

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

Public Hearing Date: November 14, 2023 & December 12, 2023
Planner: Roxanne Johnston
Application: PC 23 08 DR 02

I. PROPOSAL DESCRIPTION

Proposal: A Design Review application for a +/- 10,640 sq. ft. retail store on an undeveloped parcel located at the NE intersection of Highway 101 and 36th St., found on Assessor’s Map #18-12-23-22, Tax Lot 06800. The proposal includes considerations of the store’s exterior architecture, color pallet, parking, lighting, landscaping, pedestrian walkways, access, and utilities.

Applicant: Kirk Farrelly, PE, of Capital Growth Buchalter as represented by Charlie Severs, PE and Nick Wheeler, JSA Civil, LLC, Inc.

Property Owner: Ohran Properties Oregon 101, LLC

Location: Southeast corner of the intersection of Highway 101 and 36th Street

Site: Map #18-12-23-22, Tax Lot 06800 (unaddressed)

Comprehensive Plan Map Designation: Highway

Zone Map Classification: Highway District

Surrounding Land Use / Zoning:

Site: Undeveloped / Highway District
North: Chens Family Dish Restaurant / Highway District
South: Burger King Restaurant / Highway District
East: Single-unit family detached dwellings / Medium Density Residential
West: Undeveloped lots, abandoned house / Highway District

Streets / Classification:

West – Highway 101 / Major Arterial and 36th St./Local; South – 35th Street / Collector;
North – None; East – Seabrook Lane / Local

II. NARRATIVE:

These Findings of Fact are a revision to the Findings (Exhibit A) submitted to the Planning Commission for the public hearing held on November 14, 2023. At that hearing, the Planning Commission was presented with several changes to Exhibit A and the draft proposed resolution and wanted more time to review the materials. Additionally, the applicant stated that they would provide additional information. Key points of discussion included screening,

bicycle safety, elevation articulation, and material colors. The Planning Commission then voted to continue the public hearing to December 12, 2023.

The applicant submitted Exhibits C1 (revised Site Plan) and E1 (revised Landscape Plan) on December 1. On December 5, the applicant submitted Exhibit D1 (revised Elevations and Design). The information they have provided is discussed throughout these revised findings and the proposed resolution draft has been amended to reflect the changes to the conditions of approval discussed at the November 14 hearing and the recently submitted materials which also affect the proposed conditions. Changes made to the original findings will appear in italics. Please note that italics were also used in the original findings to quote referral comments and as of this date. No new referral comments have been submitted.

The applicant is proposing development of a 10,640 sq. ft. single-story retail store on an undeveloped +/- acre parcel located immediately north of the Burger King restaurant and south of Chens Family Dish restaurant on the east side of Highway 101. The project is anticipated to open in 2024.

Two main parking lots, to be located on the east and west side of the store will contain 90° ('head-in' in/perpendicular) parking spaces. The south side of the store allows 4 parallel parking spaces along the store's sidewalk. In total, 31 vehicle parking spaces are planned, two of which are ADA van accessible.

Vehicular access to the project will be provided by two existing site driveways: one along US Highway 101 and one along 35th Street. The driveway along US highway 101 is restricted to right-in-right-out. The driveway along 35th Street provides full access. Both driveways serve the Burger King restaurant directly south of the proposed project.

A pedestrian walkway will connect the store front on the west side to a public sidewalk in the Highway 101 right-of-way. Ideally, pedestrians wishing to access Burger King will use this walkway and highway sidewalk to access Burger King's pedestrian walkway. Internally, a 5' wide curbed sidewalk with ADA-accessible ramps strategically located is to be installed around all but the north side of the store.

A bicycle rack will be placed near the front door within the west parking lot to accommodate up to 4 bicycles.

In recent years, ODOT installed a driveway approach on the northwest side of the subject property, however; the proposed project is not designed to use this approach.

The subject site has experienced several changes to its original subdivision plat, including vacations of two streets, an alleyway, and arrangement of its tax lot. Prior to the construction of Burger King to the south, the subject site and the Burger King site shared a single tax lot, TL 06800. When Burger King was constructed, the tax lot was split into two tax lots and relabeled. Tax lot 06800 is now smaller and is the subject site. Tax lot 06801 is now the Burger King property.

The subject property is originally tied to the 1891 Frasier and Berry's Plat for the City of Florence, Block 10, Lots 1 through 10, which contains a vacated section of 36th St. bordering the north area of the property; and Redwood St., located along the eastern boundary of the subject property. These streets were vacated via Resolution 16, Series 1997. A 1.21' alleyway

strip bordering the southern area of the subject property was vacated in 1996 per Resolution 15, Series 1996. These vacated public rights of way are important because they provide seamless utility and access easements between Chens and Burger King. Of note, too, is a narrow western strip out of Lot 10 and portion of said alleyway which were deeded as an easement to the Oregon Department of Transportation, (Sheet SV-1, Exhibit C).

The site also directly abuts the public right-of-way of Seabrook Lane, a Local street which extends west from Spruce Street through the Seabrook subdivision to the eastern property line of the site. In most blocks, Seabrook Ln. would be an alley, not a street, but it was dedicated as a full street to serve the inward-facing homes in the subdivision. The now vacated ally ROW discussed above once connected the area at the end of Seabrook Ln. to Hwy 101. When Seabrook was platted, Seabrook Ln was laid out as a cul-de-sac, but the public ROW was dedicated all the way to the west property line of the subdivision. Although the applicant is not proposing access to Seabrook Ln., the most southeast corner of the property will not contain the landscaping to provide a buffer between the lane and the subject property. An existing wooden fence of unknown condition has been constructed along the eastern property line. Headlight illumination directed towards the east from the site's internal access lane will shine within the cul-de-sac and not directly onto any residences.

Landscaping criteria are reviewed throughout these findings for screening, buffering in setbacks, and treatment of stormwater via a rain garden, for example. Latin names for the landscaping plants are provided within the Landscape Plan in Exhibit E.

III. NOTICES & REFERRALS:

Notice: On October 25, 2023, 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 November 10, 2023.

On November 14, 2023, public comment was submitted which did not directly speak to the application, but was discussed briefly during the public hearing on the same date and entered into the record as Exhibit P.

Referrals: Referrals were sent to the Florence Public Works, Police, Code Enforcement, and Building Departments; Central Lincoln PUD; ODOT; OregonFast; CenturyLink/Lumen; USPS; Western Lane Ambulance; Charter Communications; Central Coast Disposal; CTCLUSI; Western Lane Ambulance; and Siuslaw Valley Fire and Rescue on October 26, 2023.

At the time of this report, the City received the following referral comments on the application:

Siuslaw Valley Fire & Rescue Chief Schick (10/26/23 - Exhibit O):

“The Fire Department has no issues with emergency access or water supply for the planned development. We are highly encouraging the installation of an automatic sprinkler system but are not requiring it at this time. We are requiring a key box be placed on the exterior.”

Oregon Department of Transportation, Arielle S. Ferber, PE (10/30/23 - Exhibit K):

“ODOT Region 2 Traffic has completed our review of the submitted traffic impact analysis (dated October 23, 2023) to address traffic impacts due to development on the southeast quadrant of US 101 at 36th Street in the city of Florence, with respect to consistency and compliance with ODOT’s Analysis Procedures Manual, Version 2 (APM). The APM was most recently updated in September 2023. The current version is published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx> As a result, we submit the following comments for the City’s consideration.”

“Analysis items to note:

- The following was noted relating to the crash analysis:*
 - Total number of reported crashes at the US 101 at 37th Street and Redwood Street at 35th Street should be one and zero, respectively.*
 - Using the “rule of thumb” crash rate threshold of 1.0 to be indicative of design deficiencies has been replaced as a result of more comprehensive data and research in recent years. Rather, it is more appropriate to compare an intersection’s crash rate to that of the corresponding 90th percentile crash rate per Section 4.1.1 and Exhibit 4-1 of ODOT’s APM. It should be noted that none of the intersections exceed their corresponding 90th percentile crash rate.*
- ODOT mobility targets can be found in the Oregon Highway Plan (OHP). The v/c mobility target for US 101 (statewide highway, within UGB, non-MPO, 40 MPH) at all highway study intersections is 0.85. The study area intersections are projected to operate below this target in the 2024 Build conditions therefore the conclusions of the study remain the same.”*

“Proposed mitigation comments:

- 1. ODOT maintains jurisdiction of the Oregon Coast Highway No. 09 (US 101) and ODOT approval shall be required for all proposed mitigation measures to this facility.*
- 2. No mitigation measures have been proposed. This conclusion appears reasonable for this proposed development.”*

“Thank you for the opportunity to review this traffic impact analysis. As the analysis software files were not provided, Region 2 Traffic has only reviewed the submitted report.”

“This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. If the City determines any of the above comments will merit the need for reanalysis, we would be willing and able to assist with a second round of review.”

Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Jillian Hendrix, (11/1/23 - Exhibit M):

*“The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have no objections to the proposed project. Please be aware that the property is in proximity to known cultural resource sites and so may contain as yet unlocated cultural resources. **We request that we be contacted immediately if any known or suspected cultural resources are encountered during any phase of the work.**”*

“Please also be aware that federal and state laws prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation injury, destruction, or alteration of an archaeological site or object or removal of an archaeological object from public or private lands.”

Lumen, Jordan Kienlen (11/2/23 - Exhibit N):

“Upon review, there will be no objection/conflict with Lumen facilities with this project. If the new Dollar General wishes to have service connected to the new building, have them reach out to us directly so we can begin the planning process.”

Public Works, Mike Miller/Civil West Engineering (11/3/23 - Exhibit L):

“Public Works and Civil West Engineering performed a review of the Dollar General Traffic Impact Analysis (TIA) by SCJ Alliance, dated October 2023. Our review was performed in accordance with City Code and the 2012 Transportation System Plan (TSP). Note that Dollar General’s application was made prior to the adoption of the 2023 Transportation System Plan.”

“The study was well performed and no other comments or questions have come up. The requirements set forth by City Code and the 2012 TSP appear to be met and no further action is required. Public Works has also reviewed the comments from ODOT regarding the Dollar General TIA and concur with their findings.”

“Regarding the civil engineering plans from Dollar General, Public Works has provided comments back to the engineer for Dollar General and have requested the following items be addressed prior to the issuance of public improvement permits:

- *Stormwater plans need to be in compliance with the City’s stormwater design manual and stormwater management plans*
- *Include City of Florence standard detail drawings in the plan set, including the use of ‘Blue Bolts’ for water system fittings. Blue bolts are constructed from corrosion-resistant, high-strength low-alloy steel that conforms to ANSI/AWWA C111/A21.11 and feature a blue fluoropolymer coating*

- *Relocation of the existing 8-inch water main away from the proposed building and a minimum 10-foot separation from stormwater, sewer and underground electric lines.”*

Agency referrals are used to determine the need for conditions of approval within their applicable review criteria.

IV. 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; 1-7
- Chapter 3: Off-Street Parking and Loading, Sections 2, 3, 4, 5, 8, 9, and 10
- Chapter 6: Design Review, Sections 4, 5, 6-3, 6-4-G, 7, 8, 9, and 11
- Chapter 7: Special Development, Sections 7-6-3-H and 7-6-A
- Chapter 16: Highway District, Sections 1, 2, 4, 5, and 7
- Chapter 34: Landscaping, Sections 3, 4, and 5
- Chapter 35: Access and Circulation, Sections 2, 3, and 4.
- Chapter 36: Public Facilities, Sections 2-5, 2-16, 2-17, 2-18, and 3 though 8
- 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

(found at <http://www.ci.florence.or.us/planning/comprehensive-plan>)

- Chapter 2, Commercial Policy 9; Chapter 12, Transportation Policies 13 & 29

V. FINDINGS

Code criteria are listed in **bold**, with response 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.**
- 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; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

C. **Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:**

1. **Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**

The applicant submitted most of the required documents along with a City-approved application form on June 13, 2023. A Notice of Incompleteness was issued on July 20, 2023. The applicant supplied most of the missing documents, and the application was deemed complete as of October 3, 2023, for review purposes. *Additional materials were provided December 1st and 5th in response to Planning Commissioner comments at the hearing.* The application associated with this request is considered as a quasi-judicial review (Type III) and noticing requirements have been fulfilled per this chapter. Type III applications are heard by the Planning Commission during a duly noticed public hearing. The criteria have been met.

2. **Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**
3. **Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**

The applicant provided plans identifying public facilities and access that will support the development. Private shared access points to public streets are shown in Exhibit C as is water, sewer, stormwater, and power/communication lines. Pre-existing utilities are located within easements as shown on Sheet SV-2, Exhibit C. Sheet CG-01 in the same exhibit shows where these utilities will be located during development. Although some of these public utilities will be relocated and/or resized, no additional public utilities are planned.

The amount of pre-development runoff stormwater drainage may not be exceeded and post development runoff rates must be contained on-site for the 2 through 25-year storm events (discussed under FCC 9-5). Post-development overflow from these storm events may be conveyed to public storm drains in 35th St. No other post-development drainage is allowed.

A Transportation Impact Study has been submitted (Exhibit I) and is reviewed elsewhere in these findings.

The project site is under 1 acre in size. There are no existing streams, wetlands nor sand dunes with an area of 1 acre or more within 300' of the site.

4. **Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**
5. **Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.**

The applicant did not supply a narrative statement but did submit a response to a preliminary completeness check by staff (Exhibit B1). Staff worked with the applicant and deemed the application complete on October 3rd, with the agreement that a Traffic Impact Study (TIS) would be forthcoming on October 24th and that an irrigation plan would be conditioned. The applicant provided the TIS on October 23rd. A review of the materials received thus far may now be carried out to determine whether the proposal is consistent with the applicable regulatory provisions.

6. **Shall be accompanied by any other information deemed necessary by the City Planning Department.**
7. **Shall be accompanied by the required, non-refundable fee.**

The applicant submitted payment of the required fees to the Planning Department. This criterion has been met.

- 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 request of staff, the applicant submitted supplemental evidence less than 30 days from the date of the public hearing on November 14, 2023. *These requests were to avoid prolonging the hearing date and the need to condition for information required by code but having few or no impacts on the design, decision or conditions of approval.*

E. Traffic Impact Studies:

1. **Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:**
 - a. **The capacity and safety impacts a particular development will have on the City's transportation system;**

- b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;
 - c. Mitigating measures necessary to alleviate the capacity and safety impacts so that minimum transportation standards are met; and
 - d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.
2. **Criteria for Warranting a Traffic Impact Study:** All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:
- a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.
 - b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.
 - c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.
 - d. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day
 - e. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.
 - f. A change in internal traffic patterns that may cause safety problems, such as backed up onto a street or greater potential for traffic accidents.
 - g. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:
 - i. If there exists any current traffic problems, such as high accident location, poor roadway alignment, or capacity

deficiency that are likely to be compounded as a result of the proposed development.

ii. If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.

iii. If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.

h. A road authority with jurisdiction within the City may also require a TIS under their own regulations and requirements.

3. **Traffic Study Requirements:** In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

The applicant submitted a Traffic Impact Analysis (TIA) compiled by SCJ Alliance, dated October 23, 2023. This analysis was requested based on FCC 10-1-1-4-E-2-c, e and f as the business is projected to generate 447 Average Daily Trips, which have the potential to add to vehicle conflicts in the area, and because the driveway along Highway 101 is restricted to right-in-right-out access. No deficiencies were found and this topic is discussed under FCC 10- 35 in these findings.

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 October 3, 2023. The Planning Commission’s public hearing was held with proper notification processes on November 14, 2023. This criterion has been met.

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.**

As new commercial construction, the proposal requires Design Review approval. The criterion is met.

B. **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 to property owners within 101' feet of the subject property and posted on the property 20 days prior to the public hearing, on October 25, 2023. A public hearing notice was published in Siuslaw News on November 10, 2023. Criterion met.

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

1. **The notice shall:**
 - a. **Explain the nature of the application and the proposed use or uses which could be authorized;**
 - b. **List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
 - c. **Set forth the street address or other easily understood geographical reference to the subject property;**
 - d. **State the date, time and location of the hearing;**
 - e. **State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
 - f. **State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
 - g. **State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
 - h. **Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**

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

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

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

E. Action by the Planning Commission:

1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
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.**

On November 14, 2023, the Planning Commission held a duly noticed public hearing 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. *The public hearing was continued until December 12, 2023.*

F. 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.**

The applicant is proposing new construction with parking spaces provided.

- 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.**

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 4-1]

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 a new parking lot with a total of 31 spaces. This criterion is met.

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.

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

C. Commercial and Retail Trade Types:

Retail Sales and Service (See also Drive-Up Uses)	<u>Retail:</u> 1 spaces per 333 sq. ft.[...]
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At 10,640 sq. ft., the proposed retail store requires 31 (31.95, rounded down per FCC 10-3-4) parking spaces. The applicant has proposed 31 parking spaces (Sheet SP-01, Exhibit C). This criterion is met.

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;**
- C. Accessible spaces shall be grouped in pairs where possible;**
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

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

	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

With 31 total parking spaces proposed, the proposal requires two accessible parking spaces, including at least one van-accessible space. The applicant proposes two accessible parking spaces, one on either side of a van-accessible access aisle, measuring slightly more than 96 in. in width. Provided signage details shown on Sheet SP-01 of Exhibit C meet the requirements of Florence City Code and the Americans with Disabilities Act. These criteria are met.

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.

[...]

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

All parking areas are proposed to contain asphaltic concrete surfacing which meets the requirements of this section and do not encroach on a public ROW. Parking spaces located nearest the west side of the store are separated from sidewalks by 9"-tall by 6'-wide concrete wheel stops, including the ADA accessible spaces. The parking spaces facing Highway 101 as shown on Sheet SP-01 of Exhibit C include details on the curbs and wheel stops. Four (4) parallel parking spaces are provided along the southern side of the store, sidewalk tight. All parking spaces have access to an accessible sidewalk ramp, including the parking stalls located along the most western area of the west parking lot, which would ideally utilize the pedestrian walkway to access the store.

As discussed earlier, the applicant provided pre-existing conditions in Exhibit C. The Preliminary Grading and Stormwater Plan is located on Sheet CG-01 of the same exhibit. Given referral comments discussed in more detail under FCC 9-5 (Stormwater Management Requirements), the applicant has been conditioned under this Chapter to revise their stormwater plans to be compliant with the City's stormwater design manual and stormwater management plans.

Generally, stormwater moving from the north to the south side will be conveyed from a series of catch basins to an at-grade infiltration rain garden. *When a storm event occurs that*

exceeds a 25 year, 24-hour storm event, then post-development stormwater is allowed into the public stormwater drainage system. The roof runoff and a portion of landscaping runoff north of the proposed building will be routed to a below-grade soakage trench, according to the current undated Stormwater Report in Exhibit H. However, the Sheet CG-01 in Exhibit C1 illustrates the roof drains being conveyed west into the catch basin in the west parking lot and ultimately draining into the rain garden at the east side of the lot through a 12" pipe. This difference is likely due to a later understanding on the DEQ prohibition on commercial roof drains being conveyed into underground infiltration systems prior to treatment. While Sheet CG-01 reflects the correction, the stormwater management plan does not, which is a reason why Condition 11-1 has been proposed.

The profile Section A-A and full plan on Sheet CG-01 do not illustrate the top of pipe inlet elevation at the rain garden leading to the infiltration facility. It is noted in the profile that the 25-year flood event occurs at 72'. Therefore, the pipe inlet into the infiltration facility must be higher than 72.00' and less than the bottom of the overflow rim of 72.40 at the south end of the rain garden. [Condition 11-5]

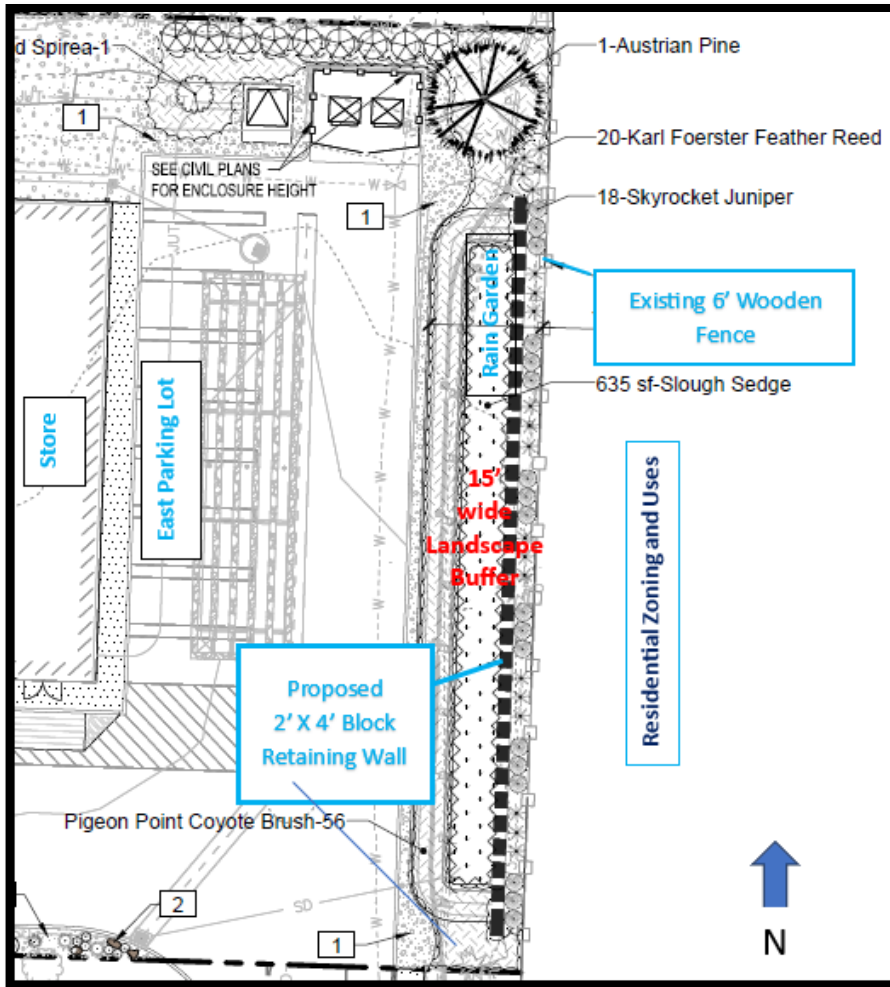
Although stormwater overflow is not anticipated on the sidewalks, the below condition of approval is given to stress this point.

Per FCC 10-3-8, parking areas shall be graded so as not to allow stormwater to drain over public sidewalks. [Condition 4-2]

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

Proposed parking spaces on the east and south sides of the store have the potential to allow vehicles to be oriented toward residential uses to the east as shown on Sheet LS-01 of Exhibit E, depending on which direction vehicles are parked within the 90° spaces. Additionally, vehicles accessing the drive isles headed eastward could potentially cast light within the residential area without mitigation. The applicant has provided the required information to reflect screening measures.

An existing 6' high wooden fence of unknown integrity borders the east property line. A 15'-wide landscape buffer along this fence contains sandwiched landscaping features that should mitigate headlight nuisances as shown in the image below:



As shown in the image, a 2' wide by 4' tall block retaining wall is planned along a 40' stretch of the east property line. A series of 18 Skyrocket Juniper (classified as shrubs) clustered in groups of 3 and Karl Foerster Feather Reed Grass is proposed between the wall and the existing fence. Slough Sedge, (a perennial shrub) plantings is proposed immediately west of the block wall as this area will contain a rain garden that will filter stormwater overflow from an underground stormwater infiltration facility located in the east parking lot. Pigeon Point Coyote Brush, (an ornamental grass) will line the gap between the rain garden and the 6'-high curbed drive aisle. Altogether, the combination of block fencing and landscape plantings should serve as adequate screening between the proposed store and the adjacent residential zoning and uses to the east. Maintenance of the fencing and junipers are conditioned under FCC 10-3-8G. Landscaping details are also discussed in review of FCC 10-34 in this report. Criterion met.

The topic of screening along the east side was discussed at length during the November 12, 2023 public hearing. Concerns about the existing and future condition of the existing 6' wooden fence were discussed. Condition 4-3 has been revised to specifically include ongoing maintenance of the wooden fence.

- 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.**

The applicant proposes 6" curbs in all locations needed to prevent encroachment in the stated areas as applicable. Those spaces facing the store front will include precast concrete wheel stops discussed elsewhere as detailed on Sheet SP-01 of Exhibit C. A detail of the curbing is also shown within the same sheet. This criterion is met.

- 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.**

The proposed landscaping plan includes landscaped areas in excess of 5' wide between parking spaces and the adjacent Highway 101 sidewalk rights-of-way. This criterion has been met.

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

The parking areas are internal to the lot and have been designed so as not to extend into the public way. This criterion has been 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.

Screening has been addressed under FCC 10-3-8-D. *The topic of screening along the east side was discussed at length during the November 12, 2023 public hearing. Concerns about the existing and future condition of the existing 6' wooden fence were discussed. Condition 4-3 has been revised to specifically include ongoing maintenance of the wooden fence as shown below.*

In accordance with FCC 10-4-8 G, fencing and evergreen hedges must be well kept and maintained. *This includes maintenance of the existing 6' tall wooden fence located on the east side of the property.* [Condition 4-3]

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 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.**

Internal parking is proposed, with all backing movement and maneuvering contained interior to the property. This criterion is met.

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

Parking is not proposed within a required front or side yard. Front yard and side yard requirements are discussed under FCC 10-16-7-B. This criterion is met.

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

Planning review for these parking lot construction projects is a part of this design review application. This criterion is met.

- 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.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**
- 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**
- 8. Specifications for signs, bumper guards and curbs.**
- 9. Landscaping and lighting.**

The applicant provided plans meeting most requirements. Pole or monument signage dimensions and materials, however, have not been detailed within this application. Additionally, dimensions are provided for the storefront signage (Dollar General); however, signage lighting on the storefront face, if proposed, is not included in the photometric light plan. This plan is reviewed later in these findings and conditioned as necessary.

A detailed and dimensioned signage plan that meets requirements outlined in FCC Title 4, Chapter 7 shall be submitted and approved by the Florence Building Department. [Condition 4-4]

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.

Per FCC 10-3-9 B, each parking space shall have double line striping with two feet (2') wide on center. [Condition 4-7]

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

Sheet SP-01 of Exhibit C demonstrates in Construction Notes 2, 3, and 4 that this criterion will be met.

- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

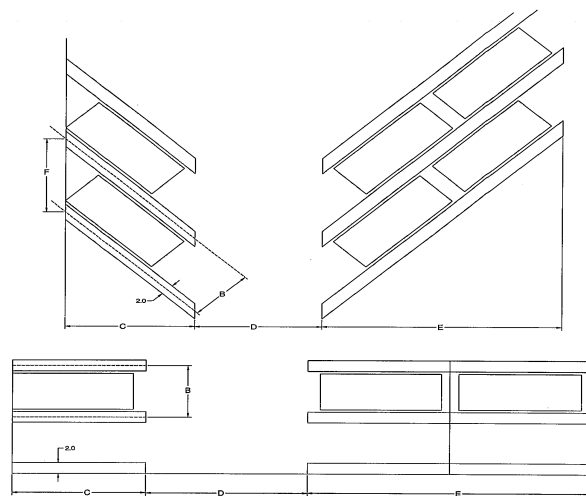


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
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

According to the parking plan shown on Sheet SP-01 of Exhibit C, proposed non-ADA parking spaces meet the requirements of this section, with typical stalls measuring 9.5' by 19'. All but 4 of the parking spaces are oriented 90° to the maneuvering aisle. Four parallel parking spaces meet the requirements of FCC 10-3-9 D as they measure 8'6" X 22'. The two-way maneuvering aisles are proposed to be greater than 24' wide, surpassing the requirement of a 23'-wide aisle for 90° parking spaces.

Although the required 8 ft. wide aisle (96") is provided between the two ADA parking spaces, the 2 accessible parking stalls do not meet the appropriate ADA requirements as they are only 8' wide.

As FCC 1-3-9 F states, parking areas shall conform to American With Disabilities Act (ADA) standards. These standards may be accessed at www.ada.gov/topics/parking/. According to this site, the standard minimum width for an ADA parking space is 96", or 8'.

The following proposed condition 4.5 was discussed during the November 14, 2023 public hearing. The standard minimum width for ADA parking spaces as discussed in the above paragraph, is 8'. For this reason, the following condition has been struck from the original resolution. Per Table 10-3-3 under FCC 3-9-F, the applicant shall submit a parking plan to revise the measurements of the 2 (two) required ADA parking stalls from 8' widths to 9' widths. [Condition 4-5]

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.

Bicycle parking is provided by means of a bike rack located near the front store entrance within the parking area (not on the sidewalk). The parking plan shown on Sheet SP-01 of Exhibit C provides the required bicycle parking measurements. Criterion met.

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.

Required parking spaces for the store total 31 (including the ADA) spaces. Therefore, required bicycle parking totals 4 spaces (rounded up), which is what is proposed within the parking plan shown Sheet SP-01 of Exhibit C. Criterion met.

- D. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

The applicant has not submitted proposed signage for the bicycle parking area. The proposed bicycle parking is located near the main entrance within a striped stall area.

In response to a discussion by the Planning Commission during the November 14, 2023 public hearing regarding the need for barriers, the applicant submitted a revised site plan (Sheet SP-01 of Exhibit C1) which now contains safety bollards at each corner of the bicycle parking area to prevent vehicles from entering the bicycle parking area. Additionally, the bollards are labeled as Note 15 on the same sheet. Condition 4-6 has been amended accordingly:

The bicycle parking area shall be clearly marked and reserved for bicycle parking only in accordance with FCC 10-3-10G. Additionally, barriers shall be erected to prevent vehicles from encroaching within the bicycle parking area. [Condition 4-6]

- 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.

The location of the rack on the west side of the store is less than 10 feet from the front doors and meets the requirements for visibility and lighting. Safety through clear reservation (signage) and separation from other uses are conditioned under FCC 10-3-10-G.

TITLE 10: CHAPTER 6: DESIGN REVIEW

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.**

The underlying zoning district for the subject property is the Highway District. The Highway District zoning is regulated under FCC 10-16. The district requires a minimum highway frontage setback of 70' measured from the highway's center line. The required side building setbacks from the abutting properties are 5'.

According to FCC 10-6-7 M, the total allowable impervious lot coverage in the Highway District is 85%. Staff found discrepancies in the submitted materials regarding the total lot area. The March 28, 2023, survey shown on Sheet SV-1 of Exhibit C notes that the site contains 1 acre (43,418 sq. ft). In contrast, the Stormwater Report shown in Exhibit H bases its assumptions on two approximate numbers explaining in its *Project Overview and Description* (page 4) that the acreage totals 0.99 acres; and then a table on page 5 shows the total property area as 0.97 acres, or 42,174 sq. ft. This estimate equals a difference of 1,244 sq. ft. less than that of one acre. The discrepancies within and between the documents do not adversely affect the stormwater calculations nor requirements for landscaping purposes as the pervious area is more abundant at an exact acre measurement. In other words, the impervious area, which determines coverage for the purposes of this criterion, remains the same regardless of the property size. The Stormwater Report's table shows that the proposed impervious lot coverage is 31,804 sq. ft., or approximately 75% of the property, 10% less than the maximum lot coverage allowed:

Areas	Curve #	Acres (SF)	Percentage
Impervious Area	98	0.73 (31,804)	75%
Pervious Area	61	0.24 (10,370)	25%
Total	N/A	0.97 (42,174)	100%

Had the table calculated its areas based on an exact acre, impervious surfaces percentage would be lower than 75%. Based on an acre, impervious area would total would be 73%. The criteria are met.

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

Aside from a 4' tall block wall along the eastern side of the site, a 6' high board-on-board perimeter fence is planned for the trash enclosure located within the NE corner of the subject property. Screening has been discussed earlier in these findings and has been found to meet the criteria. Additional landscaping details are discussed further in review of FCC 10-34.

- 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.

Access is discussed in review of FCC 10-35. The access approach along Highway 101 is already installed and features a right in, right out, turn only from the site onto the highway. This approach has been thoroughly vetted by ODOT and the City. Furthermore, the secondary access drive will connect to the existing Burger King drive which provides access to a 35th St. driveway approach. Criterion met.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

No vibration, smoke, dust, odor, light, or electrical interference has been proposed other than what is normal from construction and from operation of a store. No noise, vibration, smoke, dust, odor, intense light nor electrical interference will be permitted from the proposed building per the City's nuisance code. This criterion is met.

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.

Outside display areas have not been proposed. Parking and circulation are discussed under FCC 10-3.

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

The proposed building will be similar to many area businesses in terms of scale and colors prevalent to nearby buildings and the coastal community as a whole. The nearest building with slightly higher square footage (17,371 sq. ft.) is Rite Aid Pharmacy, situated at the SW corner of Highway 101 and 35th St.

Most area buildings bear a traditional gabled storefront containing a pediment. Few are more than one story in height. The proposed one-story store includes a false storefront with a pediment facing westward. This false front measures a height of approximately 25'9". The use of false storefronts is common throughout the city. For example, Grocery Outlet, located at 2066 Highway 101, uses a false storefront as does the Gray Day Home Heat business at 3298 Highway 101. The Kyle Building and other downtown buildings also employ false storefronts. The Kyle Building is used as an example of such construction in the *Florence Downtown Architectural Guidelines*, a document in which FCC 10-6 relies on for architectural design. Policy 4, under Commercial in Chapter 2 of the Florence Realization 2020 Comprehensive Plan states: "*The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.*"

West Storefront Proposal



*Grocery Outlet**



*Gray Day Home Heat**



Wm. Kyle and Sons Building*



* Images accessed on November 2, 2023: <https://earth.google.com/web/search/florence,+or/>

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.

With the use of split face CMU in Mocha Madness (medium brown), Hardie Plank siding in contrasting muted colors of Mocha Madness (medium brown) and Jute (beige); Paper White trim; bronze pre-fabricated *aluminum* metal awnings; and *spandrel glass Paper White aluminum* faux windows all shown in Exhibit D1, the proposed building façade materials are typical to existing facades and lend themselves to its surrounds. Criteria met as conditioned above.

I. Exterior lighting and security.

The proposed lighting will be reviewed in FCC 10-37. Lighting and security are discussed under FCC 10-3 and FCC 10-37.

J. Public health, safety and general welfare.

The proposed development includes ample consideration for public safety and general welfare. As discussed throughout these findings and in consideration of the conditions of approval, hazards from vehicles are adequately managed as conditioned under FCC 10-3 (ADA parking stall widths and bicycle parking separation from vehicles), potential nuisances are controlled, and the site benefits generally from professional and experienced design. Security is addressed through the requiring lighting plan to meet the minimum requirements of FCC 10-37.

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

Public facilities and related standards are discussed in review of FCC 10-36.

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

The applicant states in Exhibit B that the project will be completed in 2024. All approved design review conditions, unless otherwise stated, shall be met prior to final inspection. [Condition 5-1]

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

Public improvements as required by the Public Works Department are conditioned to be met. The requirement for bonds will be at the discretion of the Public Works Director.

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

Conditions related to the Florence Comprehensive Plan are discussed later in this report.

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.

The subject of vertical and horizontal line elements was a key discussion during the November 14, 2023 public hearing. The Planning Commission stated that they wanted to see more of these design elements. In response, the applicant submitted Exhibit D1, a revision to Exhibit D. Sheet A-3 of Exhibit D1 now demonstrates a horizontal change in the south elevation roofline and vertical change in elevation through the addition of the color Mocha Madness. Additionally, the applicants provided evidence that the cornices would feature the same color.

Also discussed during the previous public hearing was the subject of articulation in the storefront. Although not clear in the above revisions, the applicant stated that they would be providing a 4' ingress to the front entrance. On record at the meeting is an additional condition, Condition 5-4, was drafted which read as follows, but has been struck through because the revised Site Plan in Exhibit D1, Sheet A-1 demonstrates the applicants have added the 4' recessed front entrance:

Although the west side of the store fronts the highway, the north and south sides of the store will also be visible from the highway. The store will be single-story with a false store front that will create the illusion that the store contains two stories. The roofing behind the storefront from its highest point on the south side slopes down towards the north end of the building where stormwater will be collected in a gutter and downspout system. The changes in roofing elevation and the false storefront serves to add a facet of visual interest to the store.

Exhibit D contains elevations, proposed colors, materials, and façade design elements. Bronze awnings measuring 10 feet in width along the north, south and east sides, project away from the walls 3 feet, 1 ½ inches. The clearance between the sidewalk and the lower lip of the awnings measures slightly over 9 feet. These awnings are to be mounted over faux spandrel glass windows. The store front will also have these awnings; one on each side of the sliding glass doors. These awnings will measure 17 feet, 4 inches in width, will provide 10 feet of clearance from the sidewalk to the bottom awning lip and protrude 3 feet, one and a half inches away from the walls.

The architects refer to the bottom skirting around the building in Exhibit D as 'split face CMJ', though this may be a simple typo and CMU is most probably more correct. Split face CMU are masonry blocks that visually lends itself to a hand chiseled effect. The CMU skirting will provide an approximate 4' high horizontal break, from ground level around the entire store, broken up only by doors and storefront windows. Above the 4' mark, the CMU meets with Hardie Plank siding, a cement siding shaped to mimic in this instance, horizontal boarding. White trim is shown on the elevation sheets and serves to emphasize both horizontal and vertical breaks.

The west store front will feature a store sign framed by trim. This signage provides a break in the middle top portion of the false front. Trim is shown above the signage, symmetrically arranged vertically, horizontally, and diagonally as shown in the image below taken from Sheet A6 of Exhibit D:



Two colors of horizontal trim are shown along and under the roof line and stationed vertically between windows and building corners. A stormwater gutter system is shown to be installed on the north elevation (Sheet A7). The exact color and composition of the trim, gutter and downspouts are unknown as this information has not been provided.

Trim and gutter colors were discussed during the November 14, 2023 public hearing. The original resolution included Condition 5-2, which read: 'Per FCC 10-6-6-3 A, the applicant shall supply the Planning Department an example of trim, (including the roof) gutter and downspout materials, trim and downspout colors, depths and widths prior to applying for building permits. The south side doors' color shall also be provided.' As a response to the Planning Commission discussion and this proposed condition, the applicant submitted a revised Exhibit D (found in Exhibit D1, Sheet A-5) that adds the color of the trim and

downspouts (Paper White). The cornice color and materials are provided on this sheet, too as Mocha Madness and described as metal coping cornices. This meets the requirements of FCC 10-6-6-3 A; thereby demonstrating this condition has been met and has been struck from the initial resolution.

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 fascia, 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.

The east and west elevations measure 57 linear feet. The south and north sides measure approximately 141' linear feet. No walls are uninterrupted, and all contain a series of breaks.

Sheets A2 - 5 of Exhibit D demonstrates several vertical breaks at every elevation. These vertical breaks include trim, canopies, windows:

West Elevation



East Elevation



South Elevation



North Elevation



The rooftop slopes from the south to the north with stormwater carried to gutters and downspouts. While the gutter provides a horizontal break along the roofline, the downspouts serve as evenly spaced vertical design elements that provide breaks along the face of the wall. In lieu of downspouts, the south side is shown to contain contrasting colored *Paper White* trim.

Dark brown shielded wall pack lighting units are shown on Exhibit E1 on the west store front and will be mounted symmetrically over the bronze aluminum awnings on either side of the front door. Downward shielded signage lighting shown in Exhibit E1 also function as visual design elements. Wall packs mounted next to the spandrel glass aluminum Paper White windows along the east, north and south elevations provide visual interest. The wall packs will contrast with the proposed Jute Hardie Plank siding.

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:
 - a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;

b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

c. Offsets or breaks in roof elevation of 2 feet or greater in height.

d. A “break,” for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

Of these criteria, the applicant provides three. The main entrance is recessed 4' feet as shown in Exhibit D1. The offset or break in roof elevation of 2 feet or higher is seen in the false storefront, and the reimagined roofline design on the south side, which, when combined with the Mocha Madness Hardie Plank siding addition, provides a contrast and visual break against the Jute Hardie Plank siding. Additionally, wall plane breaks are demonstrated by use of the bronze pre-fab aluminum awnings over the Paper White spandrel glass aluminum faux windows. The windows measure 10 feet in width for the south, north and east sides of the building and 17 feet, four inches on the west storefront. The building base, or skirting, is comprised of split face CMU also discussed elsewhere. These criteria are met.

- 2. The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.**
- 3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.**
- 4. Building elevations that do not orient to a street or civic space need not comply with the 24inch break-in-wall-plan standard, but should complement the overall building design.**

The east side does not orient towards the highway, yet contains similar design features provided for the remaining sides. Criteria are met.

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.

[...]

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.

The material colors and finishes provided appear to meet the requirements for a muted coastal Pacific Northwest palette.

10-6-7: OTHER DISTRICTS: ARCHITECTURAL REQUIREMENTS: In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

A. All commercial buildings shall meet the standards of FCC 10-6-6-3 and 10-6-6-4-G above.

Unless conditioned the proposed commercial store meets the above standards.

B. All commercial buildings shall incorporate not fewer than three types of architectural features from 1 through 6 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.

1. Covered front entrance. Not less than six feet in depth and not less than 10 percent the width of the building, excluding the landing for entrance.

The front west entrance is less than 6' in depth. Although this specific criterion is unmet, the store contains at least three types of architectural features listed in this subsection.

2. Windows: not less than 30 percent of surface area of all street-facing elevation(s) with the following features:

a. Trim, reveals, recesses, or similar detailing of not less than four-inches in width or depth as applicable.

b. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features).

Spandrel glass windows (mostly faux) contain Paper White trim. The awnings provide a decorative feature atop these windows. Although not all elevations provide glazing percentages, the west side store front contains 33% of glazed surface area (Exhibit D, Sheet A7). Although visible from the highway, the north and south sides of the store will not directly face the highway. Nevertheless, the applicant supplied a change in design for the south side to meet the FCC 10-6-6-3-C c. and d. Criteria met.

3. Pedestrian Shelters: as described in FCC 10-6-6-6-G.

Pedestrian Shelters are not provided.

4. Eaves (where applicable): overhang of not less than 12 inches.

Eaves are not featured with this store design. Instead, the design leans heavily on awnings.

5. **Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof. Towers may be included where building height limitations and surrounding structures deem them appropriate.**

Rooftop design is discussed earlier in this chapter. The main false storefront provides a pediment and the visual appearance of a pitched roof. The roofing is pitched with the south side the highest and slopes downward towards the north side. Criterion met.

6. **Awnings and canopies: extending not less than 30% of the elevation where applied.**

Sheet A7 of Exhibit D provides awning coverages exceeding 30%. The north and south elevations contain 35% of awning coverage, the west side contains 46% and the east side contains 40% of awning coverage. Criterion 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, off-street 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.**
- B. **A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.**
- 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.**
- 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)

The request for Design Review approval shall expire on December 12, 2024, unless substantial construction has taken place, or an extension request is received in accordance with FCC 10-6-11A through C. [Condition 5-3]

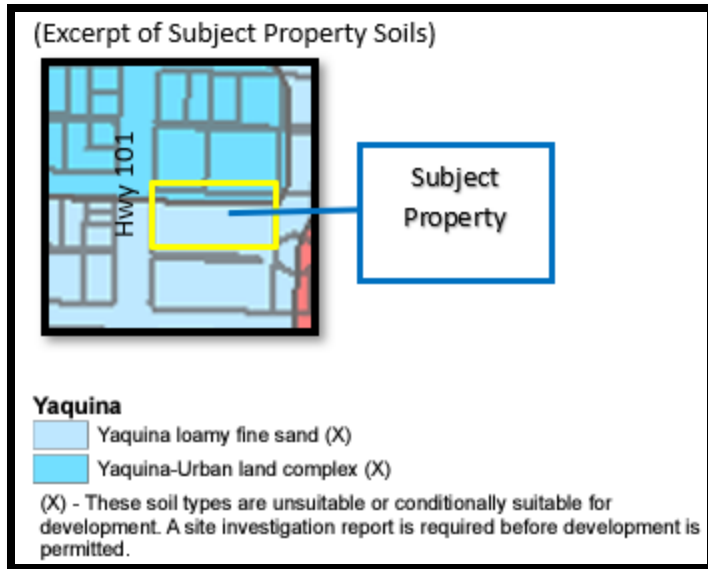
TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

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.

[...]

- H. **Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended):** In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009)

According to the Natural Resources Conservation Soils Map, 2009, found in Appendix 7, Map C of the *Florence 2020 Realization Comprehensive Plan*, the subject site contains two varieties of Yaquina soils; Yaquina loamy fine sand and Yaquina-Urban land complex. Both soils require the submission of a Site Investigation Report (SIR). The applicant has provided this report in Exhibit F. Below is a combination of excerpts taken from the soils map:



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 Ternyik" 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; or
2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

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.

As mentioned above, the applicant submitted an SIR application (Exhibit F). The site investigation report application was filled out by Nick Wheeler, PE with JSL Civil, LLC. Review of the application and the Stormwater Report found in Exhibit H, also authored by Wheeler,

reveals that while the site contains the Yaquina soils, with proper grading and a stormwater plan, the soils should not pose any risks to health, safety and property and a Phase 2 Site Investigation Report is not warranted. Nevertheless, the applicant submitted a Geotechnical Report (Exhibit G) which further demonstrates that a Phase 2 SIR is not warranted. The criteria are met.

TITLE 10: CHAPTER 16: HIGHWAY DISTRICT (H)

10-16-2: PERMITTED BUILDINGS AND USES: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

- A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-family residential PUD's.**

As stated in FCC 10-15-1, the purpose of the Commercial District is to preserve and enhance areas within which a wide range of retail sales and businesses will occur. The list of allowed uses does not specifically state that retail stores are allowed; however, the purpose statement is clear and therefore the proposed retail store in the Highway District is allowed outright. Criterion met.

10-16-4: GENERAL CRITERIA: Before a building or use is established within the Highway District, the petitioner must demonstrate to the City that the proposed development will meet the following criteria:

- A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.**

The proposed development is in keeping with adjacent properties. Retail stores and other commercial uses (including restaurants and service-oriented businesses) are prevalent within this stretch of the highway, and potential impacts on nearby residential properties and the northern abutting commercial property have been addressed within these findings. This criterion is met.

- B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.**

Conditions of approval address the building and site design where needed.

- C. The location of the site can accommodate energy efficient traffic circulation routes.**

The proposed traffic circulation will be adequate for the proposed use and site conditions. The Highway 101 curb cut has already been approved by ODOT, is installed to meet the egress/ingress needs of Burger King to the south, and supports right-out and right-in circulation, ensuring vehicles do not stack either on-site or on the highway. The store will

also connect to two existing travel lanes on the Burger King property for a shared access easement to and from 35th St.

- D. The vehicle and pedestrian access to the site can be safely and efficiently provided.**

Access and circulation will be further addressed within FCC 10-35 later in this report.

- E. The necessary utility systems and public facilities are available with sufficient capacity.**

Utilities are available and adequate for the proposed use. This criterion is met.

10-16-5: DEVELOPMENT STANDARDS: The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:

- A. Setbacks, yards, height, density and similar design features.**

These items have been addressed under FCC 10-6-5 and FCC 10-16 of these findings.

- B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.**

These items, if applicable, are addressed within staff review of FCC 10-34.

- C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.**

Access and Circulation will be addressed later within this report.

- D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.**

Nuisance-causing noise, vibration, smoke, dust, odor, lighting, or electrical interference have not been proposed and will not be permitted, subject to City nuisance standards.

- E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.**

Parking has been addressed previously within this report.

- F. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)**

A lighted pylon sign is shown in the landscaped island near the Highway 101 driveway approach. Signage is also shown on the store front and it is unknown if this is lighted.

Prior to final building inspections, the applicant shall submit a signage plan. The Planning Department shall review signage for compatibility with the access and circulation plan. [Condition 6-1]

Sign permits are required from the Florence Building Department for signage on the site per the requirements of FCC 4-7. (Informational 1)

G. Architectural quality and aesthetic appearance.

The architectural quality of the buildings is sufficient for the use and the district in compliance with the previously written conditions of approval, especially found in review of FCC 10-6 within these findings.

H. Public health and safety.

I. Security.

There are no anticipated threats to public safety, health, or security. These criteria are met.

J. Lot area, dimensions and percent of coverage.

These items are addressed later within this section.

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

These items are addressed in review of FCC 10-36.

10-16-7: DESIGN SPECIFICATIONS:

A. Highway Setback (Minimum Allowed Without a Variance; Measured From the Center Line of the Highway Right of Way):

- 1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.**

B. Setback from Side Streets and Abutting Property: Minimum of five feet (5') unless otherwise determined by the City with consideration given to the existing and proposed uses on the abutting properties.

The proposed building is located in excess of 110' from the highway centerline, approximately 30' from the northern lot line, approximately 69' from the eastern residential properties, and 44.16' from the southern side lot line. The proposed setbacks will be adequate from the Highway, side streets, and abutting properties. Criteria met.

C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

- 1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.**

A total of 151 linear feet of landscaping is planned along Highway 101. The proposal includes 5 Red Sunset Maple trees, 20 Blue Oat Grass (an ornamental grass expected to reach up to 3' in height at maturity), and two species of shrubs including 13 Mexican Orange and 16 Point Reyes Ceanothus (expected to reach 3' in height). An interior landscaped island will serve as a buffer between the Highway 101 access point and the front interior parking lot, is also planned. This island also fronts the highway and is to contain 3 Mexican Feather Grass, 5 Blue Pacific Shore Juniper, and 6 Abbotswood Potentilla; the latter of which will be located around the proposed Dollar General lighted pylon sign. Additionally, 14 Sunset Cloud Stonecrop perennials will be added to this island. These plants reach up to 8" in height at maturity and are offset by decorative rock mulch. A more in-depth review of Landscaping can be found under FCC 10-34 of these findings. Vision clearance is reviewed under FCC 10-34. This criterion is met.

D. Highway Access: For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:

- 1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or**
- 2. The City specifically authorizes the highway curb cuts.**

Prior to issuance of certificates of occupancy, the Burger King development obtained permission from the City and ODOT for the access driveway on the west side fronting Highway 101. While the Burger King lot takes direct access from 35th Street via a curb cut in the southeast corner of the property, the Dollar General lot will gain indirect access to 35th St. via this same curb cut, or approach. The approach from 35th St. leads to an access drive where drivers can either turn left into the Burger King parking and drive-thru area or continue straight to the future Dollar General site.

The shared approach along Highway 101 accepts only right-turning movements from northbound incoming traffic, and exiting vehicles are only able to make a northbound right turn. The driveway access point on 35th St. provides unrestricted access. Access and circulation are further discussed in review of FCC 10-35, but the restriction on traffic along Highway 101 should reduce conflicts and traffic backup at this access point.

While the Burger King lot takes direct access from 35th Street via a curb cut in the southeast corner of the property, the Dollar General lot will gain indirect access to 35th St. via this same curb cut. The curb cut from 35th St. leads to an access drive where drivers can either turn left into the Burger King parking and drive-thru area or continue straight to the future Dollar General site.

All curb cuts have been installed and approved by the City and/or ODOT. These criteria are met.

E. Parking: Shall be in accordance with Chapter 3 of this Title.

This section has been addressed previously within this report.

H. General Provisions:

1. **Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.**
2. **Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.**
3. **Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.**

The applicant has not proposed nor will be permitted to have any of the above conditions on the property at any time.

I. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

J. Minimum Lot Area: The minimum lot area shall be six thousand (6,000) square feet.

The applicant has proposed development of a site measuring roughly +/-151.17' wide by 287' 2 deep, with a total area of approximately 43,481 square feet, or 0.99-acre. These criteria are met.

K. Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings and their associated structures refer to Section 10-10-5 of this Title for requirements.

The applicant has proposed a building of 25'8" at its highest peak (top of the false storefront on the west side). This criterion is met.

L. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definitions, and requirements. (Ord. 26, 2008)

These sections will be addressed within their respective sections of this staff report.

M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

The site is proposed to include approximately 31,804 square feet of impervious surfaces, or 75% of the site's total 42,174 square feet. This criterion is met.

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

Lighting issues will be addressed as part of staff review of FCC 10-37.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: LANDSCAPING.

10-34-3-1: Applicability. Except for single-unit 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) B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

Landscaping will be required for this development. The code above references FCC Title 9 Chapter 5, which refers to Stormwater Management. Stormwater management criteria are discussed later in these findings. The applicant submitted a Landscaping Plan (Exhibit D), which includes buffering for parking and maneuvering areas. These criteria have been met

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 proposed retail store constitutes new construction, and the development is evaluated using these current code requirements.

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

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.
- C. The location, size, and species of the new proposed plant materials (at time of planting).
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.
- E. Existing and proposed building and pavement outlines.
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

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

The applicant provided a Landscape Plan (Exhibit E). FCC 10-34-3-2 D includes most information regarding existing vegetation; yet existing vegetation is found also on Sheet SV-2 in Exhibit C. This latter exhibit shows two pine trees along the eastern boundary line. The species of these trees is not noted and it is unclear whether all trees will be removed. An existing Hemlock is shown to be located in the southeastern area of the site. For certain, most existing plantings will be removed for construction purposes as the site will be graded. The landscape plan shows these trees.

Per FCC 10-34-3-2 D, if any existing trees are to be preserved, these shall be delineated on a recent aerial photo or site plan drawn to scale. [Condition 7-1]

The Landscape Plan includes a planting schedule, notes, diagrams for plantings (including those in rain garden stormwater management area) and provides the overall square footage of landscaped areas and calculations of linear feet along the highway. Pervious and impervious calculations are not included; however, the proposed building and pavement outlines are provided.

Planting, staking and spacing details are included on Sheet LS-2 of Exhibit E. Care of plantings are noted under the Landscape Specifications section on the Landscape Plan. Notes 11 discuss lawn planting and care; however, lawns are not proposed. Additionally, Note 14 discusses other plantings that are not proposed, including Rhododendrons and Azaleas.

The submittal of irrigation plans is conditioned elsewhere.

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 district² 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.

No landscaping credit was applied for. Although FCC Title 10, Chapter 16, Highway District does not provide a minimum landscaping requirement specific to the district, FCC 10-34-3-3 (above), requires 15% landscaping of the area. The applicant proposes 10,278 sq. ft. of pervious landscaped area equating to 23% (rounded up) of landscaping; exceeding the minimum 15% requirement.

*The footnote referred to under FCC 10-34-3-3 states the following: *2 Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.*

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.**

The sole street frontage of the subject tax lot lies to the west along Highway 101 and totals 151.17 linear feet. Well over 1/3 of this frontage will contain the required pedestrian

connection, parking lot landscaping islands and existing driveway access point to and from the highway. The landscaped islands have been designed to provide required vision clearance for safety, and no trees have been proposed within the island. Five Red Sunset Maples, planted at 20 ft. intervals are shown in Sheet LS-01 of Exhibit E. These maples are large enough to count towards the required tree count. This criterion is met.

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

As discussed above, there is approximately 151 linear feet of street frontage. This length divided by 30' and the result multiplied by 6 computes to a requirement for 30 shrubs within the front 20' of their respective street abutting lot line. Sheet LS-1 in Exhibit E (Landscape Plan) includes 43 shrubs, thereby surpassing the minimum requirement. This criterion is met.

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

The proposed Landscape Plan includes two tree species; Red Sunset Maple and Austrian Pine. Also included are shrubs and grasses with growth characteristics to cover the minimum area required. Shrubs include Point Reyes Ceanothus; Mexican Orange; Pink Princess Escallonia; Blue Pacific Shore Juniper; Skyrocket Juniper; Dwarf Mugo Pine; Abbotswood Potentilla; Velour White Mexican Bush Sage; Snowmound Spirea; and Evergreen Huckleberry. Ornamental grasses include Karl Foerster Feather Reed Grass; Lightning Strike Feather Reed Grass; Blue Oat Grass; and Mexican Feather Grass. Sunset Cloud Stonecrop perennials are included as are Pigeon Point Coyote Brush and Slough Sedge, the latter which will be useful for stormwater rain garden area. Aside from the 635 sq. ft. rain garden with sedge plantings, decorative rock mulch will be applied to the shrub beds.

All plantings are expected to meet the 70% requirement providing the planting maintenance notes and irrigation (conditioned elsewhere in these findings) are followed.

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.

The planned location and placement of landscaping plants and trees along Highway 101 are within the required 20' of the lot line and are not expected to create problems with vision clearance standards with ongoing maintenance, as conditioned in FCC 10-35. Species selected for the parking landscape island on the west side abutting the highway. The internal landscape island near the ADA parking space, and along the drive on the south side of the property line are species not anticipated to grow taller than 3'. No landscaping is planned within the street rights-of-way. These criteria will be met as conditioned.

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.

The Landscape Plan includes a combination of deciduous and evergreen plant species. Container size is provided with all shrubs and grasses with the smallest container being 6" pots for the 150 Sunset Cloud Stonecrop. These plants will be spaced 18" on center, primarily in clusters of 3 plants along the highway frontage. The 1-2 gallon size pots are shown to be spaced at 18" on center. The 1-2 gallon size plants are spaced a maximum of 36" on center except for the 56 Pigeon Point Coyote Brush, which is proposed to be located in a designated shrub area between the east parking lot aisle and rain garden. These plants are proposed to be 1 gallon plants planted 60" on center which does not meet the maximum allowable spacing of 36".

- 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*.

Shrubs include: Point Reyes Ceanothus; Mexican Orange; Pink Princess Escallonia; Blue Pacific Shore Juniper; Skyrocket Juniper; Dwarf Mugo Pine; Abbotswood Potentilla; Velour White Mexican Bush Sage; Snowmound Spirea; and Evergreen Huckleberry. As previously discussed, these plants are proposed to be planted from 3-gallon containers with the exception of the Point Reyes Ceanothus and Velour White Mexican Bush Sage proposed to be planted from 1-gallon containers and the Dwarf Mugo Pine are proposed to be planted from 5-gallon containers. The Velour White Mexican Bush Sage is not included on the *Tree and Plant List* and are anticipated to be adequate. Recommended planting size for Mugo Pine is 3-gallons and exceeds recommended planting size. These criteria are met.

- 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).

Two species of trees are planned including 5 Red Sunset Maple (deciduous) and 1 Austrian Pine (evergreen). Both species are shown in the Landscape Plan to meet the minimum caliper and height requirements.

The criterion is met.

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

The Landscape Plan indicates several areas that will contain non-plant ground covers in the form of decorative rock mulch, crushed rock and landscape boulders. These areas in no way substitute for ground cover plants as the plan exceeds landscaping minimums for the subject tax lot.

All planting areas contain curbing to contain groundcover. Criterion met.

- 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.**

The applicant has provided a diagram with Slough Sledge included in what the Stormwater Report in Exhibit H explains is an at-grade infiltration rain garden and shown on Sheet CG-01 of the Site Plan in Exhibit C on the east side of the subject site, however, the rain garden itself is not marked on the Landscape Plan. The design of stormwater facilities are shown on Sheet CG-01; but not detailed in the Landscape Plan. Slough Sledge is just one of many plants recommended for rain garden facilities and are found in Appendix G of the Florence Stormwater Design Manual. A revised stormwater plan has been conditioned elsewhere.

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

irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

Neither the Landscape Plan nor the Civil Drawings provide a detailed irrigation plan. Note 13 of the General Landscape Notes states the following:

“ALL LANDSCAPE AREAS SHALL BE COVERED BY AN IRRIGATION SYSTEM WITH AUTOMATIC CONTROLLER AND OVERRIDING RAIN SENSOR SWITCH. PLANTINGS SHALL BE WATERED AT A SUFFICIENT LEVEL FOR PLANT SURVIVAL AND HEALTHY GROWTH.”

Sheet C-7 of Exhibit D illustrates a design for a backflow prevention device. However, no schematic shows where the system will be placed.

The applicant shall provide a final irrigation system plan, obtain an irrigation permit, and shall install a backflow prevention device per FCC 9-2-3-5 and in coordination with Florence Public Works. [Condition 7-4]

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 total parking spaces provided are 31. The Landscape Plan based its design on 32 spaces. A total of 359 sq. ft. has been provided to meet this requirement. Criterion met.

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;

Condition 7-5 was proposed in the initial resolution. It read: ‘Parking islands are evenly distributed. The two parking islands located north of the Highway 101 driveway approach do not contain trees. Per FCC 10-34-3-6 B, the applicant shall provide a minimum of one tree selected from the Tree and Plant List for the city of Florence installed per island.’ The applicant supplied the revised Landscape Plan (Exhibit E1, Sheet LS-01) which demonstrates the addition of a Red Sunset Maple tree in one island, which includes the rearrangement and more plantings than what was provided in Exhibit E, and a Crepe Myrtle tree in the other which made Condition 7-5 unnecessary. Criterion met.

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 parking islands provide and excess of 5 feet of area on each side of the curb. The largest parking island (located nearest Highway 101) will measure 272 sq. ft. The smallest, adjacent to an ADA parking stall, will measure 87 sq. ft. Criterion met.

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

Irrigation has been conditioned.

- 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 provide at least one tree in each parking island. Assuming these trees are located so as not to impede vision, the criteria can be met.

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.**

The chosen shrub species between Highway 101 and the landscape barrier will contain the required vegetative ground cover. These areas are discussed elsewhere.

Landscape plantings shall be maintained to not interfere with pedestrian and bicycle access in accordance with FCC 10-35-2-13. [[Condition 7-6](#)]

- 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.**

All landscaped areas and pedestrian walkways around the store will be protected by raised curbs above the vehicle maneuvering areas by 6” in height.

Proposed parking along the storefront (west side) will employ precast cement wheel stops measuring 6 inches in height by 6 feet in width. These will separate the parking spaces from the raised Sheet SP-01 in Exhibit C provides details for the wheel stops and curbing. Criteria to protect these areas from vehicle encroachment are met.

Bicycle parking buffering has been conditioned elsewhere.

D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Adjoining Land Use / Zoning	Landscaped Buffer and/or Fence or Wall
Abutting single family Zoning or use	15 foot buffer with 6’ solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6’ solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6’ solid wood fence or block wall or 15 foot landscaped buffer

Single family residential uses are located east of the project. The applicant proposes a 20’ wide landscaped buffer (with a 6” raised curb ‘against’ the maneuvering area) between the residential and commercial zoning districts. This buffer is described in detail in these findings under FCC 10-34-5.

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).

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

Trees are all interior to the project property and are not planned in the street rights-of-way. This section does not apply.

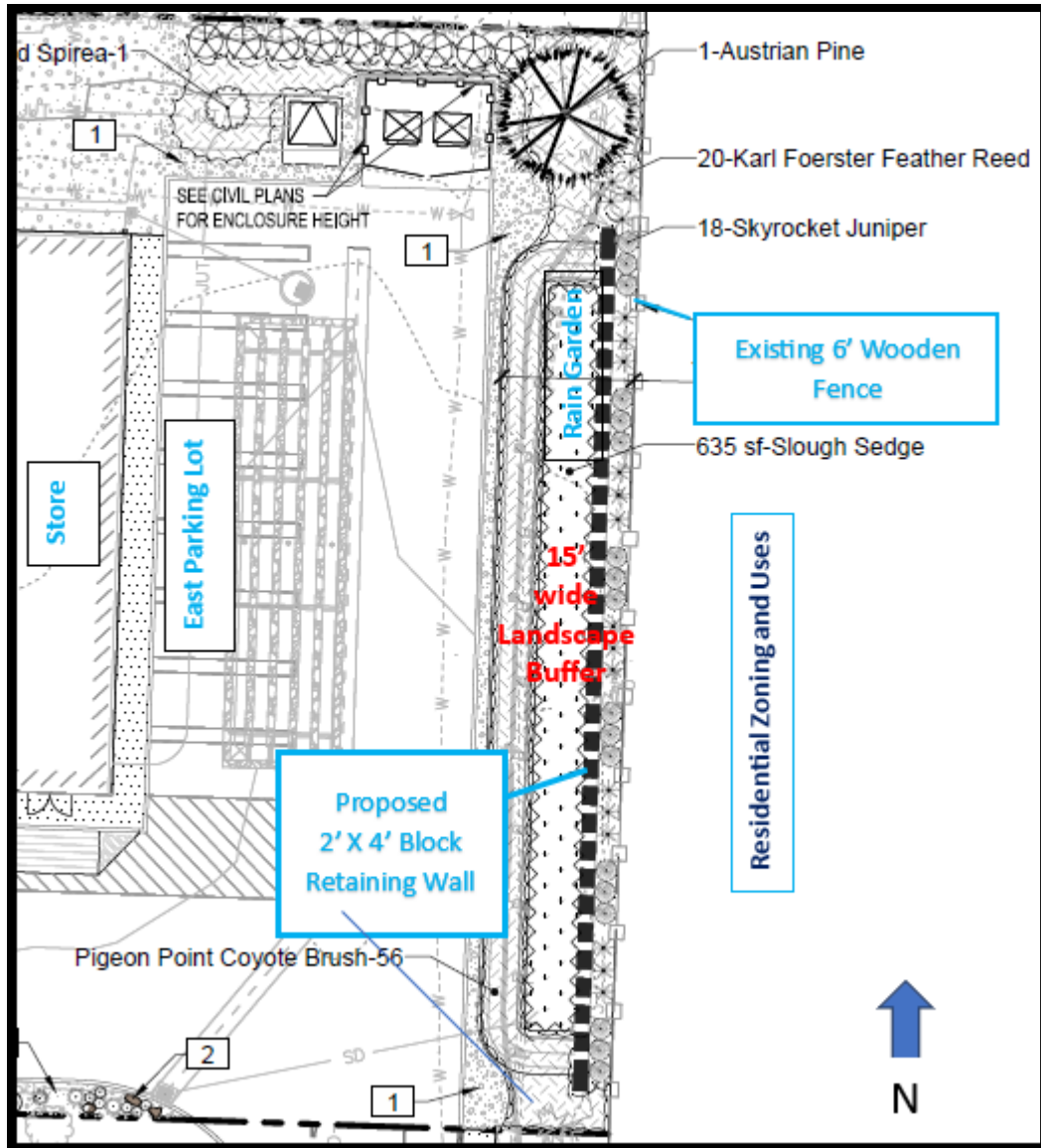
10-34-4: Street Trees sets standards for planting of street trees for shading, water quality, and aesthetic purposes.

According to the Landscape Plan shown in Exhibit E, the applicant proposes to provide 5 street trees (Red Sunset Maples) along the property's west side, abutting the Highway 101 right-of-way within a 7' planting strip. The plans show the maples to be 1 ¾" caliper at 6' in height. These trees are not proposed to be located within the street right-of-way, yett are interior to the project site. This criterion has been met.

10-34-5: Fences and Walls regulate the design of fences and walls, including allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

The Landscape Plan indicates an existing 6' high wooden fence (integrity of the wood unknown) on the east side of the property line in a north /south orientation. This fence separates the Highway District and the Medium Density Residential District.

The Landscape Plan also proposes a 15' wide landscape buffer with a new 40' cement block wall is planned along this east side of the development site and will serve, in part, as a rain garden and screening from parking and maneuvering areas. This block wall is to measure 2' in width and 4' in height. Landscaping is planned between the block wall and the existing fence line along the eastern property line. The existing fence, proposed wall, landscape buffer and rain garden area are shown in the image, taken from the Landscape Plan, below:



The proposed heights of the buffering shrubs between the existing fence line proposed block wall will range from 3 – 5 feet at maturity and are to be comprised of Karl Foerster Feather Reed and Skyrocket Juniper. The rain garden is proposed to contain 635 sq. ft. of Slough Sedge. An Austrian Pine is to be located at the NE corner of the site and should help with screening the fenced trash enclosure area. The proposed trees are all Oregon Myrtle. Mugo Pine will also be featured between these trees. Pigeon Point Coyote Brush is planned between the parking lot driveway and the rain garden. The combination of the existing fencing and proposed block wall and plantings should serve to shield the neighboring development on the east side of the project from vehicle lights and other impacts. Aesthetically, the proposed plantings appear to tie into the configurations of the other proposed plantings within the project to create a unified and balanced design. With considerations for maintenance as discussed in review of FCC 10-35, plantings appear to be planned to both support personal safety and the required visual clearance of 10' as required per FCC 10-35-2-14 (B & C) for vehicular traffic traveling internally and also entering and exiting the project.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

The proposal includes access to Highway 101 and 35th Street. Notably, these access points are related to shared driveway agreements with Burger King, south of the subject lot. The driveway approach on 35th St. thus serves the two businesses. A TIA was submitted for review of the Burger King Design Review. Conditions are found in Resolution PC 20 26 DR 06.

The Dollar General TIA included has been reviewed by ODOT and the City and both agencies have concluded that the proposal in the TIA is reasonable for the development. Further discussion of the TIA and referral comments by ODOT and Public Works is provided under FCC 10-35-2-5.

10-35-2: VEHICULAR ACCESS AND CIRCULATION

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.

Driveway approaches have already been installed along the public ROWs. No improvements are proposed by the applicant nor requested by ODOT and the City.

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 applicant is awaiting access permit documentation review which requires a land use decision. In this instance, conditional approval for this design review will suffice and City staff will complete their part of the permit.

Prior to obtaining City right-of-way construction permits, the applicant shall provide evidence of ODOT access permissions required for the proposed access and circulation plans. [Condition 8-1]

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.**

Easements are required to implement the access management plan shared access between this development and the Burger King development. Once crossover easements are drafted, a maintenance agreement would be required. The applicant shall obtain and have this agreement recorded and a copy provided to the Planning Department prior to permitting. [Condition 8-2]

- 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.**

The proposed access points have been approved by ODOT and the City and meet the designating access spacing standards.

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

No future dedications are anticipated.

4. Street improvements.

Highway 101 and 35th St. have been more recently updated. Even so, the applicant will be expected to pay their fair share of system development charges, or SDCs to be put aside for future street and utility maintenance and upgrades.

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

The applicant provided a Traffic Impact Analysis (TIA) completed by SCJ Alliance in October, 2023 (Exhibit I). SCJ Alliance reviewed the Burger King TIA and includes information from that TIA in their own study. SCJ’s study selected October 15 as their data point. They provide existing/predevelopment traffic conditions and traffic counts and calculate future traffic projections for morning and evening peak activity at the intersections of Highway 101 and 35th St.; Highway 101 and 37th St.; Redwood St. and 35th St.; and the site driveway on Highway 101. Peak hours were between 7:50 am and 8:50 am, and 4:00 pm and 5:00 pm. The intersection at Highway 101 and 35th St. is the only signalized intersection out of the 4 studied.

The year 2024 is also included in future forecasted peak hour projections. As per standard practice, the TIA factors in seasonal variation, which is considered in traffic calculations by applying a seasonal adjustment factor based on ODOT’s 11/10/22 Seasonal Trend Table. The rounded seasonal adjustment value of 1.30 was selected and applied to the raw traffic counts to develop the seasonally adjusted volumes used in the TIA.

Public Works provided referral comments on November 3, 2023, (Exhibit L):

“Public Works and Civil West Engineering performed a review of the Dollar General Traffic Impact Analysis (TIA) by SCJ Alliance, dated October 2023. Our review was performed in accordance with City Code and the 2012 Transportation System Plan (TSP). Note that Dollar General’s application was made prior to the adoption of the 2023 Transportation System Plan.

The study was well performed and no other comments or questions have come up. The requirements set forth by City Code and the 2012 TSP appear to be met and no further action is required. Public Works has also reviewed the comments from ODOT regarding the Dollar General TIA and concur with their findings.”

ODOT provided the following referral comments on October 30, 2023, (Exhibit K):

“ODOT Region 2 Traffic has completed our review of the submitted traffic impact analysis (dated October 23, 2023) to address traffic impacts due to development on the southeast quadrant of US 101 at 36th Street in the city of Florence, with respect to consistency and compliance with ODOT’s Analysis Procedures Manual, Version 2 (APM). The APM was most recently updated in September 2023. The current version

is published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx> As a result, we submit the following comments for the City's consideration."

"Analysis items to note:

- *The following was noted relating to the crash analysis:*
 - *Total number of reported crashes at the US 101 at 37th Street and Redwood Street at 35th Street should be one and zero, respectively.*
 - *Using the "rule of thumb" crash rate threshold of 1.0 to be indicative of design deficiencies has been replaced as a result of more comprehensive data and research in recent years. Rather, it is more appropriate to compare an intersection's crash rate to that of the corresponding 90th percentile crash rate per Section 4.1.1 and Exhibit 4-1 of ODOT's APM. It should be noted that none of the intersections exceed their corresponding 90th percentile crash rate.*
- *ODOT mobility targets can be found in the Oregon Highway Plan (OHP). The v/c mobility target for US 101 (statewide highway, within UGB, non-MPO, 40 MPH) at all highway study intersections is 0.85. The study area intersections are projected to operate below this target in the 2024 Build conditions therefore the conclusions of the study remain the same."*

"Proposed mitigation comments:

1. *ODOT maintains jurisdiction of the Oregon Coast Highway No. 09 (US 101) and ODOT approval shall be required for all proposed mitigation measures to this facility.*
2. *No mitigation measures have been proposed. This conclusion appears reasonable for this proposed development."*

"Thank you for the opportunity to review this traffic impact analysis. As the analysis software files were not provided, Region 2 Traffic has only reviewed the submitted report."

"This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. If the City determines any of the above comments will merit the need for reanalysis, we would be willing and able to assist with a second round of review."

The engineer's conclusions and recommendations are summarized on page 24 of the TIA:

"All of the study intersections currently operate and are projected to operate at LOS D or better which is within the identified LOS standard."

"A vehicle queue assessment was performed for the study area intersections for existing volumes and projected 2024 with and without project traffic. For all three

scenarios all of the intersections are projected to generate 95th percentile queues within the available storage.”

Overall, the above referrals indicated that the TIA proposal and summary is acceptable to ODOT and the City and no conditions are needed to bring it into compliance with City codes. Both driveway queuing (vehicles waiting to enter the driveways) is acceptable as are the levels of service for the 4 traffic intersections. Criteria met.

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.

ODOT and the City have reviewed the proposed plans. The applicant is working with ODOT to obtain an access permit.

Shared access agreements are conditioned elsewhere.

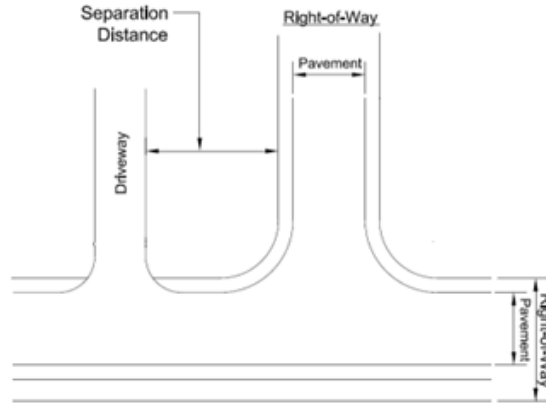
10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

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

Separation Distance from Driveway to Pavement:

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

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



The existing access drive from Highway 101 is roughly 133' from the intersection with 35th Street and well over 100' from the Chens Family Dish restaurant driveway to the north. The proposed driveway on 35th Street is roughly 250' from Highway 101.

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

All proposed parking areas are internal to the site, and no backing movements would be necessary onto a public street. This criterion has been met.

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

Vehicular access is proposed from Highway 101 (a major arterial) and to 35th Street (a collector) through use of connected driveways with the Burger King property. Due to past vacations of rights-of-way (Redwood and 36th Streets – discussed earlier), the original local streets platted for access for the block are not available which is why the driveways were conceptualized during design of the Burger King site.

The Dollar General site also directly abuts the public right-of-way of Seabrook Lane, a local street which extends west from Spruce Street through the Seabrook subdivision to the eastern property line of the site, (the applicant has not proposed access via Seabrook Lane). In most blocks, Seabrook Ln. would be considered an alley, not a street, however, it was dedicated as a full street to serve the inward-facing homes in the subdivision. An alley ROW once connected the area at the end of Seabrook Ln. to Highway 101, but it was vacated in years past as discussed in the beginning of these findings. When Seabrook was platted, Seabrook Ln was laid out as a cul-de-sac, but the public ROW was dedicated all the way to the west property line of the subdivision. For the purpose of separating the residential zoning from the commercial zoning, creating a connection between the Dollar General site and

Seabrook Ln. would not contribute to the accessibility of the site in a meaningful way and would create potential conflicts between the two very different zoning classifications.

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 development proposal provides a system that accommodates expected vehicular traffic on the site. With proper markings/signage (conditioned later in this chapter), the site also provides access and circulation for emergency vehicles.

Pedestrian and bicycle connections are discussed in review of FCC 10-3 and FCC 10-35-3.

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 approaches have already been vetted and installed.

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

[...]

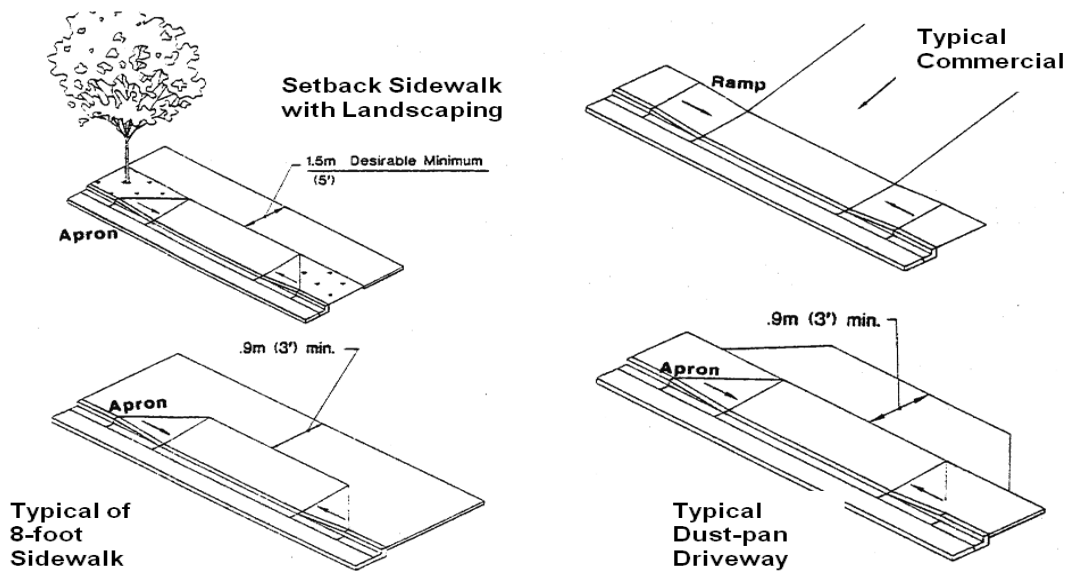
2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

The access driveway from Highway 101 consists of a single entrance lane and a single exit lane separated by a curbed “porkchop.” Viewing these physically separated lanes as different driveways for the purposes of this section, each of the lanes is 12’ wide and meets these criteria. The two-way driveway access from 35th Street is 25’ wide, which also meets these criteria. The flat topography of the site does not require steeply sloped driveways. Requirements for signage have been discussed.

These criteria are 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



The proposal would add two new driveways that connect to the existing driveway approaches along Highway 101 and 35th Street (after connecting to the most northern drive area of the Burger King site). The provided drawings appear to meet FCC and ADA requirements, but final review of these features will fall to the Public Works Director.

Prior to the construction of driveway improvements and other improvements, including the pedestrian sidewalk connection to Highway 101, approval of the construction plans shall be obtained from Florence Public Works. [Condition 8-3]

- 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.

After reviewing plans submitted by the applicant, Chief Michael Schick, with Siuslaw Valley Fire and Rescue submitted the following referral comments regarding fire access:

“The Fire Department has no issues with emergency access or water supply for the planned development. We are highly encouraging the installation of an automatic sprinkler system but are not requiring it at this time. We are requiring a key box be placed on the exterior.”

An existing fire hydrant located in the northwestern area of the site will be relocated northward outside of the planned west parking lot. The new location will be inside a landscaped bed at the north terminus of the parking lot. Final plans for the hydrant and connections will be reviewed by Public Works.

Portions of the store will be outside of the 150 feet from an existing public street (Highway 101). Since the store will also be located outside of the 150' area from 35th St., the shared drive isle and driveway apron/approach will provide a secondary access for emergency vehicles. The drive aisle is a minimum 20 feet in width on the Burger King site (connecting to 35th St.). The parking lots and access isles should provide the required area needed to support emergency vehicles.

Per FCC 10-35-2-12 D, the applicant shall provide notes on the final site plan submittal showing the location of the unobstructed turn-around area for emergency vehicles. The fire lanes shall be marked as “No Stopping/No Parking.” [Condition 8-4]

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

No obstructions below 13'.6” are proposed. The preliminary site plan on Sheet SP-01, Exhibit C indicates that vertical clearance will not exceed the 13' 6” minimum vertical clearance, providing that landscaping is maintained as conditioned elsewhere.

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').**

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

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-2-13 of this Title for definition.

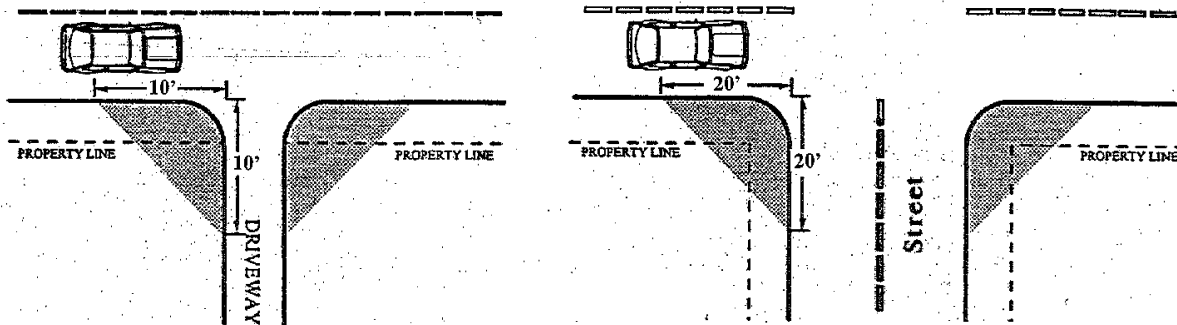


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

The subject site contains one existing intersection of an internal driveway and will contain three proposed internal intersections with landscaping that could conceivably be impacted by the selected landscaping. This landscaping, generally, includes a mix of shrubs, grasses, decorative rock mulch, and strategically placed boulders. Drivers entering the site from the Highway 101 access driveway and turning left into the west parking lot before seeing the pedestrian way would be driving around a curbed interior landscaped island containing Mexican Feather Grass, Blue Pacific Shore Juniper, Sunset Cloud Stonecrop and Abbotswood Potentilla atop decorative rock mulch.

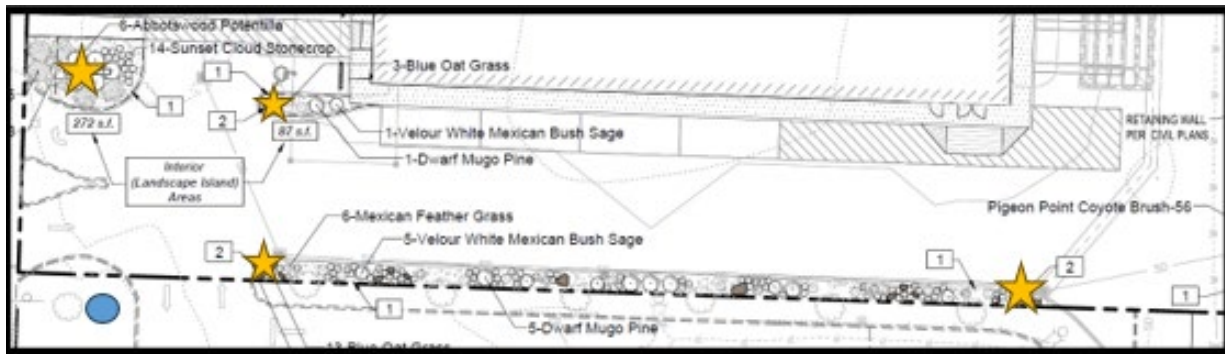
As the Highway 101 controlled entrance is shared with Burger King, landscaping has been installed along the south side of the drive. The following Google Earth image captured 11/4/23 shows this landscaping. The date Google Earth provided the image is unknown, however, although it was taken (at street view) after the 4/20/19 overhead image was taken. Please note that the plants have since grown and that Burger King was conditioned to maintain their vision clearance areas. The trees shown in the background along the drive-thru lane are located along the curbed landscaped strip for the Dollar General store.

Shared approach to Highway 101 <https://earth.google.com/web/search/florence,+or/>
accessed 11/4/23.



This strip also provides an imaginary vision clearance triangle at each side of the strip.

The image below shows the internal landscaped islands areas requiring vision clearance taken from Exhibit E, Sheet LS-01. Three vision clearance areas are marked with an orange star. The landscaped vision clearance on the Burger King site is marked with a blue circle:



Plantings within the south side property line strip include a mixture of Blue Oat Grass, Sunset Cloud Stonecrop, Mexican Feather Grass, Velour White Mexican Brush Sage, and Dwarf Mugo Pine. Materials include decorative rock mulch and landscape boulders. These latter rocks will be located at the ends of the strip island.

For those traveling westward to the west parking lot, and for the nearest ADA accessible van parking space, a landscape island will contain crushed decorative rock with two boulders, three Blue Oat Grass plants, one Velour White Mexican Bush Sage plant, and one Dwarf Mugo Pine. snowberry within 10' of the curb, and the mature size of the snowberry is stated as 3' to 4'. Similar landscaping is present at the intersection of the two-way driveway access to 35th Street and the internal parking lot area. In both cases, it requires a flexible interpretation of code to view these areas as potential violations of this code requirement. Even in that case, standard maintenance of the snowberry would relieve the issue.

With regular maintenance, as conditioned below, all vision clearance should be free of obstructions.

Landscaping shall be maintained so that plants do not grow to obstruct vision clearance areas at internal intersections or intersections with public streets per FCC 10-34-2-14. [Condition 8-5]

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.**

The site is bordered by existing 5'-wide public sidewalks that run along Highway 101. Aside from the interior pedestrian 5'- wide walkway tying into the Highway 101 sidewalk, all site sidewalks are interior and will contain 6" high curbing and be 5' in width. Criteria met.

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.**

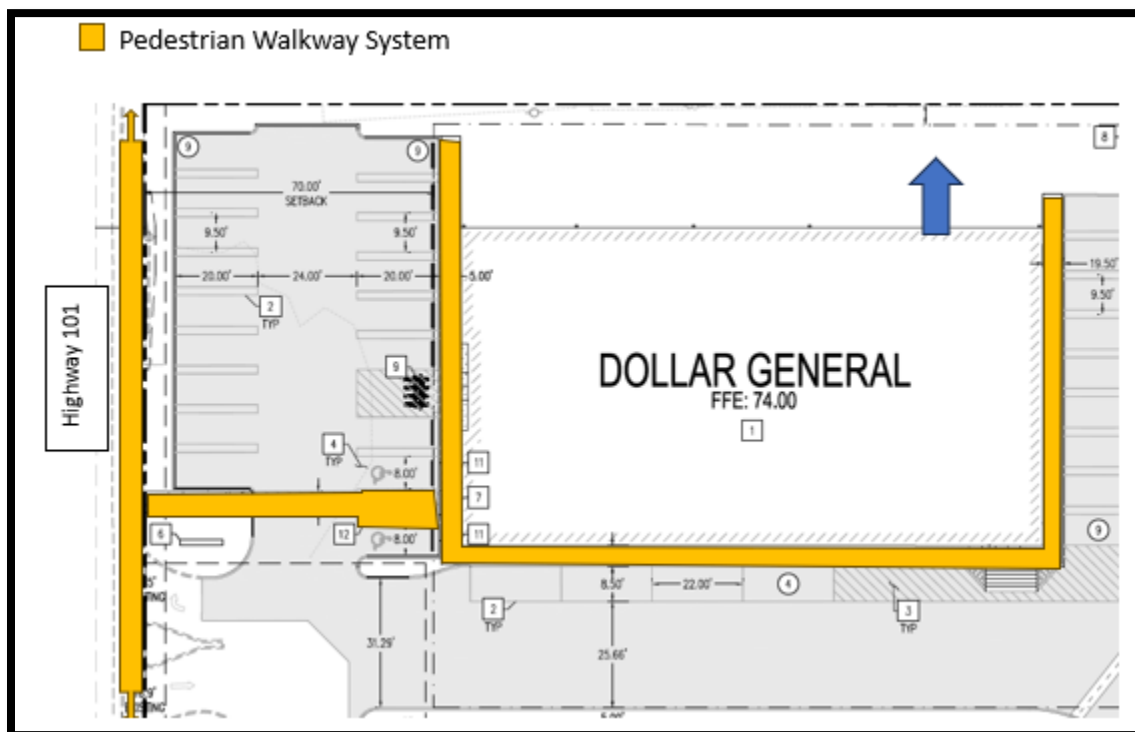
The applicant proposes to connect the Dollar General development to existing Burger King development to the south via the shared driveway from 35th Street as well as the shared Highway 101 access point. While connections between the lots for vehicle travel are addressed in the proposal, considerations for a continuous walkway system between the two uses may be gained through the use of the Highway 101 sidewalk.

The applicant has proposed a single 5'- wide pedestrian connection from the store to the public ROW along Highway 101. The proposed walkway does not extend throughout the development site and no future phases of the development are planned. 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.

Pedestrian street access via a straight walkway between the highway sidewalk and the store front appears to be reasonably direct, safe, and convenient. Pedestrians accessing the proposed 5'-wide sidewalk skirting the west, east and south side of the store should be hazard free given that the only landscaped island at the southwest side of the store is not likely to have plantings that grow over the sidewalk and the routes are primarily straight with turns only at the southwest and southeast corners of the store. The pedestrian walkway system is shown below:



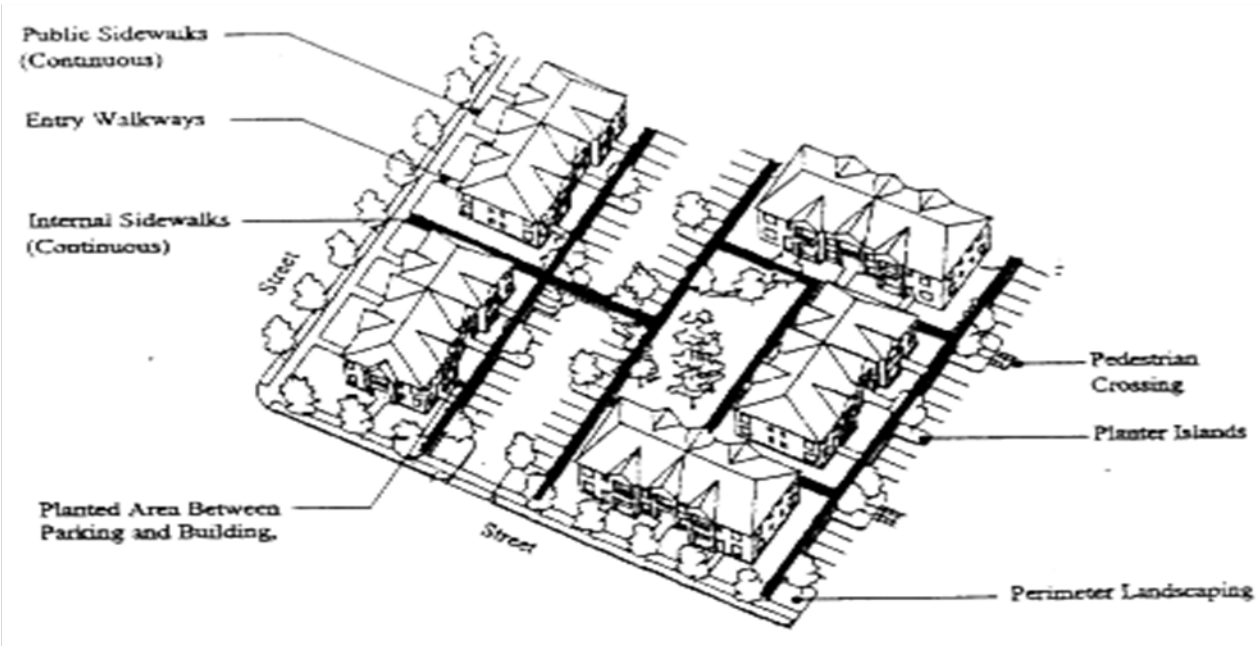
In addition to pedestrian connection to the public sidewalk along the highway, the image above also demonstrates that the following criteria will also be met with regards to

connections within the development. All parking areas are accessible through the internal sidewalk and walkway. Any planned pedestrian access, other than by means of the highway sidewalk, and the Burger King restaurant would not be safe given the drive-thru location on the north side of that development. Burger King developers were conditioned to install a pedestrian walkway between the restaurant and the public sidewalk. This walkway is shown to be south of the drive-thru as demonstrated in a Google Earth image shown under FCC 10-35-14-C. The distance between the Burger King walkway and Dollar General walkway from the Highway 101 sidewalk is approximately 60'.

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 10-35(5);**
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**

[...]



Review of criterion listed under FCC 10-35-3-2-C subsections 1 and 2 have been answered under FCC 10-35-3-3-B and satisfactorily demonstrate that proposed internal pedestrian connections meet applicable criteria.

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

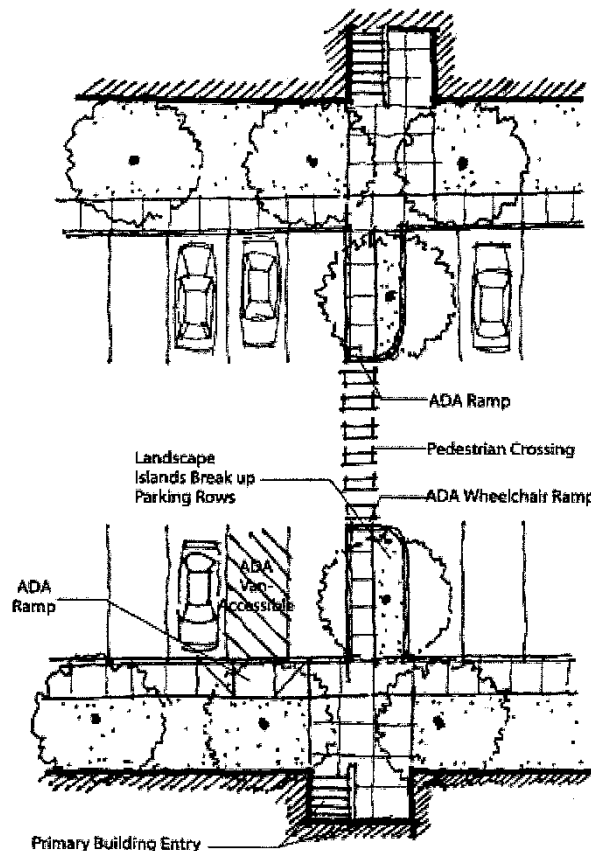
- A. Vehicle/Walkway Separation.** Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade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

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

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

- D. Accessible routes.** Walkways and 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.

**Figure 10-35(6):
Pedestrian Walkway Detail (Typical)**



The pedestrian walkway accesses the same ADA accessible ramp as that provided for the ADA parking spaces.

The pedestrian walkway included in the proposal meets these requirements.

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’s North Route provides transit flag stop opportunities within ¼-mile of the development site on both its northbound and southbound routes. Flag stops are stops other than scheduled stops shown on the Rhody Express Route map. The Express passes nearest the site at the intersection of Redwood and 35th Streets when it turns right toward Spruce Street. It also stops roughly 400’ from the site when it jogs east to Rite Aid as it travels south on Oak Street; however, crossing the highway would be required to catch the Express along that segment of the route.

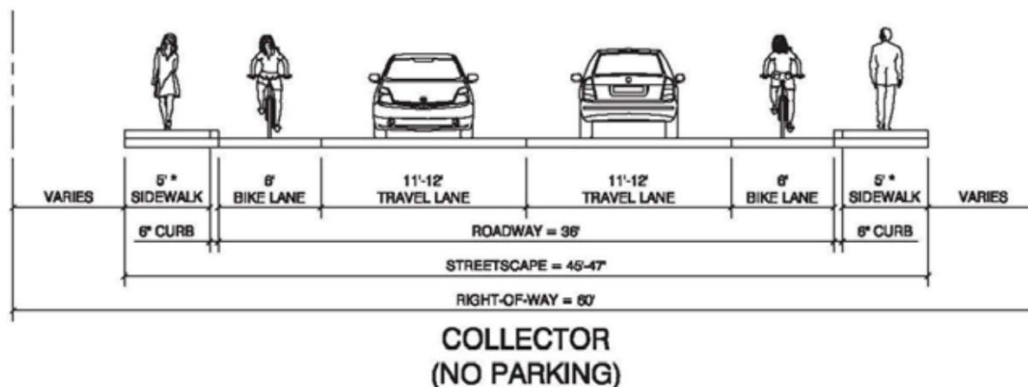
The pedestrian connections included in the proposal and required by conditions of approval are adequate to provide safe and direct pedestrian routes from the transit flag stops, providing pedestrians use the walkways and sidewalks to the Dollar General site.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

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

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



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.**

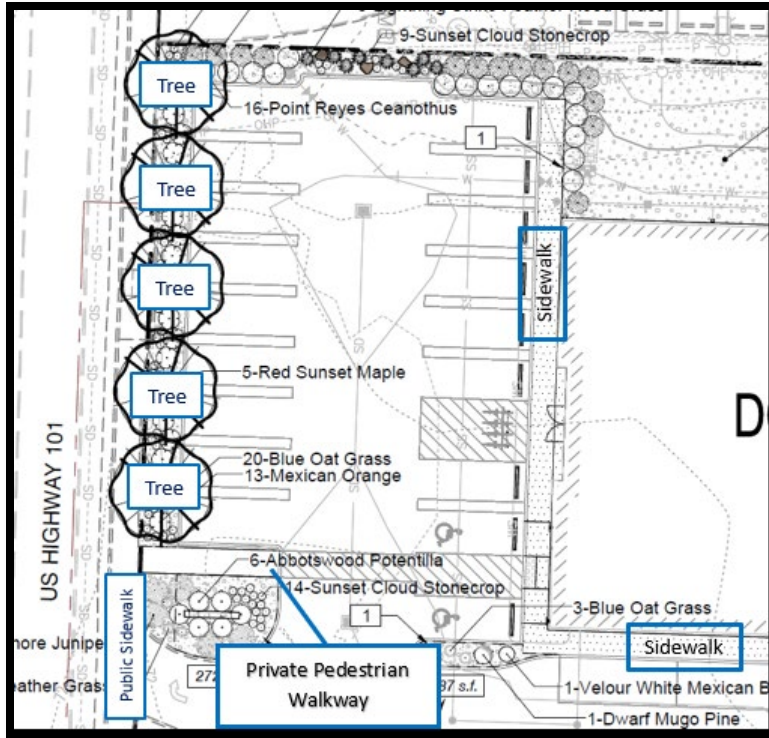
Highway 101 contains a bicycle lane along the west side of the highway. No other street fronts the subject property. This criterion is not required of the applicant.

- 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).**

This proposal does not require the installation of a new public sidewalk. The Highway 101 sidewalk is newer and the only requirement, other than the provisions of internal private sidewalks is a connection of a pedestrian walkway from the store to the existing Highway 101 sidewalk. The construction plans for this sidewalk will be reviewed by ODOT and Public Works, who will also work with the applicant in coordinating its construction.

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

No trees are proposed that would meander or impede accessible areas are planned. The five trees on the west side are located along a straight line within a privately owned landscaping strip along the Highway 101 sidewalk and should not impede movement. The ADA parking spaces are located along the store front and are not near trees. The pedestrian walkway from the store's sidewalks to the Highway 101 sidewalk is tree-free. The curbed landscaped garden that lies along the east/west drive aisle along the property line (discussed earlier) includes trees planted by Burger King, although trees are not in the vicinity of the ADA parking spaces.



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

No sidewalks nor planter strips are planned in the right-of way.

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.

All existing easements and rights-of-way are adequate for the proposed development and no additional rights-of-way are needed. Criterion met.

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.**

No alley is proposed. Although there was an alleyway, it was formally vacated as discussed earlier in these findings. This criterion is not applicable.

- 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.

No curb extensions are proposed.

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.**

Currently, only water, a fire hydrant and power lines are located on the property. Sheet UT-01 in Exhibit C shows a proposal to relocate the water lines, tie into an existing power pole located on the north side of the site and also with a power pole located near the NE corner of the Burger King site. The new power lines will then be buried in a joint utility trench for both the power lines and communication lines.

Sanitary sewer is proposed to connect with a main located at the SW corner of the Chens Family Dish site. The sewer line will run north and southward under the west store parking lot and connect to near the SW corner of the store. Cleanouts are shown on Sheet UT -01 of Exhibit C. Stormwater overflow would connect to an existing storm drain lines within the east driveway connected to the Burger King site and then drain out to an existing curb inlet in 35th St.

- 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.**

Public Works has been supplied with the proposed sewer, water and stormwater plans. Although these are reviewed within these findings and comments have been submitted by Public Works and the City Engineer of record, the final plans and any needed revisions will be approved by the Public Works Director in accordance with FCC 9-2, 9-3 and 9-5. The following referral comments applying to this subsection were provided on 11/3/23 (Exhibit L):

“Regarding the civil engineering plans from Dollar General, Public Works has provided comments back to the engineer for Dollar General and have requested the following items be addressed prior to the issuance of public improvement permits:

- *Stormwater plans need to be in compliance with the City's stormwater design manual and stormwater management plans*
- *Include City of Florence standard detail drawings in the plan set, including the use of 'Blue Bolts' for water system fittings. Blue bolts are constructed from*

corrosion-resistant, high-strength low-alloy steel that conforms to ANSI/AWWA C111/A21.11 and feature a blue fluoropolymer coating

- *Relocation of the existing 8-inch water main away from the proposed building and a minimum 10-foot separation from stormwater, sewer and underground electric lines.”*

Per the Public Works Director, the applicant shall include City of Florence standard detail drawings in the plan set, including the use of ‘Blue Bolts’ for water system fittings. Blue Bolts are constructed from corrosion-resistant, high-strength low-allow steel that conforms to ANSI/AWWA C111/A21.11 and feature a blue fluoropolymer coating. [Condition 9-1]

Other conditions or informationals have been addressed in these findings regarding referral comments submitted prior to this report.

- 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.**

No oversizing has been proposed. As discussed, the applicant must secure final plan 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.**

An existing fire hydrant is located within vacated 36th St., near the NW corner of the site and ties to a water main within the vacated street. New fire hydrant improvements are proposed near the current hydrant location, which is planned to be relocated in a curbed landscaped strip at the north end of the west parking lot. Siuslaw Valley Fire and Rescue Chief Schick provided the following referral comment on October 26, 2023 (Exhibit O):

“The Fire Department has no issues with emergency access or water supply for the planned development. We are highly encouraging the installation of an automatic sprinkler system but are not requiring it at this time. We are requiring a key box be placed on the exterior.”

At the request of SVFR Chief Schick, the applicant shall provide a key box placed on the exterior of the store. (Informational 2)

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. (Informational 3)

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 must meet the standards of the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan. Although the water and sewer capacity in the project area are sufficient for the proposed use, the applicant has been conditioned to relocate the existing 8-inch water main away from the proposed building and also provide a minimum 10-foot separation from stormwater, sewer and underground electric lines.

Prior to obtaining plumbing permits, the applicant shall provide evidence of final approval from the Florence Public Works Department for all water and wastewater improvements. [Condition 9-2]

Public stormwater infrastructure should only be needed in the event of rainfall greater than the design storms specified in the Stormwater Design Manual – a 25-year storm event taking place within 24 hours. Stormwater requirements are reviewed in discussion of FCC 9-5. The applicant has been conditioned per referral comments provided by the Public Works Director and Civil West (Exhibit L) that stormwater plans need to be in compliance with the City's stormwater design manual and stormwater management plans and will need to revise the current undated Stormwater Report provided in Exhibit H and other exhibits as applicable to meet this condition.

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.

As discussed at the beginning of these findings, the current site was part of a larger tax parcel that has since been split into two tax parcels. When the Burger King proposal was reviewed, the entire tax lot at that time contained roughly 1.84 acres and Informational 3 of the Burger King findings (PC 20 26 DR 06) state "*The long-term development of this 1.84-acre parcel will require erosion control permits via NPDES*". The applicant has provided erosion control plans for both that development and the current store proposal.

Per FCC 10-36-4, the applicant shall obtain a National Pollution Discharge Elimination (NPDES) permit from the Department of Environmental Quality prior to issuance of a development permit of land use permit as the site is equal to one acre in size. [Condition 9-3]

FCC Title 4: Building Regulations, Chapter 1 Section 15-3 (Securing Loose, Open or Raw Sand) requires a Sand Management Plan for all construction projects that could negatively impact traffic safety or damage adjacent properties. The applicant will be required to provide such plan to the Building Department and Public Works as required of this Chapter in accordance with the *2008 City of Portland Erosion and Sediment Control Manual*. (Informational 5)

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.**

New utility lines are planned to be located underground. This criterion is met.

10-36-6: EASEMENTS:

- A. **Provision: Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.**
- B. **Recordation: As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.**

Existing utility easements lie along the eastern and northern sides of the site; specifically in the areas of vacated Redwood and 36th Streets. Water lines and overhead power lines (CLPUD) are currently located within these easements; however, the power and future communication lines are planned to be relocated to an underground trench as shown on

Sheet UT-01 of Exhibit C. Relocation of the existing 8-inch water main away from the proposed building and a minimum 10-foot separation from stormwater, sewer and underground electric lines has been conditioned

The Planning Commission has the authority to call for additional easement dedication as needed for utilities; however, those provided appear adequate for the proposed use.

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.**

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

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

The proposal requires relocating a public fire hydrant and water mains. Additionally, as power and communication lines will be provided within an underground trench, this proposal will be subject to the construction standards, inspections, approvals, 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.

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 submitted a photometric site plan demonstrating the lumen output for the proposed development and lighting product specification sheets (Exhibit J). Product details are also provided in Exhibit J.

10-37-4: LIGHTING STANDARDS:

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

The photometric plan shows that all parking spaces and walkways will be lit. The lumen output, however, often exceeds the required maximum five foot-candles and the plan is conditioned below to be revised.

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.

Lighting is not proposed that would shine directly on the residential zoning and use to the east. Although it is not known at what height the wall pack lighting will be mounted on the building, it would be less than 15 feet in height.

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.

This subsection is conditioned below.

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.

Per FCC 10-37-4 E, lighting shall be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted. (Informational 4)

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.

Sheet SP-01 in Exhibit C shows a pylon sign is to be placed in the curbed landscape island on the north side of the Highway 101 approach. Note 6 on the sheet explains that this is a lighted pylon sign. The photometric plan in Exhibit J indicates that the signage lumens are included in the lumen count, but the output levels may be incorrect as Note 6 indicates that the signage is to be provided by a Dollar Tree vendor. This and what may be a lighted storefront sign is conditioned below.

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.

Fixture types:

The photometric plan shows (11) 40-watt wall pack lights to be mounted to the exterior walls. According to the product specification sheets in Exhibit J, these are all fully shielded. Plans submitted specifically for this lighting do not indicate the heights at these wall packs will be mounted at; however, Exhibit D, which provides building elevations indicates that there will be at least 2 of these mounted approximately 15' above grade on the west side and 5 on the west side of the building at approximately 12' in height. The remaining 4 wall packs are not shown on this elevation sheet although the photometric plan shows 3 wall packs along the eastern elevation which would cover the parking lot area. While none of these exceed 9.9 lumens on the photometric plan, one wall pack shown at the northwest corner of the building facing northward shows as producing 10.1 lumens at its highest intensity.

The photometric plan shows that the applicant is proposing one (1) shielded parking lot light (full cut-off) mounted on a 25' pole within the landscaped area between the Highway 101 sidewalk and west parking lot. This light is not located near any residential zoning or use. Product details shown in Exhibit J show that this is a 150-watt integrated LED luminaire and the brightest this luminaire is projected to shine is 5.4 lumens over a parking space beneath the luminaire. All proposed lighting exceeds the lumen output allowable by FCC 10-37-4, which is a maximum of five (5) foot-candles over parking spaces and sidewalk areas.

Prior to obtaining electrical permits, the applicant shall provide a revised photometric report for lighting levels in all areas of the site. Maximum and minimum illumination levels shall conform to FCC 10-37-4-B. Additionally, the applicant shall provide information regarding the height at which the wall packs will be mounted. [\[Condition 10-1\]](#)

All exterior lighting, both parking and building are subject to the dark sky code provisions. This includes signage. Lighting is not proposed for the trash enclosure area located in the northeast area of the site, according to Sheet SP-01 in Exhibit C.

Signage Lighting: An attached sign is proposed for the store front, (Exhibit E). However, information has not been provided on the photometric plan and it is unknown if the signage is externally or internally illuminated. Furthermore, the photometric plan does not indicate lighting for the proposed monument sign located in the landscape island on the west side of the site near the driveway.

If signage lighting is proposed, the revised lighting plans shall provide information for the lighted pylon sign shown on the Site Plan in Exhibit C and the storefront sign shown in Exhibit D in accordance with FCC 10-37-4. [\[Condition 10-2\]](#)

Lighting—including signage lighting—shall be extinguished at the end of business hours except as needed for safety in accordance with FCC 10-37-4-D. [\[Condition 10-3\]](#)

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 project's Stormwater Management Report, dated by Charlie Severs, P.E. for JSA Civil, explains that the existing drainage on site sheet flows from the north side to the south side of the site where it eventually is collected in catch basins. An infiltration rain garden with an overflow to below-grade storage (one connected system) is proposed. Stormwater overflow beyond the 25-year, 24-hour storm event will be collected in an overflow structure and connected to the city's stormwater conveyance system in 35th St. (Exhibit H).

The Geotechnical Report (Exhibit G) concludes that groundwater, generally, is approximately 8' below existing grades. Five (5') of separation between the bottom of the storm facilities and the groundwater elevation is feasible.

The Public Works Director, and Civil West, the City Engineer of record, have requested that prior to the issuance of public improvement permits, the "stormwater plans need to be in compliance with the City's stormwater design manual and stormwater management plans," (Exhibit L).

Prior to issuance of public improvement permits, the applicant shall revise the stormwater plan and any related site plans, so these meet Best Management Practices of the 2010 City of Florence Stormwater Design Manual and the 2008 City of Portland Erosion Sediment Control Manual per FCC 9-5-3-1. The revised materials shall contain dates and the Engineer's signature. Furthermore, the revisions should include a statement indicating that these designs achieve 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 per FCC 9-5-3-3A. [Condition 11-1]

The applicant submitted an Operations and Maintenance Agreement form included in Exhibit H and explains that this will be completed at a later date.

Prior to final building inspections, the applicant shall submit and obtain City approval of a completed Operations and Maintenance Agreement. The applicant shall bear the costs associated with having the Agreement recorded with Lane County. [Condition 11-2]

Note 14 of the preliminary site plan on Sheet SP-01, Exhibit C, refers to the rain garden as a storm retention pond. Both facilities are structured differently. The City's Stormwater Design Manual provides an explanation on rain garden and requirements beginning on page 28 of 49 of the Stormwater Design Manual. Within the submitted materials to the Planning Department, details are lacking regarding growing/filtering media (again, per the Stormwater Design Manual), construction and materials for the rain garden such as permeable linings.

Prior to final building inspections, the applicant shall resubmit stormwater facility typical drawings and other materials to reflect conformance with City of Florence standards for growing/filtering media. [Condition 11-3]

Stormwater rain gardens and accompanying underdrain facilities shall not be lined with impermeable materials. [Condition 11-4]

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

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

The proposed stormwater drainage system will be privately owned and has been designed, according to page 5 of the Stormwater Report in Exhibit H, in accordance with the City's presumptive approach requirements.

The presumptive approach consists of designing to the 25-year, 24-hour storm stored and infiltrated. As discussed below, any overflow exceeding the 25-year, 24-hour event will be conveyed to a stormwater system located in the 35th St. right of way. A revised stormwater plan has been conditioned to ensure it meets the City's requirements discussed elsewhere. The report omitted to include Best Management Practices (BMPs) details that are supposed to be shown in Appendix B of the study; instead, Appendix B contains a basin map displaying proposed pervious and impervious areas on the site. Of note is that the pervious calculations on the basin map differ from the Landscape Plan (Exhibit E). The lot calculations used in the Stormwater Study (42,174 sq. ft., or .97818 acre) is slightly less square footage than the Landscape Plan's calculations. The Landscape Plan may have based its information from the land survey shown on Sheet SV-01 in Exhibit C which provided in Note 4 under a section labeled, '*ALTA/NSPS LAND TITLE SURVEY TABLE A SURVEY NOTES*' which offers that the gross land area is 43,418 sq. ft., or 1 acre. The difference between the figures totals 1,244 square feet.

This small discrepancy in lot size between the Landscape Plan and Stormwater Report may not be in issue. According to the Stormwater Report author, stormwater storage facility has been oversized. Specifically, the retention of stormwater from a 25-year, 24-hour storm event requires 3,500 cubic feet of storage and that 4,100 cubic feet of storage will be provided (p. 5). Appendix F of the report shows that during rainfall events as large as a 25-year storm, the estimated post-development total rainfall will be 5.05 inches, with a total runoff of 3.94 inches and peak runoff will be 0.93 cubic feet per second (cfs).

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

Runoff rates are discussed under FCC 9-5-3-2 A.

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. Again, the applicant has been conditioned to revise the stormwater plans to align with the City's Stormwater Manual.

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 the development will not exacerbate water flow issues onto other properties. The facilities are designed to accommodate flow from the project property as required by this section. The site will only route water to downstream drainage systems during very large storms and only at rates less than or equal to the pre-development condition, meaning there will be no significant increase in peak flow rate to the public stormwater drainage system. These criteria are met.

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

The project is required to calculate stormwater flows using the Presumptive Approach, which is detailed in the Stormwater Manual. No additional improvements are necessary to the down gradient conveyance system (the public storm drain located in the 35th St. ROW).

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.**
- C. Projects located in the Zones of Contribution must have pre-treatment facilities prior to infiltration facilities as prescribed in the Stormwater Manual. When a wellhead protection plan is developed and adopted by the City, this specific requirement may be rescinded or modified by the City.**
- D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.**
- E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.**
- 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.**

According to Exhibit H, the stormwater treatment methodology states that roof runoff and a portion of landscaping runoff north of the proposed building will be routed to a series of catch basins to an existing storm water system. This system is not shown for pre-development; only post development in Sheet UT-01 in Exhibit C, the Preliminary Grading and Stormwater Plan.

Exhibit C, Sheet UT-01 shows the design and location of the at-grade rain garden and infiltration facilities. The rain garden, as proposed, is to measure 3 feet in height from its bottom elevation and to be contained within two rows of stacked cement concrete ecology blocks measuring 2' wide, 2' tall and 40' long within a landscaped area east of the eastern parking lot and access isle. Parking lot and remaining landscaping runoff is to be conveyed to an at-grade infiltration rain garden located on the east side of the east parking lot, which is also shown on the same sheet. The below-ground infiltration facility would be located within the east parking stall area and measure 16' in width with variable depths of approximately 2'.

The Stormwater Report does not include drawings of these facilities. Lining and soil fill are not included in the rain garden proposal. Infiltration rates are not included.

In addition to the below-grade soakage trench and rain garden, other on-site rainwater is to be conveyed to a series of drainage basins that connect to the soakage trench. The survey provided in Exhibit C, Sheet SV-02 provides existing conditions yet on-site existing drainage is not shown as suggested in Exhibit H (the Stormwater Management Report). The wording under 'Methodology' on page 4 is confusing because the first sentence is not entirely clear on existing and proposed stormwater: The report states:

“The existing drainage on site sheet flows from the north side to the south side of the site where it eventually is collected in catch basins and directed to the existing storm water system. Roof runoff and a portion of landscaping runoff north of the proposed building will be routed to a below grade soakage trench. Parking lot and the remaining landscaping runoff will be conveyed to an at-grade infiltration rain garden.”

The first sentence gives the reader the impression that there are existing catch basins that convey stormwater to the 35th St. stormwater system. According to this same exhibit, any stormwater overflow beyond the 25-year, 24-hour storm event is to be collected in an overflow structure and connected to the city's stormwater conveyance system in 35th Street.

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. At this time, it is unknown if at least 70% of the TSS from the flow entering the stormwater facilities has been achieved. *A revised Stormwater plan has been conditioned as has the requirement for more detail on the elevation of the pipe inlet into the infiltration facility.*

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 FLORENCE CITY CODE TITLE 9 12 STORMWATER MANAGEMENT UTILITY 9-5 corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.**

- B. 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.

A draft Operations and Maintenance Agreement has been provided and a completed agreement has been conditioned prior to final building inspections.

REALIZATION 2020, FLORENCE COMPREHENSIVE PLAN

Chapter 2: Land Use

Commercial

Goal: To utilize appropriately designated land for the development of commercial businesses and establishments in a manner that provides for the needs and desires of the Florence resident, tourist, and regional marketplace while enhancing the attractive nature of this coastal community.

Policies

- 9. Commercial facilities along highways and arterials shall be designed to avoid congestion through alternative local street access or consistent with the City's access management guidelines found within its Transportation System Plan.**

The proposal is consistent with this policy. The proposal includes a shared highway access point with Burger King and that access has been restricted to right-in/right-out only to reduce potential congestion and traffic conflicts. ODOT has expressed support for this highway access strategy prior to the construction of Burger King. No local streets are available for access, but access to 35th Street (a collector) has been discussed in review of FCC 10-35.

Chapter 12: Transportation

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

Policies

- 13. Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle and pedestrian circulation within the community. To promote bicycling and walking, marked bicycle lanes and sidewalks are required on all arterial and collector streets (other than those collectors identified as scenic drives) when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity. For collector streets that are identified as scenic drives, provision shall be made to adequately**

accommodate bicycles and pedestrians when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity.

- **Development shall provide adequate on-site circulation for vehicles, buses, bicycles, and pedestrians and shall provide off-site transportation improvements necessary to ensure that the incremental demands placed on the transportation system by the development are met.**

The proposal is consistent with this policy with the addition of conditions of approval. The requirements for pedestrian facilities such as the striped crosswalk, which can double as a method for bicyclists to walk their bicycles to the racks, creates a connection to Highway 101, allows for safe access to Burger King to the south indirectly through use of the highway sidewalk and reduces potential conflicts between vehicular and pedestrian traffic on the site.

29. The City shall notify ODOT and Lane County of all major development proposals which will generate more than 50 trips during an average peak hour, or more than 500 daily trips, or which require a traffic study.

ODOT was duly notified of the application, and the applicant had been in contact with ODOT for the review of a change of use proposal specifically for the access drive on Highway 101. The TIA (Exhibit I) estimates that this development will generate approximately 47 trips during the PM peak hour and a daily average 447 total trips. ODOT supplied referral comments after reviewing the TIA (Exhibit K) as discussed above. Lane County was not notified simply because FCC 10-35-24 states that the access authority requires an access permit. In this instance, ODOT and the City's roadways are involved; not Lane County's.

VI. 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.

VII. INFORMATIONALS

1. Sign permits are required from the Florence Building Department for signage on the site per the requirements of FCC 4-7.
2. At the request of SVFR Chief Schick, the applicant shall provide a key box placed on the exterior of the store.
3. 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.

4. Per FCC 10-37-4 E., lighting shall be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted.
5. FCC Title 4: Building Regulations, Chapter 1 Section 15-3 (Securing Loose, Open or Raw Sand) requires a Sand Management Plan for all construction projects that could negatively impact traffic safety or damage adjacent properties. The applicant will be required to provide such plan to the Building Department and Public Works as required of this Chapter in accordance with the *2008 City of Portland Erosion and Sediment Control Manual*.

VIII. EXHIBITS

“A”	Revised Findings of Fact
“B”	Application and Applicant Response to NOIC
“C”	Site Plan Materials
“C1”	Revised Site Plan Materials
“D”	Elevations and Design
“D1”	Revised Elevations and Design
“E”	Landscape Plan
“E1”	Revised Landscape Plan
“F”	Phase 1 SIR Application
“G”	Geotechnical Report
“H”	Stormwater Management Report
“I”	Traffic Impact Analysis
“J”	Lighting Plans and Products
“K”	ODOT Referral Comments on TIA
“L”	Public Works/ Civil West Referral Comments
“M”	CTCLUSI Referral Comments
“N”	Lumen Referral Comments
“O”	SVFD Referral Comments
“P”	Public Testimony - Meadows
“Q”	Delivery Truck Turn Radius Image