirement of FCC 9-23-5, FCC 10-34-3-5 and FCC 10-34-3-6. [Condition 9]

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped “islands” to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;

The parking area exceeds 20 spaces and requires interior landscaped islands. The preliminary landscape plan contains written information on parking space counts in conflict with Sheet LU-1 of Exhibit D in relation to parking and loading space counts - 101 spaces in addition to the loading space versus 104 parking spaces (including the loading space). Both plans show the same number of spaces, including the loading space. The 101 spaces shown in both exhibits require a total of 1,010 sq. ft. interior parking lot landscaping. The preliminary demonstrates a total provision of 3,610 sq. ft. of interior landscaping; however, landscaping specifically related to parking areas do not contain the sq. ft. breakdowns with the preliminary landscape plan (Exhibit F). The applicant has been conditioned to provide a final landscape plan and this breakdown is required for review.

B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;

The preliminary parking plan lists two trees that can be found on the City’s *Tree and Plant List for the City of Florence*. These include Oregon Ash (*fraxinus latifolia*) and Red Alder (*alnus rubra*). Columnar Maple (*calocedrus decerrens*) is listed as a discretionary tree on the plan but is also included in parking islands. Parking islands appear to be evenly distributed and contains at least one tree in each island within the preliminary plan.

C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;

The applicant did not provide sq. ft. calculations nor dimensions for the parking islands. Criterion not met and conditioned below. This information shall be required in the final landscape plan application materials in accordance with FCC 10-34-3-6. [Condition 9.1]

D. Irrigation is required for interior parking lot landscaping to ensure plant survival

Although a note in the Preliminary Landscape Plan in Exhibit D states “all landscaped areas shall be irrigated with an automatically controlled irrigation system, there are no plans

detailing the location of the irrigation system. The applicant has been conditioned to meet the criterion.

- E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and**
- F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.**

The applicant has been conditioned to supply a final landscape and irrigation plan in accordance with this section.

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 10-3-7-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.**

Exhibit F demonstrates that landscaping and berming is planned between Quince St. and the parking areas. Review of the final landscape and irrigation plan, which has been conditioned in these Findings, will ensure that the criterion is met.

- 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 proposed parking areas are shown to be separated from the hotel with either raised curbing (on the west, east and northern sides) or a landscaped buffer (on the south side of the hotel) not less than 5' in width. Criterion met.

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 final landscaping and irrigation plan that has been conditioned to be submitted will be required to maintain their landscaping and replace any failed planting with an equivalent specimen within six months of their dying or removal.

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

The applicant has provided a preliminary landscape plan that shows street trees. Review of the final landscape and irrigation plan will ensure this criterion is met.

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.)

No screening is shown to exceed the minimum height requirements.

B. Dimensions.

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

The criterion here is not applicable to the proposal.

F. Materials.

- 1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.**
- 2. [...]**
- 3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller**

than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.

Fencing is proposed for the stormwater facility on the north side of the hotel and condensing units on the east side as shown on Sheet LU-1 of Exhibit D. No fencing is proposed that would contain the materials prohibited in FCC 10-34-5, above. The criteria have been met.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR ACCESS AND CIRCULATION

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

The proposal involves vehicle access and on-site circulation in the City of Florence. The subject property will take access from Quince Street, which is a street off US Highway 126, a state-owned right-of-way facility. As such the standards of FCC 10-35 are applicable to the application. Criterion met.

10-35-2-3: Access Approval Required: Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

Access to the subject property will be via Quince Street, which is a street off US Highway 126. Access will be reviewed as part of the design review for the present application. The proposal involves improvements that will impact Quince Street. The Public Works Department and ODOT will be involved in the review of the proposed improvements that are proposed to occur within the right-of-way. Criterion met.

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126,

improvements shall be constructed in accordance with the standards specified in the “Highway 101 Access Management Plan.” County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

The subject property does not take direct access onto a State or County right-of-way. The subject property does not propose development along Highway 101 between the Siuslaw River Bridge and Highway 126. Criterion not applicable.

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies.

A. The Traffic Impact Study shall:

- 1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**
- 2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**
- 3. Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**
- 4. Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**
- 5. Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city’s adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.**

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:

- 1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**
- 2. Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**

3. Right-of-way dedications for future improvements.

4. Street improvements.

5. Turn restrictions such as “right in right out”

A TIA scope has been prepared by the applicant in preparation for the completion of a formal TIA (see Exhibit J). The City has agreed to defer a formal TIA as a follow up land use application. These Findings will review the scope of the TIA to establish nexus. The formal review of the TIA, to be submitted as part of a later land use application process, will establish the proportionality.

The proposed 86-room hotel is designed to accommodate guests for more than one- or two-night stays. To estimate the traffic impacts for such a proposal, trip generations were calculated for several relevant land use categories in the standard reference, *Trip Generation Manual, 11th Edition, published by the Institute of Transportation Engineers (ITE)*. These land use categories include Motel and All Suites Hotel. As seen in Table 1 of the TIA scoping, both land uses have nearly identical weekday AM peak hour and weekday school PM peak hour trips, but the All-Suites Hotel has an overall larger daily trip count. Therefore, the All-Suites Hotel land use category is utilized for study purposes.

With the assumption that all site access will occur via Quince Street, the following intersections are included in the study area:

- US Hwy 101 & 6th Street
- US Hwy 101 & 8th Street
- US Hwy 101 & OR 126
- OR 126 & Quince Street
- Proposed Quince Street site access driveways

The study will evaluate the performance measures of the intersections to include: turning movement counts, volume-to-capacity ratio, level-of-service and delay, and 94th percentiles queueing. Applicant shall prepare and submit a final TIA prepared by a registered engineer with special knowledge in traffic to be reviewed and approved by the Florence Planning Commission prior to the issuance of building permits. [[Condition 10](#)]

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

Based on the findings and recommendations of the TIA and after review by the relevant roadway authorities, the Planning Commission may impose conditions of approval as a condition of granting development approval to ensure the safe and efficient operation of the City’s roadway network. Criterion addressed.

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 internal on-site vehicular and bicycle circulation will be via the proposed two driveway entrances into the main parking lot. The site will be accessed by two driveways off Quince Street, both approximately 30-feet in width. The site will include 99 off-street parking spaces, including spaces for large trucks, trailers and recreational vehicles. The access aisles reviewed in FCC 10-3 have been found to meet minimum dimensions. The site includes pedestrian connections at the front main entrance, southern and eastern portions of the parking lot and extends from Quince Street to the main entrance. The formal TIA to be completed by the applicant will further evaluate the proposed Quince Street site access driveways. (Exhibit D, Sheets LU-1 and Exhibit E, Sheet C4). Criterion addressed.

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.**

Driveway access and details were designed in close coordination with City staff. These details are provided on Sheet LU-1 of Exhibit D and Sheets C1-C15 of Exhibit E. Final approval of the driveway approaches will be submitted to the Public Works Director for review and approval. [Condition 10.1]

- 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.**

Two proposed driveways, greater than 12' within an unrestricted 20' aisle, take direct access off Quince Street. Criterion met.

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

2 The proposed driveways will provide two-way traffic. The north driveway width is 24' and the south driveway width equals 30 30', both of which exceed the minimum width by six and twelve feet, respectively. Criterion met.

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

No one-way driveways are proposed. In the event one or more fire lanes are requested by the Siuslaw Fire and Rescue, the applicant shall provide a plan indicating where the location of the fire lane or fire lanes are and related signage and markings. [Condition 10.2]

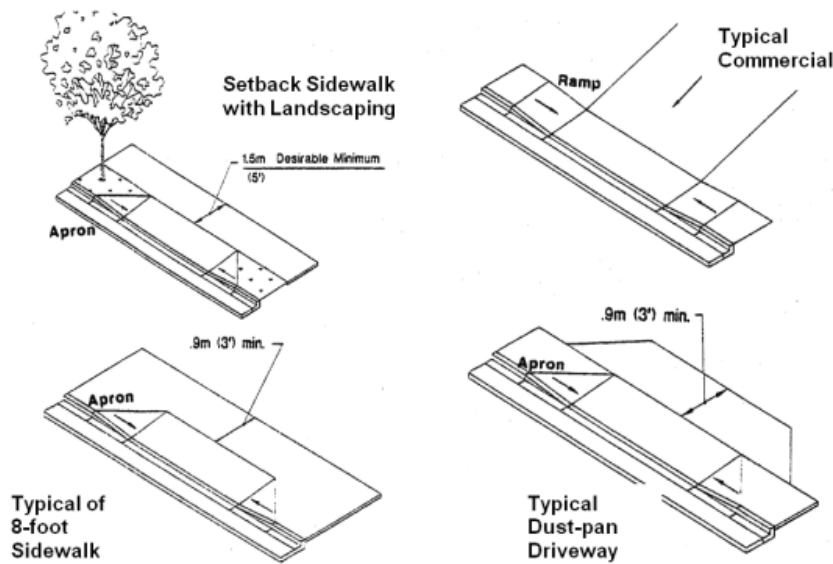
5. **The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway.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

As seen on Sheet LU-1 of Exhibit D, proposed driveway widths are approximately 30' in width and will provide two-way traffic. One-way driveways are not proposed. Additionally, as seen on Sheet C2 of Exhibit E, the proposed driveway grades are 2.3% and 4%, far below the maximum grades allowed. Criterion met.

- 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). 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.**

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

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



The proposed driveway aprons appears to meet the standards set forth in Figure 10-35(2) as demonstrated in Sheets C1-C15, Exhibit E. Driveways are subject to final review and approval by the Public Works Director, who will communicate any potential amendments to the proposed plans.

- D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as “No Stopping/No Parking.” See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.**

The Siuslaw Valley Fire and Rescue Fire (SVFR) Chief issued referral comment (Exhibit O) relating to fire and life safety access. The Fire Chief commented on maneuverability of fire engines. In order to determine fire access lanes with turnarounds, the Fire Chief must first see the turn radius distances proposed by the applicant. SVFR’s aerial apparatus will be a first due unit on fire calls to this location and SVFR must make sure the apparatus can make the required turns. The code standard for triggering a fire equipment access drive is that an exterior wall of the first story of a building shall not be located more than 150’ from an existing public street or approved fire equipment access drive. The furthest exterior first wall is on the east side of the hotel (the opposite side of the building). This exterior wall is greater than 150’ from an existing public street. Therefore, a fire equipment access drive shall be provided on the east side of the hotel because that portion of the exterior first floor is further than 150’ from an existing public street. [Condition 10.3]

Furthermore, SVFR still has issues that remain about site circulation and maneuverability. The applicant shall demonstrate adequate turn radius distances to ensure fire apertures can safely access the site. [Condition 10.4]

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.

As shown on Sheet LU-1 of Exhibit D, no vertical impediments exist or are proposed along driveways and aisles on the subject property. Criterion met.

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:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
- B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

Vision clearance 'triangles' do not detail measurements on the Preliminary Landscape Plan (Exhibit F) nor Exhibit D, Sheet LU-1. In Exhibit F, the vision clearance is indicated; however the applicants took into account the radius of the driveway, which is not represented in Street/Driveway depiction, below as shown under C, below.

- C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

To ensure visual clearance standards are met in accordance with FCC 10-35-2-14, the applicant shall perpetually maintain landscaping so that plants do not grow to obstruct vision clearance areas at internal intersection or intersections with public streets. [Condition 10.5]

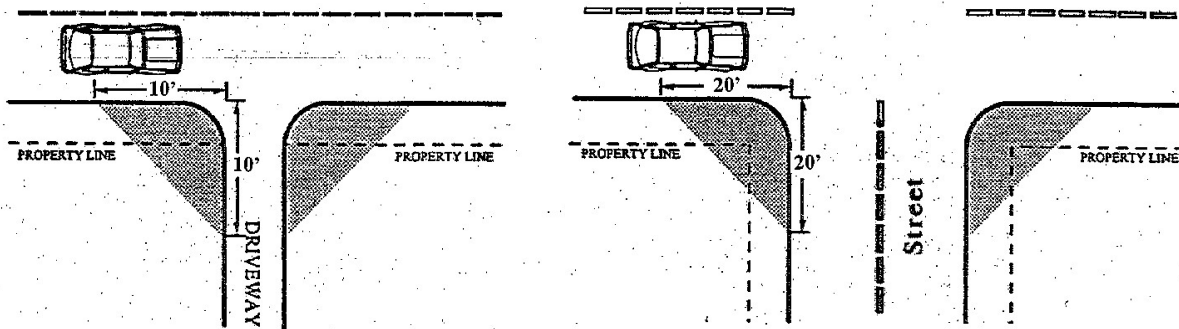


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

The subject property does not interact with an intersection of two streets. Vision clearance areas are shown on Sheet L1.0 of Exhibit D. No visual obstructions are proposed in the clear vision areas.

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.**
- 2. Upon any redevelopment of property that expands the building square footage by 25% or more.**
- 3. Upon any change of use that requires more than five additional parking spaces.**

Per FCC 10-35-3-1-A-1 the applicant is responsible to construct sidewalks along the frontage of Quince St. since the proposed development is new. This has been conditioned elsewhere in these findings.

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 off-site 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.

As seen on Sheets LU-1 of Exhibit D and L1.0 of Exhibit F, the site contains a pedestrian walkway throughout the entire site that connects the parking lot to the hotel and other features of the site including the lawn area located near the southern boundary of the site. The proposed development supports the further facilitation of the development of a portion of the Estuary Trail, which is located within Parcel 3 of the partition that was recently granted tentative approval. Lastly, the proposal will include a pedestrian crossing Quince Street that is intended to facilitate the movement of pedestrians from the site westward to the FEC and other shopping amenities located nearby. Criterion met.

- 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.**

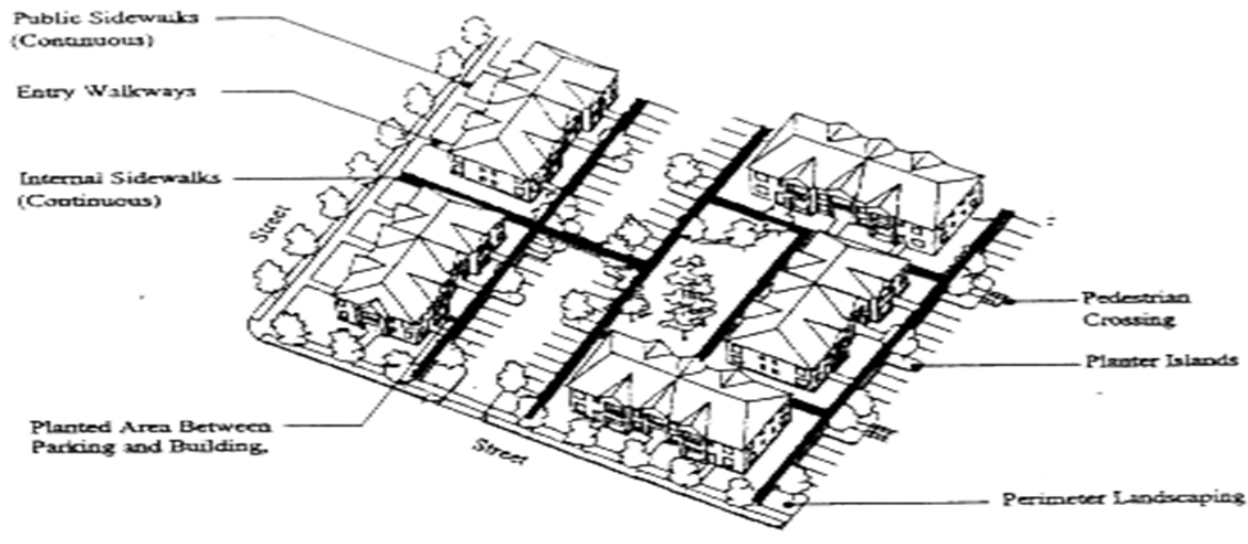
As seen on Sheets L1.0 of Exhibit F and LU-1 of Exhibit D, the proposed walkways within the development site provide a reasonably direct route and are reasonably free from hazards. Additionally, the primary entrance is situated along the front facing façade of the proposed hotel on the west side, is adjacent to ADA parking stalls, and overall faces the public right-of-way along Quince St. Criterion addressed.

- C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:**

- 1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 1035(5);**

The proposed walkways are unobstructed and connect to all building entrances to one another to the best extent possible. Criterion met.

- 2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and**



As discussed above, the pedestrian walkways provide adequate pedestrian circulation throughout the entire site. Criterion addressed.

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multiuse 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.**

As shown on Sheets C1-C6 of Exhibit E, the proposed walkways are raised and curbed along the edge of the parking areas (see civil details on Sheet C-6). Criterion met.

- 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.**

As seen on Sheet LU-1 of Exhibit D, the proposal includes three such pedestrian crossings within the parking lot. All three pedestrian crossings are greater than 24' in length. Unless the Planning Commission decides that the applicant has provided sufficient information to deviate from these standards, the crosswalks shall be clearly marked with contrasting paving materials, which may be part of a raised/hump crossing area. [Condition 10.6]

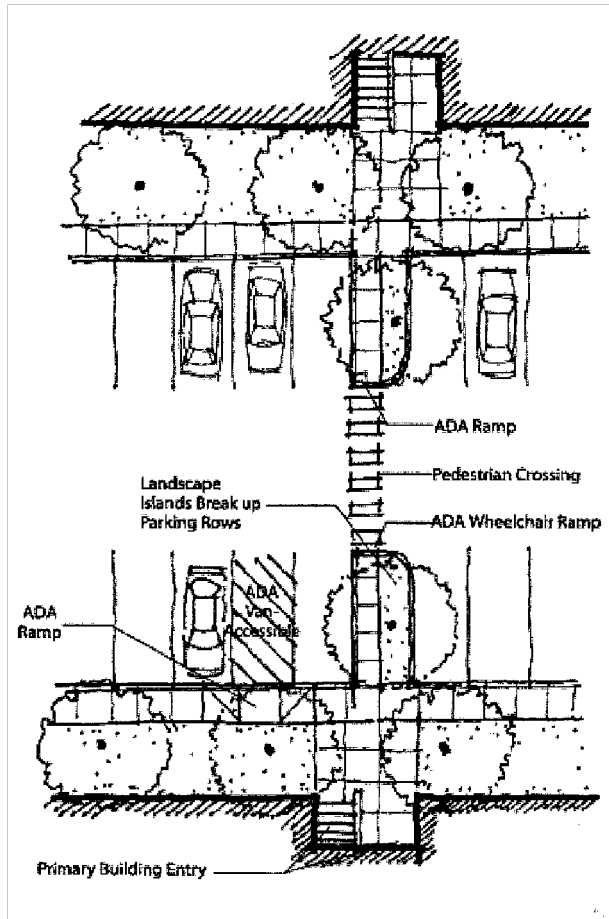
- C. **Width and Surface.** Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Figure 10-35(6):

As seen on Sheets C1-C6 of Exhibit E, the proposed width of the walkway surfaces, internally, are at least 5-feet wide. The applicant has been conditioned elsewhere for the sidewalk width along Quince St. Criterion met.

Multi-use paths (i.e., for bicycles and Pedestrian Walkway Detail (Typical) pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)

No multi-use paths are proposed on site nor necessary. The pedestrian walkways to provide internal circulation of the site are addressed in FCC 10-35-3-3 and area paved and of adequate width, no less than 5'.

- D. **Accessible routes.** Walkways and multi-use 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.



Walkways must conform with the Americans with Disabilities Act (ADA) Sheets C1-C10, of Exhibit E indicate feasibility for the applicant to meet this standard.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

- A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

The Rhody Express operates two bus stops on 8th St. that are within a ¼ miles of the proposed use: Stop #2 Dollar Tree/ Kozy Kitchen is located on the rear side of the Dollar Tree store along the north side of 8th St. Stop #6 is located near Stop #2, on the west side of

8th St, NW of Safeway (See Images 1-3, below). The approval standard is for the applicant to demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop. The applicant has provided a reasonably safe access to the Florence Events Center. From that point, pedestrians should have reasonable access at the very least to Stop #2.

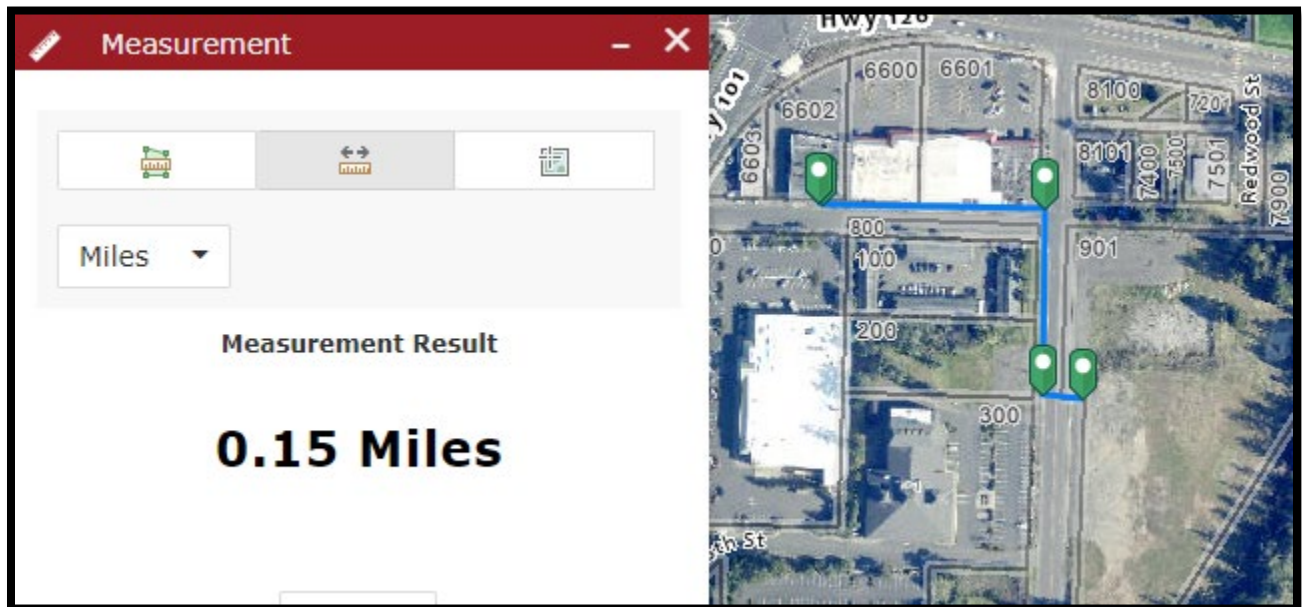


Image 1. Stop #6 on the Rhody Express near Safeway

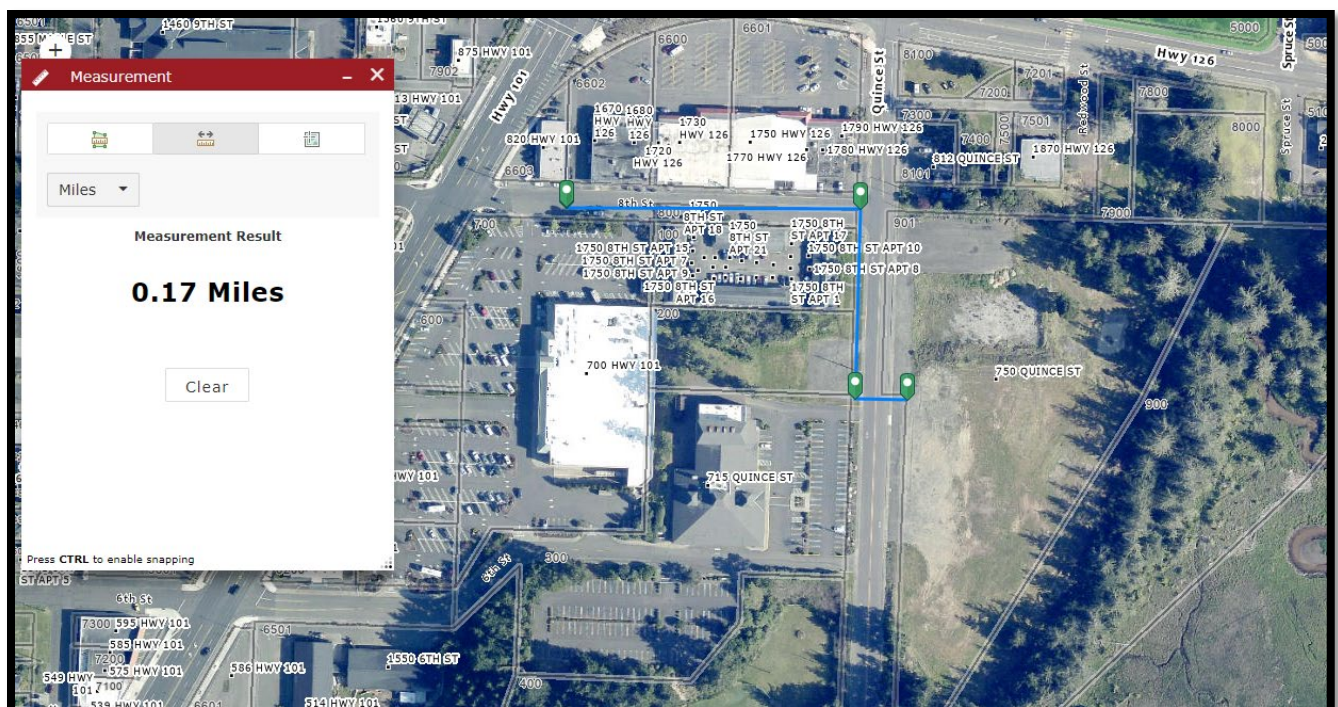


Image 2. Stop 2 on the Rhody Express behind Dollar Tree on 8th St.

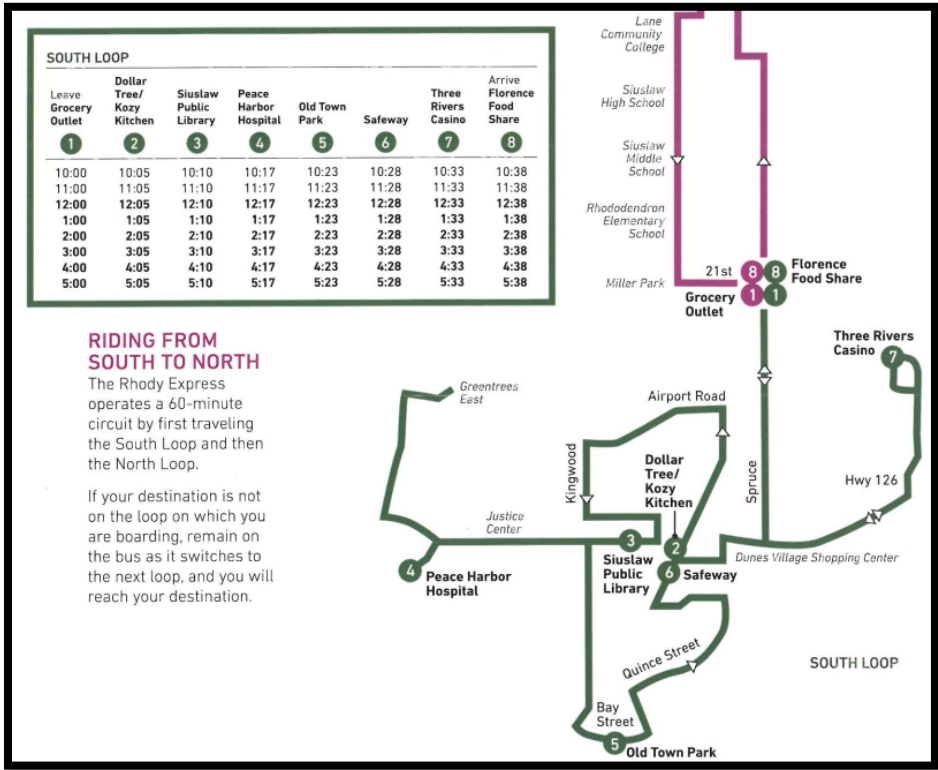


Image 2. South loop of the Rhody Express providing public transportation to residents of Florence.

Note that Stops #2 and #6 are within a ¼ mile of the proposed site.

B. Proposed development must accommodate on site any existing or planned transit facility, if identified in the Community Transit Plan, through one or more of the following:

1. Provide a transit passenger landing pad accessible to disabled persons.
2. Provide an easement or dedication of land to accommodate passenger seating or shelter if requested by the transit provider.
3. Provide lighting at the transit facility meeting the requirements of Title 10-37.

The Community Transit Plan does not list any existing or planned transit facility on site. The nearest existing facility, listed in the Community Transit Plan, is situated near Safeway as demonstrate under FCC 10-35-4 A. The criteria are listed here are not applicable for this development.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.

Please refer to FCC 10-36-2-5, below.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

The creation of access easements is not proposed. The site takes legal access to a public right-of-way (Quince Street). Not applicable.

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.

The applicant will be participating in the new planned road section for Quince Street. The proposed improvements the applicant will be participating in financially are: 8-foot-wide sidewalks, 7-foot on-street parking lane, 2-foot buffer, 6-foot bike lane, and an 11-foot travel lane. The City and the applicant have already determined the applicant's proportional cost share of the planned improvements. The Public Works Director has issued comment that an agreement has been signed and executed between the City, applicant/developer, and the Florence Urban Renewal Agency (FURA). See Exhibit N for the Public Works Director's comments. Criterion met.

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.**
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.**
- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.**
- 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.**

As shown on Sheet LU-1 of Exhibit D, the applicant is proposing 8-foot-wide sidewalks along the frontage of the property on Quince Street. In addition, 6-foot bike lanes will be part of the public improvements the applicant will be participating in on Quince Street. Criterion met.

In accordance with FCC 10-36-2-16 F, the applicant shall ensure continued maintenance of the sidewalks and planter strips in the right-of-way. [Condition 11]

10-36-2-17: Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

No new streets are proposed with this design review request. A 30-foot strip on the east side of Quince Street that was formerly dedicated by the City to the Siuslaw School District and a 15' strip is being re-dedicated to the Quince Street public right-of-way. These right-of-way dedications occurred as part of the tentative partition plat approval process that preceded this design review request (Exhibit L). Criterion addressed

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.**
- B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.**
- C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.**

Curbs and curb cuts are proposed for the site. Please see Sheets C2 and C5 in Exhibit E for curb details. The proposed curbs meet the minimum standards as cited in FCC 10-36-2-18. Criterion met.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

As shown on Sheets C14-18 of Exhibit E, the applicant has submitted preliminary street signage detail applicable to the proposed development. The applicant/developer shall be responsible for costs associated with stop signs and any other related roadway signs which are to be installed as part of the street system developed and approved through the land use process. Signs shall be installed by applicant/developer in accordance with the City of Florence Standards and Specifications. [Condition 11.1]

10-36-2-22: Mail Boxes: Plans for mail boxes shall be approved by the United States Postal Service.

Prior to the issuance of certificates of occupancy, the applicant shall submit evidence to the Florence Planning Director that the local post office authority having jurisdiction over the area has reviewed and approved the plan for a mailbox to serve the hotel. [Condition 11.2]

10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

As seen on Sheet E0001 Photometric Plan in Exhibit G, the applicant is proposing light fixtures throughout the site, including where the private driveway into the site meets the public right-of-way.

Light fixtures within the public right-of-way are proposed to be Central Lincoln Public Utility District's ornamental streetlights and shall be installed in accordance with the City of Florence Standards and Specifications. Proposed street lighting shall be reviewed under Resolution 16, Series 1999 (Exhibit P) along with an application for public infrastructure improvement plans for Quince Street. [Condition 11.3]

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

A. Sewers, Water, and Stormwater Mains Required: Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.

The proposal will utilize the existing water line within the right-of-way on Quince St. and build two new water lines extending from the right-of-way to the south end of the proposed hotel. The proposal will also utilize the existing sanitary sewer line within Quince to extend the sewer line parallel to near the front main entrance of the hotel. Storm drain lines, with accompanying drains/catchment basins, will be constructed on the site and make a nearly complete loop

around the site, mainly underneath the pavement of the proposed parking areas. The applicant will also be installing a stormwater drain facility to be located at the northern end of the hotel. The stormwater facility will be appropriately incorporated into the surrounding landscaped features (see Exhibit F Sheet L1.0 for Preliminary Landscaping Plan and Exhibit E, Sheet C-3 for utility plan). All construction plans relating to sewer, water, and stormwater shall be reviewed and approved by the Public Works Director or their designee. [Condition 11.4]

B. Sewer, Water, and Stormwater Plan Approval: Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.

The Public Works Director has issued comment on the proposal with respect to water, sewer and stormwater. Staff will summarize the comments as applicable.

Water – The proposed development is proposing to add one additional fire hydrant along its frontage on Quince Street and install a fire sprinkler system. The Public Works Director has stated there is adequate water in terms of quality and quantity to meet the water needs of the proposal.

Wastewater – The City presently has an 8” wastewater main line that lies within Quince Street that the proposed development is proposing to connect to. The 8” sewer main is adequate in meeting the needs of the development.

Stormwater – Public Works has reviewed the Civil West stormwater management plan dated June 2022 along with the Geotechnical report dated February 1, 2022. The design concept relies entirely upon infiltration of stormwater on site as recommended and supported by the Geotechnical plan and site investigation reports. While there is no emergency overflow connection to Quince Street, given the soils and infiltration rates, if the stormwater facility were to ever not infiltrate correctly or become overwhelmed, there is adequate emergency surcharge (overflow) area within the parking lot of the site to contain an overflow, should one ever occur.

As discussed, the applicant must secure approval from the Public Works Department for sewer, water, stormwater development plans. This has been made a condition of approval.

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

There is no existing watercourse, and this criterion does not apply.

D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized

to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.

As conditioned above, the applicant must secure final approval from the Public Works Department.

E. Fire Protection: All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.

The applicant is proposing a completely sprinkled building. The proposal also has a combined fire service vault and domestic double check located just south of the most southerly entrance into the site. Fire hydrants are planned to be placed near both entrances to the site from Quince Street and a remote FDC connection will be placed nearby the domestic double check device. These are demonstrated in Exhibit D, Sheet LU-1 and Exhibit E, C10 and C12. Criterion addressed.

Per FCC 10-36- 3-E, as part of the building permit review process, fire flow analyses, hydrant plans, and water service details shall be subject to review and approval by the Building Official and Fire Marshal in conformance with applicable provisions of the Oregon Fire Code. [Condition 11.5]

Notwithstanding, the Fire Chief of SVFR has issued referral comment on the proposal and has several issues that need to be addressed by the applicant. Staff will summarize the Fire Chief's comments below.

- 1- The current FDC location is poorly accessible for SVFR. The current location would require advancing hoses over landscaping or through parked vehicles. Further, the location will block the entrance when SVFR connects to the closest hydrant and the FDC.
- 2- Details of standpipe system is requested to be submitted by the applicant for review by the Fire Chief.
- 3- Turn radius distances. SVFR cannot ascertain if fire apparatus will be able to make require turns to access site safely.

Given the outstanding issues that have yet to be addressed with respect to life and fire safety access, the following has been conditioned: Prior to the issuance of building permits, the applicant shall address comments made by the Siuslaw Valley Fire and Rescue Chief as seen in Exhibit O. [Condition 11.6]

F. Inadequate Facilities: Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of

state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

The proposed water, wastewater, and stormwater systems appear to meet the standards of the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan. The water and sewer capacity in the project area are sufficient for the proposed use. The final detail and location of water, sewer and stormwater system design has been conditioned earlier in these findings upon final review and comment by the Public Works Director. Staff find the applicant can feasibly meet the water, sewer, and stormwater requirements as reviewed in their civil engineering drawings (Exhibit E). These criteria are met.

10-36-4: EROSION CONTROL: In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

The subject property is 3.12 acres. Nearly the entire site will be disturbed, therefore a National Pollution Discharge Elimination System Permit (NPDES) is required. Per FCC 10-36-4, the applicant shall submit evidence of an approved NPDES permit to the City of Florence Building Department, prior to any development occurring on the subject property. [[Condition 11.7](#)]

10-36-5: UTILITIES:

A. Underground Utilities:

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

All new utility lines shall be located underground as required in 10-36-5 A.1.

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

A. Plan Approval and Permit: No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.

B. Performance Guarantee: The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

The applicant has been conditioned earlier to obtain approval from Public Works regarding public improvement installation. Criterion addressed.

10-36-8: INSTALLATION:

- A. Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards:** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.
- C. Commencement:** Work shall not begin until the City has been notified in advance in writing.
- D. Resumption:** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. City Inspection:** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- F. Engineer's Certification and As-Built Plans:** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.
- G. Acceptance of Public Improvements:** Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.
- H. Warranty of Public Facilities:** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other

financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period

This proposal will be subject to the construction standards, inspections, approvals, and bonds and warranties as outlined in these sections and will be reviewed and required as part of the construction facility infrastructure permitting process.

TITLE 10: CHAPTER 37: LIGHTING

10-37-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

- A. Resumption of Use - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.**
- B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
 - 1. Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.**
 - 2. Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.**
 - 3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.****
- C. Amortization - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. "Easy fixes" such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.**

FCC 10-37-2 effectively states that the lighting standards of 10-37-2 apply to the present proposal. The applicant has submitted a lighting plan for staff review (Sheet E001, Exhibit G). No specific criteria are needed to be addressed here.

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 prepared a Photometric Plan as shown on Sheet E001, Exhibit G. All lighting fixtures are to be shielded to direct light emissions downward and do not direct light at the sky or adjacent properties. Specifically, as seen on Sheet E0001, the applicant is proposing to utilize varying models of Lithonia lighting fixtures on the site. Criterion addressed.

10-37-4: LIGHTING STANDARDS:

A. All exterior lighting fixtures subject to this code section must be designed as a full cutoff 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 states in the written narrative that all lighting fixtures are shielded to direct light emissions downward and do not direct light at the sky or onto adjacent properties. See photometric plan (Exhibit G) for details and Exhibit G.b for examples of proposed lighting fixtures. Criterion met.

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) foot-candles 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.

As seen on the Photometric Plan and the applicant's narrative, the parking areas have a 1.7 foot-candles illumination. The applicant has requested that Planning Commission grant a modification to this standard. The FCC permits the Design Review Board (effectively the Planning Commission) to decrease the



minimum if the applicant can provide documentation that the overall parking lot had adequate lighting. The applicant has submitted a Photometric Plan and Lighting Fixtures cut sheets, but to staff's knowledge has not explicitly outlined the reasons why such a modification should be granted. Staff request Planning Commission review and consider this request; the applicant should be prepared to fully address adequacy of the parking lot to allow such a modification. Criterion not met. Planning Commission's discretion is required to allow a departure from the two foot-candles illumination criteria. Per 10-37-4 B, the applicant shall ensure that parking areas 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) foot-candles over parking spaces and walkways. [Condition 12]

C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

As indicated in the applicant's narrative and shown on Sheet E001 (Exhibit G), on site lighting ranges from 15' tall in parking areas to 3' for pedestrian pathway illumination. The site is not adjacent to or zoned residential. However, the property resides in Old Town District C (OTC – as seen in Figure 17.1 of Title 10, Chapter 7). Lighting in OTC is required to be pedestrian scaled lighting. Staff have translated this mean 16' in height around maneuvering areas. Given that the site also includes vehicle parking spaces for larger and taller vehicles such as RVs, taller lighting fixtures may be warranted in those areas; the same can be said for fire lane access areas. The Design Review Board (Planning Commission) may find that higher light fixtures are necessary to achieve proper illumination levels. This is an issue Planning Commission should review and consider. In the event the Planning Commission does not approve a deviation from the criteria of FCC 10-37-4 C, the applicant shall resubmit lighting plans demonstrating compliance with these regulations. [Condition 12.1]

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.

Although the proposal has been reviewed as a commercial mixed use for the purpose of this Design Review, hotels are always typically operation around the clock with staff on-site. The overall lighting (photometric) plan in Exhibit G has been designed with the inclusion of safety and security elements. Criterion not applicable.

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 proposed photometric plan is subject to a thirty-day review beginning with the first day in business using the proposed lighting system. The applicant is not seeking a variance to lighting standards, rather acceptance of the proposed photometric plan. The applicant's design team believes, in their professional opinion, that the overall photometric plan meets the spirit and intent of Florence's lighting standards. If deficiencies are noticed in the

proposed lighting plan, the City and the Design Review Board reserve the right to investigate on site and make appropriate recommendations for remediation, without going through a formal variance or exceptions procedure.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

As shown on Sheet LU-1 (Exhibit D), the proposed building signage is top-lit and directed down toward the sign face. Criterion met.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

Proposed bollards for pedestrian lighting are designed so that light emissions are shielded and directed downward consistent with this standard. See Exhibit G.b for an example of the types of lighting fixtures proposed to be used on site.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9- 5-3: STORMWATER DESIGN CRITERIA:

9-5-3-1: GENERAL:

A. The criteria in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems. Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

The applicant has completed and submitted a stormwater drainage plan prepared by Mr. Sean Lloyd of Civil West Engineering. Presently the site handles stormwater runoff through infiltration. The applicant's intentions are to develop the site while eliminating the need for additional outfalls. The applicant is proposing to install an underground storm drainage basin system that will convey the water to a stormwater treatment pond. Double chambered catch basins will be utilized in order to ensure that hydrocarbons and other pollutants are adequately removed. The stormwater will then infiltrate while being stored in the treatment ponds. Modeling shows that even with a 100-year storm event, the system will not overflow. By using a large storage pond and the well-drained native soils of the site, the applicant contends that their stormwater drainage proposal utilizes infiltrations to the maximum extent possible. The proposed treatment ponds will be planted with a native wetland mix in order to provide additional treatment to the water.

The applicant submitted a blank sample Stormwater Management Facility Operation and Maintenance Agreement form. In general, the agreement sets forth the duties and responsibilities of the owner of the stormwater facility and the responsibilities of the City of Florence with respect to proper maintenance and operation of the stormwater facility in order to ensure sediment and

other pollutants will not degrade water quality and accumulate in the City's urban stormwater system.

The blank sample Stormwater Management Facility Operation and Maintenance Agreement form included in the applicant's stormwater master plan is not filled out or signed by any parties. The Stormwater Management Facility Operation and Maintenance Form shall be signed and executed by all parties prior to the issuance of building permits and include specific maintenance details for the stormwater facilities and catchment basins and must be finalized prior to final building inspections. [Condition 13]

9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL):

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

Onsite stormwater management facilities shall be required to prevent the post development runoff rates from a project site from exceeding the predevelopment runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.

The Public Works Director has reviewed the applicant's stormwater drainage plan prepared by Civil West Engineering. The Public Works Director states (Exhibit N) the design concept relies entirely on infiltration of stormwater on site. The system as designed, provides detention and treatment of the stormwater through implementation of a vegetated stormwater facility. The design of the stormwater facility has taken into consideration the 2-, 10-, 25-, and 100-year storm events. As found in the stormwater drainage plan and by the Public Works Director's comments, the onsite stormwater management facilities prevent the post development runoff rates from a project site from exceeding the predevelopment runoff rates from the site. Criterion met.

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

- 1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.**
- 2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.**

The applicant proposes mitigating the project's impacts via on-site facilities. No stormwater is proposed to be conveyed over the eastern slope and into the Estuary. This criterion is met.

D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:

1. **Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.**
2. **Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.**
3. **Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.**

The applicant's stormwater report indicates that because the stormwater design relies on infiltration, combined with a detention pond, the author of the report does not foresee any impacts to the drainage patterns. Further, one concern that was raised during the initial planning stages is an outfall on the eastern slope could potentially cause erosion issues or unwanted concentrated flow onto an area that is planned to be developed into a trail along the estuary; however, by significantly oversizing the proposed pond and utilizing the well-drained soils of the site, emergency overflow will not occur even through the 100-year storm event, exceeding the minimum standard of a 2 through 25-year storm. In the event that the pond is overtopped, the parking lot and system piping would provide extra storage. Criterion addressed.

- E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the predeveloped and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.**

The applicant used a Performance Approach which hinges on providing engineering that proves compliance with Florence City Code and the Stormwater Manual's standards and reduces the assumptions allowed when using the Simplified Approach or Presumptive Approach. The applicant is proposing to use site infiltration and a detention pond to be located on site. The stormwater management plan has been reviewed by the Public Works Director has been found to be satisfactory.

9-5-3-3: STORMWATER QUALITY:

- A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for**

development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.

- B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.**
- D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.**

At the time of writing these Findings, staff have been unable to verify the water quality design storm is based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event. Staff have reached out to the applicant's civil engineer for clarification on this criterion. Should staff receive a response, staff will publish a brief supplemental Findings memo addressing this criterion.

- E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.**
- G. The types of stormwater management facilities presented in the Stormwater Manual are available for owners and developers to use in satisfying the stormwater quality requirement. More than one of these types of facilities may be required to satisfy this requirement.**

The applicant's stormwater management plan includes the addition of a screened on-site detention pond located north of the hotel, underground storm sewer system and infiltration. As seen in the Stormwater Plan (Exhibit I), the applicant's Civil Engineer has calculated the peak storm events for 2, 10, 25, and 100-year storms. The stormwater management plan concludes that even with a 100-year storm event, the site stormwater facilities will be able to handle the runoff generated. The design of the stormwater facilities has been specially tailored to the Florence Stormwater Design Manual for a detention pond. The proposed stormwater detention pond will be planted with prescriptive landscaping improvements to capture pollutants and contaminants from surface water runoff. An easement as outlined in FCC 9-5-1-A is not necessary because the detention pond will be a privately owned-facility. The applicant's Civil Engineer believes the proposed stormwater facilities are the proper design and will provide an effective solution for the treatment and handling of stormwater runoff. The City will require a fully executed operations and maintenance plan to be submitted to Public Works for review and approval prior to the completion of the stormwater facility. The provision of an O & M Plan has been conditioned. Criterion addressed.

9-5-4: MAINTENANCE RESPONSIBILITY:

- A. Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the Drainage Plan. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a**

property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.

A draft Operations and Maintenance Agreement was provided within Exhibit I. The Operation and Maintenance Agreement has been conditioned to be finalized prior to final building inspections.

- B. The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance Agreement shall be charged the costs of the work performed by the City or its agents.**

CONFORMANCE WITH FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

Chapter 1 Citizen Involvement

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

The proposal is consistent with Goal 1 because the proposed development is being reviewed by the Planning Commission of Florence which serves as the City's Committee for Citizen Involvement. The proposal will be reviewed by the Planning Commission in a public hearing which will be free and open to all persons to attend and participate in the local land use planning process. Goal addressed.

Chapter 2 Land Use

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

The proposal is being reviewed and weighed against the applicable approval criteria for Design Review. The City and Planning Commission in rendering a decision on the matter is doing so in a manner that relies on adequate factual basis for a decision. Additionally, the subject property is designated as "Downtown" on the City's Comprehensive Plan Map. The Comprehensive Plan has envisioned development on the subject property, which used to be the site of a local school. Furthermore, as seen in the Florence Downtown Plan (1999) and Revision Florence Hight 101 and Highway 126 Corridor Concepts and Master Plan Approach, the City has been anticipating growth and development in the area of the proposed development. Goal addressed.

Chapter 5 Open Spaces and Scenic, Historic, and Natural Resources

Goal: To conserve natural resources such as wetlands, riparian areas, groundwater supplies, air and water, and fish and wildlife habitat in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.

The subject site abuts the Siuslaw River Estuary and Munsel Creek. The site offers excellent views of the surrounding natural landscape. The City considers important scenic views of the river, dunes, ocean and jetty area as protected and scenic natural resources. The Siuslaw River is an inventoried scenic water resource per Map 5-1 Water Resources as found in the Comprehensive Plan. Staff's review of the Local Wetland Inventory Map does not reveal any mapped wetland resources on the subject property. The subject property will be adjacent to the planned Estuary Trail (Exhibit M). The Estuary Trail has been a goal of the community for over 22 years. Thankfully the project has recently received grant funds to begin construction on phases of the Trail. A portion of the Trail will run north-to-south just east of the proposed hotel. The applicant will not be required to participate financially in construction of the Trail. Phase 1 of the Trail is expected to be a community amenity for the Quince Street area and benefit all residents of Florence. Goal addressed.

The proposal is not expected to have a degrading effect on air, water or land quality. The site will be drained using a series of catch basins, an underground stormwater system and a detention pond. All of these stormwater features will heavily utilize infiltration of the runoff naturally back into the soil – just at a slower, controlled rate. The subject property will be subject to the conditions and requirements of a NPDES permit to be issued by Oregon DEQ. Goal addressed.

Chapter 7 Development Hazards and Constraints

Goal: To protect life and property from natural disasters and hazards.

As required under policy 2 of Chapter 7, the applicant has completed and submitted a Site Investigation Report. The applicant has completed and submitted a Geotechnical report to aid in the design of the foundation for the hotel and when building on or near slopes and in an area that contains known geological hazards in the form of earthquakes and tsunamis. The Geotech report finds its feasible for the site to support a three-to-four story building on the soils contained underground on the subject property. The proposed hotel is not being built in a location that is a known hazard area or on a site that contains know constraints. The presence of a hotel will not increase the likelihood of a natural hazard; as with all development in areas known to contain hazards, appropriate steps are always being taken to mitigate and minimize damage to life and property. All proposed development will adhere to the adopted Building Code and Flood Insurance Program, if applicable. Goal addressed.

Chapter 9 Economic Development

Goal: To promote economic development through proactive engagement and support of business compatible with the community goals detailed in this plan, and supporting jobs yielding family income, while working with private partners to build a place that attracts and keeps talent.

The proposed development of an 86-unit hotel next to the Florence Events Center is certainly an economic development success. The proposed hotel will be providing jobs and further foster a culture of entrepreneurship amongst the local community. The proposed hotel will aid in advancing policy 6 of Chapter 9 in that the proposed hotel has the ability to support the local workforce and employability skills. Goal addressed.

Chapter 11 Utilities, Facilities, and Services

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

The subject property has long been considered ripe for redevelopment by the City and the community. The Comprehensive Plan has envisioned redevelopment of the subject property and considers it to play a vital role in the development of the Downtown area and help establish Quince Street as a new gateway from the east to the historic Downtown and to the waterfront. The applicant's proposal fully addresses the improvements and needs of the site for water, wastewater, and stormwater. The applicant's stormwater drainage plan is in conformance with Chapter 5 of Title 9: Stormwater Management. The proposed hotel and the accompanying public improvements are timely and orderly and appropriate for urban development within the urban growth boundary. Goal addressed.

Chapter 12 Transportation

Relevant Goals:

Goal 1 – To create a safe transportation system

Goal 4 – To create a transportation network to support existing and proposed land uses

Goal 5 – To meet the needs of land development while protecting public safety, transportation operations and mobility of all transportation modes.

Goal 6 – To provide a balanced transportation system that provides options for meeting the travel needs of all modes of transportation.

Goal 7 – To enhance the quality of life for citizens and visitors by providing adequate access to residences, employers, services, social and recreational opportunities.

Goal 12 – To provide for adequate parking facilities in conjunction with other transportation facilities, as appropriate.

Goal 13 - To collaborate and coordinate with state, county and other agencies during long range planning efforts, development review, design and construction of transportation projects.

With respect to road improvements and the applicant's contribution to public facilities in terms of street improvements as envisioned in the City's TSP, the Public Works Director has

determined that given the substantial contribution towards the Quince Street frontage improvements including the substantial transportation SDCs that the applicant/developer will be paying, there is no need for a proportional/share of costs for the intersection of Quince Street and Highway 126.

Quince Street is envisioned to be a new main throughfare from Highway 126 to the City's Downtown and waterfront. The intersection of Highway 126 and Quince Street is slated for improvement, as listed in the City's TSP. Sometime in the future, the intersection of Quince Street and Highway 126 will fail to meet acceptable mobility standards. What the TSP recommends at the intersection is for Quince Street to be right-in right-out only. This means left turn lanes from Highway 126 onto Quince Street will not be permitted. The proposed hotel is being constructed adjacent to a City collector right-of-way. There is a nexus related to public improvements. There are some aspects of the collector that are substandard, and those parts are covered under SDC charges. The next land use application the applicant will be filing will consider along with the submitted TIA, the proportionality in accordance with 10-36 Public Facilities. There is a nexus to perform this evaluation. And the applicant has requested a deferred submittal.

VII. CONCLUSION—*Planning Commission decision at the conclusion of the hearing*

The proposed application meets the requirements of City Code subject to conditions.

OR—

The proposed application does not meet the requirements of City Code and is denied.

VIII. EXHIBITS

"A"	Findings of Fact
"B"	Application
"C"	Design Review Narrative
"D"	Architectural Sheets LU-1 through LU-10
"D.a"	Arch. Memo Response
"E"	Civil Sheets Ct thought C18
"F"	Prelim. Landscape Plan
"G"	Photometric Plan
"G.a"	Elect. Memo Response
"G.b"	Light Fixture Cut Sheets
"H"	Phase 1 SIR
"I"	Stormwater Plan
"I.a"	Civil Memo Response
"I.b"	Geotech 2008
"J"	Transportation Scoping Memo
"K"	Survey
"L"	Tentative Partition (AR 22 07 PT 01)
"M"	Estuary Trail Memo
"N"	Public Works Referral Memo
"O"	SFVR Chief Referral Memo
"P"	Ordinance No. 16, Series 1999, Stormwater