

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 20 13 DR 01 & PC 20 14 DR 02

A REQUEST FOR DESIGN REVIEW OF A DRIVE- THRU COFFE KIOSK AND DRIVE-THRU CARWASH ON TWO ADJOINING LOTS WITH SHARED LANDSCAPING, UTILITIES, PARKING AND ACCESS EAST OF HIGHWAY 101, BETWEEN 5TH AND 6TH STREETS AND WEST OF OLD SCHOOL FURNITURE.

WHEREAS, application was made by Sean Randall, Owner, for a Design Review approval as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on August 11, 2020 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 of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6, finds, based on the Findings of Fact, application, staff recommendation, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

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

The request for a design review of a drive-thru coffee kiosk and drive- thru carwash on two adjoining lots with shared landscaping, utilities, driveway, parkway and access east of Hwy 101 between 5th and 6th Streets, and west of Old School Furniture meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan 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.

Approval shall be shown on conditions of approval as supported by the following record:

"A" Findings of Fact
"B" Land Use Application and Supplemental
"C" Kiosk Plans
"D" Carwash Plans
"E" Coffee Kiosk Narrative
"F" Carwash Narrative
"G" Traffic Impact Study
"H" Stormwater Memorandum
"I" Resolutions for Prior Approvals

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision.

1. 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, 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. The applicant shall provide two ADA accessible parking spaces. One stall shall be van accessible meeting all the applicable requirements of FCC 10-3-5 including aisle access prior to issuance of Certificate of Occupancy. If the parking turnout on the east side of the kiosk is planned as an ADA parking space, ramps meeting size and slope requirements must be provided in order to access the kiosk.
5. Pedestrian access to the internal site is provided; however, a recorded deed or easement, and covenant shall be required to use any off-site parking facilities.
6. A detailed and dimensioned signage plan that meets requirements outlined in FCC Title 4, Chapter 7 shall be submitted and approved by the Planning Department. The properties are located in the Commercial Sign District.
7. A detailed bicycle plan shall be submitted for review and approval prior to permitting to ensure short-term size, marking, and storage is compliant with subsections G and H of this Chapter.

8. The plans provided do not clearly illustrate or note the approved variances on the site plan. These variance setbacks shall be dimensioned and noted on the final plans prior to permitting.
9. The applicant proposes the carwash facility operates 24 hours a day. Given the nearby residential uses south of 5th St., hours of operation shall not be allowed from the hours of 10 pm to 7 am as outlined in Title 6, Chapter 1.
10. Approximately 100 feet of 5th St. will be reconstructed as part of the proposed development. This is required to address the increased vehicular traffic generated on the street with the increase in uses. The applicant shall provide final construction plans for review and approval by Public Works prior to commencement of construction.
11. The applicants request any required performance bonds as a condition of approval for Building Permit issuance.
12. The proposed landscape shall not interfere with pedestrian and bicycle access.
13. The applicant is proposing both a new driveway approach and installation of sidewalks along public right-of-way. Construction plans for these improvements will be required to be submitted in conjunction with a building permit. Additionally, per this Section, the applicant shall obtain a Construction Permit in the Right-of-way to install driveway approaches and sidewalks.
14. Prior to issuance of a building permit for this site the applicant is required to sign a non-remonstrance agreement with the City regarding improvements to the driveway access on 6th Street. In accordance with the Access Management Plan, the shared driveway along 6th Street must be located further to the east (at least 50 feet from Hwy 101), and widened to at least 8 feet. Non-remonstrance will be executed in conjunction with the development of the property to the east and include financial participation and easements as needed for the shared access reconstruction at 6th Street.

Resolution PC 19 11 CUP 04 expires on Oct. 22 of this year. As such, the above shall be re-conditioned with this application, as well.

15. The City of Florence Public Works Department has determined that, due to the increased amount of traffic on 5th St. the development will trigger, the roadway will need to be reconstructed in order to handle the increased traffic.
16. Easements are required to implement the Access Management Plan shared access between this development site and the Old School Furniture Site to the east. Once cross easements are made by the eastern property

owner, 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.

17. The employee entrance to the kiosk does not provide connection to the sidewalk systems. Such connection shall be demonstrated.
18. In order to extend a sewer lateral to the carwash from 5th St., a private utility easement for the sewer line shall be required because the line would cross the lot lines.
19. Sheet C-3.0 in Exhibit D indicates the new proposed wastewater line in the drawing as a 6". The drawing notes state that this line is an 8". This discrepancy shall be rectified in the Civils during the permitting process.
20. Stormwater is proposed to be collected and treated through infiltration processes in planting areas. The Narrative for these applications express that the above Condition 8 has been covered in this Design Review application; however, designs for catch basins continue to remain on the updated plans (Exhibit D, Sheet C-3.0 & Sheet 5.0) Additionally, the 8" stormwater line is shown in the drawings is indicated in the Legends of those sheets as being 12". A new manhole is proposed to be located in 5th St, near the SE corner of the kiosk property. The applicant shall submit final plans to the Public Works Department for approval prior to permitting.
21. Additionally, cross access and maintenance easements between the property owners of the carwash and coffee kiosk are required to be drafted and recorded with the County prior to issuance of a Certificate of Occupancy for either use.
22. The lighting plan does not factor current existing conditions of newly installed ODOT lighting along Hwy 101. The applicant shall re-submit the lighting plan prior to permitting.
23. The applicant shall provide a photometric report for each type of luminaire illustrating that the design is full-cut off because the lighting plans provided do not specifically state they are. Parking Areas: The two parking areas on site do not include illumination within the stated ranges. The applicant shall supplement the parking areas to meet the illumination of parking areas criterion.
24. Lighting shall be extinguished at the end of business hours except as needed for safety.
25. The design of a stormwater planter, taken from Sheet C-2 (Utility Plan) in Exhibit D, is not an option included in the Stormwater Design Manual. The applicant shall either revise the proposal to provide an approved system

from the Stormwater Design Manual or apply and receive stamped approval from the Public Works Director for this alternative infiltration planter design.

26. The proposal also includes catch basins. These catch basin facilities shall also be designed and installed using the approved design in the Stormwater Design Manual.
27. The applicant shall resubmit a dimensioned landscaping plan that indicates require shrubbery and trees and further addresses plantings in the SW stormwater planter.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 11th day of August, 2020.

John Murphey, Chairperson
Florence Planning Commission

DATE

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"

Public Hearing Date: August 11, 2020 **Planner:** Roxanne Johnston, CFM
Date of Report: August 4, 2020
Application: PC 20 13 DR 01 (Drive-thru Coffee Kiosk)
PC 20 14 DR 02 (Drive-thru Carwash)

I. PROPOSAL DESCRIPTION

Proposal: Two design review applications requesting approval for both a +/- 400 sf drive-thru coffee kiosk and +/- 1,400 sf drive-thru carwash on two adjoining ownership tracts sharing landscaping, parking, access, stormwater facilities and utilities.

Applicant: Sean Randall, GMA Architects

Property Owner: Sean Randall

Location: East of Hwy 101 and west of Old School Furniture, between 5th St. (Rhododendron Dr.) and 6th St.

Site: Map #18-12-27-44, Tax Lot 06600 (Kiosk), Map #18-12-27-44, Tax Lot 06601 (Carwash)

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Mainstreet Area "A" District (MSA)

Surrounding Land Use / Zoning:

Site: Vacant lots / Mainstreet Area "A" District (MSA)
North: Restaurants, services, grocery store, Hwy 126 / MSA
South: 2nd hand retail, 2nd story residential units, bank, Restaurants, motel, Old Town / MSA
East: Old School Furniture / MSA
West: Hwy 101, 2nd-hand retail, retail service, Sears, restaurants / MSA

Streets / Classification:

West – Highway 101 / Major Arterial (No access); South – 5th Street / Local / Collector (dead ends); North – 6th Street / Local; East – shared cross access driveway with Old School Furniture.

II. NARRATIVE:

In 1891, the Amended Chicago Addition to Florence was recorded by Lane County. In Block 50, the location of the subject sites, Lots 1-10 were situated on the east side. The installation

of Highway 101 diagonally bisected the block, leaving lot fragments. Until the late 1990s, a service station was on the proposed site of the kiosk, and a restaurant was in the approximate area the proposed carwash is to be located.

The coffee kiosk is planned to be constructed in the southern tract, and the carwash, in the northern. Neither will have direct access from Hwy 101. Access is planned using 5th St and 6th St. A shared access with Old School Furniture is identified in the Access Management Plan to be provided east of the proposed development between 5th and 6th St., which can still be accommodated when Old School Furniture redevelops. As required, a Traffic Impact Analysis was conducted by Sandow Engineering, a firm located in Eugene. The applicant intends to begin construction as soon as possible; preferably this summer, and have the projects completed in approximately 4-5 months.

Recent improvements to Highway 101 (ReVision Florence) have been installed immediately west of the subject properties. These include new sidewalks connected to ADA ramps at both 5th and 6th Street corners, landscaping, a bike lane, and a horizontal parking turnout parking that could potentially fit four medium-sized vehicles. A traffic light system exists at 5th St. and Hwy 101, and ODOT installed 3 lamp posts in the sidewalk west of the properties. The development is not planned to interfere with these new installations.

Design Review approvals are the last formal steps involving public hearings in the development processes for these two proposals. Previous conditional approvals for the drive-thru element of these proposals were granted by the Planning Commission in October, 2019 and expire on October 22 of this year unless permits have been issued and substantial construction has begun. Variances for reduced front setbacks were also approved, with conditions, at that time. These approvals are discussed in more detail, below.

DRIVE - THRU COFFEE KIOSK: On October 22, 2019, the Planning Commission conditionally approved PC 20 11 CUP 04, a Conditional Use Permit which allows the coffee kiosk as a drive-thru structure in the Mainstreet Area A District where drive-thrus are not allowed outright per Title 10 Chapter 27, Sec. 10-27-3.j. Concurrently, PC 19 09 VAR 02 was approved, which allows a variance from the required front yard setback.

The proposed coffee kiosk includes a structure with two drive-thru lanes and a walk-up window with a seating patio. The kiosk will offer coffee, smoothies, lattes, teas, and prepackaged baked goods such as bagels and cookies. The kiosk is proposed to be open daily from 5:00 am through 9:30 pm, with exception to closure on Christmas Day. The coffee company estimates that staff are comprised of 13-15 employees total – five of which are to be full time, and the remainder working between 12- 25 hours a week. During peak operation, four employees will be on site.

DRIVE - THRU CARWASH: On October 22, 2019, the Planning Commission conditionally approved PC 20 10 CUP 03, a Conditional Use Permit allowing the proposed carwash (identified as a 'service station') as a drive-thru structure since service stations are only allowed in the Mainstreet Area A District by such a permit per Title 10 Chapter 27, Sec. 10-27-3.d. PC 08 VAR 01 was also approved, which allows for an approximate 65' front yard setback.

This portion of development proposal includes an automated drive-through car wash lane, office, restroom, and equipment room. Operations will include fully automated system capable of touchless (water pressure) and soft touch (cloth) car wash options. Additionally, the site plans indicate (5) five commercial vacuum cleaners. This facility is proposed to operate 24 hours per day with one full-time staff on site as a service technician and groundskeeper. The car wash will use a highly efficient reclaim water system that recovers and reuses 90% of wash water.

III. NOTICES & REFERRALS:

Notice: On July 22, 2020, notice was mailed to surrounding property owners within 100 feet of the property and a sign posted on the properties. Notice was published in the Siuslaw News on August 5, 2020.

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

Referrals: Referrals were sent to the Florence Public Works, Police, and Building Departments; Central Lincoln PUD; ODOT; OregonFast; CenturyLink; USPS; Western Lane Ambulance; Charter; Coastcom; and Siuslaw Valley Fire and Rescue on July 22, 2020.

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

IV. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10:

(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 3-2 through 3-6; 3-8 through 3-10
- Chapter 6: Design Review, Sections 4 through 9
- Chapter 27: Mainstreet/Area A District, Sections 1 through 5
- Chapter 34: Landscaping, Sections 2 through 5
- Chapter 35: Access and Circulation, Sections 2-2 through 2-14, 3-1 through 3-3 and 4.
- Chapter 36: Public Facilities, Sections 2-4, 2-5, 2-16, 2-17, 2-18, 3 though 8
- Chapter 37: Lighting, Sections 2 through 6

Title 9:

Chapter 5: Stormwater Management Requirements, Sections 1 through 7

Florence Realization 2020 Comprehensive Plan

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

Ch. 2, Commercial Policy 9, & Ch. 12 Policies 13 & 29

V. PROPOSED FINDINGS

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 originally submitted most of the required documents along with a City-approved application form on May 11, 2020. Staff checked for completeness and sent a Letter of Incompleteness on June 5, 2020 as the application was missing a title report. A Notice of Completion was mailed after the title report was submitted to the Planning Department. The applications were deemed complete as of June 10, 2020. The applications associated with these requests are considered as Quasi-Judicial (Type III) and noticing requirements have been fulfilled per this Chapter. These 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)

- 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.**

The applicant supplied the required plans on May 11, 2020 which include existing condition information. The ReVision Florence project had not yet installed the upgrades to the ODOT ROW, but those improvements did not significantly impact on-site conditions. Existing property lines, utility locations and sizes, streets, and location of the adjacent Old School Furniture structure information are shown on Sheet 1 of 1 in Exhibit C. Furthermore, existing area uses within 300 feet are explained in Exhibits E & F, the Applicant Narratives. This criterion has been met.

- 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 supplied a narrative statement for each project on May 11, 2020. This criterion has been met.

- 6. Shall be accompanied by any other information deemed necessary by the City Planning Department.**

The Planning Department determined that the initial application lacked a Title Report. The applicant provided this document on June 10, 2020. This criterion has been met.

- 7. Shall be accompanied by the required, non-refundable fee.**

The applicant submitted payment of the required fees to the Planning Department on June 1, 2020. 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)**

Evidence, with exception to a title report, was submitted by the applicant on May 11, 2020. The required title report was submitted June 10, 2020. This criterion has been met.

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.**

F. Initiation of applications:

- 1. **Applications for approval under this Chapter may be initiated by:**

[...]

- d. **A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.**

[...]

- G. Changes in the law: Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.**

A Traffic Impact Study was requested of the applicant by the City, pursuant to FCC Chapter 1, Section 1-4-E-2-c: 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. In addition to the estimated increase in ADT, the development may have operational or safety concerns and proposes a change in internal traffic patterns that may cause safety problems, such as traffic backed up onto a street or greater potential for traffic accidents given that the volume of traffic turning on and off 5th St, in particular, would increase.

Intersection Crash History published in the Florence Transportation System Plan (TSP) notes 7 collisions at the Hwy 101 and Rhododendron drive intersection between January 1, 2005 and December 31, 2009. The observed crash rate at this intersection is 0.26. This is a signalized intersection.

The site formerly held a “tasty cone” type of restaurant and a service station. The last TSP was adopted into the Comprehensive Plan in 2012, and the site was unused at the time of that publication. As such, all traffic counts attributed to the proposed new development would be in addition to traffic counts listed in the TSP.

A Traffic Impact Study has been performed by Sandow Engineering and has been submitted with these Design Review applications. Any possible deficiencies will be noted or conditioned later under Title 10, Chapter 35 in these Findings of Fact.

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 on June 10, 2020. The Type III quasi-judicial public hearing set with proper notification processes on August 11, 2020. No written extensions have been submitted This criterion has been met.

- B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.**

[...]

2. When proceedings are consolidated:

- a. The notice shall identify each application to be decided.**
- b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.**
- c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.**

Both Design Reviews are consolidated herein as the proposed structures are symbiotic in nature regarding parking, access, landscaping, stormwater facilities and utilities.

- C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:**

1. **Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.**
 - a. **The required forms.**

The applicant duly submitted most of the required documents along with a City-approved application form on May 11, 2020. Staff checked for completeness and sent a Letter of Incompleteness on June 5, 2020 because the application was missing a title report. A Notice of Completion was mailed after the title report was submitted to the Planning Department. The applications were deemed complete as of June 10, 2020. These criteria have been met.

- b. **The required, non-refundable fee.**
- c. **The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.**

The applicant is the property owner and signed the application. Additionally, he supplied both application and required fee on May 11, 2020. These criteria have been met.

2. **Completeness.**

- a. **Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.**
- b. **Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.**
- c. **Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.**

The applicant duly submitted most of the required documents along with a City-approved application form on May 11, 2020. Staff checked for completeness and sent a Letter of Incompleteness on June 5, 2020 because the application was missing a title report. A Notice of Completion was mailed after the title report was submitted to the Planning Department. The applications were deemed complete as of June 10, 2020. These criteria have been met.

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

Referrals were sent to the Florence Public Works, Police, and Building Departments; Central Lincoln PUD; ODOT; OregonFast; CenturyLink; USPS; Western Lane Ambulance; Charter; Coastcom; and Siuslaw Valley Fire and Rescue on July 22, 2020.

D. City Planning Official’s Duties. The City Planning Official (Director) or designee shall:

[...]

- 3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.**

A staff report and Findings of Fact with conditions, exhibits and recommendations have been made available on August 4, 2020. These criteria have been met.

- 4. Prepare a notice of the proposal decision:**

[...]

- b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).**

A staff report and Findings of Fact with conditions, exhibits and recommendations have been made available on August 4, 2020, at least 7 days before the scheduled and noticed public hearing and Planning Commission meeting on August 11, 2020. These criteria have been met.

[...]

- 6. File notice of the final decision in the City’s records and mail a copy of the notice of the final decision to the applicant; all persons who provided**

comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law.

7. **Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and condition, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information, or documentation that was considered by the decision-maker(s) on the application.**
8. **Administer the appeals and review process.**

A Notice of Decision will be mailed to the applicant with an Agreement of Acceptance for the applicant to sign which will ensure the conditions are understood.

E. Amended Decision Process.

1. **The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.**
2. **The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new appeal period shall begin on the day the amended decision is issued.**
3. **Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.**
4. **Modifications to approved plans or conditions of approval requested by the application shall follow the procedures outlined in section 10-1-1-6. All other changes to decisions that are not modifications under 10-1-1-6 follow the appeal process.**

- F. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 6 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.**

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.**

[...].

- 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.**

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

[...]

- d. Notice shall be mailed to any person who submits a written request to receive notice.**

Notice of the application was provided to property owners within 100 feet of the subject property and posted on the property 21 days prior to the public hearing on July 22, 2020 and posted on the property the same day.

- e. For appeals, the appellant and all persons who provided testimony in the original decision.**

- 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.**

A public hearing notice was published in Siuslaw News on August 1, 2020.

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.**

Notice was mailed to all property owners within 100 feet of the proposed site. The notice contained all the required information listed in FCC 10-1-1-6-3-C. This criterion has 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.**

The Planning Commission held a public hearing per the procedures of FCC 2-3 and FCC 2-10. The Planning Commission held a duly-noticed public hearing on August 11, 2020 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received.

- 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, save an ADA accessible stall that is conditioned later in these Findings, to meet the intent of FCC 10-3.

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.
- B. For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.

Six parking spaces, including 2 ADA spaces are required. The applicant is proposing 8 on-site shared parking spaces; however, the spaces against the west side of the carwash are not able to count towards this requirement because they are considered service bays since they contain vacuums. This is discussed in FCC 10-3-4 C, below. Additional on-street parking is available along a newly installed turnout in Highway 101. Access to the development will be available from the Hwy 101 sidewalk to an internal pathway which will be located slightly south of the turnout.

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:

Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	None
Offices	1 space per 400 sq. ft. floor area

Call centers, data centers, and other similar telecommunications or internet businesses	
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Planning Commission
Retail Sales and Service (See also Drive-Up Uses)	<u>Retail</u>: 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	<u>Restaurants and Bars</u>: 1 spaces per 125 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment</u> (e.g., bowling alleys): 1 space per 333 sq. ft.
	Theaters and Cinemas: 1 per 6 seats

Although a minimum of 2 parking spaces per business would usually be required in the subject zoning district, (for a total of 4), the applicant proposes 8 parking spaces which are planned within marked on-site spaces - however, not all spaces marked on the site plan shown on Sheet A001 of Exhibit C count toward the required parking. A total of 6 spaces are required; two of which shall serve as ADA parking. Five of the spaces shown in the plans, including an ADA accessible stall, contain plans for vacuums. As such, those stalls would not be counted towards parking requirements because they function as service bays. The Mainstreet Area A District allows on-street parking immediately adjacent to a business. Adjacent parking along Hwy 101 in the parking turnout has been considered in the Applicant Narrative with these plan proposals as additional parking, Sheet A001 (Exhibit C). No on-street parking has been proposed on 5th St. and no parking is allowed on 6th St. according to posted signage along that street. One ADA parking space has been shown in Exhibit C. and the project requires one additional ADA parking stall. This is discussed below.

The coffee kiosk drive-thru lanes do not require any parking as the lanes themselves serve as parking as indicated in the table above. The kiosk building sq. ft. is approx. 400 sq. ft. and under the restaurant code requires 1 space per 125 sq. ft., requiring a total of 4, rounded up, parking spaces.

The drive-thru automated car wash does not require parking as the lanes service as parking. However, the applicant's floor plan on Sheet A120 in Exhibit D indicates there is approximately 82 sq. ft. of office space and approximately 93 sq. ft. of maintenance area. The Applicant Carwash Narrative (Exhibit F) states there will be one full-time employee and 4 self-

serve vacuum stations. The site plan on Sheet A001, Exhibit D, however, shows that there are 5 self-serve vacuums; one for each parking space against the west side of the carwash. The combination of sq. ft. of employee area using the office criterion and vacuum stations require a total of 2 parking spaces.

The total required parking spaces for the two uses using the drive-thru, restaurant and office criterion is 6 spaces. There are 3 on-site spaces and 4 on-street spaces, totaling 7 available spaces. The applicant's 7 available spaces (counting the 4 off-site parking along Hwy 101) could meet the minimum parking spaces requirement with exception to ADA parking with conditions, as explained below.

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
	<i>Column A</i>		
1 to 25	1	1	0
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

Although the parking spaces are to be shared among the two uses only one (1) ADA space has been provided; however, since the plans show a vacuum in the stall, this does not count as a parking space. It is, instead, a service bay. Each business should provide one ADA (1) space per Table 10-3-2. The parking plans shown in Exhibits C & D (Sheet A001 in both exhibits) do not indicate any provision for an additional ADA parking spot. The applicant shall

provide two ADA accessible parking spaces. One stall shall be van accessible meeting all the applicable requirements of FCC 10-3-5 including aisle access prior to issuance of Certificate of Occupancy. If the parking turnout on the east side of the kiosk is planned as an ADA parking space, ramps meeting size and slope requirements must be provided in order to access the kiosk. **[Condition 4]**.

10-3-6: COMMON FACILITIES FOR MIXED USES:

- A. In the case of mixed uses, the total requirement of off- street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Planning Commission where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand.**

Requests for parking reductions shall be made to the Planning Commission by filing an application for Design Review. The applicant(s) shall provide the information that is outlined below based upon the document "Shared Parking" authored by the Urban Land Institute. The Planning Commission and/or staff may require the information be prepared by a registered traffic engineer.

The applicant is not requesting a reduction in off street parking spaces.

[...]

- D. The parking facility for which shared parking or off-site parking is proposed shall meet the criteria listed in 10-3-7.**

10-3-7: OFF-SITE PARKING: Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Planning Commission may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

- A. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,**
B. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,
C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,
D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

The proposal uses share parking facilities. The parking is located central to the two businesses, excepting the on-street parking provided within Highway 101. Pedestrian access to the internal site is provided; however, a recorded deed or easement, and covenant shall be required to use any off-site parking facilities, **[Condition 5]**.

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

[...]

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

Stormwater is addressed under Title 9, Chapter 5 of these Findings. The nearest residential uses are south of the project in the 2nd story of the antique store buildings. The northern-facing buildings contain windows in the residential use. Parking is situated west of the drive-thru carwash and east of the drive-thru kiosk, oriented towards the western wall of the carwash. Landscaping with evergreen shrubs is planned to provide buffering to the east, Highway 101 to the west, and portions of 5th St., (Sheet A001 in Exhibits C & D). These criteria are met.

- E. Except for parking areas required in conjunction with a single-family or duplex dwelling, 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 D2 of this subsection.**

Curb drawings are provided on Sheet C-4.0 of Exhibit D and demonstrate a minimum curb height of 6 inches in the areas where required, excepting the internal lot line shared by these two uses where cross access is required.

- 2. Except for places of ingress and egress, a five foot (5') 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 applicant has provided dimensions on Sheet A010 in Exhibit C & D that demonstrate landscaping areas in excess of 5' where they abut public ROWs. This condition has been met.

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

The shared parking areas are internal to the lots and will not 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.

There is one abutting residential use to the south of the project. It is on the second story and the screening required by this use will screen the southern entry that serves the shared residential staircase and bottom floor commercial entry into the building. The applicant proposes plantings for screening purposes, including red alder trees. The planting choices, if available, include Lithodora, Pieris, Barberry and Red Twig Dogwood. These species will achieve a height of 3'. Red Alder trees are planned to replicate new trees planted as a result of the ReVision Florence project. The landscaping plan may be viewed in Sheet A010 in Exhibit C.

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

Lighting is discussed in 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 planned for both sites. Typical maneuvering will take place internal to the sites. This criterion is met.

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

No on-site parking is proposed within a front or side yard. This criterion has been 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 these design review applications. This criterion has been 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 has provided most plans indicating these requirements. Signage dimensions and materials, however, have not been detailed within this design review application process. A detailed and dimensioned signage plan that meets requirements outlined in FCC Title 4, Chapter 7 shall be submitted and approved by the Planning Department. The properties are located in the Commercial Sign District, **[Condition 6]**.

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

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;

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

FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
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

The three on-site parking spaces are designed to meet the design criteria listed in 10-3-9. However, the additional ADA parking spaces needed to meet the requirements and the off-street parking are conditioned earlier under 10-3-8.

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

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

The proposed two uses each have their separate bicycle parking requirements, which would according to code require two spaces per use. The automated carwash use would reasonably, due to its auto dependency and with only one employee, require one space. Three bicycle parking spaces should be required. Although the applicant proposes short-term bicycle parking on the west side of the coffee kiosk in an area visible from the street sidewalk on Hwy 101 and the north and west service windows of the kiosk and as indicated on Sheet A001 in Exhibit C, no plans have been submitted that detail how many spaces are provided, the design of the rack, nor a demonstration of how the area will be marked. A detailed bicycle plan shall be submitted for review and approval prior to permitting to ensure short-term size, marking, and storage is compliant with subsections G and H of this Chapter, [\[Condition 7\]](#).

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-4: DRAWINGS TO BE APPROVED: No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission/Planning Commission or their designee. (Ord. 625, 6-30-80)

The applicant submitted completed applications for the Design Review Process on May 11, 2020. The public hearing in front of the Planning Commission has been noticed in accordance with FCC Title 10, Chapter 1, Section 1-6-3 with a hearing date of August 11, 2020. This criterion has been met.

10-6-5: GENERAL 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 shall, consider the effect of its action on the availability and cost of needed housing. The Commission or their designee shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Commission or their designee from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Commission or their designee shall have no authority to affect dwelling unit densities. 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.

Conditional Use permits allowing drive-thru businesses in the Mainstreet Area District A and reduced front yard setback variances were conditionally approved for the drive-thru coffee kiosk and the drive-thru carwash on October 22, 2019. These approvals will expire on October 22 of this year unless a building permit has been issued and substantial construction has taken place. The plans provided do not clearly illustrate or note the approved variances on the site plan. These variance setbacks shall be dimensioned and noted on the final plans prior to permitting, [[Condition 8](#)].

The proposed building heights at their highest point are 22' for the kiosk and 23' carwash respectively, meeting the minimum height requirement. The remaining design features are reviewed in the following sections.

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

The Mainstreet District permits 90% lot coverage. The proposed lot coverage is 12% for the carwash and 4% for the kiosk, thereby meeting the maximum lot coverage allowance for each lot. The lot dimensions and area are pre-existing as discussed in the Narrative.

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.

Landscape plans were submitted for both projects on May 11, 2020 and will be discussed further in 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.

Findings of Fact related to this subsection may be found below under Title 10, Section 35.

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

The applicant addresses nuisance mitigation plans for both businesses which include screening, lighting, noise, on-site traffic patterns and parking. Noises from the carwash, vacuums and ordering boards are conditioned elsewhere.

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.

See FCC 10-3 of this Findings of Facts.

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

The proposed design utilizes horizontal and vertical siding materials and commercial quality windows and doors and similar in scale. The designs are proposed to reflect the district's architectural guidelines, which would be the same guidelines and requirements used for future development or redevelopment in the area, ensuring compatibility with future surrounding structures. Additionally, implementation of the required design criteria will enhance the highway corridor. This criterion has been met.

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.

The proposed design elements include siding and trim details, eaves, scale of openings and landscaping referencing the historic character of Oldtown and Mainstreet neighborhoods. The proposed development maintains sight lines through the development to encourage visual connections between Hwy 101 and the old elementary school site, as well as pedestrian and bicycle connectivity. The selected color palette proposal includes muted Pacific NW earth-tones in off white, black, tan, light and dark brown and light and dark grey. The predominant siding for the kiosk, carwash and trash enclosure includes batt. Buildings will top out at 20 feet minimum above grade (top of parapet wall or midpoint of sloped roof).

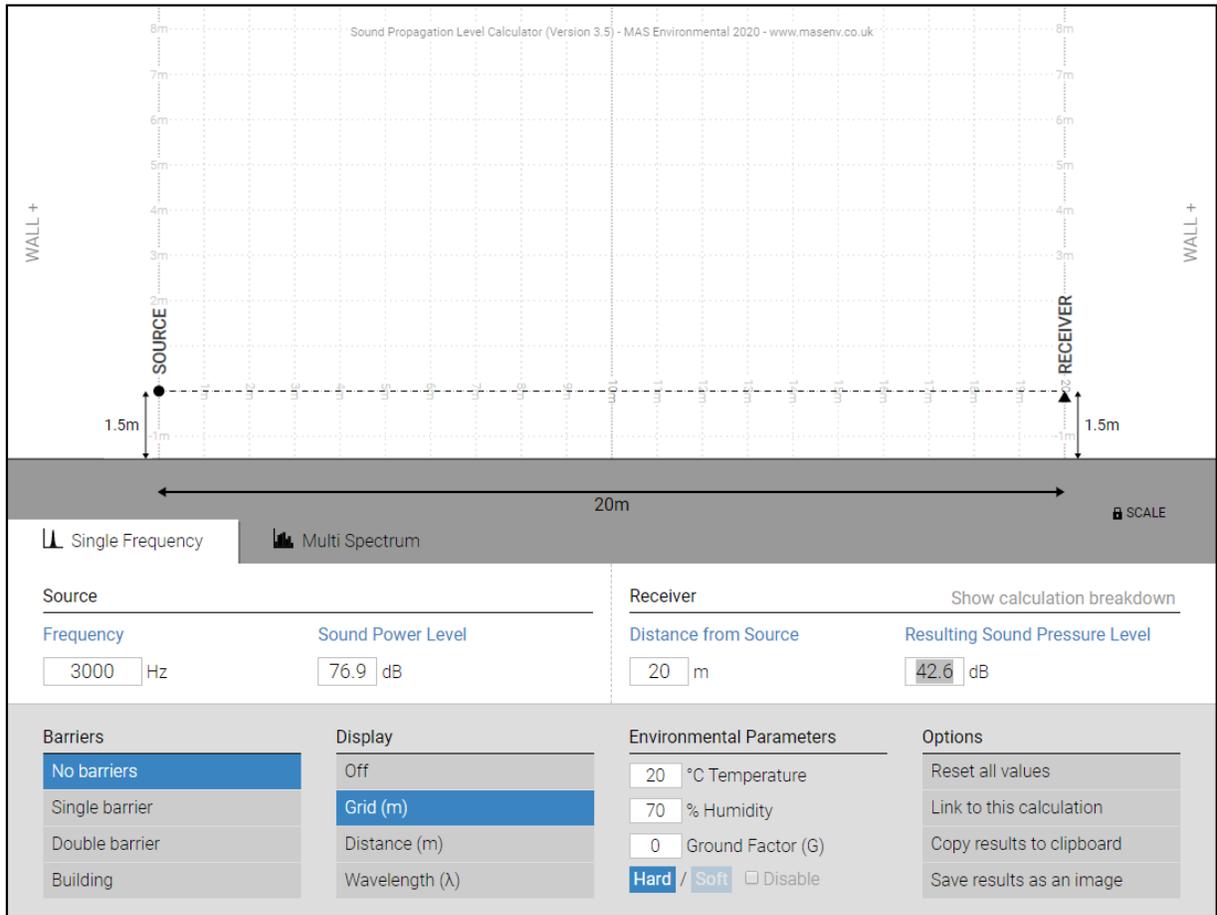
I. Exterior lighting and security.

Proposed lighting design includes pole mount site lighting with full cut-off luminaires. The proposed lighting will be reviewed in 10-37. A lighting plan can be found on Sheet 2 of 2 in Exhibit C.

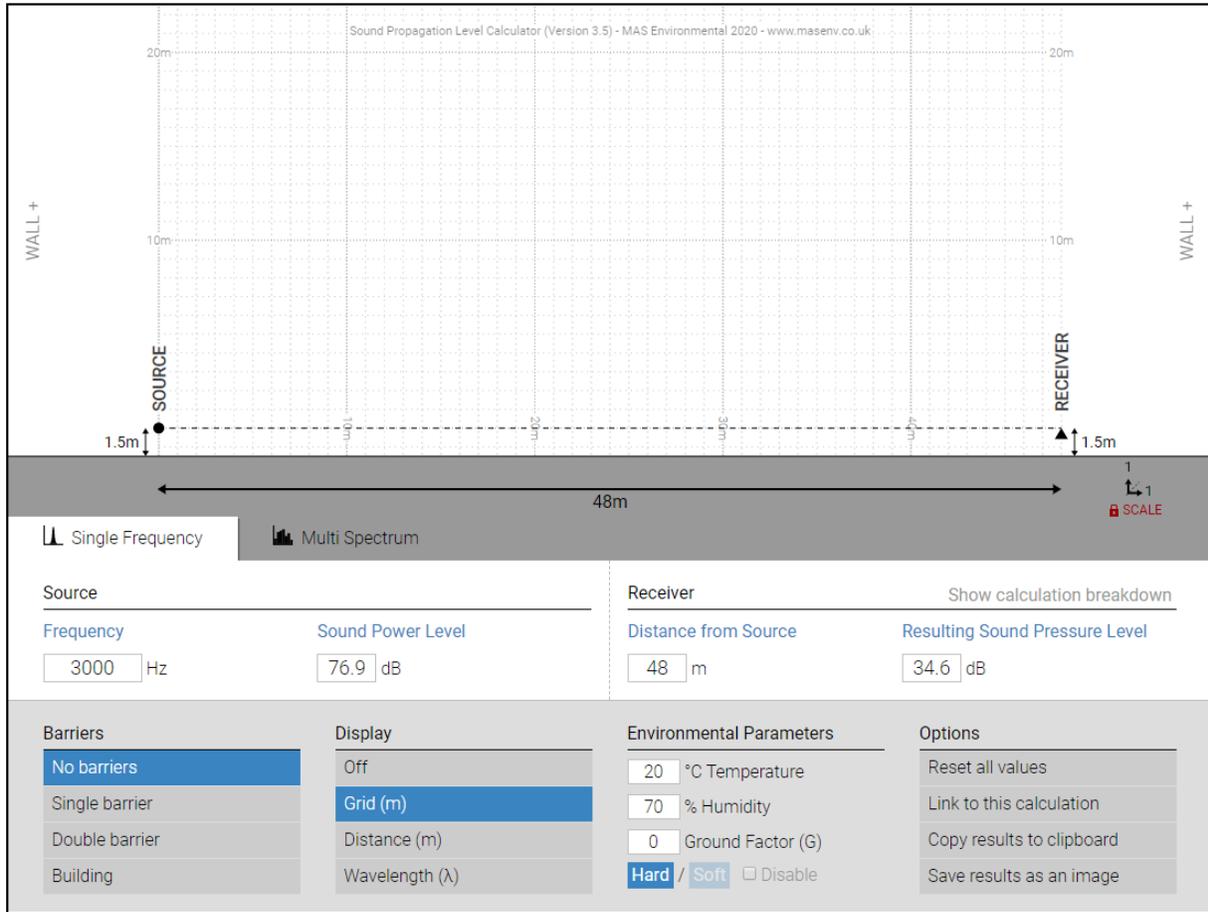
J. Public health, safety and general welfare.

The proposed development encourages safe and lighted pedestrian, bike and vehicle access and use. The noises produced from the drive-thru kiosk ordering station, vacuums and car

wash equipment (including washer and dryer machines) will be required to meet the City’s noise restrictions. The Applicant Narrative for the carwash in Exhibit F states that the primary noise producing equipment of the car wash is the Dryer. Per manufacturer’s product data for equipment proposed in the design – Proto-vest S130 Dryer with Silence –, the decibel (dB) is approximately 76.9, measured at 10 feet from dryer without any obstruction. According to the MAS Environmental Calculations below, dB at north and south property lines (Lot 06600) are approximately 43 dB and 35 dB respectively. Proposed building design includes insulated concrete form construction wall structure with approximate Sound Transmission Class rating of 55. Outside the east and west walls, dB outside walls is proposed to be approximately 22 dB.



Sound Levels at North Property Line



Sound Levels at South Property Line

If ordering stations are proposed for the proposed uses, they shall have adjustable volume settings that meet the city’s noise limits outlined in Title 6, Chapter 1.

The applicant is proposing that the carwash facility operates 24 hours a day. Given the nearby residential uses south of 5th St., hours of operation shall not be allowed from the hours of 10 pm to 7 am as outlined in Title 6, Chapter 1, **[Condition 9]**.

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

The applicant has submitted a proposed preliminary utility plan. Easements will be required and are proposed for utilities serving the the carwash and have been conditioned elsewhere in these Findings. Approximately 100 feet of 5th St. will be reconstructed as part of the proposed development. This is required to address the increased vehicular traffic generated on the street with the increase in uses. The applicant shall provide final construction plans for review and approval by Public Works prior to commencement of construction, **[Condition 10]**.

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

Conditional Use Permits and front yard setback variances approved in October, 2019, will expire in October of this year unless building permits have been issued and substantial construction is underway. The expiration of these Design Review approvals would expire in one year to a date certain unless building permits have been issued and substantial construction is underway.

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

The applicants request any required performance bonds as a condition of approval for Building Permit issuance, **[Condition 11]**.

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

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

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

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

- A. [...]**
- B. Commercial Storefront Type**
[...]

These building proposals represent commercial storefront types.

10-6-6-2: BUILDING STYLE:

B. Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are: Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.

1. [...]

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

The proposed building designs include multiple elements consistent with regional and local historical traditions. In addition to historic ornamentation such as emphasized cornice lines and traditional façade delineations of base, middle, and top of wall, craftsman elements such as siding details and trims are included. Vertical emphasis and building height of 22 feet for the kiosk reference a local Florence context and goals of the Downtown Plan.

The above design elements have been incorporated in the carwash design as well. The design is to incorporate the NW coastal vernacular referenced with a shed roof and divided-lite windows. There will be a vertical emphasis and building height of 20 feet at mid-point of the slope also in concert with the historical Florence context and goals of the Downtown Plan.

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 proposed building design of the kiosk includes horizontal articulations such as a distinctive horizontal base below storefront windows and a featured cornice line as well as steel awnings painted dark grey and material changes. Sheet A120 in Exhibit C details the colors, materials and directional siding plans as well as elevations.

Sheet A120 in Exhibit D demonstrates the carwash design as containing vertical and horizontal articulations such as a distinctive horizontal base that relates to existing structures on adjacent properties and material changes.

These criteria have been met for both main structures.

- B. Vertical Design Elements: Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied facia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.**

The kiosk is planned to measure less than 40 feet in any direction. In addition, vertical articulations including material changes and columns are incorporated in the façade design.

For the carwash, the street-facing side of the building includes a variation in roof height and emphasized corners, thereby reducing the maximum length of façade to less than 30 feet.

These criteria have been met for both main structures.

- 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.**

The above code requires one design element per 30-40 feet of building elevation facing a street and two additional architectural elements chosen from recess, extension, offset or break in the roof for each floor.

The kiosk plans include three one-story street-facing facades, north, south, and west; two of which are less than 30 feet long (north and south). The third (west) street-facing façade includes a permanent awning that projects more than 2 feet and runs more than 4 feet horizontally. An awning each is proposed on the north and east sides of the building as well and appear to provide shelter over the service windows. The awnings serve to meet the intent of Subsection d., above. Additionally, the roof elevations are at three staggered heights; the northern roof section of the kiosk includes a parapet wall that tops out at 22'. The height of the middle section is approximately 16' high, and the most southern roof sits at 20'. The variable roof heights serve to break up the roofline, which meets with Subsection c., above.

The carwash also has three one-story street-facing facades, north, south and west, and its design includes offsets in the planned elevations that reduces the length of the wall at the street facing façade to less than 30 feet.

These criteria have been met by both design proposals.

- 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 24-inch break-in-wall-plan standard, but should complement the overall building design.**

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

A. Exterior Building Walls:

- 1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.**
- 2. Brick or stone masonry with a minimum 2 ½" deep solid veneer material.**
- 3. Cement-based stucco.**

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

The proposed kiosk is to incorporate board and batten siding with a paint finish as the dominant finish. In addition, the design incorporates lap siding with paint finish, 4- inch minimum painted eave trims, and 2.5 -inch thick masonry veneer. Metal awnings painted dark grey are proposed to be located over the north, east and west service windows. The employee entrance door on the south side is proposed to be field painted dark grey and sport off-white trim.

The proposed carwash is to feature horizontal lap siding (6") with a dark grey paint finish as the dominant finish. Additionally, the proposed design incorporates 6" vertical batt siding with a contrasting tan paint finish and 4-inch minimum dark grey trims. The proposed outward swinging doors are proposed to be field painted off-white.

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

1. **Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.**
2. **Standing seam roofing: copper, terne metal or coated metal.**
3. **Gutters and downspouts: copper, terne metal, or coated metal.**
4. **Single or multi-ply roofing, where visibly concealed.**
5. **Glass, steel, wood or canvas fabric awnings.**
6. **Skylights: metal and wood framed glass and translucent polymer.**

The proposed kiosk is to incorporate a flat roof concealed by a parapet with a visibly concealed single-ply roofing. Roof mounted mechanical equipment is designed to be concealed behind the parapets. The cornices of the parapets are proposed to be painted dark brown, and pilasters indicated with light brown 6" fiber cement horizontal lap. The dominant walls are proposed as 8" on center vertical fiber cement board and batten, field painted dark brown to match the cornices.

The roof of the proposed carwash is to feature composition shingle roofing with pre-finished sheet dark grey metal gutters and downspouts.

C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.

D. Windows, Entrances, and Accessories:

- 1. Wood, vinyl or pre-finished metal frames and sashes.**
- 2. Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.**
- 3. Solid wood or fiberglass shutters.**
- 4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.**

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

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

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

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

G. Building and Site Material Colors: Color finishes on all building exteriors shall be approved by the City and be of a muted earth-tone coastal Pacific Northwest palette. Reflective, luminescent, sparkling, 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.

As stated earlier in this Section, the applicants have selected the muted yet warm earth-tone coastal Pacific Northwest color palette. Overall colors include black, off-white, light and dark greys, tan, light and dark browns. This criterion has been met.

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

A. Building Walls:

- 1. For each building, there shall be one single, clearly dominant exterior wall material and finish.**
- 2. Brick and stone front façades shall return at least 18” around side walls.**
- 3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.**
- 4. Heavier-appearing materials, such as stone, shall only be used below lighter-appearing materials, such as siding.**
- 5. Siding and shingles shall have a maximum 6” to the weather.**
- 6. 4” minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.**
- 7. Board and batten siding: battens shall be spaced a maximum of 8” on center.**

The proposed building design for the kiosk incorporates board and batten siding with paint finish as dominant finish. In addition, the design incorporates lap siding with paint finish, 4-inch minimum painted eave trims, and a 2.5-inch thick masonry veneer.

The carwash will feature a building design that incorporates horizontal lap siding with paint finish as a dominant finish. In addition, the design incorporates vertical batt siding with a paint finish and 4-inch minimum painted trims.

B. Roofs, Awnings, Gutters and Roofing Accessories:

- 1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.**
- 2. Eaves shall be continuous except at sheds and dormers.**
- 3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.**
- 4. Flat roofs shall be concealed by cornices or parapets.**
- 5. Gutters shall be round or ogee profile. Leaders shall be round or square.**
- 6. All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.**

- 7. Sloped roof eaves shall overhang exterior wall planes at least 12” and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.**

The kiosk design incorporates a flat roof concealed by a parapet with a visibly concealed single-ply roofing. Roof mounted mechanical equipment is planned to be concealed behind parapets.

The carwash design incorporates a shed roof with continuous eaves and ogee or round gutters to square or round downspouts. The shed roof slope will be a min. of 3:12 where attached to a building and 5:12 slope at the primary roof.

D. Visible Windows, Glazing, and Entrances:

- 1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.**
- 2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.**
- 3. Bay windows shall have visible bracket support.**
- 4. Overhead doors shall not face the building’s primary street façade or a major public right-of-way.**
- 5. Door and window shutters shall be sized to cover the entire window.**
- 6. Exterior shutters shall be solid wood or fiberglass.**
- 7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.**
- 8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4” minimum width vertical trim.**
- 9. Windows and doors in exterior walls shall be surrounded with 2 ½” minimum width trim applied flush or projecting beyond the finished wall surface.**
- 10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.**

The kiosk design incorporates pre-finish storefront windows with clear low-e glazing and a painted steel door with a vision lite frame. Window openings are surrounded by 2.5-inch minimum painted trim.

The carwash is to incorporate vinyl storefront windows and painted steel doors with vision lite frames at the primary entrance door. The window openings are to be surrounded by 2.5-inch

minimum painted trim. Maximum window lite is 24 sf, and they are divided by simulated divided lite muntins. The bay doors do not face Hwy 101.

G. Mechanical Equipment:

- 1. Building walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
- 2. Rooftops.** Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

The kiosk will incorporate roof mount mechanical equipment concealed behind parapet walls. The carwash will feature mechanical equipment internally. These criteria have been met.

10-6-7: 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.

10-6-8: DRAWINGS SUBMITTED TO THE PLANNING COMMISSION: The City shall record and check all drawings submitted. If it is found that the plans meet all the other requirements of this Chapter, the drawings shall be submitted to the appropriate City staff departments for comments prior to submittal to the Planning Commission. If the City determines that a permit could not be issued without the granting of a conditional use permit, the granting of a variance, or the enactment of an amendment to this Chapter, the applicant shall be informed and the drawings shall not be submitted to the Planning Commission.

10-6-9: APPEALS: See Code Section 10-1-1-7.

10-6-10: 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)

TITLE 10: CHAPTER 27: MAINSTREET DISTRICT

10-27-2: MAINSTREET DISTRICT

10-27-1 Purpose. The Mainstreet District is intended to provide an area for small and medium sized commercial uses that are appropriate in a traditional, historic downtown. It is also intended to encourage revitalization of the downtown area, and to maintain adequate traffic flows on Highway 101, while providing a pedestrian friendly environment.

10-27-2 Permitted Buildings and Uses

[...]

sss. restaurants, sit-down or walk-up, including cocktail lounges

[...]

10-27-3 Buildings and Uses Permitted Conditionally

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

[...]

d. service stations

[...]

j. Restaurants, drive-in (including drive-thru and drive-up)

The uses proposed are consistent with the uses of the surrounding properties, and in the Mainstreet Area "A." Furthermore, they were granted Conditional Use permits (with conditions) by the Planning Commission in October, 2019. The Conditional Use permits were approved in order to allow the uses of these specific drive-thru businesses in the zoning district.

10-27-4 Lot and Yard Dimensions

A. Minimum Lot dimensions: The minimum lot width shall be 25'.

B. Minimum Lot Area: The minimum lot area shall be 2500 square feet.

C. Lot coverage: The Design Review Board may allow up to a maximum of 90% lot coverage by buildings and other impervious surfaces.

The lots on which the development is planned are pre-existing, and comply with the lot dimensions and area outlined in this section. At least 10% of each lot will not be covered by buildings or other impervious surfaces. These criteria are met.

D. Yard Regulations:

Area "A" as shown on the following page:

1. Front yards: Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.

For the drive-thru coffee kiosk, applicant was granted a variance to allow for a front setback (from Highway 101) of approximately 31 feet by the Planning Commission on October 22, 2019, (Resolution PC 19-09 VAR 02).

For the drive-thru car wash, the applicant was granted a variance to allow for a front setback of approximately 41 feet. However, the front yard for the carwash site is located off 6th St. rather than off of Hwy 101, as per the FCC 10-2-13 definition of a front lot line for a corner lot:

“A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.” As such Resolution PC 19 09 VAR 01 approved a front yard variance on Lot 06601 (proposed car-wash) specific to what is an approximately 65’ setback from 6th Street.

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

An evergreen hedge is proposed along the western kiosk driveway and Highway 101. Additionally, an evergreen hedge is also proposed along the east side of the properties to provide buffering between Old School Furniture.

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.

Parking and on-site traffic circulation are shared between the two lots. According to Title 10, Chapter 3, Section 10-3-4, each development site is required a minimum of no less than two parking spaces per non residential use. Additional spaces are not required (excepting an additional ADA space address as a condition in these Findings of Facts). Minimum dimensions are indicated on two of the parking spaces (the service bays do not count as parking spaces and are previously discussed) Sheet A001 in Exhibit C comply with standards set forth in Chapter 3. Additional street parking is available in the Hwy 101 turnout, which is also discussed earlier and conditions. No outside display areas are proposed.

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

The proposed design utilizes horizontal and vertical siding materials and commercial quality windows and doors, similar in scale and appearance to surrounding buildings.

H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.

Design elements including siding and trim details, awnings, scale of openings, and landscaping reference the historic character of Oldtown and Mainstreet neighborhoods. The proposed colors draw from a muted earth-tone coastal Pacific NW palette and include off white, light and dark browns, light and dark grays, and black for the kiosk, and off white, black and light and dark gray for the carwash. The trash enclosure is planned to use the same palette. The 4’ trim will be painted light grey and the horizontal fiber cement lap siding painted dark gray.

I. Exterior lighting and security.

Exterior lighting has been planned and is addressed these Findings under Title 10, Chapter 37.

J. Public health, safety and general welfare.

The proposed development encourages safe pedestrian, bike, and vehicle access and use.

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

Approximately 100' of 5th St. will be reconstructed as part of the proposed development. This includes utilities and an ADA compliant sidewalk.

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

Due to prior approvals that expire one year from approval (October 22, 2020), permits must issued and substantial construction completed. Approvals for these Design Review applications would also expire in a year if permits have not been issued and substantial construction has been completed.

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

The applicant requests any required bonds as a condition of approval for building permit issuance, [[Condition 11](#)].

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

10-27-5 Site and Development Provisions

A. Building or Structural Height Limitations

Area "A" as shown on the following page:

Buildings shall be a minimum of 20' in height. This measurement may include a building façade as opposed to a total building height of 20'. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38' for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:

- 1. The building or structure has an approved fire extinguishing system.**
- 2. The building or structure is in scale with and/or complements surrounding structures.**
- 3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.**
- 4. The building will contain mixed uses with retail at the street level.**
- 5. The site has physical constraints/opportunities which are best addressed by a taller building.**
- 6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.**

No building or structure is proposed that is fewer than 20' height or more than 38' feet in height. The coffee kiosk is proposed at 22' in height, and the tallest height of the car wash bay is 23'.

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

Area “A” as shown on the following page:

A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4’ in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6’ in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

The proposed kiosk lot includes approximately 3,500 square feet of landscape area., equivalent to 24% of the lot. The proposed carwash development includes approximately 2,044 sf of landscape area which will incorporate shrubs spaced a maximum of 5- feet on center at lot lines adjacent to the street and within internal planters skirting internal drives and walkways, equivalent to approximately 19% of the lot. The site does not abut residentially zoned property.

C. Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.

1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8’ in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6’ sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6’ in width with 6’ of clear walkway if there is no on-street parking on that side of the street.

3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.

D. Parking and Loading Spaces

Area "A" as shown on the following page:

Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant's lot is located, or in a shared lot in another block. Business/property owners are strongly encouraged to cooperate in proposing joint parking agreement areas as part of development or redevelopment proposals. Parking will not be permitted in front yards. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site shared parking lot is planned and approved, but not yet constructed, and/or may require the applicant or owner to sign a non-remonstrance agreement for parking improvements. Parking standards in Chapter 3 of this Title shall be used as a guideline for determining parking need.

Bicycle racks shall be provided either in the interior parking lot, or by an entrance if located outside the required minimum 6' pedestrian walkway.

A short-term bicycling parking area is proposed on Sheet A001 in Exhibit C. Provisions for this parking is conditioned elsewhere in these Findings.

E. Vision Clearance.

Refer to Section 10-1-14 and 10-35-2-13 of this Title for definitions and requirements.

F. Signs.

Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

The applicant did not submit a lighting plan that illustrates signage design and dimensions. This has been conditioned elsewhere in these Findings.

G. Lighting.

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

1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
2. Lighting shall be pedestrian scaled.
3. Refer to Section 10-37 of this Title for additional requirements.
4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

H. Design Review.

All uses except single family and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

I. Trash Enclosures.

All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least

6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.

The proposed design includes a screened trash enclosure serviced from the interior parking lot and is to be shared between both lots. The trash enclosure will be designed to be consistent with the kiosk and carwash structures in terms of materials and colors.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

Landscaping will be required for this development. The applicant submitted a landscaping plan on May 11, 2020, (Sheet A010, Exhibit C) which includes buffering for parking and maneuvering areas for both developments. These criteria have been met.

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

The applicant is proposing to provide two (2) new street trees (Red Alder) in planting strips with a minimum 2-inch caliper on the north side of 5th Street to match trees recently installed at Hwy 101. The provided plan indicates approximately 28 feet of spacing between the trees, including existing street trees that were installed during the Hwy 101 project are proposed to remain. Meeting the required trees are conditioned elsewhere in these Findings.

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.

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

The applicant is not requesting a Preservation Credit. With exception to newly installed landscaping along Hwy 101, there is no significant established vegetation on site.

10-34-3: LANDSCAPING

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

provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

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

{...}

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.**

The applicant provided an existing conditions sheet in Exhibit C, Sheet 1 of 1, which shows no fencing. However, screening is proposed for the trash and recycling containers. Evergreen shrubs will be installed to provide screening between Hwy 101 and the subject properties, along 5th St. and between the properties and Old School Furniture to the east. Two red alder trees are planned to be located along 5th St. to match the street trees along Hwy 101.

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

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

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

E. **Existing and proposed building and pavement outlines.**

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

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

The applicant has supplied enough of the required information to allow review of the application including existing conditions.

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 district¹ for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

The Mainstreet District requires 10% landscaping per lot. The applicant proposes approx. 24% for the kiosk lot and 19 % for the carwash lot. This criterion has been met.

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.

¹ 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.

The two sites contain approximately 452 combined linear feet of street frontage along 5th and 6th Streets and Highway 101. The frontage along Hwy 101 measures approx.. 283 linear ft. and would normally requires 10 trees. Eight trees have been installed and given the two intersections with visual clearance requirement along 5th and 6th Streets, eight trees are reasonable here. The property line along 5th St. measures approx. 136 feet (the 30' driveway has been subtracted here). This would require 5 trees; however, factoring in vision clearance allowances for the intersection and the driveway, four trees along that street are adequate. The lot line along 6th St. measures 33 inches. If a tree were planted there, the vision clearance could be compromised and a tree considered with the relocation of the driveway on 6th, which has been conditioned elsewhere. The applicant has planned two 2" caliper red alder trees along the north ROW for 5th St. that are spaced approximately 30 ft. away from trees installed along this street by the ReVision project. These trees are planned to match the two existing ODOT trees. Additional trees are not required along Hwy 101 due to presence of new trees. The applicant proposes a total of two trees along 5th St. . The most southern lot line along 5th St. measures approximately 202 feet. The driveway entrance along this lot side is proposed to measure 30 feet. The proposed two trees, and the trees installed along 5th St for the ReVision project, would be spaced approximately 30 feet apart.

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

The proposed landscape design includes plant species with growth characteristics to cover the minimum area required. This criterion will be met.

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 is not expected to create problems with vision clearance standards. These criteria will be met.

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

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

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards:

plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

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

The proposed shrubs (3 gallon Pieris) are planned to be planted at a typical ratio of 6 shrubs per 30 linear feet.

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).

Proposed plants include Pieris in 3 gallon containers, Barberry in 5 gallon containers, Red Twig Dogwood in 3 gallon containers, Lithodora (a groundcover that does not count as shrubs) in 4 inch pots and Red alder with a minimum of 2" caliper, (Exhibit C, Sheet A010).

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 landscaping plan that was submitted does not appear to meet the planting requirements. The applicant shall resubmit a dimensioned landscaping plan that indicates require shrubbery and trees and further addresses plantings in the SW stormwater planter, [Condition 27].

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, yet have provided a hardscape patio area west of the kiosk, and an employee landing immediately south of the kiosk entrance door.

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 planting plan in Exhibit C that illustrates plantings surrounding the stormwater facility located in the SW corner of the proposed kiosk property. It is unsure what is planted in this facility. The applicant shall provide plans for plantings, such as approved trees or shrubs, for this facility,

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.

The landscaping proposal includes an automatic irrigation system that will be provided for all lawn and plant bed areas, provide head to head coverage, and supply separate zones for lawn and shrub areas. The head layout will minimize overspray onto paved surfaces. A backflow device permit will be required at building construction, (Informational 1).

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;
- 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;
- 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;
- D. Irrigation is required for interior parking lot landscaping to ensure plant survival;
- 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 landscaping plan in Sheet A010, (Exhibit C) indicates visual clearance will be maintained at the entrance of the driveway. The interior parking island adjacent to the carwash includes a tree, is irrigated, meets the planting area dimensions, and will not obstruct vision clearance areas.

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 will reach 4' in height along Highway 101 where there is a maneuvering area for the kiosk. Lithadora is proposed on the surface between the hedge and the highway. The proposed landscape shall not interfere with pedestrian and bicycle access. **[Condition 12].**

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

The applicant has provided wheel stops to protect buildings from vehicle damage. Landscape buffers and raised curbs are to protect walkways. The shrubs east of the carwash will protect from vehicular parking at Old School Furniture.

A. 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
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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

The singular residential use is located south of the project on the 2nd floor of a commercial building. These proposed uses will not subject the residence to more commercial encroachment than already exists. Nonetheless, some buffering is proposed along 5th St.

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.

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

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

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

D. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary

irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

The applicant is proposing to provide two (2) new street trees (Red Alder) in planting strips with a minimum 2-inch caliper on the north side of 5th Street to match trees recently installed at Hwy 101. The provided plan indicates approximately 28 feet of spacing between the trees, including existing street trees that were installed during the Hwy 101 project are proposed to remain. These trees and additional landscaping plants, which are to include Pieris, Barberry, red Twig Dogwood and Lithodora, will be irrigated and also located in raised planting strips, (Exhibit C) Visual clearance standards will be met. In the event these species of plants are unavailable, suitable substitutes may be used pending approval by the Planning Director. (Informational 2).

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

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.

The applicant is proposing both a new driveway approach and installation of sidewalks along public right-of-way. Construction plans for these improvements will be required to be submitted in conjunction with a building permit. Additionally, per this Section, the applicant shall obtain a Construction Permit in the Right-of-way to install driveway approaches and sidewalks, [Condition 13].

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.

Hwy 101. access is to be located at driveways entering from 5th and 6th Streets. Pedestrian and bicycle access are proposed from the adjacent sidewalk on Highway 101 to connect with internal sidewalks leading to the kiosk and carwash. Installation of this access point will not require an ODOT permit because work will not be done in the public right-of-way. Recent updates to Hwy 101 are not expected to be compromised by the proposed development. In the event work is needed to be performed in the ODOT right-of-way, an ODOT Miscellaneous Permit must be obtained.

On the north side of 5th St, there are currently two driveway cuts with access to Lot 6600, the lot associated with the kiosk. The applicant proposes to demolish the western-most driveway and relocate the eastern-most approximately 8 feet to the east, and widen it to approximately 30 feet. The newly relocated driveway is shown in Sheet A001 in Exhibit C.

Because the project constitutes a change in use and is located between the Siuslaw River Bridge and Highway 101, the Access Management Plan applies. The newly constructed sidewalks along Hwy 101 and 5th St and the driveway reconfiguration along 5th St. are compliant with the Access Management Plan. However, the existing driveway along 6th St. is not compliant due to its close proximity to the highway and its width. The applicant is required to sign a non-remonstrance agreement with the City to ensure cooperation and cost-sharing when that driveway is made compliant in the future. This has been conditioned, below.

The City of Florence Public Works Department has determined that, due to the increased amount of traffic on 5th St. the development will trigger, the roadway will need to be reconstructed in order to handle the increased traffic, **[Condition 15]**. Page 27 of The Traffic Impact Study (Exhibit G) estimates the rough proportionality cost to the applicant for improvements to 5th St to be approximately 40%. The applicant would not be responsible to pay for the entire improvement costs since separate commercial businesses and potential residential owners use the street as either a primary or secondary access point, or both.

The proposed sidewalks additions will add to the walkability/accessibility of the Mainstreet corridor and the driveway reconfiguration on 5th St. will facilitate traffic flow around both the kiosk and carwash and then out to 6th St. This driveway is not expected to impede access to the existing building (Old School Furniture) to the east. The proposed sidewalk and driveway illustrations may be found on Sheets C-4.0 in Exhibit C. Sheet 3.0 of the same exhibit demonstrates automobile circulation patterns.

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

A. The Traffic Impact Study shall:

- 1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.**
- 2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.**

3. **Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.**
 4. **Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.**
 5. **Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.**
- B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.**
- C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:**
1. **Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.**
 2. **Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.**
 3. **Right-of-way dedications for future improvements.**
 4. **Street improvements.**
 5. **Turn restrictions such as "right in right out".**

The applicant has provided a Traffic Impact Study (TIS), (Exhibit G). This study provided existing traffic trip conditions/counts (without the development) and calculated future traffic projections for morning and evening activity on Hwy 101, 5th and 6th Streets. This study was completed by Sandow Engineering. Traffic counts were taken on December 19, 2019, a school day with no holidays affecting typical commuter traffic. Additionally, very few restrictions to free-flow movements were present due to Hwy 101 re-development. Basically, when two or more methodologies were used to calculate traffic behavior and projections, the higher number was used to estimate outcomes. This methodology provides highest use case scenario projections. Existing and projected traffic volumes were adjusted for peak season activity, which is typically in July. Additionally, the study utilized ODOT methodology, plans and available data (such as traffic counts and also crash data at the lighted intersection at

5th/Hwy 101) and the City of Florence Transportation System Plan guidance to arrive at their findings. The TIS Findings (p. 2) are as follows:

- *All studied intersections will operate within the mobility standards with the completion of the development, the year 2020, and the year 2025. No off-site intersection improvements are necessary*
- *The addition of development traffic will not substantially increase queueing conditions over the background conditions.*
- *All site driveways will operate safely and efficiently.*
- *The site as designed, is sufficient to hold the typical daily queue for the coffee shop usage.”*

Additionally, on p. 26 of the applicant’s TIS, (Exhibit G). a more in-depth analysis is provided with regard to queuing and the following supports the ideology that the site can accommodate at least 11 cars or more in the kiosk queue without congesting 5th St.:

The anticipated queuing during the AM peak hour is an average of 7 vehicles and 95th percentile of 11 vehicles. In a drive-thru queuing lane, the average vehicle takes up about 20 feet of space while queued in a drive-thru. The length is the average length of a car and the space between cars. In a drive-thru, the space between cars is generally shorter than the space between cars queued at intersections. Therefore, the length in the drive-thru needs to accommodate the average queue of 140ft. The 95th percentile queue of 220 feet can be safely accommodated on-site without causing backups onto the adjacent roadways...

The design of the proposed Human Bean includes approximately 160 feet of designated drive-thru lane with an additional 150 feet of internal space available for storage before the driveways are obstructed. There is sufficient room on-site to allow for storage needed to accommodate the 95% queue.

Since the two lots will share access points, provision for reciprocal access easements (and utilities, discussed later) are shown in the Sheet 1 of 1 of Existing Conditions in both Exhibits C & D. An access easement of a variable width at the north of Lot 6601 has been recorded as has a variable-width access easement between both lots (min-point) and the property to the east.

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.

The applicant is not required to install traffic control devices. The relocation of the southeastern driveway should provide enough distance between that driveway and the four-way traffic light system at 5th St. and Hwy 101 to ensure reasonably safe and efficient operation. Again, the portion of 5th St. abutting the project will be improved with cooperation between the applicant and the City of Florence.

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

The proposed driveway along 5th St. (a local street) is approximately 129 feet from the street intersection at Hwy 101 and meets this criterion. The exiting driveway along 6th St. does not meet the separation standard of 50 feet from Hwy 101. The proposed redevelopment of the 6th St. shared access will be satisfied with a non-remonstrance agreement with the City, wherein the applicant agrees to support and share the proportionate cost of bringing this driveway into compliance with the redevelopment of the eastern property. This was addressed in Condition 4 of Resolution PC 19 11 CUP 04:

“Prior to issuance of a building permit for this site the applicant is required to sign a non-remonstrance agreement with the City regarding improvements to the driveway access on 6th Street. In accordance with the Access Management Plan, the shared driveway along 6th Street must be located further to the east (at least 50 feet from Hwy 101), and widened to at least 8 feet. Non-remonstrance will be executed in conjunction with the development of the property to the east and include financial participation and easements as needed for the shared access reconstruction at 6th Street.”

Resolution PC 19 11 CUP 04 expires on Oct. 22 of this year. As such, the above shall be re-conditioned with this application, as well, **[Condition 14]**,

- B. **Where the City finds that reducing the separation distance is warranted, such as:**
- a. **no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or**
 - b. **planned improvements or traffic circulation patterns show a different location to be efficient and safe,**

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site

shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

6th Street's substandard intersection spacing related to code and the Access Management Plan is discussed and conditioned elsewhere.

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.

Access is proposed off of 5th and 6th Streets and on-site parking is internal. No vehicles will be backing up onto public streets. 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 off of 5th and 6th Streets, which are designated in the TSP as local streets (5th St. east of Highway 101). Pedestrian access is included from Highway 101 onto the site.

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

The applicant has provided drawings and descriptions of the circulation system designed to accommodate the expected traffic on site. Drive-thru traffic is accommodated with vehicle stacking lanes that are independent of thru-traffic and parking areas. A thru-traffic lane is proposed connecting the existing driveway at 6th St. and the proposed driveway at 5th St., which traverses between the coffee and car wash buildings. Pedestrian and bicycle connections are made from demarcated crossing from Hwy 101 approx. 38 ft. south of the Hwy 101 turnout and connects to a walk-up window on the north side of the kiosk, (Exhibits C & D, Sheet A001). This crossing continues to the carwash. Short-term bicycle storage is to be located west of the kiosk, on a pad connecting to the pedestrian and bicycle connection area on the subject property and between Hwy 101 and the kiosk. The sidewalks, discussed earlier, meet the requirements. The proposal meets the criteria for pedestrian and bicycle connections.

10-35-2-10: Joint and Cross Access – Requirement: When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

- A. For shared parking areas;**
- B. For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;**
- C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:**
 - 1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority’s access management classification system and standards;**
 - 2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;**
 - 3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.**

In order to be compliant with the Florence Access Management Plan, the development is contingent on the maintenance of a continuous service drive or cross-access corridor between the driveways on 5th and 6th St. east of the development in a shared access with Old School Furniture. This eventual shared driveway use has been conditioned elsewhere. Driveway stubs will not be required. Fire Code Official-approved turnaround will not be required. These criteria, as applicable, are met.

10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

- A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;**
- B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**
- C. A joint maintenance agreement defining maintenance responsibilities of property owners.**

Easements are required to implement the Access Management Plan shared access between this development site and the Old School Furniture site to the east. An easement at that location has been recorded per Sheet 1 of 1 in Exhibit C. However, a maintenance agreement is necessary. This requirement was Condition 4 of Resolution PC 19 11 CUP 04:

“Easements are required to implement the Access Management Plan shared access between this development site and the Old School Furniture Site to the east. Once cross easements are made by the eastern property owner, 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 16]**.

Additionally, cross access and maintenance easements between the property owners of the carwash and coffee kiosk are required to be drafted and recorded with the County prior to issuance of a Certificate of Occupancy for either use, **[Condition 21]**.

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.**

The design of the 6th St. driveway approach is not provided in these Design Review applications and is discussed and conditioned in these Findings under 10-32-5-7. The proposed additional driveway is located on the lowest functional classification street (5th St.). The characteristic of the property and the proposed development justify and additional access point, which will be provided from a shared access and maintenance agreement with Old School Furniture property to the east, in concert with the city. The design features for the 5th St. driveway approach appears to meet the criteria and a review of the Civil design sheets by the Public Works Director or designee will ensure that these criteria will be met.

- 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.

Sheet C-5.0 in Exhibit D shows the proposed driveway at 5th St, which will accommodate two-way traffic to be 30 feet in width. An 8' sidewalk has also been designed and is to cross the driveway from E/W. The sidewalk will connect with the ODOT sidewalk. The 6th St. driveway design, as discussed above, has not been provided. Internal one-way drives vary in width with 10' being the narrowest entering and exiting the carwash. Civil plans will be required demonstrating that the driveways meet or exceed the minimum requirements of this Section.

- 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

As discussed in the subsection above, the applicant is proposing an 8 foot sidewalk that crosses the driveway at 5th St. Sheet C-4.0 (Civil Details) in Exhibit 4 indicate that the applicant is using options M or N of an Oregon Standard Drawings (Curbline Sidewalk Drawings) as design models. These models meet the requirements of this section, including maximum allowed slopes for ADA access. Also included on this sheet is an illustration of City of Florence Drawings for ADA driveway sidewalk ramps.

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

The exterior wall of the first story of the coffee kiosk is fewer than 150 feet from an existing public street. Therefore, fire access lanes with turnarounds need not be provided. The northern and southern exterior walls of the carwash are located less than 150 feet from 6th and 5th trees, respectively. This criterion is met without the need for an internal fire lane.

Figure 10-35(3): Examples of Fire Lane Turn-Around

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 at either the 5th or 6th Street driveways. This criterion has been met.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in “vision clearance areas” on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

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

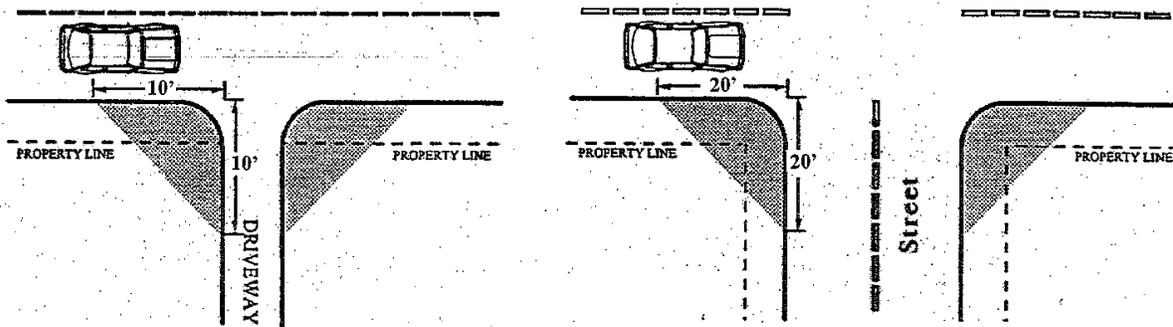


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

No visual obstructions in the “vision clearance areas” that would block the area between 2.6 and 8 feet in height are proposed. Vision clearances internally and for entrances are marked on the Site Plan, Sheet A001 of Exhibit C. Furthermore, the applicant’s Landscape Plan indicates that Lithodora will be planted near both sides of the southern entrance at 5th St. Such plants, or a similar substitution if Lithodora is not available, are not expected to exceed 10 inches in height, (Sheet A010, Exhibit C).

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 proposed development includes installation of 8’ wide sidewalks along all street frontage where sidewalks are not currently present. Internal pedestrian pathway driveway crossings are 6 at their narrowest point, Sheet A001, Exhibit C. This criterion has been met; however, landscaping has been conditioned in these Findings to ensure it does not impede pedestrian/bicycle traffic.

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.

- 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.

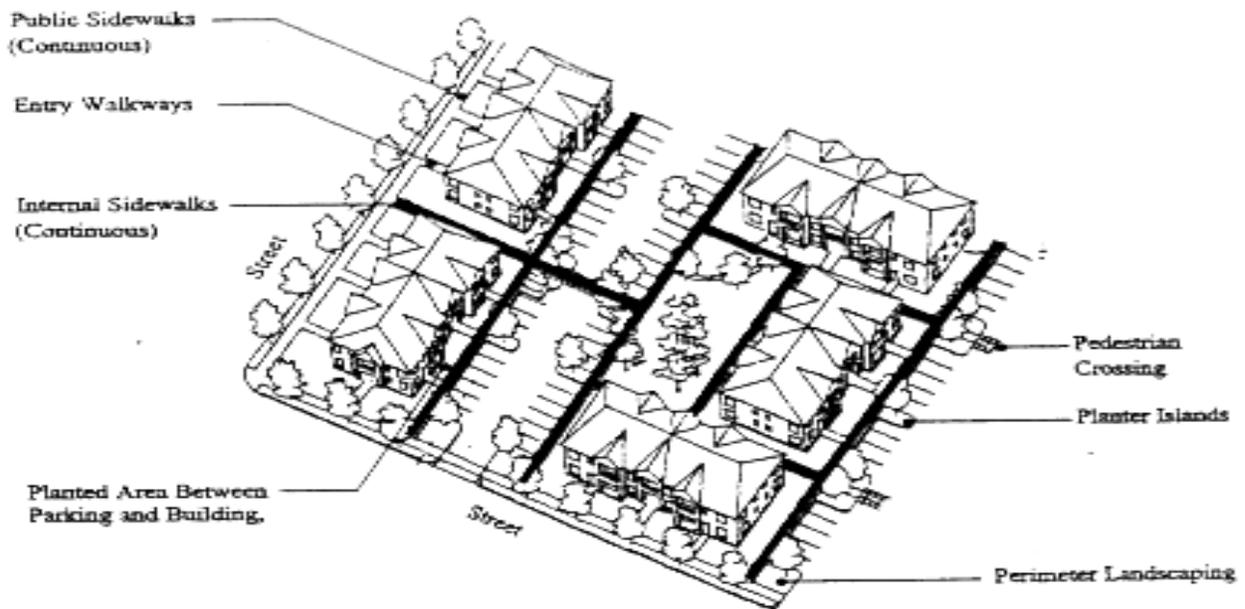
 - 2. **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

 - 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.

Aside from new ADA-compliant sidewalk additions discussed earlier in this section, the internal pedestrian walkway planned for these developments connect to a walk-up service window in the kiosk. Connection is provided through a demarked pathway from the sidewalk along Hwy 101 thru to the carwash. The employee entrance to the kiosk does not provide connection to the sidewalk systems. Such connection shall be demonstrated, **[Condition 17]**.

- 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



Internal walkways have been discussed above.

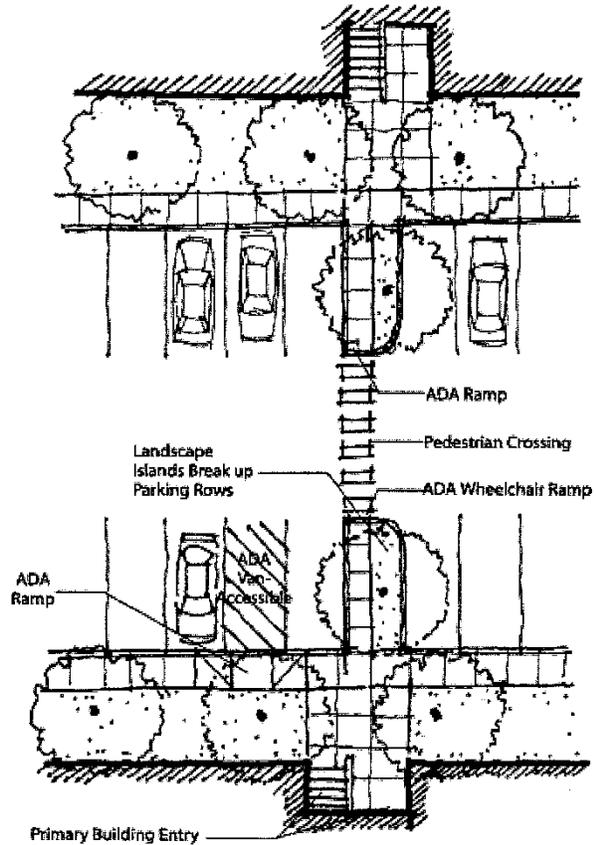
10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

- 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)

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

- 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.



The proposal includes a 5' wide and 24' long paved pedestrian crossing between the kiosk and the car wash demarcated with paint or thermoplastic. Both ends of the crossing are ADA accessible. The crossing as proposed and conditioned elsewhere in the report meets these.

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 proposed development site is located within ¼ mile of the Rhododendron and Kingwood transit stop and the 8th St. transit stop north of Safeway. Continuous pedestrian access is provided to both of these locations. This criterion is met.

TITLE 10: CHAPTER 36: PUBLIC UTILITIES

10-36-2: STREET STANDARDS:

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

- A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.**
- B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.**
- C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.**
- D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.**

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

- A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.**
- B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.**
- C. The improvement would be in conflict with an adopted capital improvement plan.**

Improvement to the 5th St. right-of-way is proposed by the applicant and is discussed, required and conditioned elsewhere in the report.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

Right-of-way dedication or platting is not required for this development. This criterion is not applicable.

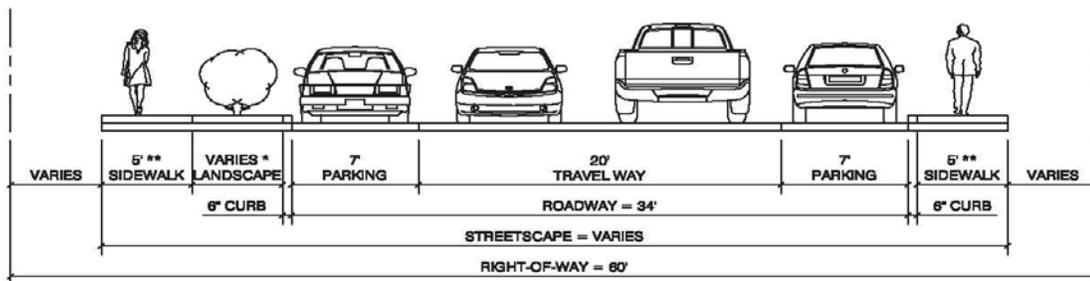
10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire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

Access easements and agreement have been discussed earlier under Chapter 35 of this Title.

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

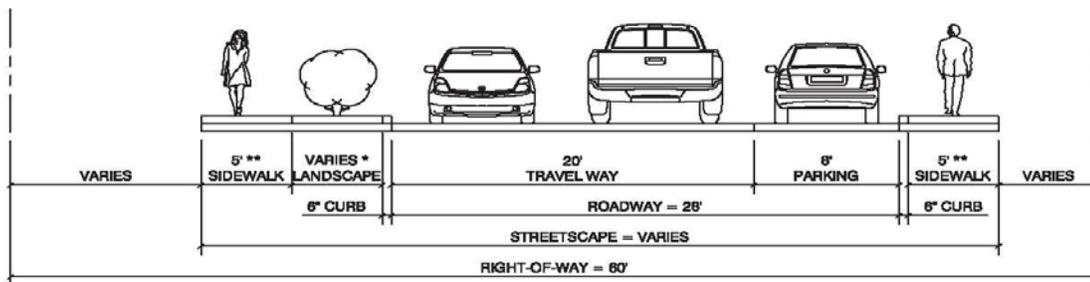
- A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).**

[...]



**LOCAL STREET
(PARKING BOTH SIDES)**

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
 ** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



**LOCAL STREET
(PARKING ONE SIDE)*****

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
 ** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.
 *** REQUIRES APPROVAL BY CITY TRAFFIC ENGINEER.

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

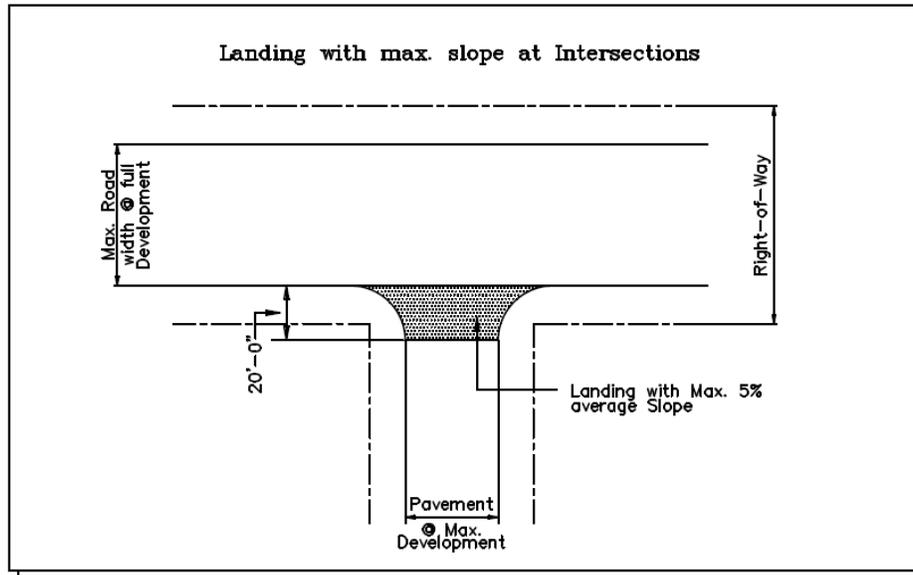
- 1. Street classification in the Transportation System Plan**
- 2. Anticipated traffic generation**
- 3. On-street parking needs**
- 4. Pedestrian and bicycle requirements based on anticipated level of use**
- 5. Requirements for placement of utilities**
- 6. Street lighting**
- 7. Minimize drainage, slope, and sensitive lands impacts**
- 8. Street tree location, when provided**

9. Protection of significant vegetation, as provided for in Chapter 34
 10. Safety and comfort for motorists, bicyclists, and pedestrians
 11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided
 12. Access needs for emergency vehicles
 13. Transition between different street widths (i.e., existing streets and new streets)
 14. Driveway Off-sets
 15. Curve Radii
 16. Queuing Factors
- C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement can not be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted

10-36-2-15: Grades and Curves: Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

- A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.
- B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.
- C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Figure 10-36(6): Street Intersection Landing



Improvements to 5th St. will be subject to the above listed criteria and will be reviewed with the public facility construction permit.

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.

The ReVision Florence Project now provides for bike lanes along Hwy 101. The applicant proposes sidewalk installation and planter strip placement along 5th St. and an additional planting strip between the sidewalk and west side of the properties, along Hwy 101, (Exhibit C of Sheet A010). Both 5th and 6th streets do not require bicycle lanes.

- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved.

Sidewalks are not required on T-courts (hammer-head).

- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**
- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

Sidewalks are installed along Hwy 101 and 6th St. The applicant is proposing to continue sidewalk construction on 5th St to connect with a new portion installed by the ReVision Florence project. A carry-over condition of Resolution PC 12 11 CUP 04, Condition 5, states:

“Sidewalk extension on 6th Street will be required in conjunction with the future relocation of the 6th Street driveway.”

This sidewalk addition is conditioned under Condition 14 of these Findings.

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.**
- 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.**
- 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.**
- 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.**
- 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.

- 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 meet the standards of the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan.

The water and sewer capacity in the project area is sufficient for the proposed uses.

Two existing 2-inch water lines for the site are located along Hwy 101 extending roughly midpoint of each lot's frontage. A fire hydrant is located the east side of the Hwy 101 sidewalk, north of where the two lots join on the west side. This is served by an 8-inch line off the 12-inch water main and set up to provide fire service or other large volume service.

There are two existing sanitary sewer service laterals to serve the site from 5th St. These will service the kiosk and the trash enclosure. In order to extend a sewer lateral to the carwash from 5th St., a private utility easement for the sewer line shall be required because the line would cross the lot lines, **[Condition 18]**. Sheet C-3.0 in Exhibit D indicates the new proposed wastewater line in the drawing as a 6". The drawing notes state that this line is an 8". This discrepancy shall be rectified in the Civils during the permitting process, **[Condition 19]**.

The City of Florence Public Works Department has calculated the equivalent dwelling units (EDU) for each coffee kiosk and car wash as:

Water System Development Charges:

Landscaping: 1 EDU per 4,000 sf with 5,629 sf of landscaping = 1.4 EDUs

Coffee Kiosk: 1 EDU per 1,000 sf with 400 sf building = 0.4 EDUs

Car Wash: 0.2 EDUs per 1,000 sf with 1,400 sf building = 0.28 EDUs

Water and Sewer Credits:

Restaurant (Kiosk): 0.9 EDUs

Service Station (car wash): 0.5 EDUs

Net new Water EDUs for both coffee kiosk and carwash = 0.68 EDUs

Net new Sewer EDUs for both coffee kiosk and carwash = 0.0 EDUs.

The Pubic Works Department also calculated stormwater for the combined project sites. There are 17,027 sf of existing imperious area. The proposed impervious area is 17,027 sf; a new increase of impervious area of 656 sf. Stormwater is only available from 5th St. While there is capacity, only emergency overflows and historic flows will be allowed. Sheet C 5.0 in

Exhibit D features the location of stormwater utilities and indicates a response to a prior condition, Condition 8 of the Resolution for PC 19 11 CUP 04, which states:

“The applicant must modify or clarify their proposed stormwater plan as follows: (1) the proposed catch basin at the southeastern edge of the property, along 5th Street, must be a storm inlet (catch basins are not allowed). (2) There must be a manhole added at the proposed 90 degree bend connecting the 8-inch storm line running north-south along the eastern boundary of the property, and the proposed line that runs east-west along 5th Street. (3) The City’s records show the existing storm line that runs east-west along 5th Street is an 8-inch line; the applicants plan show it as a 10-inch line. It is unclear if that applicant plans to upsize the line, or if their label is incorrect.”

Stormwater is proposed to be collected and treated through infiltration processes in planting areas. The Narrative for these applications express that the above Condition 8 has been covered in this Design Review application; however, designs for catch basins continue to remain on the updated plans (Exhibit D, Sheet C-3.0 & Sheet 5.0) Additionally, the 8” stormwater line is shown in the drawings is indicated in the Legends of those sheets as being 12”. A new manhole is proposed to be located in 5th St, near the SE corner of the kiosk property. The applicant shall submit final plans to the Public Works Department for approval prior to permitting, **[Condition 20]**.

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. A utility pole located on the southeast side of the kiosk property will be relocated by the provider per Sheet C-3.0 in Exhibit D.

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.

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.

10-36-8: INSTALLATION:

- A. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards:** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.
- C. **Commencement:** Work shall not begin until the City has been notified in advance in writing.
- D. **Resumption:** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. **City Inspection:** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

- F. **Engineer’s Certification and As-Built Plans:** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer’s engineer shall also provide two (2) sets of “as-built” plans along with an electronic copy, in conformance with the City Engineer’s specifications, for permanent filing with the City.

- G. **Acceptance of Public Improvements:** Public improvements shall only be accepted by the City after the “as-built” plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.

- H. **Warranty of Public Facilities:** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period

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

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.

When the applicants created their existing conditions documents, the ReVision Florence project had not yet been implemented in the area. Since that time, three new street lamps have been installed in the new ROW sidewalks adjacent to the properties.

The applicant has submitted a lighting plan for the proposed developments. Sheet 2 Of 2 in Exhibit C provides a table listing two makes, types and numbers of pole mount site lighting with full cut-off luminaires; eighteen (18) 112 watts and six (6) 71 watts for a total of 24 poles. However, the lighting schematic illustrates only 12 poles. It is unclear if the poles have dual luminaire mounts on them or the table overstates the proposal. The proposed lighting is LED and will be mounted to poles shown to have a height of 16 feet. The lighting plan does not factor current existing conditions of newly installed ODOT lighting along Hwy 101. The applicant shall re-submit the lighting plan prior to permitting, **[Condition 22]**.

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.**
- 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.**
- 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.**
- 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.**
- 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 type: The applicant shall provide a photometric report for each type of luminaire illustrating that the design is full-cut off because the lighting plans provided do not specifically state they are. Parking Areas: The two parking areas on site do not include illumination within the stated ranges. The applicant shall supplement the parking areas to meet the illumination of parking areas criterion, **[Condition 23]**. Height: The height is in keeping with the pedestrian scale requirement of the Mainstreet District and meets the maximum height limits for the northern residential unit. Signage lighting is not proposed and the pedestrian ways are lit with the proposed overhead lighting, which is conditioned elsewhere to be cut-off. Lighting shall be extinguished at the end of business hours except as needed for safety, **[Condition 24]**.

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9-5-1: GENERAL PROVISIONS

9-5-1-1: PURPOSE

The purpose of this Code is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with existing and future land development within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the negative effects of development on the existing stream channels, assist in the attainment of water quality standards, help protect the quantity and quality of the water in the aquifer, enhance and protect the natural environment associated with the drainage system, and facilitate orderly development while mitigating the associated impacts of development.

...This Code defines the minimum requirements for stormwater management facilities. Additional requirements may be required by the City if the minimum requirements will not satisfy the overall purpose of this Code. The applicant provided Stormwater utilities details on Sheets C2.0- 4.0 in Exhibit D of their application materials. Additionally, Exhibit H provides a Drainage Memorandum dated July 23, 2019 by Scott Morris, P.E. explaining existing conditions and, additionally, how proposed stormwater is to be handled.

9-5-1-6: PUBLIC STORMWATER SYSTEM:

A. Storm drainage and management facilities may or may not be publicly owned and maintained.

B. The City Manager or his/her designee may require that a stormwater facility that serves more than one property be a public facility provided the easement and maintenance requirements of this Code are satisfied.

The two proposed developments are to share a newly-designed stormwater collection and treatment system that will direct any overflow to a stormwater inlet to be located in the 5th Street ROW.

9-5-1-7: EXTENSION OF PUBLIC STORMWATER SYSTEM:

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

9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS:

9-5-2-1: GENERAL:

A. A Drainage Plan is required for all development, except as provided in FCC 9-5-2-4. Submittal requirements are tailored to the size and impacts of the development. The submittal requirements are specified in the Stormwater Manual.

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

C. If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.

Land use approvals were required for PC 19 10 CUP 03, PC 19 11 CUP 04, PC 19 08 VAR 01, PC 19 09 VAR 02 as well as these Design Review applications for the kiosk and carwash, respectively. Exhibit H was submitted for the Conditional Use permit and variance approvals, yet continue to be applicable to the design review requests outlined in these Findings. As such, earlier approval for the Conditional Use permits and variances, Condition 8, will be a carry over to conditions of approval for these Design Review requests:

“Proposed catch basin at southeastern edge of property, along 5th street, must be a storm inlet. Must be a manhole added at the proposed 90 degree bend connecting the 8” storm line and the proposed line that runs east-west along 5th street. City Plans show 8” storm line that runs east to west along 5th street, applicant shows 10”. It is unclear if the applicant plans to upsize, or if the label is incorrect.”

The above has been re-conditioned in these Findings.

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.

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.

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.

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.

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.

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.

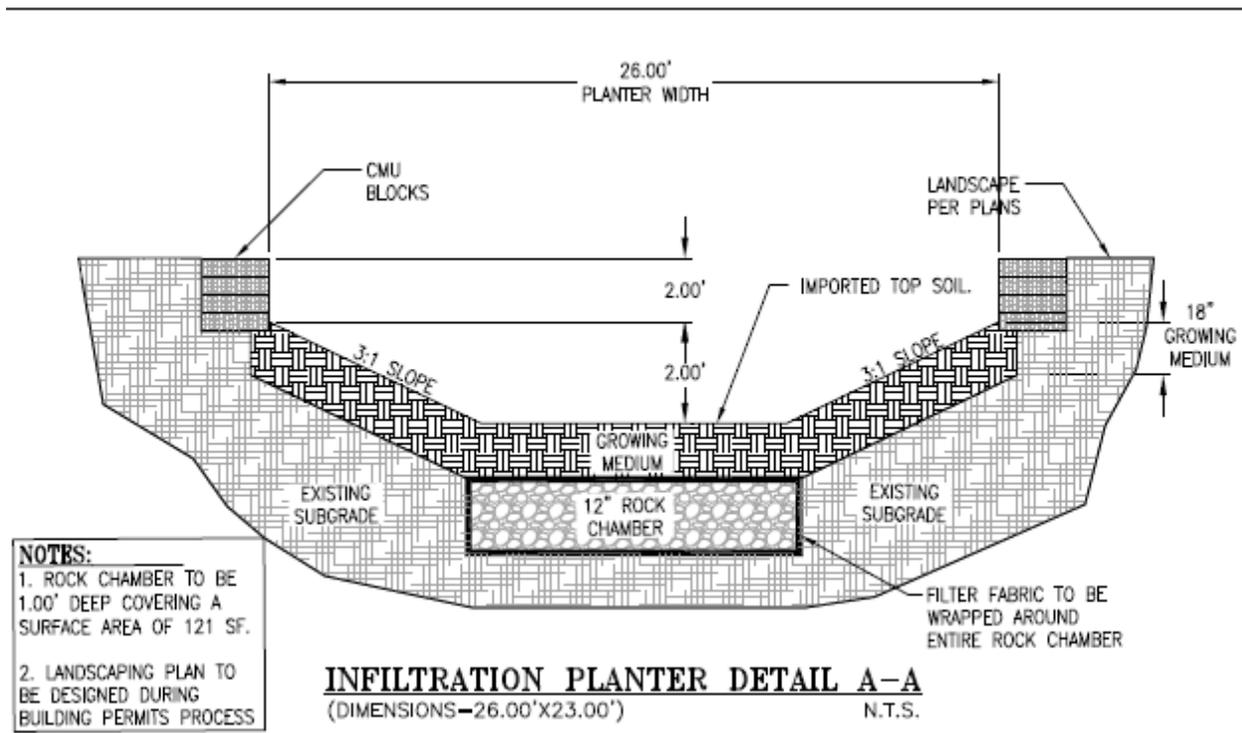
9-5-3-3: STORMWATER QUALITY:

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.

Florence Design Standards require that stormwater runoff from impervious surfaces be treated, preferably by vegetative means. The proposed development plans to achieve this via the stormwater infiltration planter planted in accordance with the Stormwater Design Manual. Since outflow from Stormwater Planter 1 is solely infiltration (but will also function as detention of stormwater, if necessary), the 18" growing media and plants within the facility will treat stormwater runoff per Florence standards. Stormwater (including water from rooftops and gutter systems, is proposed to be directed to landscaping areas which will be designed to flow into this larger SW planter. The infiltrated water overflow that surpasses a 25 year flood event is then directed to a southeast inlet to be located in 5th St.. near the SE (Kiosk) property line.

Below is an image excerpt illustrating a stormwater planter design, taken from Sheet C-2 (Utility Plan) in Exhibit D. This sheet is not an option included in the Stormwater Design Manual. The applicant shall either revise the proposal to provide an approved system from the Stormwater Design Manual or apply and receive stamped approval from the Public Works Director for this alternative infiltration planter design, **[Condition 25]**. The proposal also includes catch basins. These catch basin facilities shall also be designed and installed using the approved design in the Stormwater Design Manual. **[Condition 26]**.



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.

9-5-5: EASEMENTS:

9-5-5-1: PUBLIC FACILITIES:

A. Public facilities must have an easement, tract, or right-of-way granted to the City to provide for the inspection and maintenance of the drainage system and stormwater management facilities. A minimum of 7-1/2 feet is required along each side of the centerline of stormwater pipes and culverts. A fifteen-(15) foot wide access is required

around the perimeter of stormwater management facilities (ponds, wetlands, infiltration facilities, etc). A fifteen-(15) foot wide easement with a minimum 10' wide access road located within the easement shall be provided when the public facility does not front a public road. Increased easements/improvements may be required on a case-by-case basis depending upon the unique drainage situation or facility maintenance requirements.

Public facilities are not proposed.

9-5-5-2: PRIVATE FACILITIES:

A. Private facilities must be placed in an easement, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Agreement.

Stormwater for these two developments are proposed to be infiltrated on site in planters and then conveyed to a stormwater system along the and in the north side 5th St. This section of 5th is planned to be re-designed to City of Florence standards and installed accordingly with a new manhole and storm inlet, as conditioned elsewhere in these Findings. Easements shall be required as required by the O & M agreement.

B. The City may determine that certain privately owned facilities are critical components of the overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.

Public Works has not requested access to this facility.

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.**

VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed Design Review applications meet the requirements of City Code subject to the following conditions.

VIII. INFORMATIONALS

1. The landscaping proposal includes an automatic irrigation system that will be provided for all lawn and plant bed areas, provide head to head coverage, and supply separate zones for lawn and shrub areas. The head layout will minimize overspray onto paved surfaces. A backflow device permit will be required at building construction.

2. The applicant is proposing to provide two (2) new street trees (Red Alder) in planting strips with a minimum 2-inch caliper on the north side of 5th Street to match trees recently installed at Hwy 101. The provided plan indicates approximately 28 feet of spacing between the trees, including existing street trees that were installed during the Hwy 101 project are proposed to remain. These trees and additional landscaping plants, which are to include Pieris, Barberry, red Twig Dogwood and Lithodora, will be irrigated and also located in raised planting strips, (Exhibit C) Visual clearance standards will be met. In the event these species of plants are unavailable, suitable substitutes may be used pending approval by the Planning Director.

IX. 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" Kiosk Plans*
- "D" Carwash Plans*
- "E" Coffee Kiosk Narrative*
- "F" Carwash Narrative*
- "G" Traffic Impact Study*
- "H" Stormwater Memorandum*
- "I" Resolutions for Prior Approvals*

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, 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. The applicant shall provide two ADA accessible parking spaces. One stall shall be van accessible meeting all the applicable requirements of FCC 10-3-5 including aisle access prior to issuance of Certificate of Occupancy. If the parking turnout on the east side of the kiosk is planned as an ADA parking space, ramps meeting size and slope requirements must be provided in order to access the kiosk.
5. Pedestrian access to the internal site is provided; however, a recorded deed or easement, and covenant shall be required to use any off-site parking facilities.
6. A detailed and dimensioned signage plan that meets requirements outlined in FCC Title 4, Chapter 7 shall be submitted and approved by the Planning Department. The properties are located in the Commercial Sign District.
7. A detailed bicycle plan shall be submitted for review and approval prior to permitting to ensure short-term size, marking, and storage is compliant with subsections G and H of this Chapter.
8. The plans provided do not clearly illustrate or note the approved variances on the site plan. These variance setbacks shall be dimensioned and noted on the final plans prior to permitting.
9. The applicant proposes the carwash facility operates 24 hours a day. Given the nearby residential uses south of 5th St., hours of operation shall not be allowed from the hours of 10 pm to 7 am as outlined in Title 6, Chapter 1.
10. Approximately 100 feet of 5th St. will be reconstructed as part of the proposed development. This is required to address the increased vehicular traffic generated on the street with the increase in uses. The applicant shall provide final construction plans for review and approval by Public Works prior to commencement of construction.
11. The applicants request any required performance bonds as a condition of approval for Building Permit issuance.
12. The proposed landscape shall not interfere with pedestrian and bicycle access.
13. The applicant is proposing both a new driveway approach and installation of sidewalks along public right-of-way. Construction plans for these improvements will be required to be submitted in conjunction with a building

permit. Additionally, per this Section, the applicant shall obtain a Construction Permit in the Right-of-way to install driveway approaches and sidewalks.

14. Prior to issuance of a building permit for this site the applicant is required to sign a non-remonstrance agreement with the City regarding improvements to the driveway access on 6th Street. In accordance with the Access Management Plan, the shared driveway along 6th Street must be located further to the east (at least 50 feet from Hwy 101), and widened to at least 8 feet. Non-remonstrance will be executed in conjunction with the development of the property to the east and include financial participation and easements as needed for the shared access reconstruction at 6th Street.

Resolution PC 19 11 CUP 04 expires on Oct. 22 of this year. As such, the above shall be re-conditioned with this application, as well.

15. The City of Florence Public Works Department has determined that, due to the increased amount of traffic on 5th St. the development will trigger, the roadway will need to be reconstructed in order to handle the increased traffic.
16. Easements are required to implement the Access Management Plan shared access between this development site and the Old School Furniture Site to the east. Once cross easements are made by the eastern property owner, 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.
17. The employee entrance to the kiosk does not provide connection to the sidewalk systems. Such connection shall be demonstrated.
18. In order to extend a sewer lateral to the carwash from 5th St., a private utility easement for the sewer line shall be required because the line would cross the lot lines.
19. Sheet C-3.0 in Exhibit D indicates the new proposed wastewater line in the drawing as a 6". The drawing notes state that this line is an 8". This discrepancy shall be rectified in the Civils during the permitting process.
20. Stormwater is proposed to be collected and treated through infiltration processes in planting areas. The Narrative for these applications express that the above Condition 8 has been covered in this Design Review application; however, designs for catch basins continue to remain on the updated plans (Exhibit D, Sheet C-3.0 & Sheet 5.0) Additionally, the 8" stormwater line is shown in the drawings is indicated in the Legends of those sheets as being 12". A new manhole is proposed to be located in 5th St, near the SE corner of the kiosk property. The applicant shall submit final plans to the Public Works Department for approval prior to permitting.

21. Additionally, cross access and maintenance easements between the property owners of the carwash and coffee kiosk are required to be drafted and recorded with the County prior to issuance of a Certificate of Occupancy for either use.
22. The lighting plan does not factor current existing conditions of newly installed ODOT lighting along Hwy 101. The applicant shall re-submit the lighting plan prior to permitting.
23. The applicant shall provide a photometric report for each type of luminaire illustrating that the design is full-cut off because the lighting plans provided do not specifically state they are. Parking Areas: The two parking areas on site do not include illumination within the stated ranges. The applicant shall supplement the parking areas to meet the illumination of parking areas criterion.
24. Lighting shall be extinguished at the end of business hours except as needed for safety.
25. The design of a stormwater planter, taken from Sheet C-2 (Utility Plan) in Exhibit D, is not an option included in the Stormwater Design Manual. The applicant shall either revise the proposal to provide an approved system from the Stormwater Design Manual or apply and receive stamped approval from the Public Works Director for this alternative infiltration planter design.
26. The proposal also includes catch basins. These catch basin facilities shall also be designed and installed using the approved design in the Stormwater Design Manual.
27. The applicant shall resubmit a dimensioned landscaping plan that indicates require shrubbery and trees and further addresses plantings in the SW stormwater planter.

X. EXHIBITS

"A" Findings of Fact
"B" Land Use Application and Supplemental
"C" Kiosk Plans
"D" Carwash Plans
"E" Coffee Kiosk Narrative
"F" Carwash Narrative
"G" Traffic Impact Study
"H" Stormwater Memorandum
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