

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 19 06 CUP 01**

A REQUEST FOR A TEMPORARY CONDITIONAL USE PERMIT FOR TWO STORAGE CONTAINERS AT 1686 12<sup>TH</sup> STREET IN THE MULTI-FAMILY RESIDENTIAL DISTRICT

**WHEREAS**, application for a conditional use permit was made by Roger McCorkle on behalf of Elks Lodge #1858 for temporary mobile building space as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-4-12; and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on June 25, 2019, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-4-6, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

**WHEREAS**, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation, and evidence and testimony presented to them, that the application meets the applicable criteria.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record, that:

The request for a Conditional Use Permit for temporary mobile building space meets the applicable criteria in Florence City Code with the conditions of approval as listed below.

**Conditions of Approval:**

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

- “A” Findings of Fact
- “B” Land Use Application
- “C” Site Plan
- “D” Container Photos
- “E” Replanting Plan

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. Upon encountering any cultural or historic resources during construction or landscaping, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.
4. Prior to June 25, 2021, the storage containers shall be removed from the property, at which time approval for their use as temporary mobile building space shall expire.
5. Within six months of the date of approval of a conditional use permit for this application, exterior lighting shall conform to the requirements of FCC 10-37.
6. Within six months of the date of approval of a conditional use permit for this application, the applicant shall submit a lighting plan demonstrating conformity to the lighting standards of Florence City Code.
7. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.
8. Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed for security reasons. Motion sensors are recommended.
9. Prior to March 25, 2020, the applicant shall submit a revised landscaping plan. The plan shall include plant varieties; property boundaries of tax lots 03200, 03300, and 03400; and planting locations of new and existing specimens.
10. The revised landscaping plan shall include five additional shrubs and/or trees in the unpaved areas of tax lot 03200.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD**  
the 25<sup>th</sup> day of June, 2019.

\_\_\_\_\_  
JOHN MURPHEY, Chairperson  
**Florence Planning Commission**

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DATE

**STAFF REPORT & FINDINGS OF FACT  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Commission  
Exhibit “A”**

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**Public Hearing Date:** June 25, 2019                      **Planner:** Dylan Huber-Heidorn  
**Date of Report:** June 20, 2019  
**Application:** PC 19 06 CUP 01

**I. PROPOSAL DESCRIPTION**

**Proposal:** An application for temporary approval of two shipping containers in the parking lot of the Florence Elks Lodge for use as storage pods for the on-site thrift store, as well as approval for vegetation clearing and replanting begun in 2018.

**Applicant:** Florence Elks Lodge #1858

**Representative:** Roger McCorkle

**Property Owners:** Florence Elks Lodge #1858

**Location:** Parking lot of a large parcel south of 12<sup>th</sup> Street, between the Oak and Pine Street rights-of-way

**Site:** 1686 12<sup>th</sup> Street  
Map #18-12-26-32 Tax Lots 02100, 02200, 02900, 03200, 03300, and 03400

**Comprehensive Plan Map Designation:** Commercial

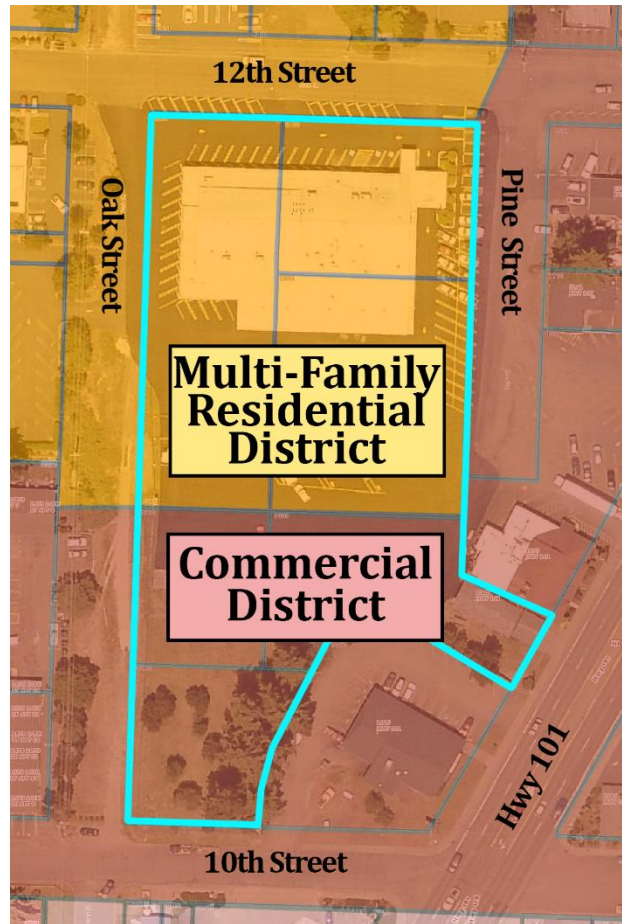
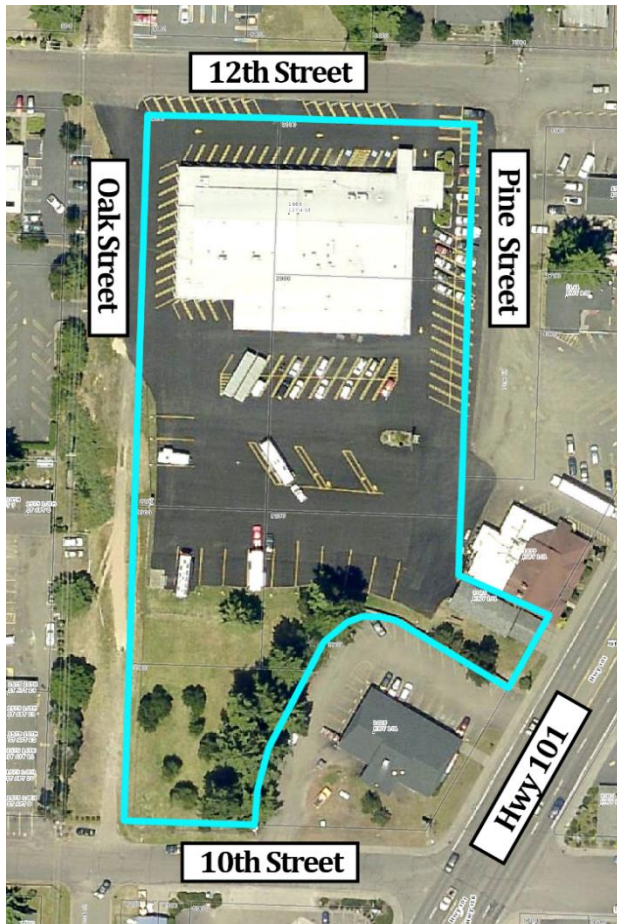
**Zone Map Classification:** Multi-Family Residential (RM), Commercial (C)

**Surrounding Land Use / Zoning:**

**Site:** Elks Lodge, thrift store, RV camping / C, RM  
**North:** Offices, Commercial, residences / RM  
**South:** Restaurant, service station / C, Mainstreet Area A  
**East:** Restaurants / C  
**West:** Community service, church, apartments / C, RM

**Streets / Classification:**

West – Oak St. / Local (undeveloped); North – 12<sup>th</sup> St. / Local; East – Pine St. / Local (undeveloped), U.S. Hwy 101 / Major Arterial; South – 10<sup>th</sup> St. / Local



## II. NARRATIVE:

On April 29<sup>th</sup>, 2019, Roger McCorkle applied for authorization for two metal storage containers on the Elks Lodge site. The application was deemed complete effective April 29, 2019.

The containers have been in their present locations since at least July 2012. The Florence Elks Lodge was originally constructed in 1960. In addition to the community functions of the lodge, the organization operates a thrift store in the southern sections of the building. The containers occupy four parking stalls near the thrift store and have served as storage of goods for sale. Title 10, Chapter 4 permits temporary mobile building structures for non-profits and governmental use. The applicant has requested authorization to keep the two storage containers in their current location for 5 years.

The northern three tax lots making up the site are zoned Multi-Family Residential and include the main lodge building, most of the site's parking, and the location of the storage containers. Three smaller tax lots make up the southern portion of the site, which includes RV parking stalls and an open space recreation area.

The applicant cleared vegetation during 2018 in the early stages of an effort to make the open space more attractive to RV campers and other Elks members. Landscaping changes include removal of at least 7-8 wax myrtle trees and clearing of other vegetation. New plantings have been placed on the southwestern, southern, and southeastern perimeter of the area to provide screening and aesthetic appeal. Because the clearing affected viewsheds from Hwy 101, a clearing permit and replanting plan would have been required.

### III. NOTICES & REFERRALS:

**Notice:** On June 4, 2019, notice was mailed to surrounding property owners within 300 feet of the property, and a sign was posted on the property on the same date. Notice was published in the Siuslaw News on June 19, 2019.

At the time of publishing this report, the City had not received any written comments on the application.

**Referrals:** On June 6, 2019, referrals were sent to the Florence Police Department and Siuslaw Valley Fire and Rescue. On June 10, 2019, referrals were sent to Florence Public Works and Northwest Code Professionals.

At the time of this report, the City had not received any referral comments.

### IV. APPLICABLE REVIEW CRITERIA

#### **Florence City Code, Title 10:**

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

Chapter 3: Off-Street Parking and Loading, Section 3-4

Chapter 4: Conditional Uses, Sections 5 through 8, 10, 11 & 12-E

Chapter 13: Multi-Family Residential District, Sections 2, 3, 4-D-3, and 5-A-2 & 5-K

Chapter 15: Commercial District, Section 2

Chapter 37: Lighting, Sections 2-B-3, 3, and 4

#### **Florence City Code, Title 4:**

Chapter 6: Vegetation Preservation, Sections 3, 4, and 6

### V. FINDINGS

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#### **FLORENCE CITY CODE**

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#### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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#### **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.**

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

This application included a site plan and basic information on surrounding conditions. These criteria are met.

**10-1-1-4: APPLICATION:**

- 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 city must conclude final action on this application by August 27, 2019.

**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:
7. **Conditional Use Permits.**

The applicant has proposed a temporary building space conditional use permit, requiring a Type III application and public hearing. This 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.
  - d. Notice shall be mailed to any person who submits a written request to receive notice.

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 public hearing was posted on the subject property on June 4, 2019. On this same date, notice was mailed to all property owners within 300 feet of the property. Notice was also published in the Siuslaw News on July 19, 2019. These criteria are 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 provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are 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.**

The Planning Commission held a public hearing on June 25, 2019, which met the standards of FCC 2-3 and FCC 2-10. The Planning Commission received all materials provided by the applicant. The findings state whether the application criteria were met. These criteria are met.

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

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**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.

**B. Institutions and Public Assembly Types:**

<b>Meeting rooms, private clubs and lodges</b>	<b>10 spaces plus 1 space per each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.</b>
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Under FCC 10-3-4, the 21,010 sq. ft. Elks Lodge requires 110 parking spaces.

The storage containers fully occupy four parking spaces and reduce one additional parking space below minimum size requirements. Not including these parking spaces or oversized RV and trailer parking spaces, the site includes exactly 110 standard parking spaces.

The storage containers do not reduce the site's available parking below what is required by code. This criterion is met.

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## **TITLE 10: CHAPTER 4: CONDITIONAL USES**

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

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

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

The first public hearing for this application will be held June 25, 2019. Per FCC 10-1-1-7, any appeal of the decision must be initiated within 12 days of the mailing date of the notice of decision.

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

**A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.**

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred.**

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

- B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.**

The applicant has not proposed new construction which would need to be started within 12 months.

Removal of the storage containers and discontinuance of approved temporary storage use for 12 months shall constitute expiration of the conditional use. **(Informational 1)**

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

- A. Conformity with the Florence Comprehensive Plan.**
- B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.**
- C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.**
- D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.**
- E. Adequacy of public facilities, public services and utilities to service the proposed development.**
- F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).**

The proposed temporary trailer and containers meet all of the criteria of FCC 10-4-10 which apply. There are no applicable Comprehensive Plan policies. The applicant will be required to carry out any conditions of approval or the use will be subject to revocation. The storage containers are not serviced by utilities. No comments have been received from police or fire services, although the site is easily accessible from several adjacent rights-of-way. As a temporary accessory use, the containers are not subject to Design Review codes, although general sightliness is reviewed under FCC 10-4-11. The containers do not impede vehicle or pedestrian access to a greater extent than if vehicles were parked in their locations.

The Elks Lodge building, including the thrift store and storage containers, is located on tax lots zoned Multi-family Residential, and the RV campground and open space on the southern

three tax lots are zoned Commercial. While community center and retail uses are not allowed outright in this district, the Florence Realization 2020 Comprehensive Plan designates the entire six tax lot site as a Commercial area. If all six lots were correspondingly zoned to the Commercial District, community center and retail uses would be permitted outright.

**10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Planning Commission. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).**

- A. Regulation of uses, special yard setbacks, coverage and height.**
- B. Requiring fences, walls, screens and landscaping plus their maintenance.**
- C. Regulation and control of points of vehicular ingress and egress.**
- D. Regulation of noise, vibration, odors, and sightliness.**
- E. Requiring surfacing of parking areas.**
- F. Requiring rehabilitation plans.**
- G. Regulation of hours of operation and duration of use or operation.**
- H. Requiring a time period within which the proposed use shall be developed.**
- I. Requiring bonds to insure performance of special conditions.**
- J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.**
- K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.**

No changes are proposed to setbacks, lot coverage, height, fences, vehicular circulation, noise, vibration, odors, or parking surfaces.

Landscaping changes are discussed in review of FCC 10-34 below.

The storage containers are in fair condition, having been repainted at some point in the past several years. Rust and other discoloration are present but minor. Goods for sale at the thrift store are regularly kept outside the doors of the containers in small quantities during business hours. The area around the containers is kept tidy at other times, and no outdoor storage is recorded or requested.

**10-4-12: ADDITIONAL CONDITIONS:** Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

**E. Temporary Mobile Building Space:**

- 1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:**
  - a. Temporary building space for education, nonprofit and government agencies.**

Florence Elks Lodge 1858 requests five-year approval for temporary building space for their thrift store, a commercial activity operated as part of their nonprofit organization. Temporary mobile building uses are subject to the discretion of the Planning Commission. Two-year approvals are typical for temporary uses.

Prior to June 25, 2021, the storage containers shall be removed from the property, at which time approval for their use as temporary mobile building space shall expire. **(Condition 4)**

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**TITLE 10: CHAPTER 13: MULTI-FAMILY RESIDENTIAL DISTRICT (RM)**

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**10-13-2: PERMITTED BUILDINGS AND USES:**

**Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard of single-family or duplex dwellings. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)**

While shipping containers would not be permitted outright for use as storage in a residential neighborhood, storage structures and uses are considered normal in a residential neighborhood. No code places specific limitations on the quantity of storage space on a residential property. This criterion is met.

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

**Public and private parks, playgrounds, community centers and recreational facilities. (Ord. 8, Series 1985, 5- 28-85)**

Most of the Lodge's existing facilities are on three tax lots zoned Multi-Family Residential. If the Elks Lodge was seeking initial approval today under classification as a community center, it could be approved by the Planning Commission on its current, zone-divided site through a conditional use process.

#### **10-13-4: LOT AND YARD PROVISIONS:**

##### **D. Yard Regulations:**

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

The Elks Lodge property abuts five different rights-of-way. For the purpose of setbacks, Florence City Code gives no clear direction for determining lot frontage for a lot with these circumstances. The Lodge is addressed on 12<sup>th</sup> Street, and that street provides the most direct access to the property, making it a logical choice. The front, side, and rear yard setbacks for non-residential uses in the Multi-Family District are five feet. No storage related to the storage containers or thrift store has been observed in violation of these areas.

#### **10-13-5: SITE AND DEVELOPMENT PROVISIONS:**

##### **A. Building and Structural Height Limitations:**

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

The applicant's materials indicate the storage containers are 8.5 feet high. This criterion is met.

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

Lighting is discussed in review of FCC 10-37 below.

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### **TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT (C)**

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**10-15-2: 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 10-15-4 herein.**

**Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.**

**Clubs, lodges and meeting halls**

**Secondhand stores, if conducted within a wholly enclosed building**

The Lodge and its thrift store—along with accessory storage—are uses which would be permitted outright in the Commercial District. Although these uses are on tax lots currently zoned Multi-Family Residential, part of the Elks property is zoned Commercial. The entire site is designated Commercial by the Comprehensive Plan.

Goods have been observed displayed for sale outside the building and the storage containers during storage hours. Outdoor business activity and storage are not permitted as part of a secondhand store use.

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## **TITLE 10: CHAPTER 37: LIGHTING**

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**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.

**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:

- 3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.**

The Elks property would be required to bring its lighting up to current standards if a conditional use permit is approved. Some light fixtures currently in use may not meet requirements for shielding or other aspects of code.

Within six months of the date of approval of a conditional use permit for this application, exterior lighting shall conform to the requirements of FCC 10-37. **(Condition 5)**

**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.**

Within six months of the date of approval of a conditional use permit for this application, the applicant shall submit a lighting plan demonstrating conformity to the lighting standards of Florence City Code. **(Condition 6)**

### **10-37-4: LIGHTING STANDARDS**

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

The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property. **(Condition 7)**

- D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.**
- E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.**

Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed for security reasons. Motion sensors are recommended. **(Condition 8)**

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

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#### **TITLE 4, CHAPTER 6: VEGETATION PRESERVATION**

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##### **4-6-3: VEGETATION CLEARING PERMIT REQUIRED:**

- A. A vegetation clearing permit shall be required in any of the following circumstances:**
  - 1. Clearing native vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a riparian corridor, wetland, greenbelt, or view corridor.**
  - 2. Removing native vegetation from any parcel for which a valid building permit has not been issued.**

Much of the vegetation which was cleared, including the trees, were visible and provided screening from Highway 101. No building permit had been issued for this site. A vegetation clearing permit was required.

## 2012 View of Park Site from Hwy 101



## 2018 View of Park Site from Hwy 101



### 4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT:

- A. A vegetation clearing permit application is required unless the application includes a concurrent application for a building permit or Conditional Use Permit, except that the criteria in FCC 4-6-4 C shall also apply to any removal of native vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.

A conditional use permit application is an opportunity for the Planning Commission to weigh in on vegetation clearing, landscaping, and replanting.

**4-6-4: PENALTIES:** Failure to obtain a permit, or comply with a condition or requirement of this Chapter shall be deemed a violation of City Code and subject to one or more of the following penalties:



- A. **Replacement of damaged or removed vegetation which approximates the site condition prior to the offense;**
- B. **Replacement of damaged or removed vegetation which has been determined by the Planning Commission to provide sufficient mitigation of the offense within a reasonable time-frame;**
- C. **Pursuant to the General Penalty clause contained in Code Section 1-4-1, each offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00), each day constituting a separate offense.**
- D. **Withholding or revocation of a business license, final PUD or subdivision approval, building permits, and suspension of building inspections until each offense has been satisfactorily mitigated. (This section amended by Ordinance No. 22 Series 1994).**

The applicant is actively planting the southern portion of the property to create a park-like atmosphere and provide screening. Rhododendrons, verbena, cypress, escallonia, laurel, arborvitae, and other varieties have been planted or are planned. However, the wax myrtle trees and other vegetation which were removed provided dense screening from Hwy 101 which may be difficult to replicate. The new planting plans may screen the Lodge site—including the park area, campground, and parking lot—from the south and west more effectively.

At least 10 bushy wax myrtles which had provided significant screening were removed. The applicant's replanting plan includes 10 trees (Leyland cypress) and 25+ shrub specimens. When mature, the varieties selected by the applicant should screen most of the affected property as well or better than the previous condition. The replanting plan does not demonstrate that proposed escallonia plantings will adequately replace the trees removed on the eastern section of the open space area. Along with other screening issues, this is one of the few areas where vegetation could be placed in existing open space to screen the storage containers from Hwy 101.

While legible, the submitted replanting plan does not include all affected portions of the property, is only partially implemented, and does not include a timeframe for completion of replanting projects.

Prior to March 25, 2020, the applicant shall submit a revised landscaping plan. The plan shall include plant varieties; property boundaries of tax lots 03200, 03300, and 03400; and planting locations of new and existing specimens. **(Condition 9)**

The revised landscaping plan shall include five additional shrubs and/or trees in the unpaved areas of tax lot 03200. **(Condition 10)**

**2012 View of Park Site from 10th Street**



**2018 View of Park Site from 10th Street**



**2012 View of Park Site from 10th Street**



**2018 View of Park Site from 10th Street**



## 2018 View of Tax Lot 03200 from Hwy 101



### VI. ALTERNATIVES

1. Approve the application based on the findings of compliance with City regulations.
2. Modify the findings, reasons, or conditions and approve the request as modified.
3. Deny the application based on the Commission's findings.
4. Continue the Public Hearing to a date certain if more information is needed.

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### VII. CONCLUSION AND RECOMMENDATION

Staff finds the proposal meets the requirements of City Code with conditions and recommends approval of the conditional use permit subject to the following conditions.

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### VIII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

- "A" Findings of Fact
- "B" Land Use Application
- "C" Site Plan
- "D" Container Photos
- "E" Replanting Plan

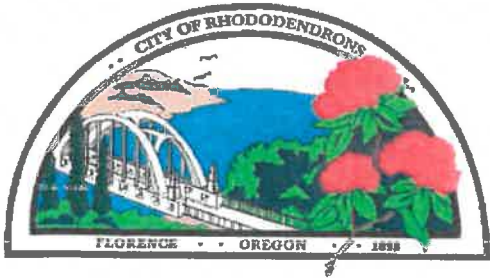
Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed “Agreement of Acceptance” of all conditions of approval prior to issuance of a building permit.
3. Upon encountering any cultural or historic resources during construction or landscaping, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.
4. Prior to June 25, 2021, the storage containers shall be removed from the property, at which time approval for their use as temporary mobile building space shall expire.
5. Within six months of the date of approval of a conditional use permit for this application, exterior lighting shall conform to the requirements of FCC 10-37.
6. Within six months of the date of approval of a conditional use permit for this application, the applicant shall submit a lighting plan demonstrating conformity to the lighting standards of Florence City Code.
7. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.
8. Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed for security reasons. Motion sensors are recommended.
9. Prior to March 25, 2020, the applicant shall submit a revised landscaping plan. The plan shall include plant varieties; property boundaries of tax lots 03200, 03300, and 03400; and planting locations of new and existing specimens.
10. The revised landscaping plan shall include five additional shrubs and/or trees in the unpaved areas of tax lot 03200.

**Informational:** Removal of the storage containers and discontinuance of approved temporary storage use for 12 months shall constitute expiration of the conditional use.

## IX. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Site Plan
"D" Container Photos
"E" Replanting Plan



*City of Florence*  
 Community Development Department  
 250 Highway 101  
 Florence, OR 97439  
 Phone: (541) 997-8237  
 Fax: (541) 997-4109  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

**Type of Request**

**THIS SECTION FOR OFFICE USE ONLY**

Type I    Type II    Type III    Type IV

Proposal:

PC1906 CUP 01-ELKS  
 Lodge Storage

**Applicant Information**

Containers

Name: Florence Elks Lodge #1858

Phone 1: [Redacted]

E-mail Address: [Redacted]

Phone 2: [Redacted]

Address: 1636 12<sup>th</sup> St., Florence, OR-97439

Signature: [Redacted]

Date: 4-29-19

Applicant's Representative (if any):

**Property Owner Information**

Name: Florence Elks Lodge #1858

Phone 1: same

E-mail Address: same

Phone 2: same

Address: same

Signature: [Redacted]

Date: 4-29-19

Applicant's Representative (if any):

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

**For Office Use Only:**

RECEIVED  
 City of Florence  
 APR 29 2019  
 By: VMM

Approved

Exhibit

**Exhibit B**

Property Description

Site Address: 1686 12<sup>th</sup> St.

General Description: Elks Lodge Property

Assessor's Map No.: 18-12-26-32 Tax lot(s): 2100, <sup>2200</sup>~~2300~~, 2900, 3200, 3300, 3400

Zoning District: MFR

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): Commercial, Residential, Church

Project Description

Square feet of new: \_\_\_\_\_ Square feet of existing: \_\_\_\_\_

Hours of operation: \_\_\_\_\_ Existing parking spaces: \_\_\_\_\_

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

Timetable of proposed improvements: \_\_\_\_\_

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

If yes, please describe: \_\_\_\_\_

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

Applying for a five year conditional use for two storage pads for the thrift store.

Measurements: each pad is 40'L, 8'W, 8'6" H  
Photos submitted.

No outdoor storage is proposed.

For Office Use Only:

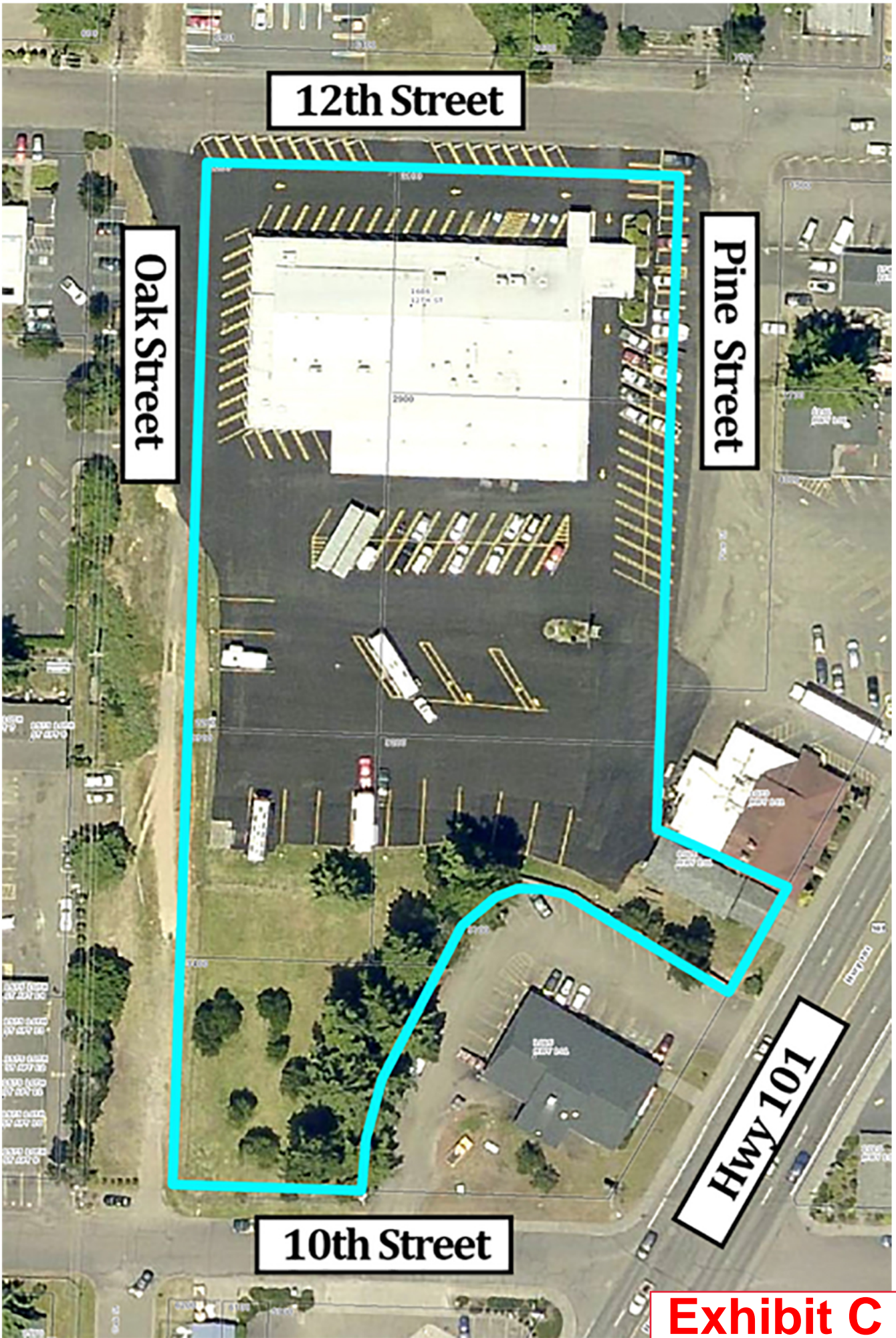
Date Submitted: 4/29/2019 Fee: \$421.00  
Received by: VMM

City of Florence  
Paid

APR 26 2019

PAID





12th Street

Oak Street

Pine Street

10th Street

Hwy 101

Exhibit C



Exhibit D

