
AGENDA ITEM SUMMARY / STAFF REPORT**ITEM NO: 4****FLORENCE PLANNING COMMISSION**Meeting Date: *September 12, 2023*

ITEM TITLE:*Resolution PC 23 22 CUP 05*
Wild Mushroom Processing and Distribution Facility

OVERVIEW:

Application: An application was received on June 15, 2023 requesting an approval of a conditional use permit with design review for the development of a vacant lot with a warehouse building for wild mushroom processing and wholesales. This project is located at 1787 31st Street on the west side of Hwy 101 north and directly across from Mast Bros Towing. The zoning of the subject lot is Highway District which permits wholesale and warehouse uses conditionally.

Staff Review: Staff reviewed the conditional use permit with design review for the proposed development of a warehouse type building for processing, grading, and sorting wild mushrooms. This development application includes associated developments.

Process: This conditional use permit with design review is being processed as a Type III Quasi-Judicial review as required by FCC 10-1-1-6-3. Property owner notices of hearing were mailed August 23, 2023, and the property was posted on August 23, 2023. A notice of public hearing was published in the Siuslaw Newspaper September 1, 2023. All public notice requirements have been satisfied.

The findings include a review of the request against the applicable criteria.

Referrals: Referrals were sent to Public Works, ODOT, CLPUD, and Siuslaw Valley Fire and Rescue (SVFW). Public Works and SVFR both provided comments.

SVF: provided minimum requirements for compacted gravel in the event that the site needs to be accessed by an emergency vehicle and stated the need for the ability to open the gate in case of a need for emergency access.

Public Works: states the site is currently served with water and sewer service. A backflow device will be required and a separate irrigation meter is recommended. A cleanout is required at the property line and accessible. Sidewalks are required.

Testimony: No public comments were received as of the publishing of the Findings of Facts.

ISSUES/DECISION POINTS:

- Can the proposed parking meet code in accordance with FCC 10-3
- Is the buffer on the west property line adequate between this use and the adjacent residential uses.

ALTERNATIVES:

1. Approve the Conditional Use Permit with Design Review with conditions of approval
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2. Review and recommend changes to the proposed Conditional Use Permit with Design Review findings and approve as amended,
 3. Continue the Public Hearing to a date certain if more information is required, or
 4. Do not approve the Conditional Use Permit with Design Review by revising the findings and resolution stating how the application does not meet the criteria.
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RECOMMENDATION: Planning Staff— Option 1, Approve with Conditions of Approval

AIS PREPARED BY: Clare Kurth, Assistant Planner

ITEM'S ATTACHED: Resolution PC 23 22 CUP 05 (Proposed)
"A" Findings of Fact (Proposed)
"B" Land Use Application & Narrative
"C" Building Plans and Exterior Elevations
"D" Site Plans
"E" Business Mailing Address Confirmation
"F" Public Works Referral Comments
"G" Siuslaw Valley Fire and Rescue Referral Comments

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 22 10 CUP 02

A CONDITIONAL USE PERMIT WITH DESIGN REVIEW FOR A METAL WAREHOUSE BUILDING AND ASSOCIATED DEVELOPMENT FOR WAREHOUSE AND DISTRIBUTION USES. THIS IS FOR A WILD MUSHROOM PROCESSING, SORTING, AND DISTRIBUTION BUSSINESS WITH NO RETAIL SALES.

WHEREAS, application was made by Leslie Isola, property owner of 1787 31st St as seen on Assessor's Map #18-12-23-23 Tax Lot 03100, for a Conditional Use Permit with Design Review as required by FCC 10-1-1-, 10-1-1-6-3 and FCC 10-4-4; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on September 12, 2023 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 10-4-10, 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 conditional use permit and design review for the development of a warehouse facility for processing, sorting, and distribution of wild mushroom and other associated development. 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.

1. Approval for shall be shown on:

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|-----|--|
| "A" | Findings of Fact |
| "B" | Land Use Application and Narrative |
| "C" | Building Plans and Exterior Elevations |
| "D" | Site Plans |
| "E" | Business Mailing Address Confirmation |
| "F" | Public Works Referral Comments |
| "G" | Siuslaw Valley Fire and Rescue Referral Comments |

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. Parking Requirements

4.1 The ADA stall shall meet all City, State, and Federal regulations for dimensions, striping, signage, and markings. This shall be confirmed by a site visit prior to final Certificate of Occupancy.

4.2 Landscaping along 31st Street and adjacent to driveway and parking areas shall be maintained in a manner to prevent encroachment into public ROWs and to maintain minimum required vision clearance in accordance with FCC 10-3-8-8, FCC 10-35-2-13-B, and as illustrated in Figure 10-35(4).

4.3 All onsite parking shall have the double line striping with a minimum of 2 feet on center in accordance with FCC 10-3-9-B

5. Conditional Use

5.1 Prior to or in conjunction with submittal of building permits all proposed utility locations shall be submitted for review and approval by the Public Work Director in accordance with FCC 10-4-4-C. All utilities shall be placed under ground in accordance with FCC 10-36-5-A.

5.2 A lock box, gate with a code, a similar means shall be installed on the exterior of the chain link fence to ensure emergency personnel have access to the site in the event of an emergency. This shall be available and maintained for the life time of a perimeter fence present on site.

6. Landscaping

5.2 Within 6 months of approval (March 12, 2023) the applicant shall submit a landscaping plan for review that includes the size and species of plant. The required 11 shrubs and 2 trees are encouraged to be from the Tree and Plant list. The two trees shall be species and varieties that meet the requirement for street trees. Landscaping shall be installed within 1 year of approval (September 12, 2024).

5.3 Once submitted the landscaping plan may be processed as a Type I review process by staff in accordance with FCC 10-1-1-6-1 if applicable criteria are met.

5.4 Pocket planting techniques shall be used for new plantings to ensure healthy growth in accordance with FCC 10-34-3-3-5.

5.5 In accordance with FCC 10-34-3-3-B noxious weeds shall be removed during site development and the planting of invasive weeds or species is prohibited. The site shall be maintained with continued removal of noxious weeds and invasive species as needed.

5.6 In accordance with FCC 10-34-3-7-D, either a solid wood fence or block wall 6 feet in height shall be installed along the west property line that abuts a residential as a 35-foot landscaped buffer is not proposed.

6. Access and Circulation

6.1 Details for sidewalk plans and driveway apron shall be submitted to the City Public Works Director for approval prior to construction of these facilities to ensure compliance with FCC 10-35-2-12 and FCC 10-35-3.

6.2 The pedestrian gate proposed shall be aligned with the ADA parking stall striping to ensure safe and unobstructed pedestrian access to the interior of the site. This is in accordance with FCC 10-35-3-2.

6.3 Pedestrian access from the parking area to the main entrance of the building shall be in compliance with FCC 10-35-3-3-C & D in regards to the use materials that are ADA accessible compliant, this information shall be submitted prior to or in conjunction with building permits for review and approval by City staff.

7. Public Facilities

7.1 In accordance with Siuslaw Valley Fire and Rescues referral comments and FCC 10-36-3-E the compacted gravel shall be capable of supporting 60,000 pounds which typically requires 6" of base rock and 2" of surface rock. This condition is applicable to driving areas that would be required for emergency vehicle access on site. This shall be installed prior to final Certificate of Occupancy

7.2 In accordance with FCC 10-36-5-A, all utilities shall be placed underground. Proposed utility connections shall be submitted prior to or in conjunction with building permit submittal for review by the City Public Works Department.

7.3 Provide City Planning department with a site plan indicating north site dimensions to ensure adequate space for emergency and delivery vehicle turn around and provide details on gate type and access method for emergency responders. This shall be submitted prior to or in conjunction with building permits.

8. Lighting

8.1 A lighting plan shall be submitted for review in conjunction with or prior to building permit application submittal including illumination on site and specifics of proposed lighting fixtures

that are in compliance with FCC 10-37. This lighting plan may be processed as a Type I design review if in compliance with code criteria in FCC 10-1 and FCC 10-37.

8.2 In accordance with FCC 10-37-4-E, the City reserves the right to review on-site lighting within 30 days of issuance of final Certificate of Occupancy and request adjustments to site lighting.

9. Stormwater Management

9.1 Stormwater landscaped facilities shall be treated with a compost and loam mixture not with a depth of not less than 18”per section 5.6 on page 35 of 186 sheet number SW-160 in accordance with the Stormwater Design Manual. Crushed rock or gravel trench shall be used to minimize erosion and assist in flow as seen on SW-160 of the manual and Appendix B for growing medium specifications.

9.2 Prior to final Certificate of Occupancy a signed Operations and Maintenance Agreement shall be submitted to the City Planning Department.

Informationals:

1. Nuisance codes in accordance with FCC 6-1 apply. Excessive noise, vibrations, dust, odor, or other nuisances are not anticipated based on the proposal. This is included only to ensure compatibility with adjacent uses.
2. If signs are proposed in the future, an application is required to be submitted to the City Building Department for review and signs shall be in compliance with FCC 4-7.
3. Any planting that fails to survive they shall be replaced and hardscape features (i.e., fences) shall be maintained in good condition or replaced in accordance with FCC 10-34-3-8
4. If non-native plants are proposed on the landscaping plan under Condition 5.2 then permeant irrigation shall be installed to these plants in accordance with FCC 10-3-5.
5. Connection to water and sanitary sewer will need to be made with normal / ordinary connection and meter fees, plus System Development Charges.
6. In Compliance with the Operations and Maintenance Manual access to stormwater facilities will be kept safe efficient, and clear of obstacles.

ADOPTED BY THE FLORENCE PLANNING COMMISSION the 12th day of September, 2023.

Sandra Young, Chairperson
Florence Planning Commission

Date

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A" Draft**

Public Hearing Date: September 12, 2023 **Planner:** Clare Kurth
Application: PC 23 22 CUP 05

I. PROPOSAL DESCRIPTION

Proposal: An application submitted for site design of a warehouse building for wild mushroom processing and offsite distribution. This project is to be located at 1787 31st Street on the west side of Hwy 101 directly across from Mast Bros Towing. This proposal is for the development of a vacant lot for the warehouse building and associated improvements.

Applicant: Leslie Isola

Property Owners: Leslie Isola

Location: 1787 31st Street, Florence, OR 97439

Site: Map #18-12-23-23, Tax Lot 03100

Comprehensive Plan Map Designation: Highway District

Zone Map Classification: Highway District

Surrounding Land Use / Zoning:

Site: Vacant, Native Vegetation / Highway District
North: Residential, Single Family Detached Dwellings / Highway District
South: Service Garage & Equipment Shed / Highway District
East: Vacant, Native Vegetation / Highway District
West: Residential, Duplexes, Single Family Attached / Highway District

Streets / Classification:

West – none; South – 31st Street / Local; East – Highway 101/ Arterial; North – None

II. NARRATIVE:

The application request involves proposed uses related to the processing of wild mushrooms on a seasonal basis. A 60' x 22' (1,320 sq. ft.) metal shop building is included in the proposal. The proposed use is permitted conditionally in the Highway District according to FCC 10-16-3-A, meaning that it is necessary, per FCC 10-1-1-4 3B that the project undergo a Type III quasi-judicial review requiring a public hearing and deliberations by the Planning Commission. Additionally, the new development of the vacant subject lot also requires a Design Review per FCC 10-6-3. As allowable per FCC 10-1-1-5 B, these Findings consolidate both the Conditional Use Permit and Design Review request.

Although the subject lot is located within the Highway Zoning District, it does not have direct Hwy 101 frontage and will be accessible from 31st St., classified in the City of Florence 2012 Transportation Plan as a 'local street.' The zoning district and proposed use allows access off of local streets and access is discussed later in these Findings under FCC 10-35.

The applicant includes a proposal statement in Exhibit B explaining that the shop building would be used for *"grading, sorting, and packing wild mushrooms for shipping. This is a seasonal business generally from October until the end of the year depending on weather... Objective is to have a functional space to operate our business."* A perimeter fence is proposed with parking outside of the fence. The interior of this fence is not proposed to be accessible to the public and neither onsite sales nor outside storage are proposed.

The proposed uses most closely align with 'warehouse, freight movement, and distribution' and is defined in FCC 10-2-13 as *"... the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present."*

Although the proposal includes activities and uses related to warehouse, freight movement, and distribution, this is a small development and no actual freight movement is being proposed or anticipated from the site - simply the preparation and storage of wild mushrooms, and related supplies, in anticipation for future shipping and off-site distribution.

III. NOTICES & REFERRALS:

Notice: On August 23, 2023, notice was mailed to surrounding property owners within 300 feet of the property and a sign was posted on the property. Notice was published in the Siuslaw News on September 8, 2023.

Public Testimony: At the time of the writing of these Findings no public testimony was received.

Referrals: On September 6, 2022, referrals were sent to Florence Public Works, Siuslaw Valley Fire and Rescue, and Central Lincoln PUD. Referrals from Public Works and SVFR have been submitted

Public Works Director Mike Miller provided the following referral comments on September 7, 2023, (Exhibit F):

"We are pleased to offer the following comments regarding the proposed wild mushroom processing facility at 1731 31st Street, as proposed by Leslie Isola. After much field verification, I am happy to report that there is a water service extended to the property. We also identified and located a sanitary sewer lateral that has also been stubbed to the property. The developer will need to make connections to both the water and sanitary sewer services and pay the normal/ordinary connection and meter fees, plus System Development Charges."

"Appropriate backflow prevention device, typically a double check valve assembly, is required for premise isolation. Premise isolation is when the backflow prevention device is installed downstream of the water meter at the property line. Since this is considered as a commercial account, it is highly advisable for the developer/owner to install a separate water irrigation meter. This way the irrigation water is not part of the calculation for sanitary sewer. This would

require a separate water service to the property (there is currently only one water service to the property).

“Sanitary sewer connection will require a cleanout to be installed at the property line. The clean out will need to be accessible.”

“As shown on the submittal, the developer will need to complete sidewalks along the property frontage of 31st Street. Care needs to be taken with the construction of the driveway apron so that all current ADA standards are met. The driveway can incorporate the sidewalk either as a depressed driveway or a sidewalk bypass as shown on City of Florence detail F-205 (standard driveway and sidewalk); F-208 (depressed driveway and sidewalk); F-208A for a driveway with a bypass sidewalk; or F-208B for a fully depressed sidewalk and driveway.”

“Stormwater management is required for all impervious surfaces. The developer can utilize the simplified approach for stormwater management in the Florence Stormwater Design Manual.”

SVFR Fire Chief Michael Shick provided his referral comments as shown below and in Exhibit G:

“Just a few comments.”

“1) Driving area, which is shown as compacted gravel, should be capable of supporting 60,000 lbs, typically we ask for 6” base rock and 2” of surface rock.”

“2) I would like the ability to turn around once we enter the property, I think the north end is close to what I need. I’m assuming there will only be one way in and out. If they are putting in a gate at the north end then we could use that. Even if it is not normally to be used an exit onto 101 would work for us. Could they indicate the distances on the north end of the site drawing? Will they have delivery trucks entering the property, I would think they would need to turn around as well? It’s not really a long enough lot to require turn around space.”

“3) If that is going to be an electric gate on 31st we need the ability to open it, either by a code, key, or via a siren.”

“Nice to have”

“1) Key box”

The content provided within these referrals are incorporated later in these findings within their respective code sections.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-4, 1-5, 1-6-3, 1-7

Chapter 3: Off-Street Parking and Loading, Sections 2 through 5, 8-C through 8-L, and 9 through 10

Chapter 4: Conditional Uses, Sections 4, 10, and 11

- Chapter 6: Design Review, Sections 4, 5-1, and 7 through 11
- Chapter 16: Highway District, Sections 3 through 5 and 7
- Chapter 34: Landscaping, Sections, 2 through 5
- Chapter 35: Access and Circulation, Section 2-2, 2-3, 2-6 through 2-9, and 2-12 through 2-14, and 3 through 4
- Chapter 36: Public Facilities, sections 2-1 through 2-5, 2-17, 2-18, 2-22, and 3 through 7
- Chapter 37: Lighting, Sections 2, through 6

Florence City Code, Title 9:

- Chapter 5: Stormwater Management Requirements, Section 1 through 7

Florence Realization 2020 Comprehensive Plan

- Chapter 2, Commercial Policy 9, & Chapter 12 Policies 9, 10, &13

V. PROPOSED FINDINGS

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATRION

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.**

An application was submitted on a form prescribed by the City and including all required information. This criterion is met.

- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City’s land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.**

[...]

- 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.**

[...]

This application is being reviewed as a conditional use permit with design review which requires a Type III Quasi-Judicial review. This criterion is being met through this review process.

[...]

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 was submitted at least 30 days prior to the scheduled public hearing. This criterion is met.

E. Traffic Impact Studies:

[...]

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:

[...]

No traffic impact study is warranted based on the above-mentioned criterion. The project as proposed does not create an average number of vehicle trips per day to warrant a traffic impact study. Neither 31st St nor nearby intersections have been identified in the 2012 Transportation System Plan as transportation facilities with existing deficiencies. No traffic impact study is required with this project.

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.

[...]

This application was initiated by the property owner of record for this subject lot. This criterion is met.

10-1-1-5: GENERAL PROVISIONS

A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)

[...]

This application is a Type III review process for a conditional use permit (CUP) with design review. This application is being processed within the 120 – day timeline from the date deemed complete in accordance with this code section. This criterion is met.

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

This application represents a Type III CUP with design review. This application is being processed for the development of the vacant lot and all associated development in one consolidated review process. This criterion is met.

[...]

- D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:**
- 1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.**
 - 2. Accept all development applications that comply with the requirements of this Chapter.**
 - 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.**
 - 4. Prepare a notice of the proposal decision:**
 - a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.**
 - 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).**
 - 5. Administer the hearings process.**

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.**

The requirements of the above-mentioned code criteria sections are being met by the City Planning Officials through this review process.

[...]

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

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

[...]

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

[...]

7. **Conditional Use Permits.**

[...]

10. **Other applications similar to those above which require notice to surrounding property owners and a public hearing.**

This application requires a Type III (quasi-judicial) review as this application represents new construction requiring design review by the Planning Commission, the proposed use of warehouse and distribution is permitted conditionally in the underlying zoning district (highway district), and this application required noticing to surrounding property owners and a public hearing. Therefore, this application represents a Type III review process, which is being met through this review process.

B. Notification of Hearing:

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

[...]

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

- 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.
- 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 of the public hearing was posted on the subject property on August 23, 2023, and a notice containing all required information was mailed to surrounding property owners within a 300-foot radius that contained all required information. A notice of public hearing was published in the Siuslaw News September 8th containing all required information. These criteria are met.

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

The hearing procedures conformed to all procedures in FCC 2-3 and 2-10 in accordance with this code section. This criterion is met.

E. Action by the Planning Commission:

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

2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission held a public hearing on September 12, 2023, and solicited testimony and evidence. The Planning Commission received all materials provided by the applicant. The findings state whether the application criteria were met.

10-1-1-7: APPEALS: Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the City Council.

[...]

This section is included as a reference only for the appeal procedure should the applicant or member of the public with standing for an appeal desire to do so.

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

10-3-2: GENERAL PROVISIONS:

- A. **The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.**
- B. **At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.**
- C. **If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**
- D. **Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.**
- E. **Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.**

- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.
- I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.

General Provisions are discussed below under the applicable code section below.

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. For single family dwellings, duets and duplexes, one parking space per unit may be provided on a driveway if the criteria in FCC 10-3-8 are met.

Parking is proposed to be provided on-site in the proposed parking lot along the 31st Street property line. Required minimum parking is explained below. This criterion is met.

[...]

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Planning Commission for a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Planning Commission and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces for non-residential uses, plus additional space(s) as needed to meet the minimum accessible parking requirement.

D. Manufacturing, Storage and Wholesale Types:

Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
 Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area
Wholesale Sales -fully enclosed -not enclosed	1 space per 1,000 sq. ft. as determined by the Planning Commission

According to Table 10-3-1-B Minimum Required Parking for warehouse and freight movements is 1 space per 2,000 square feet with a minimum of 2 parking spaces per use. The proposed building is 1,320 square feet. Therefore, the subject site is required to have a minimum of 2 spaces. 2 parking spaces are provided on the site plan. This criterion is met.

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

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
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5

In accordance with ADA laws and Table 10-3-2, 1 ADA accessible parking space is required. One ADA parking space is required that meets minimum dimensions. Striping and required markings were not included on the site plan. Compliance with ADA required striping, signage, and markings shall be confirmed during building inspection. **(Condition 4.1)** This criterion is met or is conditioned to be met.

[...]

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

The parking area and driveway are located within the first 20 feet of the property line and are proposed to be paved. Other than the parking areas and landscaped areas, the remainder of the lot is proposed to contain gravel surfaces. This is deemed to be acceptable since this gravel area of the development is neither proposed for parking, loading, nor outdoor vehicle sales. This criterion is met.

[...]

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

Applicant is proposing grading the development site to direct stormwater towards the vegetated landscape and buffer areas. No stormwater is proposed to be directed towards public ROWs. Additional details of the stormwater management are discussed under section FCC 9-5. This criterion is met.

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

Parking spaces are proposed as head-in parking facing north, towards the new building. The orientation will screen headlights from shining onto adjacent residential uses. The adjacent property on the south side of 31st Street is the Mast Bros Towing business which is neither a residential use nor zoning. If vehicles were backed into parking spaces, headlights may shine onto this business, but not onto adjacent residential uses. This criterion is met.

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

- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**

Parking is not proposed near interior lot lines or facing the abutting public ROW. Therefore a 6-inch curb is not determined to be required by this code section.

- 2. Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

Landscaping areas abutting the public ROW are proposed to be 20 feet wide, exceeding the 5-foot minimum, except for points of ingress and egress. The vegetation / landscaping areas on abutting street frontage are proposed to be 20 feet wide. This criterion is met.

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

Parking as proposed meets minimum parking stall dimensions and are fully contained onsite, not extending into the public way. This criterion is 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.**

Proposed parking is oriented in a way to minimize disturbance to adjacent residential uses. A 10-foot landscape buffer between the parking area and residential use to the south is proposed. This landscaping area shall be well kept and maintained in accordance with this code section and maintained in a way to maintain minimum required vision clearance. **(Condition 4.2)** The criterion is met or is conditioned to be met.

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

Site lighting will be discussed under section FCC 10-37.

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

The proposed project requires a minimum of 2 parking spaces and 2 parking spaces are required based on the proposed use of warehouse and distribution. Based on this criterion, groups of 2 or more parking spaces shall be located to prevent backing movements or other maneuvering within a street ROW, as 2 parking spaces are required and proposed the parking as proposed is deemed acceptable and within compliance of this code section. This criterion is met.

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

Required parking is provided in the front yard setback, which is required to be a minimum of 5 feet in accordance with FCC 10-16-7-B. No loading area is proposed or required with this application in accordance with FCC 10-3-11-B.

The following will be discussed further under FCC 10-4-11. The Planning Commission at their discretion may apply development standards of the Limited Industrial Zoning district as the use proposes industrial uses permitted outright in the Limited Industrial Zoning district. This zoning district does not require front yard setbacks. With the application of limited industrial zoning development standards, the proposed parking is not located in a required front yard setback. The Planning Commission is being tasked with this issue and decision point.

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

Parking lot review is being completed as part of this conditional use review process. This criterion is met.

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

- 1. Individual parking and loading spaces.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**
- 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**

- 8. Specifications for signs, bumper guards and curbs.
- 9. Landscaping and lighting.

All required information regarding parking plans were submitted in accordance with this code section and conditioned where necessary. This criterion is met.

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for a single-family; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

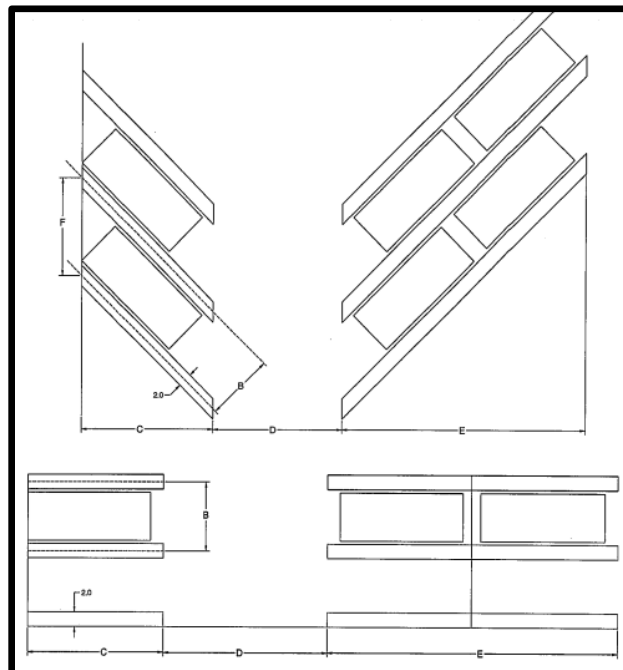


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
Space Dimensions in feet	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	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

Parking stalls as proposed meet minimum requirements of FCC 10-3-9 above, except for the required double line striping and the ADA space having required ADA striping and signage. All other required items on the parking lot plan are either provided in written statements or illustrated on a site plan. The parking stalls shall have the required double line striping a minimum of 2 feet on center in accordance with FCC 10-3-9-C and the ADA space shall meet State and Federal requirements for striping, signage, and markings. **(Conditions 4.1 & 4.3)** These criteria are met or are conditioned to be met.

10-3-10: BYCYCLE 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 applicant is proposing a bicycle rack that can accommodate 2 bicycles located near the building entrance that faces 31st Street (Exhibit D). The location of the bike parking rack is closer to the entrance than the nearest parking stall, is visible from the street and main entrance to the building, will not create a hazard to pedestrians, and will not interfere with vision clearance onsite. This bicycle rack and location meets all above mentioned criteria. These criteria are met.

TITLE 10: CHAPTER 4: CONDITIONAL USES

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

A. Site and building plans and elevations.

Site plans and exterior building elevations for all sides of the building were submitted as part of the application (Exhibit C). This criterion is met.

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

Existing conditions on the subject site are vacant with native vegetation. The surrounding properties within 100 feet of this property (subject lot is less than 1 acre) are zoned Highway District. This information was discussed at the beginning of these Findings under the *Surrounding Land Use / Zoning and Street / Classification* section on page 1. This criterion is met.

C. Existing and proposed utility lines and easements.

This is a vacant lot with no existing utilities. No easements were found to be present on this lot. The proposed utility locations were not submitted as part of this application. Proposed utility locations shall be submitted prior to or conjunction with building permit applications for review by the City Building Department and Public Works Director. **(Condition 5.1)** These criteria are met or are conditioned to be met.

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

The applicant included a proposal statement found in Exhibit B that this shop building would be used for “grading, sorting, and packing wild mushrooms for shipping. This is a seasonal business generally from October until the end of the year depending on weather... Objective is to have a functional space to operate our business.” This statement meets the above-mentioned criteria. This criterion is met.

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

No other pertinent information was requested by the Planning Commission at the time of the writing of these Findings.

[...]

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

A. Conformity with the Florence Comprehensive Plan.

The proposed wild mushroom processing building conforms to Florence Comprehensive Plans. Florence Comprehensive Plan goals and policies relating to this proposal will be discussed at the end of these Findings under the 2020 Florence Realization Comprehensive Plan section.

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

Special Conditions Compliance: The applicant will be required to carry out any conditions of approval or the use will be subject to revocation. Additional conditions are discussed under FCC 10-4

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

Land Availability: The latest research on Florence’s land availability is included within the *Housing Needs Analysis and Economic Opportunities Analysis*, conducted in 2017 and adopted in 2018. This analysis determined that vacant and re-developable land within the Florence urban growth boundary (UGB) is sufficient to accommodate the 20-year housing needs and employment growth forecasts. Within City limits the gross buildable lands, after accounting for environmental constraints (i.e., wetlands, steep slopes, or flood prone areas) were measured at 710 acres. The subject lot is 0.14 acres out of 710 acres of buildable land measured in 2017. 19.3 acres of these are forecasted to be needed for industrial-type developments (conditionally permitted in the underlying zoning district) and 58.3 acres for commercial type uses (permitted outright in the underlying zoning district).

Type of Development	20 Year Forecasted Needed	Buildable Land Available	Acres of Surplus
Industrial	19.3	143.6	124.3
Commercial	17.4	58.3	40.9

The *Housing Needs Analysis and Economic Opportunities Analysis*, adopted in 2018, identified sufficient buildable land for industrial and commercial development. This condition is met.

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

The proposed project is not exempt from design review and is being completed as part of this conditional use permit review process. This criterion is met.

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

Adjacent properties to the west and south are developed with all necessary utilities. The Public Works Director has confirmed this site has access to adequate public utilities and services (Exhibit F). This criterion is met.

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

Passenger vehicle and pedestrian access will be discussed in more detail in section FCC 10-35.

The Fire Chief had requested a lock box with either a key or code for emergency personnel to access the site if needed through the gate. A lock box or other means of entry shall available and maintained for the life time of the permitter fence to provide emergency personnel access in the event of an emergency. **(Condition 5.1)** This criterion is met or is conditioned to be met.

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

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

FCC 10-20 regulates Limited Industrial Zoning Districts. Uses permitted outright in the Limited Industrial Zoning District are permitted conditionally in the Highway Zoning District. FCC 10-20-4-D-1 states that front yards are not required in the limited industrial zoning district. The proposed project is permitted outright in the Limited Industrial Zoning District and is classified as an industrial use. Therefore, it is determined that the development standards of the limited industrial district may be applied to this project. Therefore, at the Planning Commissions discretion, the Limited Industrial Zoning Districts front yard setback may be applied to this project. Providing that no front yard setback is required, the parking as proposed by the applicant is within code compliance in accordance with FCC 10-3-8-J. The Planning Commission is being tasked with this issue and decision point.

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

A chain link perimeter fence is proposed at 6 feet in height. This will be discussed more under FCC 10-34.

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

Vehicle ingress and egress were discussed under FCC 10-3 in regarding to parking and will be discussed under FCC 10-35 in regard to access and circulation.

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

Noise, vibrations, and odors are not anticipated to be an ongoing concern following completion of construction. Building architectural features and landscaping will be discussed further under FCC 10-6 and FCC 10-34. These code criteria have either been met or are conditioned to be met later in these Findings.

E. Requiring surfacing of parking areas.

The applicant is proposing paving parking areas. This will be further discussed in section FCC 10-35. This criterion is met.

F. Requiring rehabilitation plans.

No rehabilitation is proposed. This is not applicable.

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

The Planning Commission may regulate hours of operation at their discretion. The operation of this use is stated to be part-time and seasonal. The nature of the operation is not anticipated to create noise beyond typical residential uses as are present adjacent to this property to the west and north. Title 6-1 will apply to this business and subject site in the event of a nuisance complaint regarding, noise, vibration, odor, light, or dust. **(Informational 1)**

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

Required time period will be discussed in more detail under FCC 10-6. Design Review is valid for 1 year from the date of approval. This criterion is met.

I. Requiring bonds to insure performance of special conditions.

No bonds have been determined to be required to insure performance of special conditions

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

The applicant is proposing to preserve native vegetation able, including a vegetated buffer on the west property line that abuts residential uses. The buffer will be discussed in more detail under FCC 10-34.

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

The Planning Commission, at their discretion, may require additional conditions to ensure conformity with the intent and purpose of the Florence Comprehensive Plan.

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 Director, or their designee.

Elevation renderings of the proposed building were submitted with this application. This criterion is met.

10-6-5: GENERAL APPROVAL CRITERIA:

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

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

All setbacks, yards, height density and similar design features are in compliance with the underlying Highway District except for the side yard setback on the west side of the lot. This west side yard setback meets the minimum 5' setback in compliance with the Highway District. However, FCC 10-34-3-7-D requires a minimum 15-foot landscape buffer with a 6-foot solid fence, or a 35-foot landscaped buffer is required between this project and a residential use or zoning district.

The applicant is proposing a 7.5-foot setback from the property line including a 2-foot-wide vegetated buffer of existing and established native vegetation. The proposed site plan meets code criteria for this code section, but has additional considerations under FCC 10-34.

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

Maximum lot coverage by all impervious surfaces in the underlying zoning district is 85%. The applicant is proposing lot coverage by impervious surface of approximately 78%. This criterion is met.

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

Maintenance of fences and landscaping will be discussed and reviewed under section FCC 10-34

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

Access and egress points for vehicles and pedestrians will be discussed under section FCC 10-35.

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

The project proposed is not anticipated to create noise, vibration, smoke, dust, odor, light intensity, or electrical interference on a continuous basis. Additional noise, vibration, smoke, and dust is anticipated during constructions and temporarily during initial development of the site. This criterion is met.

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

Parking, on-site traffic, and circulation were previously discussed and reviewed under FCC 10-3. No outside display areas are proposed.

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

Architectural quality and aesthetic appearance will be discussed under FCC 10-6-7 below.

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.

Color, building materials and exterior appearance will be discussed under FCC 10-6-7 below.

I. Exterior lighting and security.

Exterior lighting will be discussed under FCC 10-37.

The security of the site is being addressed by the installation of a chain link perimeter fence 6 feet in height. This fence is proposed to have both a gate for vehicular access and pedestrian access. The fence will be discussed further under FCC 10-34.

J. Public health, safety and general welfare.

The proposed development is not anticipated to create an issue with public health, safety, or general welfare. These criteria are discussed throughout these Findings.

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

Public Facilities and infrastructures are discussed under section FCC 10-36.

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

As discussed under section FCC 10-4 and FCC 10-6 the CUP and design review will be valid for 1 year from approval (September 12, 2024) at which time they will expire unless substantial construction has been completed. One 1-year extension may be applied for in writing prior to the expiration in accordance with FCC 10-4 and 10-6.

[...]

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

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

FCC 10-6-6-3 regulates building facades, and the requirement for breaks in building elevation for every 30 feet of building with offsets, recess, or changes in elevation of at least 24 inches. This building is proposed to be 22 feet x 60 feet with the 22-foot elevation facing 31st St. Therefore, this street facing side is not required to include the above-mentioned features, FCC 10-6-6-3-C-4 states that building elevations not orientate to a street or civic space need not comply with the 24-inch break in wall standards, but should complement the overall buildings. The building is proposed to have the same color scheme on all 4 elevations of quaker grey with white trim. These criteria are met.

10-6-6-4-G:

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

The proposed building proposes the exterior to be quaker gray with white trim on the doors and windows and the doors are proposed to be white. This meets the criteria for colors to be *muted coastal Pacific Northwest Palette*. No prohibited finishes are proposed. These criteria are met.

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

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

The Design Review site plans states the covered front entrance to be 5 feet in depth and 8 feet in width. This does not meet the minimum 6 feet in depth criteria but does exceed the 10% width of the building and extends 36% of the width of the building elevation. The proposed materials for the entrance are 4x4 posts with composition shingles. This criterion is partially met however this structure meets the criterion of an awning for the architectural feature options to include.

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

A total of 80.2 sq ft of windows are proposed which exceeds the minimum 30% of surface area requirement of all street facing elevations. The south elevation will be the only street facing elevation and will be facing 31st Street. This elevation is approximately 264 sq ft.

$$22 \times 12 = 264 \text{ sq ft}$$

$$264 \times .30 = 79.2 \text{ sq ft of windows required to meet this requirement.}$$

80.2 sq ft is greater than the minimum 30% or 79.2 sq ft required. This criterion is met.

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

Design Review site plan states there will be 4-inch trim around the windows. This criterion is met.

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

Decorative detailing and ornamentation around windows are not proposed. Mast Brothers Towing, which does not have decorative detailing around windows, is on the south side of 31st Street adjacent to this subject property. The residential properties adjacent to the subject site to the west do not have decorative

detailing on windows. Therefore, the windows with trim, without decorative detailing as proposed is in keeping with the character of the existing neighborhood. This criterion is met.

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

The awning proposed does not meet the minimum requirements of a pedestrian shelter as its width is 36% of the south facing elevation rather than 75%. This awning does meet the minimum requirement of an awning to meet architectural features of the building. This is discussed below.

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

Exterior elevation provided indicates a 12-inch eaves. This criterion is met.

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

Decorative tops are not proposed.

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

As previously stated, the proposed covered front awning is proposed at 5 feet in depth and extends 8 feet in width, or 36% of the width of the south elevation. This criterion is met.

Summary of FCC 10-6-7-B: The project proposes 30.4% window coverage on the south, street facing elevation, 12-inch eaves, a covered entrance that meets width requirements (not the depth requirement for covered entrance) but meets minimum awning requirements. This proposed project incorporates a minimum of 3 of the 6 architectural elements listed under section FCC 10-6-7-B. These minimum features are:

- A minimum of 30% windows coverage on street the facing elevation
- 12-inch eaves
- Awning

This criterion is met.

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

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

A site plan drawn to scale has been submitted. This criterion is met.

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

A landscape plan was submitted as part of this application. This will be discussed under FCC 10-34.

- 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.**

Architectural plans drawn to scale were submitted as part of the application, which included the floor plan. This criterion is met.

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

No additional information was deemed necessary at the time of the writing of these Findings.

10-6-9: 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.

Architectural drawings, site plans, and other materials were distributed to other City departments for review and comments prior to submittal to the Planning Commission. This criterion is met.

[...]

10-6-11: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

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

The design review approval is valid for one year and will expire September 12, 2024 unless substantial construction has been completed. The applicant may request one one-year extension in writing prior to the expiration date if substantial construction has not been completed.

TITLE 10: CHAPTER 16: HIGHWAY DISTRICT

10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein, with conditions to be required by the Planning Commission through the provisions of Chapters 1 and 4 of this Title.

A. All uses permitted outright or conditionally in the Limited Industrial District.

[...]

The use classification being applied to the project is warehouse, freight movement, and distribution. This use classification is a permitted use in the Limited Industrial zoning districts (FCC 10-20-2) and is therefore permitting conditionally in the Highway District. This conditional use request is being reviewed through this review process. This criterion is met.

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

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

This project proposal is being classified as warehouse, freight movement, and distribution as the most appropriate use classification, but the operation information submitted indicates this will be a seasonal operation with minimal traffic to the site. This use is anticipated to be compatible with both the commercial uses and residential uses adjacent. This criterion is met.

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

The applicant has provided a minimum of 3 architectural features as required under FCC 10-6-7, which meets requirements under that code section. The applicant is proposing the building to be quaker gray, which is compliant with the muted pacific northwest pallet. The landscaping proposed is a combination of retaining existing native vegetation and additional shrubs to meet minimum landscaping requirements of FCC 10-34. Based on the submitted application materials, this project will be as attractive as the nature of the use and setting will allow. This criterion is met.

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

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

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

F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.

This proposed project is not adjacent to an established or planned multiple family use, therefore these criteria will not be applied more strictly. As previously discussed, this application is proposed to be seasonal and part-time. The nature of the business operations is anticipated to produce minimal noise odor, smoke, glare, and no outdoor storage is proposed. The general exterior finish and landscaping is within code compliance of FCC 10-6 and 10-34. The proposed use is anticipated to be compatible with neighboring uses. These criteria are met.

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

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

The site plans and architectural drawings submitted demonstrated meeting the above-mentioned criterion. This criterion is met.

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

Proposed fences and landscaping will be discussed under FCC 10-34.

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

Access and circulation will be discussed under FCC 10-35.

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

Noise, vibration, and dust associated with construction are anticipated to be temporary and during construction only. These proposed business operations as described by the applicant are not anticipated to cause noise, vibrations, smoke, dust, odor, lighting or electrical interference on an ongoing basis. This criterion is met.

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

Parking areas and onsite circulation were discussed under FCC 10-3.

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

No signs are proposed with this application. All signs proposed in the future shall be in accordance with FCC 4-7 and be applied for to the City Building Department. **(Informational 2)**

G. Architectural quality and aesthetic appearance.

Architectural quality and aesthetic appearance were previously discussed under FCC 10-6

H. Public health and safety.

No negative impact to public health or safety are anticipated with this project.

I. Security.

A perimeter chain link fence 6 feet in height is proposed to provide security to the site.

J. Lot area, dimensions and percent of coverage.

This information was included on a site plan submitted for review.

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

This will be discussed under section FCC 10-36.

10-16-7: DESIGN SPECIFICATIONS:

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

- 1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.**
- 2. Residential: One hundred feet (100').**
- 3. Light Industrial: One hundred feet (100').**
- 4. All Other Uses: As determined by the City.**

The subject lot does not have frontage on Hwy 101. The proposed warehouse building is 22.5 feet from the eastern property line and the eastern property line is approximately 86 feet from the centerline of Hwy 101. Therefore, the proposed building exceeds the minimum and recommended setback requirements for this zoning district.

$$22.5 + 86 = 108.5 \text{ feet from Hwy 101 ROW}$$

This criterion is met.

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

The proposed building meets the minimum 5-foot setback from adjacent properties and the adjacent side street (31st Street). The adjacent property line and adjacent residential uses to the west of this subject lot will be discussed more under FCC 10-34. This criterion is met.

[...]

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

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

The subject property will access the site from 31st St. No access from Highway 101 is proposed or feasible with this site. No highway frontage is present on this subject lot. This criterion is met.

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

Parking was previously reviewed under section FCC 10-3.

F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code.

No signs have been proposed as part of this review process. Any signs proposed for this project shall be applied for through the City Building Department and be in accordance with FCC 4-7. **(Informational)**

G. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

The appeal process was included earlier in these findings for reference under section FCC 10-1.

H. General Provisions:

- 1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.**

No storage, display, or sales have been proposed in yard setbacks or open areas. No on-site retail or wholesale sales are proposed with this project. These criteria are met.

- 2. Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.**

The above activities are not proposed as part of this project and application. This criterion is met.

- 3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.**

The proposed use of this site is not anticipated to cause unreasonable odor, smoke, noise, vibration or appearance. This criterion is met.

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

This lot is pre-existing at dimensions of 52 feet by 120 feet. This lot meets the minimum dimension. This criterion is met.

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

The subject lot is 52 feet in width by 120 feet in length.

$$52 \times 120 = 6,240 \text{ sq ft.}$$

This lot meets the minimum lot square footage. This criterion is met.

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

The proposed building is 14 feet in height. This is below the maximum 35 feet maximum allowed in the Highway Zoning District. This criterion is met.

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

Vision clearance will be discussed under FCC 10-35.

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

Total proposed landscape square footage is 1204 square feet or approximately 19.3% of the lot. The maximum 85% lot coverage will not be met or exceeded as over 19% landscaping is proposed on this lot. Total impervious surface is proposed at 4,924 square feet or 79% of the lot. This criterion is met.

[...]

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

Lighting will be discussed under section FCC 10-37.

[...]

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. "Native vegetation" means those plant species native to the Florence region that are listed as native on the suggested Tree and Plant List for the City of Florence, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

- A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;
- B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;
- C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;
- D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.
- E. Existing noxious weeds¹ within the preservation area are removed prior to approval of the installed landscaping; and
- F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

10-34-2-3: Significant Vegetation. "Significant vegetation" means:

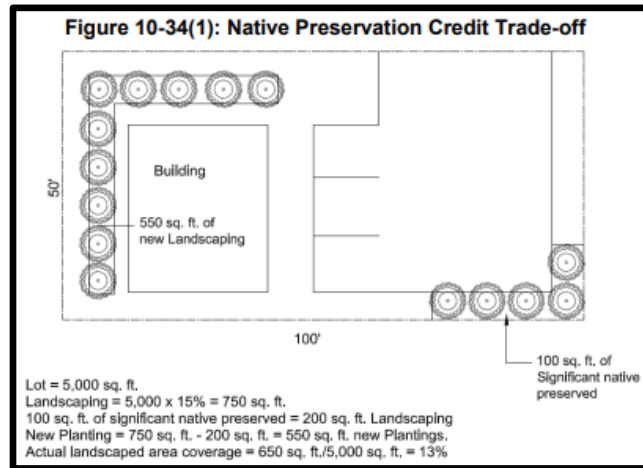
- A. Native vegetation, or
- B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or
- C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

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 City may authorize credits which effectively reduce the required landscaping if the following standards are met:

- A. Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from construction damage shall be in place prior to site disturbance. For a "Burn to Learn" site, significant vegetation that can be saved shall be protected.
- B. Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.
- C. Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.
- D. Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.
- E. Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.
- F. Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front

yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.

G.



Proposed native vegetation preservation total 1204 square feet. This exceeds the minimum landscaping requirements by 22% or 268 square feet.

$$6,240 \times .15 = 936 \text{ Sq Ft of landscaping area is required.}$$

$$1204 - 936 = 268 \text{ Sq Ft over the required amount provided}$$

$$268 / 1204 = 22\% \text{ over the required landscaping is provided.}$$

The applicant has proposed maintaining as much natural vegetation as possible and maintaining more than the minimum required 15% landscaping for the site. Therefore, detailed information is not determined to be needed to meet minimum landscaping requirements. Not all details for 10-34-2-2 through 10-34-2-4 have been provided, but are not necessary based on the amount of landscaping proposed.

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)

[...]

This application represents a new development. Therefore, landscaping shall meet current code requirements. Deficiencies in the landscape plan to demonstrate meeting minimum code compliance will be discussed in more detail below and will be conditioned to meet current code requirements.

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

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

A landscaping plan was submitted as part of this application. The submitted landscaping plan included all required information except for the size and species of the new shrubs to be planted along the south lot line. The applicant shall use plants of recommended size as stated on the recommended Tree and Plant list and shall submit a list of the proposed species and sizes planted within 6 months (March 12, 2024) to the City of Florence Planning Department and have new plantings installed within 1 year (September 12, 2024). Provided the landscaping plan meets applicable code criteria of FCC 10-1-1-6-1, this may be processed as a Type I review process (**Condition 5.2 & 5.3**) These criteria are met or are conditioned to be met.

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district² for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

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.

This lot requires a minimum of 2 trees based on the 52-foot street frontage on 31st St. the only lot line on the property that abuts a street is 31st Street,

$52 / 30 = 1.7$ trees. Tree counts are to be rounded up; therefore 2 trees are required.

The applicant is proposing 2 trees. This criterion is met or is conditioned to be met.

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

This lot requires a minimum of 11 shrubs based on the 52-foot street frontage on 31st St.

$52 / 30 = 1.7$

$1.7 \times 6 = 10.4$ Shrub counts are to be rounded up; therefore 11 shrubs are required.

The applicant is proposing 11 shrubs. This criterion is met or is conditioned to be met.

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

The landscaping plan submitted indicates that landscaping will cover a minimum of 70% of the required landscaping within 5 years. This criterion is 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 required 2 trees and 11 shrubs mentioned in the sections above are proposed to be planted within the first 20 feet of the front property line that abuts 31st St. This criterion is met.

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

Planting techniques were not specifically specified. All plantings shall use pocket-planting techniques to ensure healthy growth. **(Condition 5.4)** This criterion is conditioned to be met.

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

In accordance with this code sections, invasive or noxious weeds shall be removed during development of the site and shall not be permitted to grow on site. **(Condition 5.5)** This criterion is conditioned to 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.
 3. **Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).
 4. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4

inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

As previously discussed, specifics on size and species of plants proposed to be planted were not submitted for review. This was previously conditioned to be met.

- B. Existing Native Vegetation. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.**

Existing native preservation was previously discussed in this section.

- 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.**

As previously discussed, the application demonstrates exceeding minimum landscape requirements.

- 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.**

Stormwater facilities will be discussed in more detail under section 9-5 below.

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.

Landscaping primarily consists of existing native vegetation and therefore does not require irrigation. New vegetation proposed along the 31st St frontage is anticipated to be native. Providing that native vegetation is proposed in the landscaping plan previously conditioned then the proposed temporary irrigation method is acceptable. If the applicant submits a landscaping plan that does not consist of native landscaping a permanent irrigation system shall be installed to ensure the health and survival of plants. **(Informational 4)** This criterion is met or is conditioned to be met.

[...]

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

- A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The**

required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

- 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 landscaping plan submitted illustrates the parking area will be separated from the adjacent building by a walkway that is 5 feet in width. Dimensions were not provided for the space separating the parking lot area from the pedestrian walkway, but based on the scale provided this area appears to be at least 7 feet. The combination of the buffered space and the chain link fence, it is determined that adequate design features are proposed to protect pedestrians and buildings from being damaged by vehicles. This criterion is met.

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

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

No mechanical equipment, outdoor storage, manufacturing, or outdoor service and delivery areas are proposed with this application. This criterion is not applicable.

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

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

This subject site is zoned Highways District. The lots to the west are also zoned Highway District, but are occupied by duplex dwellings. As such the subject lot shall be required to have appropriate buffering from the adjacent residential uses. The applicant is proposing a 7.5-foot setback from the interior property line abutting residential use to the west, 5 of this being landscaped buffer. This code section does not specify that the development property is responsible for providing the entire required buffer of 15 feet. The applicant providing half of the required buffer and maintaining the buffer in native vegetation is deemed to be appropriate and adequate for compatibility to adjacent properties and uses.

A 7.5-foot setback is proposed with a 2-foot vegetated buffer between the subject site and the adjacent residential use (zoned Highway District) to the west. This code section does not require the applicant to provide the entire vegetated buffer on the subject property. A 15-foot vegetated buffer would decrease usable space on this lot to 32 feet in width (15-foot buffer + 5-foot setback on the east side). Requiring the entire buffer to be provided on the subject site may cause an unreasonable burden. The Planning Commission is being tasked with this buffer requirement as an issue and decision point.

- Is the 7.5, partially vegetated buffer between this site and the adjacent residential site adequate for this use to be compatible with adjacent uses?

This code section requires a 15-foot buffer and a solid wood fence or block wall where adjoining land abuts and single family zoning or use. The adjoining use to the west is zoned Highway District, but is a residential use. Therefore, either a solid 6-foot solid wood fence or a block wall shall be installed along the west property line rather than the chain link fence proposed. **(Condition 5.6)** This condition only applies to the west property line.

A residential use is located to the north of this property. The applicant is proposing a vegetated buffer along the north property line, in combination with the undeveloped alley and the residential properties back yard vegetation this is determined to meet the 35-foot vegetated buffer requirements. The is approximately 67 feet between the subject lot's north property line and the south facing wall of the residential unit on the north. This criterion is partially met.

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

Landscaping is primarily proposed to be existing, native vegetation. That is well established. In accordance with this Code section any plantings that fail to survive shall be replaced within 6 months in accordance with this code section. **(Informational 3)**

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.

As previously discussed, a landscape plan was previously conditioned to meet requirements for street trees including planting techniques. These criteria have been conditioned to be met.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

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

The applicant is proposing a chain link fence 6 feet in height around the perimeter of the subject property. This proposed fence meets the requirements for the underlying zoning district and landscaping code requirements. A solid wood fence may be required on the west property line that abuts a residential use for buffering and screening requirements. This criterion is met.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

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

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.

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.

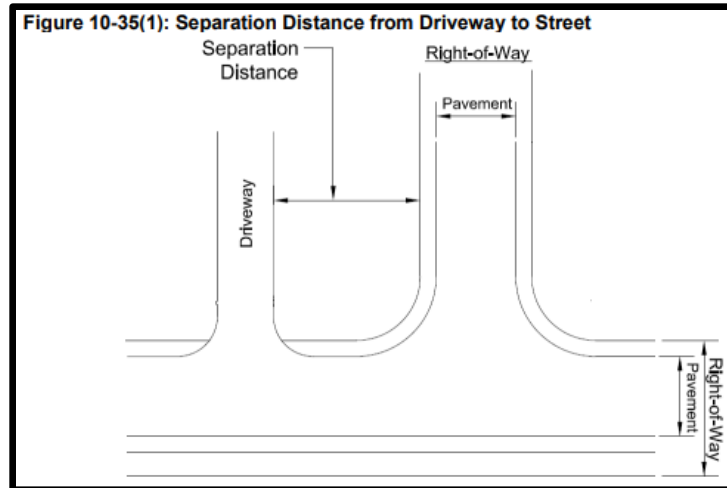
In accordance with this code section, applicant is proposing to develop sidewalks along street frontage abutting the subject property, curbs, and curb cuts in accordance with City standards. No shared driveways are proposed. This project does not trigger the necessity for traffic control measures. These criteria are met.

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 nearest pavement to the subject site is Hwy 101 to the east. The adjacent lot separating the subject lot and Hwy 101 is approximately 38 feet wide and the driveway on the subject lot is setback 10 feet from the east property line and 5-foot sidewalks are present on the west side of Hwy 101. Therefore, there is a minimum of 53 feet of separation from the driveway access to the pavement of Hwy 101, which is classified as an arterial street. This criterion is met.

$10 + 38 + 5 = 53$ feet from subject lot's driveway and pavement of Hwy 101

- 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).**

The applicant is proposing meeting minimum driveway to pavement separation. No exception is requested or required. This criterion is not applicable.

- 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.**

This was previously discussed under FCC 10-3-8-I. This section provides as an exception for parking spaces with groups of 2 or fewer parking spaces to allow backing or maneuvering movements onto a public ROW. As this use requires and provides only 2 parking spaces, the proposed parking and maneuvering is determined to meet code requirements of FCC 10-3-8-I and be acceptable.

10-35 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.

Access is proposed from 31st Street which has a local street designation. This is the only street that this lot can feasibly access from. This criterion is met.

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

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. FLORENCE CITY CODE TITLE 10 5 ACCESS AND CIRCULATION 10-35

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.

The site is proposing a 12-foot-wide driveway which meets minimum requirements for providing access to a fire apparatus. There nearest fire hydrant is located at the stop sign on the south west corner of the Hwy 101 and 31st Street intersection. This fire hydrant is approximately 190 feet from the furthest corner on site. This is anticipated to provide adequate fire access to the site without requiring a 20- foot aisle on site. The SVFR Fire Chief has not indicated (Exhibit G) that a hydrant needs to be installed between the existing nearest hydrant and the proposed site. This criterion is met.

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

The total drive access for this lot is proposed to be 35 feet, which includes the driveway access into the permitter of the fence, the standard parking stall, and the ADA parking stall. The portion of the parking lot and driveway access that is proposed to be available for the public exceeds 18 feet in width to provided adequate width for 2-way traffic. This criterion is met.

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

As previously discussed, the portion of this parking lot / driveway that is provided for public use is not a one-way driveway. Therefore, signs are not required designating this driveway as one way only. However, if a future development or use for this site with increased intensity of use may require additional signage to direct circulation and improve vehicular and pedestrian safety. No fire lane is required or proposed with this development. These criteria are met.

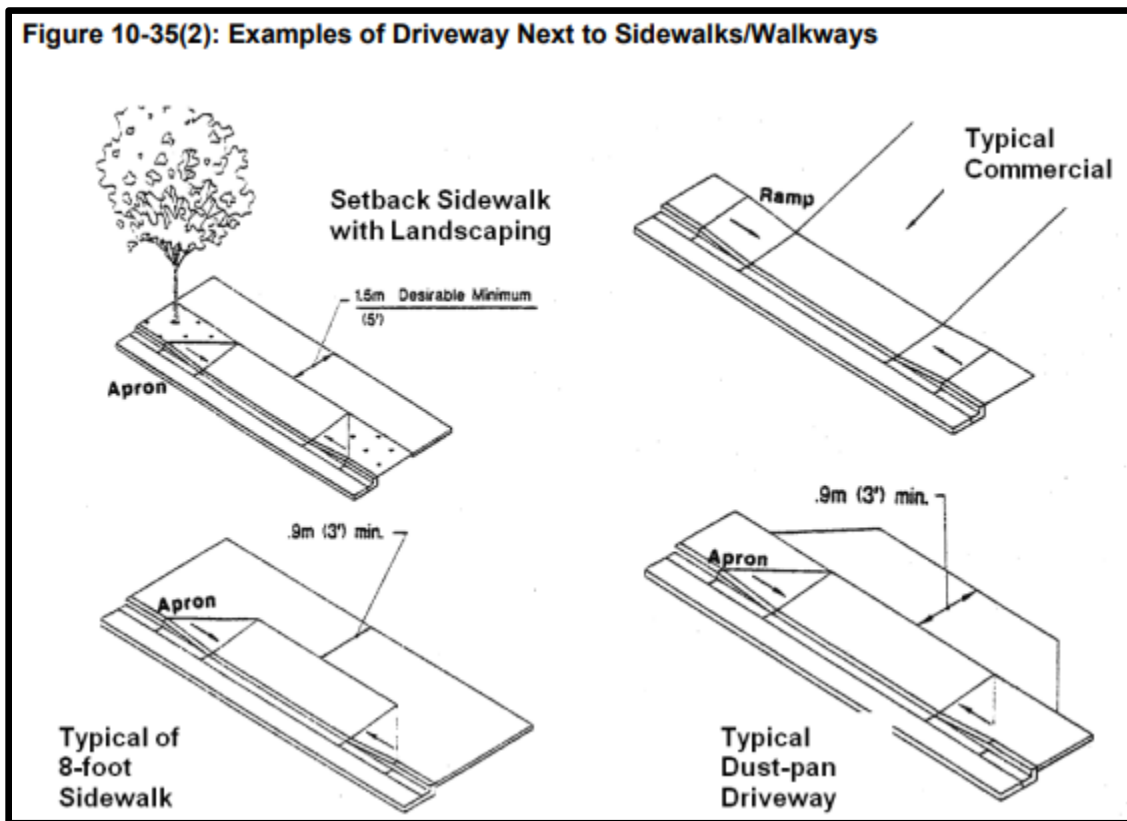
5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval

by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

The subject lot is primarily flat. It is not anticipated that the driveway access will either meet or exceed the maximum grade of 15%. This criterion is met.

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

Details of the driveway apron were not provided. This project will also require sidewalks to be installed along the street frontage on 31st Street. The applicant shall submit plans for sidewalks and driveway aprons to the City Public Works Director for review and receive approval prior to installation or construction. (Condition 6.1) This criterion is conditioned to be met.



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

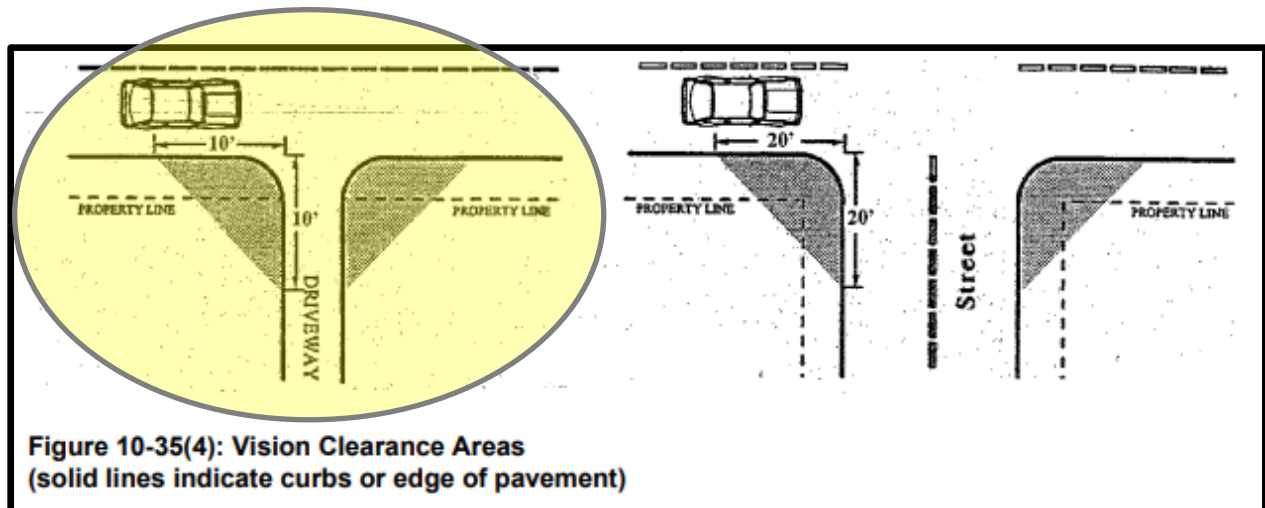
[...]

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

[...]

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

The subject site is required to have a minimum of 10 feet of vision clearance based on this code section and the proposed intersection of a driveway and a street. Landscaping near driveway access and along street frontages shall be maintained in a way to maintain minimum vision clearance. **(Condition 4.2)** The proposed fence is not anticipated to block vision clearance for vehicles, pedestrians, or bicycles entering the site. This criterion is met or is conditioned to be met.



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 applicant is proposing sidewalks along the frontage of this site in accordance with City Codes. The applicant shall consult with the City Public Works Department to ensure proposed sidewalks are constructed to current standards. **(Condition 6.1)** This criterion is conditioned to be met.

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

- A. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned offsite adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.
- B. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:
 1. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 2. **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 3. **"Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings** is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 4. **"Primary entrance" for residential buildings** is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

A pedestrian gate is proposed near the front entrance of the building and the parking areas. The submitted site plans illustrate the pedestrian door roughly centered with the ADA parking space. The pedestrian gate shall be aligned with the required striping on the ADA site to provide safe and unobstructed pedestrian access from the street and parking areas onto the site. **(Condition 6.2)** This criterion is conditioned to be met.

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
3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.

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.

The walkway and the driveway do not abut as previously discussed in section FCC 10-3. The walkway is not proposed to or required to be raised based on this code criteria. This criterion is met.

[...]

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)

The width of the pedestrian walkway is illustrated in the site plan to be 5 feet in width. The materials for this walkway surface were not included, but as the only pedestrian walkway from the parking lot to the building entrance this shall be constructed of materials that meet ADA accessibility requirements and shall be approved by either the Public Works Director or Building Official. Details of the materials shall be submitted prior to or in conjunction with building permits. (**Condition 6.3**) This criterion is met or is conditioned to be met.

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

Raised walkways are not proposed or required. No ramps have been proposed or are required. The walkways being ADA compliant were conditioned in the section above. This criterion is conditioned to be met.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., nonremonstrance 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.

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).
- 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

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

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

Driveway approaches were previously discussed under FCC 10-35.

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

The applicant submitted a statement that mail will be received at a P.O. Box and that no on-site mail box or deliveries are proposed as part of this application (Exhibit E).

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.**

The Public Works Director provided the following referral comments (Exhibit F):

"I am happy to report that there is a water service extended to the property. We also identified and located a sanitary sewer lateral that has also been stubbed to the property. The developer will need to make connections to both the water and sanitary sewer services and pay the normal/ordinary connection and meter fees, plus System Development Charges."

- 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.**

No watercourse exists on the subject property. Criterion not applicable.

- 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.**

Oversizing is not applicable to the proposed development. Criterion not applicable.

- 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.**

Siuslaw Valley Fire and Rescue Fire Chief provides the following referral comments:

"Just a few comments."

"1) Driving area, which is shown as compacted gravel, should be capable of supporting 60,000 lbs, typically we ask for 6" base rock and 2" of surface rock."

The applicant shall ensure that the driving area as explained by the SVFR Fire Chief is capable of supporting 60,000 lbs., including a 6" base rock and 2" of surface rock prior to issuance of a Certificate of Occupancy. **(Condition 7.1)**

"2) I would like the ability to turn around once we enter the property, I think the north end is close to what I need. I'm assuming there will only be one way in and out. If they are putting in a gate at the north end then we could use that. Even if it is not normally to be used an exit onto 101 would work for us. Could they indicate the distances on the north end of the site drawing?"

Will they have delivery trucks entering the property, I would think they would need to turn around as well? It's not really a long enough lot to require turn around space."

"3) If that is going to be an electric gate on 31st we need the ability to open it, either by a code, key, or via a siren."

"Nice to have"

"1) Key box"

In response to requests of the SVFR Fire Chief, the applicant shall provide the Planning Department with an updated site plan indicating dimensions at the north end of the property to ensure space to turn around and indicate if an electric gate on 31st St. is planned whereby emergency access is provided. **(Condition 8.2)** This criterion is conditioned to be met.

- 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 Public Works Director provided the following referral comments (Exhibit F):

"I am happy to report that there is a water service extended to the property. We also identified and located a sanitary sewer lateral that has also been stubbed to the property. The developer will need to make connections to both the water and sanitary sewer services and pay the normal/ordinary connection and meter fees, plus System Development Charges."

The developer will need to make connections to both the water and sanitary sewer services and pay the normal/ordinary connection and meter fees, plus System Development Charges. (Informational 5)

10-36-5: UTILITIES: A. Underground 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.**

Utility connections onsite were not submitted. In accordance with this code section all utilities shall be placed underground unless an exception under FCC 10-36-5-C is met. **(Condition 7.2)** This criterion is conditioned to be met.

[...]

- C. Exception to Undergrounding Requirement: An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or high water table or existing development conditions.**

The subject site does not contain physical restraints that would warrant an exception. Criterion not applicable.

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.

Public improvements were previously discussed and conditioned under FCC 10-35.

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.

This project represents new development and is required to meet current lighting codes on site.

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.

A lighting plan was not submitted with this application. Submission and review of the lighting plan is conditioned to be met later in these findings.

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.



A lighting plan and specifics on the proposed lighting fixtures to be installed have not been submitted. Prior to, or in conjunction with submittal of building plans this information shall be submitted to the City Planning Department for review and will be processed as a Type I Administrative Review. (Condition 8.1) The City Planning Department reserves the 30-day review period under FCC 10-37-4-E to review lighting and request adjustments. This 30-day review period shall begin following the issuance of the building Certificate of Occupancy. (Condition 8.2) These criteria are conditioned to be met.

10-37-5: EXEMPTIONS:

- E. **Seasonal Holiday Lighting** - Lights used for decorating during holidays or festivals as defined in this code section and may be blinking or flashing.
- F. **Lighting for a properly displayed U.S. flag** is exempt.

- G. **Construction lighting necessary for a roadway, building, or utility construction site except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.**

[...]

- I. **Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.**

The applicant has not requested an exception for onsite lighting. Only the potential exceptions for this site have been included for reference.

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT

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.

Further, the purpose is to establish a Stormwater Utility with a user fee system to fund stormwater management activities and facilities within the City. 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.

9-5-1-3: FINDINGS:

- A. **The City maintains a system of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.**
- B. **The stormwater system in the City needs regular maintenance and improvements.**
- C. **Water quality is degraded due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the stormwater system.**
- D. **The public health, safety, and welfare is adversely affected by poor ambient water quality and flooding those results from inadequate management of both the quality and quantity of stormwater.**
- E. **All real property in the City either uses or benefits from the improvement and maintenance of the stormwater system.**

- F. The extent of use of the stormwater system by each property is dependant on factors that influence runoff, and is proportional to the total net area of the property.
- G. The costs of improving, maintaining, operating, and monitoring the stormwater system should be allocated, to the extent practicable, to all property owners based on the impact of runoff from the net areas of their property on the stormwater management system.
- H. Management of the stormwater system to protect the public health, safety, and welfare requires adequate revenues and it is in the interest of the public to finance stormwater management adequately with a user charge system that is reasonable and equitable so that each user of the system pays to the extent to which he contributes to the need for it.

9-5-1-8: STORMWATER MANUAL, ADOPTION BY REFERENCE:

B. The City of Florence Stormwater Design Manual, December 2010, shall supersede the 2008 City of Portland Stormwater Management Manual.

The *Stormwater Design Manual* was used as a reference for reviewing the proposed stormwater management plan and calculating area of vegetation and stormwater facilities required to manage stormwater runoff from this development. Criterion met.

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.

A drainage plan was submitted as part of this application, (Exhibit D). A plan prepared by a registered Professional Engineer is not required for this project based on the subject lot size of 0.14-acre. A simplified approach is allowed for projects with less than 0.5-acre of development and impervious surface. These criteria are met.

- 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.

A stormwater plan was submitted with the application for review (Exhibit D). The stormwater plan illustrates a plan to direct stormwater runoff to landscaped areas on the perimeter of the lot. The applicant does not propose directing stormwater into the public ROW or stormwater systems. This criterion is met.

9-5-2-4: EXEMPTION AND MODIFIED REQUIREMENTS:

[...]

- B. Modified Requirements: Projects described below shall follow the requirements contained in the “Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects” brochure available from the City:**

[...]

- 3. Land clearing and grading activities disturbing less than 10,000 square feet of land and involving less than 50 cubic yards of excavated or fill material.**

- C. In accordance with Section 9-5-2-1 the City Manager or his/her designee will determine if a proposed project meets the criteria defined by Section 9-5-2-4 The City reserves the right to require additional protection measures if a project is deemed to present a risk to the community.**

This project does not meet any of the above-mentioned exceptions to requiring a stormwater management plan. Therefore, a stormwater management plan is required and was provided. This criterion is met.

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 offsite 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.**

The applicant is proposing directing stormwater toward the perimeter landscaping areas that are composed of establishing native vegetation. This site proposed landscaping can meet the classification of filter strips providing the appropriate mixture of compost and loam is used as described in the *Stormwater Design Manual*. A mixture of compost and loam at a depth not less than 18" is required within the stormwater treatment areas as discussed in Section 5.6 on page 35 of 186 and illustrated on SW-160 of the Stormwater Design Manual to meet the above-mentioned criteria in FCC 9-5-3-2. This shall include a gravel trench or level spreader as needed to minimize erosion of the soil and landscaping beds. Consult SW-160. **(Condition 9.1)** These criteria are met or are conditioned to be met.

9-5-3-3: STORMWATER QUALITY:

- A. **Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm**

specified in the Stormwater Manual. B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.

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

The applicant is proposing using existing and established native vegetation as onsite stormwater management. This proposed plan is consistent with filter strip facilities and will require use of a compost and loam mix per the City's *Stormwater Manual* to ensure healthy living plant materials and correct water retention and gravel/rock to slow water flow and decrease erosion. The applicants are proposing using a simplified approach which requires 0.2 of landscaping areas per square footage of impervious surfaces. The applicant is proposing 4,680 square feet of impervious surfacing and 1,204 square feet of landscaping / native vegetation (Exhibit D):

$4680 \times .20 = 936$ sq. ft. is the minimum required area for filter strip facilities.
 $1204 - 936 = 268$ sq. ft over the minimum required area is proposed.

These criteria are met.

9-5-4: MAINTENANCE RESPONSIBILITY:

9-5-4-2: PRIVATE FACILITIES:

- A. Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the Drainage Plan. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to

contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.

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

[...]

An Operations & Maintenance Plan has not been signed and received by the applicant, although draft calculations have been submitted and is found in Exhibit D. Prior to final Certificate of Occupancy, the applicant shall submit a signed Operations and Maintenance Agreement. **(Condition 9.2)** This criterion is conditioned to be met.

9-5-5: EASEMENTS:

[...]

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.
- 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.

The Operations and Maintenance Plan for vegetated filter strips does not specify that an easement or right-of way that allows for the maintenance of these facilities. Maintenance of vegetated filter strips is covered in Appendix H-10 of the *Stormwater Design Manual* and states:

*“Access to the vegetative filter shall be safe and efficient. Egress and ingress routes shall be maintained to design standards.
Obstacles preventing maintenance personnel and/or equipment access to the facility shall be removed. Gravel or ground cover shall be added if erosion occurs, e.g., due to vehicular or pedestrian traffic.”*

The site plans (Exhibit D) indicate adequate clearance for access to stormwater facilities onsite. In compliance with the Operations & Maintenance Plan the applicant shall keep access to these facilities safe, efficient, and clear of obstacles. **(Informational 6)**

Chapter 2: Land Use

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

Policy

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

Consistent with this policy, this development will have access from a local street.

Chapter 12: Transportation

Policies

9. **Land development shall not encroach within setbacks required for future expansion of transportation facilities. At the time of land development or land division, the City shall require dedication of adequate right-of-way or easements consistent with the adopted TSP in order to achieve connectivity; maintain adequate street widths, bikeways and walkways; and to accommodate transit facilities.**

Development of this site does not propose encroachment onto dedicated ROW that would interfere with future expansion of transportation facilities. The applicant is proposing constructing sidewalks in consistency with requirements of Title 10, Chapter 36.

- **New development and redevelopment shall accommodate on-site traffic circulation on the site. For new development and redevelopment, “backing out” maneuvers onto all streets shall be avoided for uses other than single-family and duplex homes. “Backing out” maneuvers shall also be avoided for new single-family and duplexes accessing arterial and collector streets.**

See discussion below under Policy 10.

10. **Access to and from off-street parking areas shall be designed to prevent backing onto a public street (other than an alley), except for single-family duplex dwellings are exempt.**
 - **ODOT has authority to manage access to the state highway system. Where property abuts a state highway or is served by a private approach on a state highway, the City will work with ODOT to ensure coordinated and consistent application of applicable State and City policies.**

The subject site does not have direct access to Highway 101. Policies 9 and 10 both mention new development and redevelopment to manage onsite circulation that does not require “backing out” maneuvers off-site or onto public streets except for single household dwellings and duplexes. The

proposed use is commercial, so backing onto a public street is not allowed per the Comprehensive Plan. FCC 10-3-8-I permits backing out maneuvers when a group of 2 or fewer parking spaces are grouped. While the site plan and parking lot as proposed conflict with the Comprehensive Plan, they are in compliance with FCC 10-3-8-I.

- 13. Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle and pedestrian circulation within the community. To promote bicycling and walking, marked bicycle lanes and sidewalks are required on all arterial and collector streets (other than those collectors identified as scenic drives) when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity. For collector streets that are identified as scenic drives, provision shall be made to adequately accommodate bicycles and pedestrians when those streets are newly constructed, reconstructed, or widened to provide additional vehicular capacity.**
- **Development shall provide adequate on-site circulation for vehicles, buses, bicycles, and pedestrians and shall provide off-site transportation improvements necessary to ensure that the incremental demands placed on the transportation system by the development are met.**

Development associated with this site includes the addition of sidewalks on the street frontage of this lot, which will improve off-site transportation in this area for pedestrian use. The on-site vehicle and bicycle parking meet minimum requirements and will ensure parking demands created by this development are met onsite and will not disproportionately affect off-site transportation facilities.

VI. CONCLUSION

The proposed development and uses are compatible with adjacent uses. The design of the building and architectural features as proposed can meet the design requirements of FCC 10-6 for non-residential uses in the Highway District. Therefore, the consolidated conditional use permit and design review can meet City Code with the Conditions of Approval as discussed in the Findings above.

VII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application & Narrative
"C" Building Plans and Exterior Elevations
"D" Site Plans
"E" Business Mailing Address Confirmation
"F" Public Works Referral Comments
"G" Siuslaw Valley Fire and Rescue Referral Comments

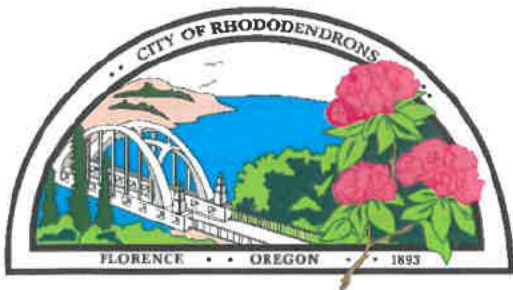


EXHIBIT B

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

Type of Request

THIS SECTION FOR OFFICE USE ONLY

Type I Type II Type III Type IV

Proposal: _____

Applicant Information

Name: Leslie Isola Phone 1: [REDACTED]

E-mail Address: [REDACTED] Phone 2: [REDACTED]

Address: [REDACTED]

Signature: Leslie Isola Date: 6-14-23

Applicant's Representative (if any): _____

Property Owner Information

Name: Leslie Tsola Phone 1: [REDACTED]

E-mail Address: makokingrider@gmail.com Phone 2: [REDACTED]

Address: [REDACTED]

Signature: Leslie Tsola Date: 6-14-23

Applicant's Representative (if any): _____

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

For Office Use Only:

RECEIVED
City of Florence
JUN 15 2023
By: _____

Approved

Exhibit

Property Description

Site Address: 1787 31st. St., Florence, OR 97439

General Description: vacant lot

Assessor's Map No.: - 18 - 12 - 23 23 Tax lot(s): 3100

Zoning District: Highway District (H)

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

(FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: 1000 Square feet of existing: N/A

Hours of operation: 3pm - 9pm Existing parking spaces: None

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

Timetable of proposed improvements: 2 years

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

If yes, please describe: _____

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

Metal shop building for grading, sorting, & packaging wild mushrooms for shipping. This is a seasonal business generally from October until the end of the year depending on weather. 50x20 metal building in earth tones. Concrete parking in front & six-foot fencing around property. Objective is to have a functional space to operate our business.

22X09 10

For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid

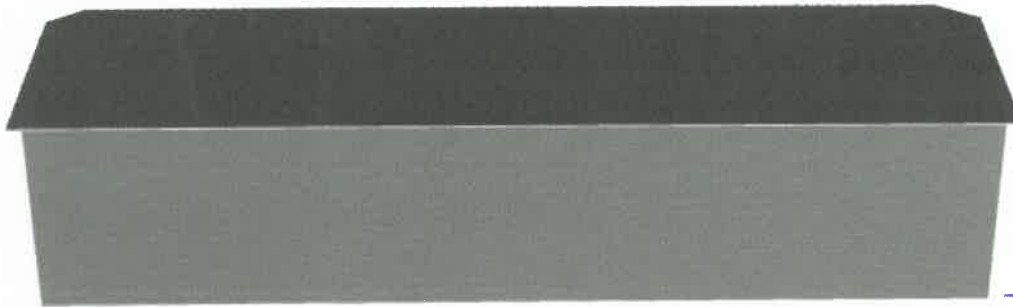
Exhibit C

From: Penny Lehew PLehew@americansteelinc.com
Subject: DRAWING
Date: Aug 28, 2023 at 9:39:55 AM
To: leslie isola 541fungo@gmail.com



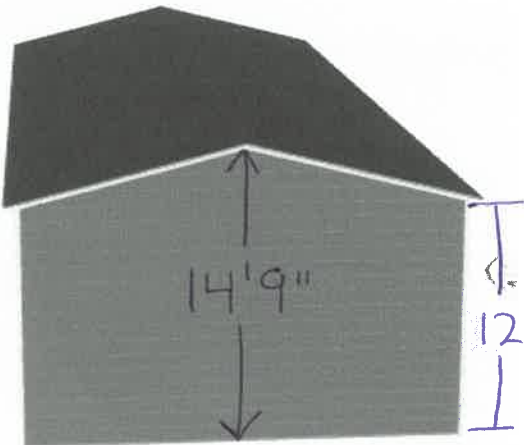
South

Roof - Black
Exterior - Quaker Grey
Trim/Doors - White



West

12 feet



North

14'9"
12 feet

Exhibit C



East



Penny Lehew
Direct Sales

(866) 730-9865 x2257

Direct: (817) 289-2257

Exhibit C



Direct: (817) 289-2257

plehew@americansteelinc.com

www.americansteelinc.com

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Versatile. Strong. Built to Last.



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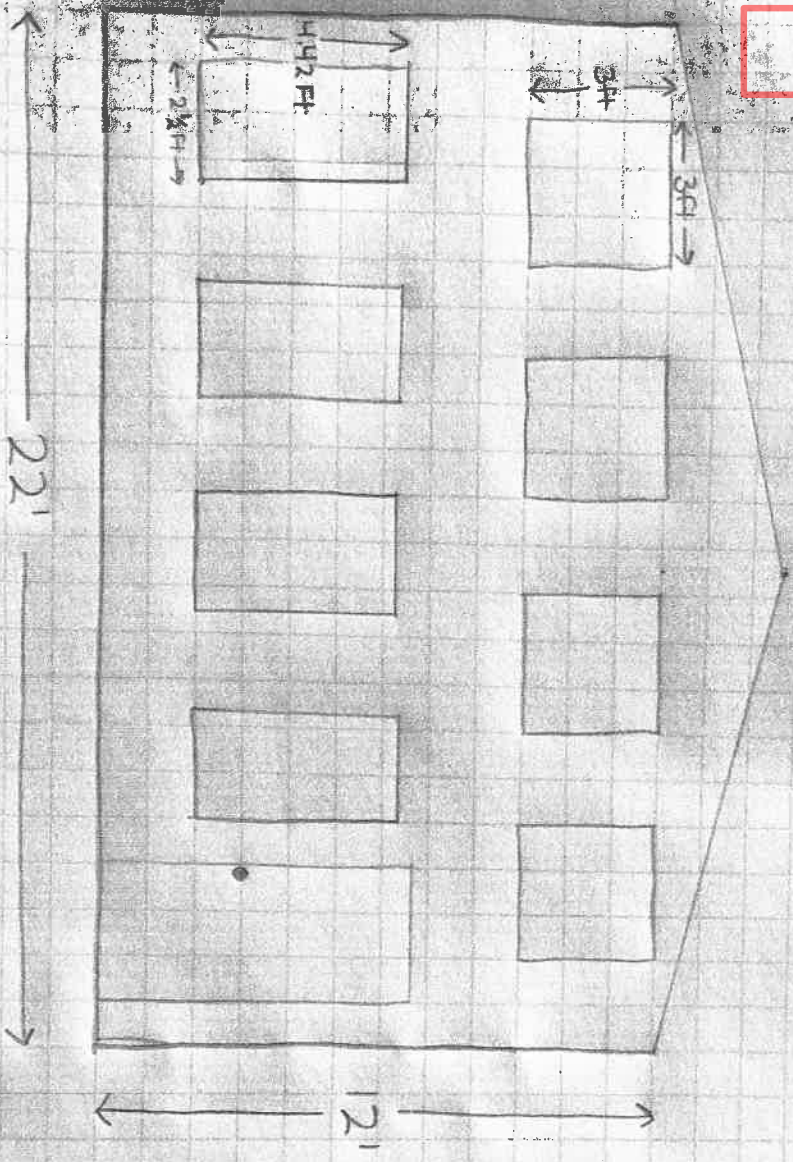
Any questions or issues, please contact us

at ascservice@americansteelinc.com

Exhibit C

Leslie T. Sola
1787 31st St.

□ = 21 Ft. x 21 Ft.



4 @ 36" x 36" = 36 square feet
4 @ 30" x 53" = 44.2 square feet

> 80.2' Total proposed window area

221' x 121' = 264 square feet
30% of 264' = 79.2 square feet of windows needed

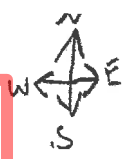


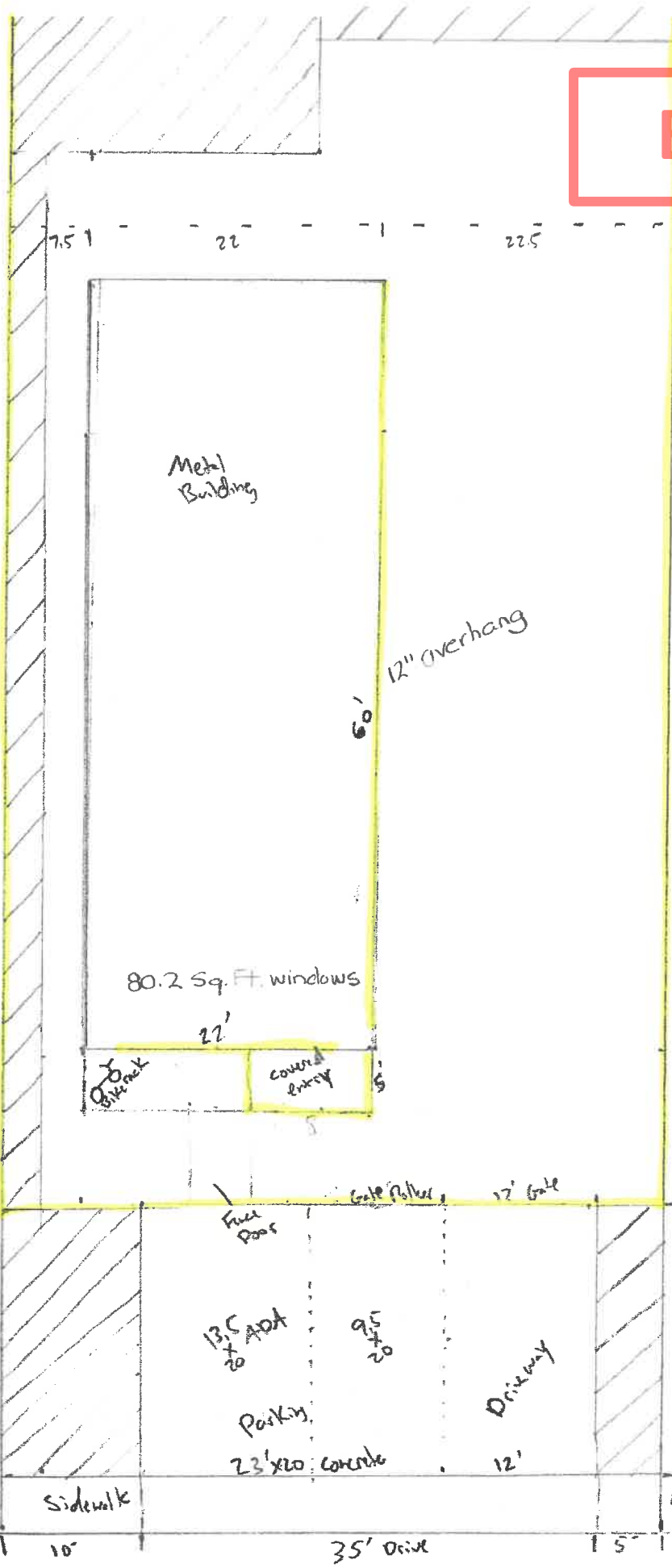
Exhibit D

1" = 12'

Lot 120x52
Building 22x60

/// Vegetation

021



Design Review

- 6' Chainlink fence w/ gate + pedestrian door
- Design elements
 - 1) Windows - street facing
80.2 Sq. Ft. / 4" trim
 - 2) 12" overhang
 - 3) covered door entry
 - 4) Pedestrian cover
- 5' x 8' covered front entrance
- 4x4 posts w/ composition shingle

1781 51'

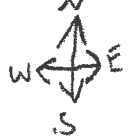


Exhibit D

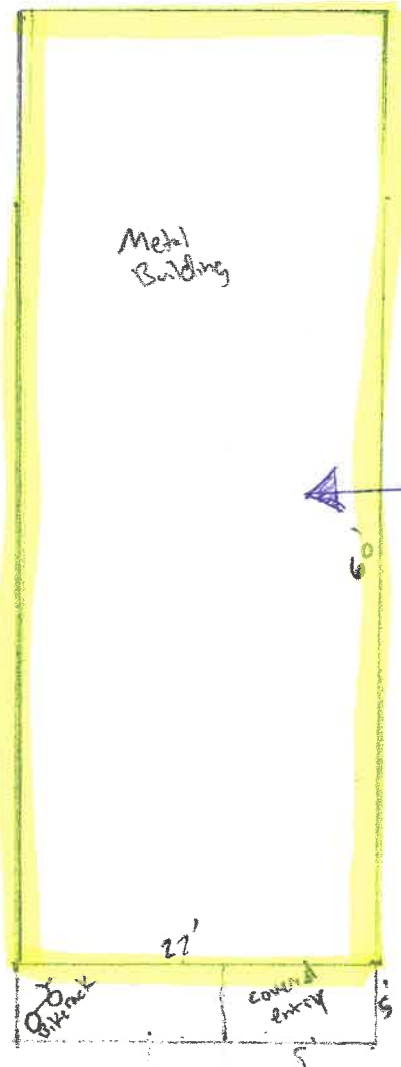
1" = 12'

Lot 120x52

Building 22x60

/// Vegetation

120'



Building:

Interior Floor Plan:

- concrete slab
- open floor plan

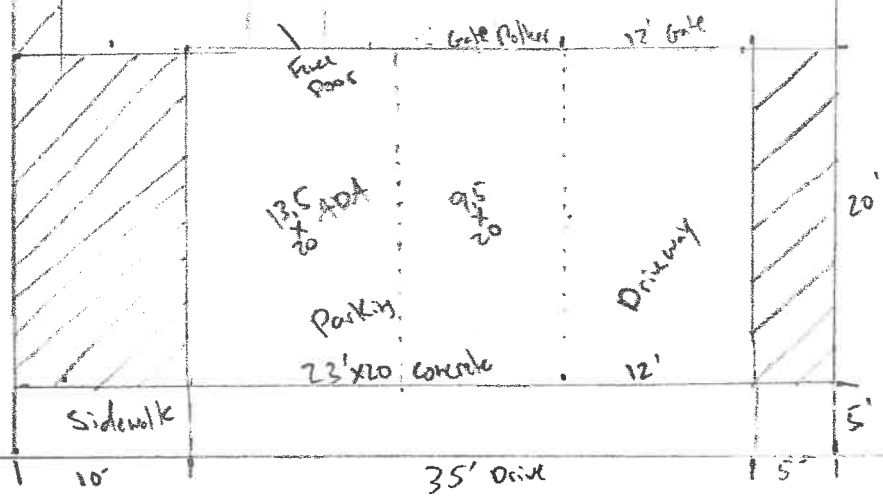
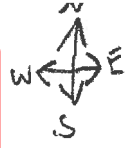


Exhibit D



1" = 12'

Lot 120x52

Building 22x60

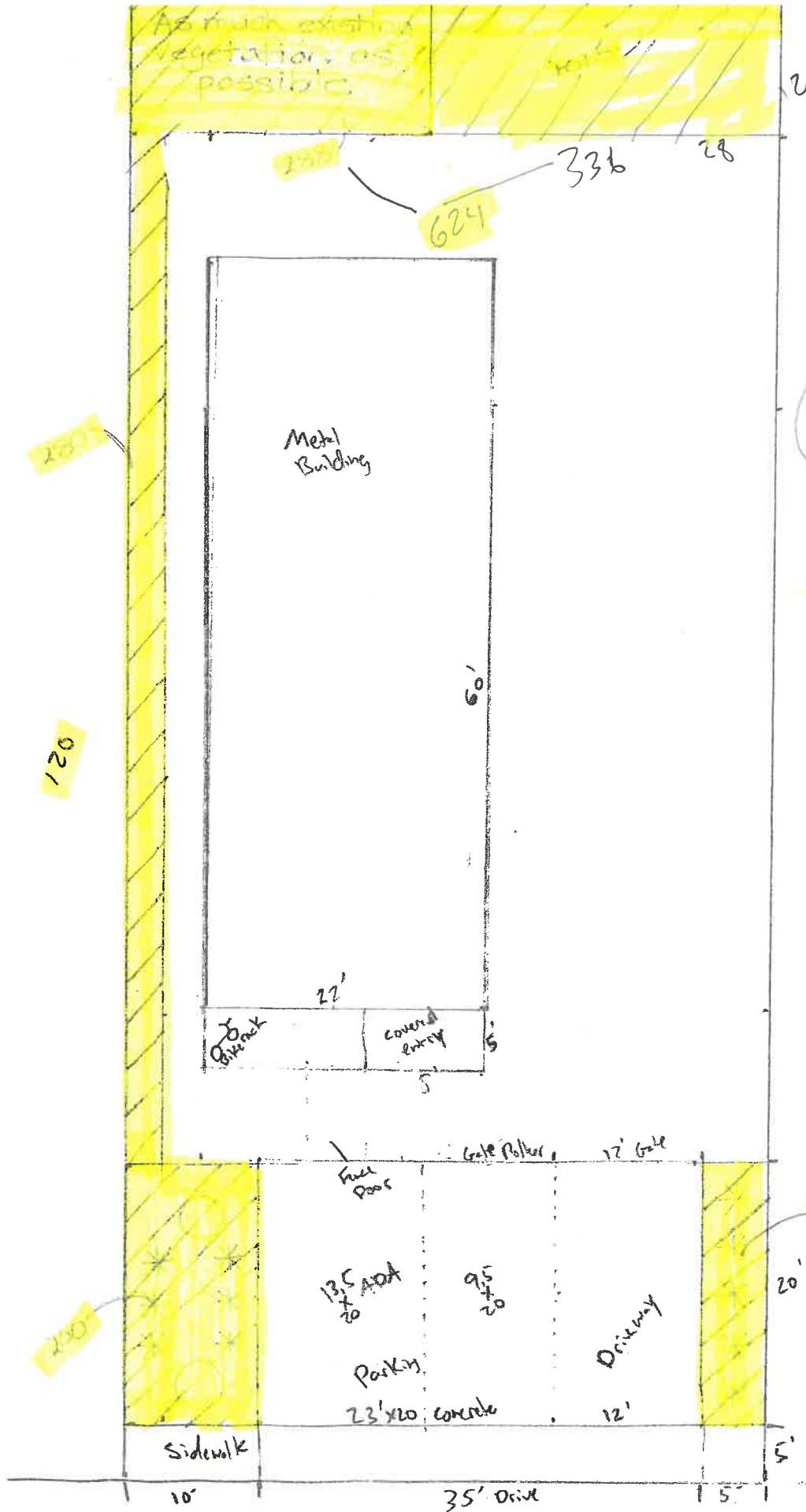
/// Vegetation

021



Lighting

- Motion-sensor light will be pointed down and toward front gate.
- Indoor LED lights - 4' Shop lights



1181 5157

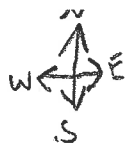


Exhibit D

1" = 12'

Lot 120 x 52

Building 22 x 60



/// Vegetation

Landscaping

• Lot coverage will be 969.5 sq. Ft. = 15.5%

O = tree
* = shrubs

• Some existing vegetation will be left. Native plants will be irrigated by hand-watering and/or soaker system until rainy season.

Total impervious
 $4924 \times .20 = 984.80$ 20%
 Total vegetation = 1204

1787 31st



Exhibit D

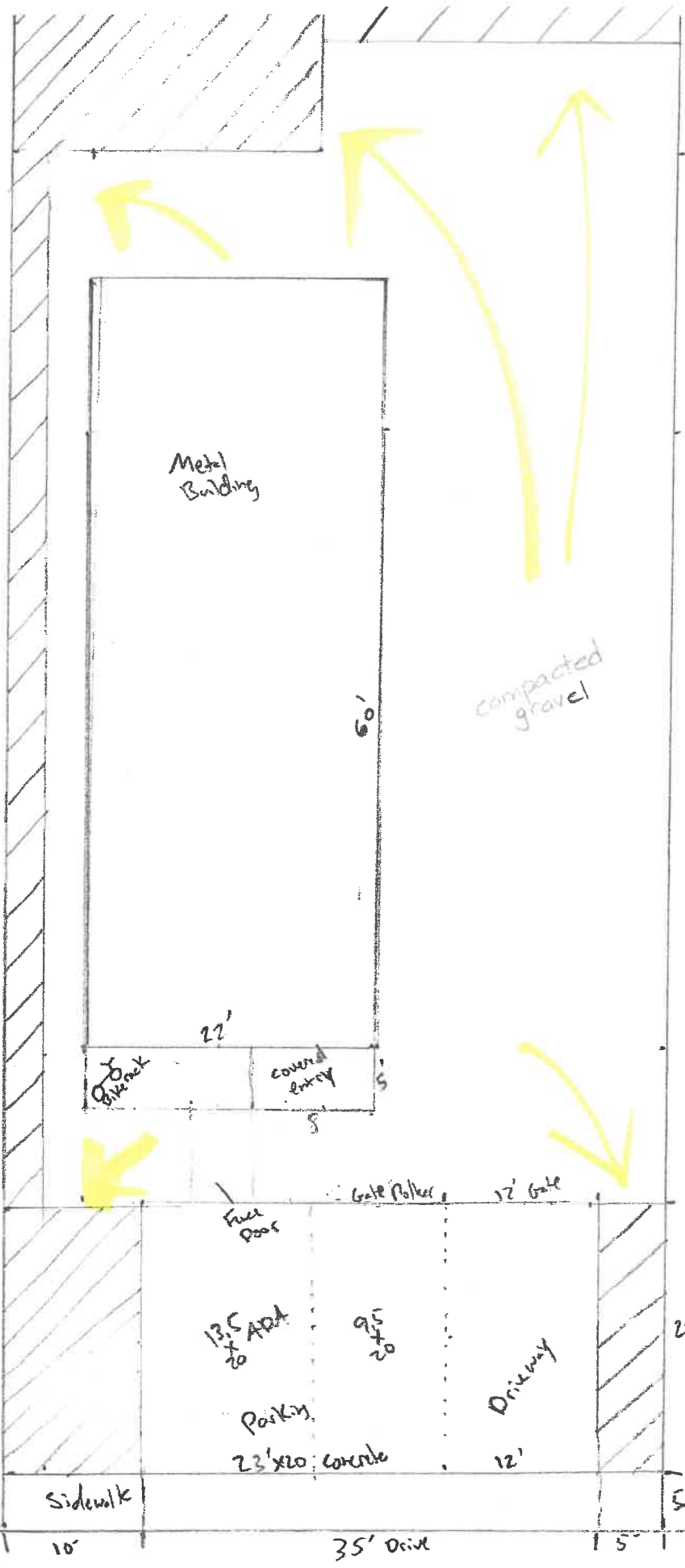
1" = 12'

Lot 120x52

Building 22x60

/// Vegetation

021



Stormwater

Graded into vegetation as talked about in meeting

1181 51'



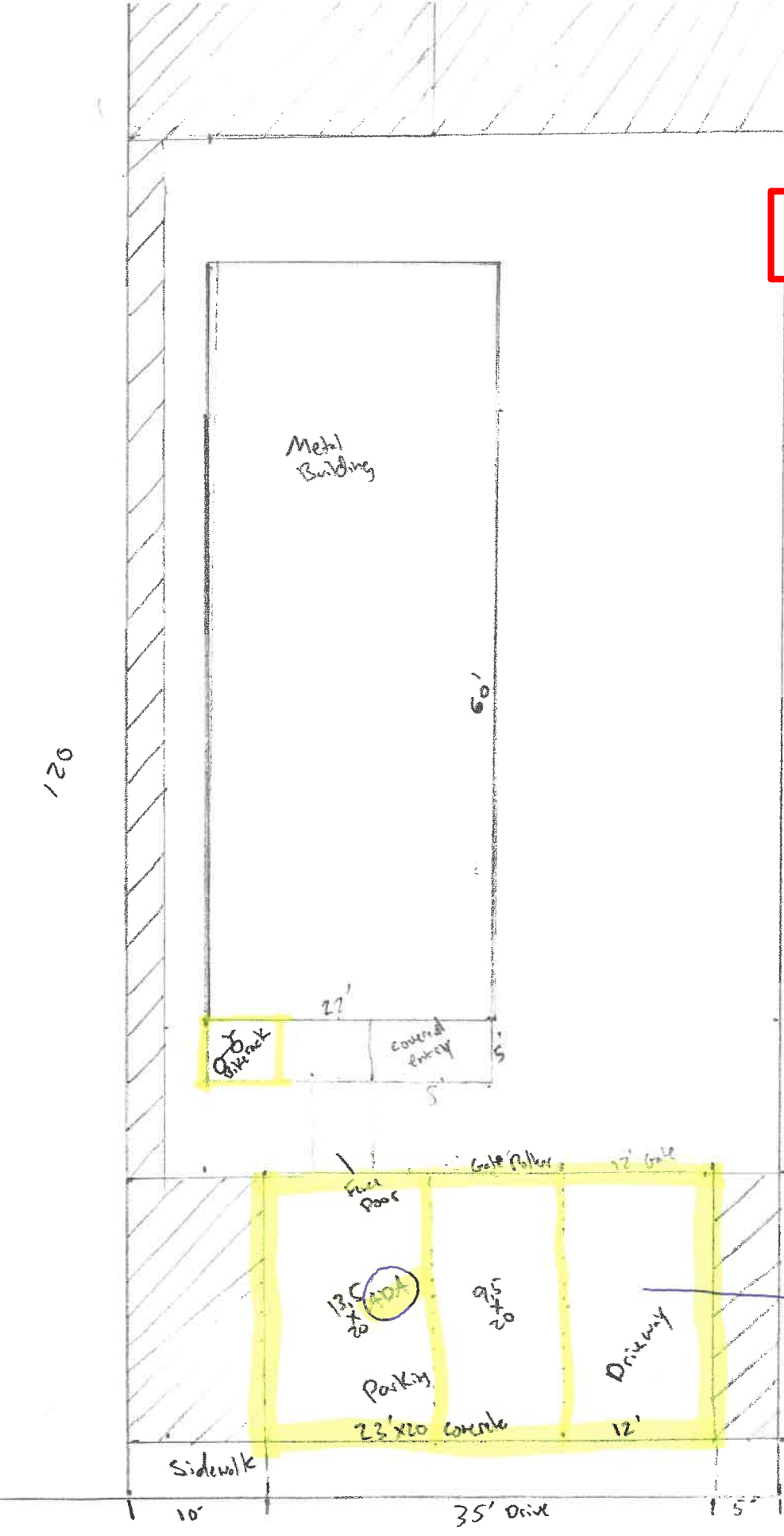
1" = 12'

Lot 120 x 52

Building 22 x 60

/// Vegetation

Exhibit D



Bicycle Parking:

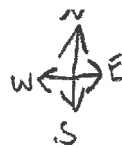
Two U-Shaped bicycle racks, anchored onto concrete, at dimensions of 5' x 6'.

Vehicle parking

one ADA 13.5 x 20
one reg. 9 x 5 x 20

1787 31st

Exhibit D



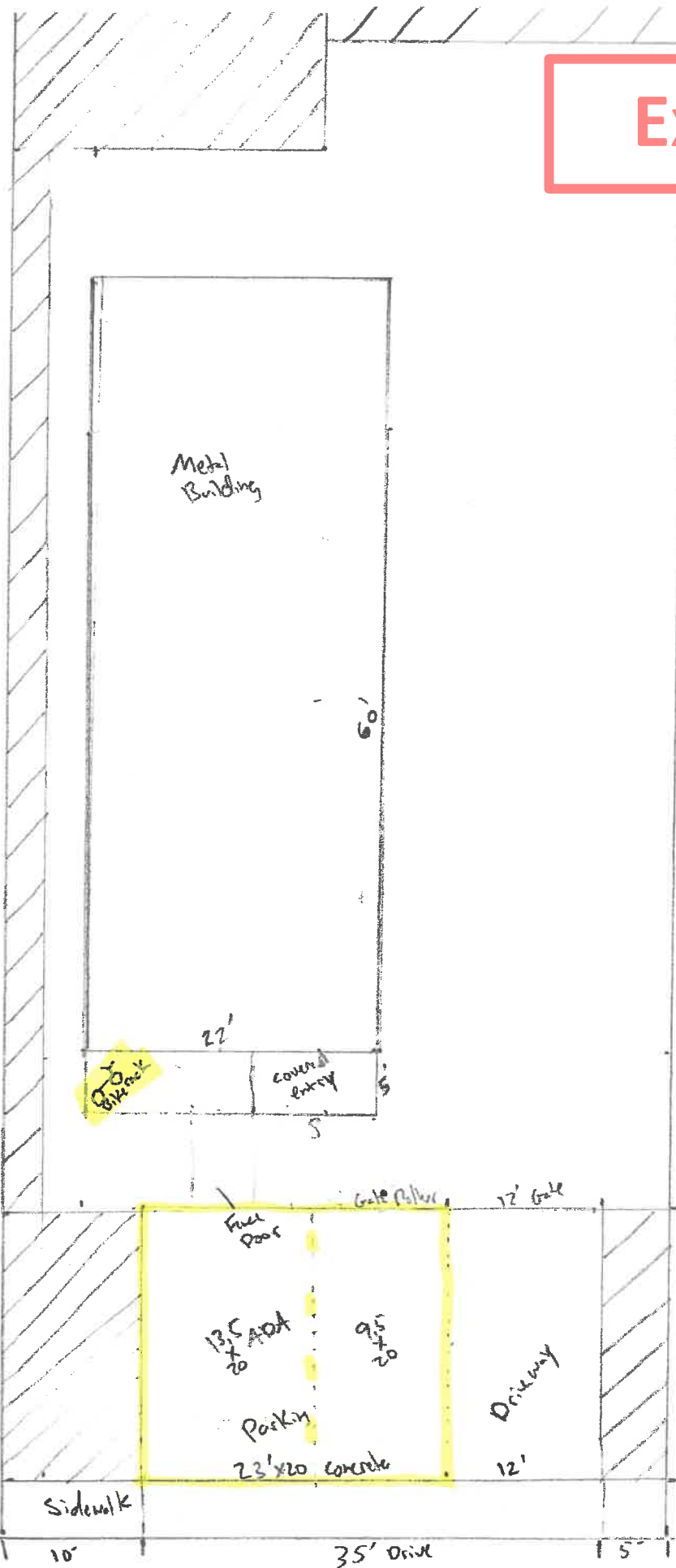
1" = 12'

Lot 120 x 52

Building 22 x 60

/// Vegetation

1201



Off-street Parking & Loading

- 1 standard parking space 9.5' x 20'
- 1 ADA parking space 13.5' x 20'
- 1 Bike rack - 2 bikes
- Parking spaces will meet requirements. 4" white divider line plus ADA identification.

Mail

Exhibit E

No, we will not be receiving mail on site. We will be using our existing mailing address:

Leslie Isola
PO Box [REDACTED]
Florence, OR 97439

Clare Kurth

From: Mike Miller
Sent: Thursday, September 7, 2023 2:52 PM
To: Clare Kurth
Cc: Planning Department; Jake Krieger; August Murphy
Subject: Proposed development 1731 31st Street

Hi Clare,

We are pleased to offer the following comments regarding the proposed wild mushroom processing facility at 1731 31st Street, as proposed by Leslie Isola. After much field verification, I am happy to report that there is a water service extended to the property. We also identified and located a sanitary sewer lateral that has also been stubbed to the property. The developer will need to make connections to both the water and sanitary sewer services and pay the normal/ordinary connection and meter fees, plus System Development Charges.

Appropriate backflow prevention device, typically a double check valve assembly, is required for premise isolation. Premise isolation is when the backflow prevention device is installed downstream of the water meter at the property line. Since this is considered as a commercial account, it is highly advisable for the developer/owner to install a separate water irrigation meter. This way the irrigation water is not part of the calculation for sanitary sewer. This would require a separate water service to the property (there is currently only one water service to the property).

Sanitary sewer connection will require a cleanout to be installed at the property line. The clean out will need to be accessible.

As shown on the submittal, the developer will need to complete sidewalks along the property frontage of 31st Street. Care needs to be taken with the construction of the driveway apron so that all current ADA standards are met. The driveway can incorporate the sidewalk either as a depressed driveway or a sidewalk bypass as shown on City of Florence detail F-205 (standard driveway and sidewalk); F-208 (depressed driveway and sidewalk); F-208A for a driveway with a bypass sidewalk; or F-208B for a fully depressed sidewalk and driveway.

Stormwater management is required for all impervious surfaces. The developer can utilize the simplified approach for stormwater management in the Florence Stormwater Design Manual.

Thank you,

Mike

Mike Miller
Public Works Director
mike.miller@ci.florence.or.us
(541) 997-4106

Mailing Address:
City of Florence
250 Hwy 101
Florence, OR 97439

Physical Address:
2675 Kingwood Street

Florence, OR 97439

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Clare Kurth

From: Michael Schick <chief@wlfea.org>
Sent: Wednesday, August 30, 2023 12:56 PM
To: Clare Kurth
Subject: RE: 1787 Hwy 101 Development Application

Clare,

Just a few comments.

- 1) Driving area, which is shown as compacted gravel, should be capable of supporting 60,000 lbs, typically we ask for 6" base rock and 2" of surface rock.
- 2) I would like the ability to turn around once we enter the property, I think the north end is close to what I need. I'm assuming there will only be one way in and out. If they are putting in a gate at the north end then we could use that. Even if it is not normally to be used an exit onto 101 would work for us. Could they indicate the distances on the north end of the site drawing? Will they have delivery trucks entering the property, I would think they would need to turn around as well? It's not really a long enough lot to require turn around space.
- 3) If that is going to be an electric gate on 31st we need the ability to open it, either by a code, key, or via a siren.

Nice to have

- 1) Key box

From: Clare Kurth <clare.kurth@ci.florence.or.us>
Sent: Tuesday, August 29, 2023 2:07 PM
To: Michael Schick <chief@wlfea.org>
Subject: 1787 Hwy 101 Development Application

Good morning Chief Schick,

We have received this application. For the mushroom warehouse building that is proposed to be developed 1t 1787 31st St. Can you please review the included application site plans and materials and offer any fire and life safety concerns?

Thank you,

Clare Kurth (She/Her)
Assistant Planner | City of Florence
clare.kurth@ci.florence.or.us

City of Florence
250 Hwy 101
Florence, OR 97439

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