
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 4
Meeting Date: January 23, 2024

ITEM TITLE: PC 23 30 DR 06 – *Twombly Hwy 101 Warehouses Design Review*

OVERVIEW:

Background/Application: A Design Review request for a new construction contractor’s warehouse complex with caretaker’s unit and associated improvements. This request was applied for by David Twombly, on behalf of Twombly Investments, LLC. The subject site includes the north half of a tax lot located east of Central Coast Disposal dba County Transfer and Recycling, approximately 600 feet north of the intersection of Highway 101 and 53rd St. as shown on Assessor’s Map #. 18-12-11-33, tax lot 01600.

Process and Review: This application request represents a Type III land use application review requiring a quasi-judicial public hearing. The Florence Planning Commission is the review body as set out in [Florence City Code Title 10 Chapter 6](#). The resolution, findings of fact and application materials are attached to this AIS. Additionally, testimony and at times parts of the application are included as separate attachments and are not included as part of the resolution exhibits. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, are the policy considerations that may be applied in the decision-making process. Application materials, public testimony and agency referrals that speak to the criteria may also be considered. The agenda hearing will include staff’s overview of the application and presentation of any written testimony received, and Planning Commission deliberations, and their vote.

Testimony: No public testimony was received as of the publishing of the Findings of Facts.

Referrals: On December 22, 2023, comments were received by ODOT’s Doug Baumgartner, P.E. in reference to the proposed sidewalk design along the west side of Highway 101, adjacent to the subject site. The comments are available in the Findings of Fact on page 3.

ISSUES/DECISION POINTS:

The lot immediately north of the subject lot contains a former residential structure. This and the subject lot are located within the Service Industrial (SI) District. Unless a residential use already exists (making it a legally non-conforming use) prior to zoning being applied, no residential uses are to be constructed within the SI district. In this instance, the residence is no longer legally non-conforming per FCC 10-8-5 because it has been abandoned for more than 6 consecutive months. The owners are currently working to abate the asbestos within the structure in order to demolish it. This status of the former residential structure means that instead of the subject site requiring a 15-foot vegetated side yard setback required between uses for buffering, the site is now required to have only a minimum of a 10’ setback.

ALTERNATIVES:

1. Recommend approval of the Design Review request for PC 23 30 DR 06 based on the Commissions' findings that the application meets the requirements of City Code subject to conditions,
2. Recommend denial of the Design Review request of PC 23 30 DR 06 based on the Commissions' findings that the application does not meet the requirements of City Code.
3. Continue deliberations and defer the decision.

RECOMMENDATION:

The evidence in the record demonstrates that the proposed Design Review request for PC 23 30 DR 06 is consistent with the policies set forth in state statutes and administrative rules, and Florence City Code based on the findings. Staff recommends that Planning Commission approve the Design Review request for PC 23 30 DR 06 as shown in Alternative 1, above.

AIS PREPARED BY:

Roxanne Johnston, Contract Planner, CFM

ATTACHMENTS:**Attachment 1 - Resolution PC 23 30 DR 06**

- Exhibit A Findings of Fact
- Exhibit B Land Use Application and Narrative
- Exhibit C Parking Plans
- Exhibit D Site Plan and Stormwater Plans
- Exhibit E Elevations and Design
- Exhibit F Utility Plans
- Exhibit G Photometric Plan
- Exhibit H ODOT Referral Comments
- Exhibit I Highway Approach Permit
- Exhibit J Utility easement and Partition Plat
- Exhibit K ODOT Construction Permit Draft

**CITY OF FLORENCE
(Draft) PLANNING
COMMISSION**

RESOLUTION PC 23 30 DR 06

A REQUEST FOR A SITE DESIGN REVIEW OF A WAREHOUSE COMPLEX WITH CARETAKER'S UNIT ON AN UNDEVELOPED 0.82-ACRE PARCEL AS SHOWN ON ASSESSOR'S MAP # 18-12-11-33, TL 01600 LOCATED APPROXIMATELY 600 FEET NORTH OF INTERSECTION OF HIGHWAY 101 AND 53RD ST.

WHEREAS, application was made by David Twombly on behalf of Twombly Investments, LLC, for a Design Review approval as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6; and

WHEREAS, the Planning Commission met in a duly-advertised public hearing on January 23, 2024, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, FCC 10-6, and FCC 10-7 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 Design Review for the construction contractors' warehouse complex with caretaker's unit meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

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

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

"A"	Findings of Fact
"B"	Land Use Application and Narrative
"C"	Parking Plans
"D"	Site Plan and Storm Water Plans
"E"	Elevations and Design
"F"	Utility Plans
"G"	Photometric Plan
"H"	ODOT Referral Comments
"I"	Hwy Approach Permit

“J”	Utility Easement and Partition
“K”	ODOT Construction Permit Draft

1. Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the structural integrity or ADA access which are regulated by Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
2. Regardless of the content of material presented, 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.

FCC 10-3: Off Street Parking and Loading

- 4-1. Required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
- 4-2. Per FCC 10-3-8, All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, brick pavers or other materials approved by the City. Driveway aprons shall be paved for the first fifty (50’) feet from the street.
- 4-3. All parking areas shall be graded so as not to drain storm water over public sidewalks.
- 4-4. The landscaped areas and fencing shall be well kept and maintained in accordance with FCC 10-3-8-G.
- 4-5. To mitigate possible conflict with nearby parking and vehicle access, the bicycle rack area shall be marked in accordance with FCC 10-3-10-G and barriers shall be erected to prevent vehicles from encroaching within the bicycle parking area.

FCC 10-6: Design Review

5. The applicant shall provide no less than three of the architectural features listed in FCC 10-6-7-B and conditioned below in 5-1 through 5-4, unless PC permits fewer or PC or

the applicant recommend alternative features that meet the intent of the code section.

- 5-1. The applicant has not proposed an offset or break in roof elevation of 2 feet or greater in height as required by FCC 10-6-6-3-C-1-c. and shall submit an elevation plan meeting this requirement.
- 5-2. Per FCC 10-6-7-B-1, the applicant shall submit revised elevation plans demonstrating that the covered front entrances meet the 6' depth minimum.
- 5-3. Per FCC 10-6-7-B-2, the applicant shall provide a minimum of 499.2 sq. ft. (30%) of window coverage along the east elevation of Building A.
- 5-4. Per FCC 10-6-7 B-2, the applicant shall submit window trim details that meet the minimum four-inches in width requirement or depth as applicable.
- 5-5. The applicant shall provide roofing eave details of not less than 12 inches as required in FCC 10-6-7-B-4.
- 5-6. The applicant shall submit a site plan revision indicating the traffic flow into and out of off-street parking spaces in accordance with FCC 10-6-8-A.
- 5-7. Per FCC 10-6-8-C, the applicant shall submit all exterior surfacing materials for the buildings.
- 5-8. This Design Review approval is valid for one year and will expire January 24, 2025 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.
- 5-9 All approved design review conditions, unless otherwise stated, shall be met prior to final inspection.

FCC 10-7: Special Development Standards

- 6-1. Although no wetlands or riparian areas on these lots are identified in the 2013 Wetland and Riparian Inventory, presence of Yaquina soils requires an approved Phase I Site Investigation Report (SIR) demonstrating that the conditions in the Comprehensive Plan do not exist; or that the applicant will have a drainage system constructed; or to provide placement of fill materials which are required according to plans prepared by a registered engineer and approved by the City in accordance with FCC 10-7-6.

FCC 10-34: Landscaping

- 7-1. Proposed landscape is existing, well established native vegetation. In accordance with FCC 10-34-3-8 any plantings that fail to survive shall be replaced within 6 months in accordance with this code section.
- 7-2. The applicant provided an irrigation system plan but shall obtain an irrigation permit

and shall install a backflow prevention device per FCC 9-2-3-5 and in coordination with Florence Public Works.

- 7-3. Tree counts are rounded up to the next whole number, therefore 6 trees are required within the first 20 feet of the Hwy 101 abutting property line. It is anticipated the minimum required trees are present within the preservation area and proposed stormwater system, but these shall be inventoried, calculated and maintained in accordance with FCC 10-34-3-8.
- 7-4. Shrub counts are rounded up to the next whole number, therefore 33 shrubs are required within the first 20 feet of the Hwy 101 abutting property line. It is anticipated the minimum required shrubs are present within the preservation area and proposed stormwater system, but these shall be inventoried, calculated and maintained in accordance with FCC 10-34-3-8.
- 7-5. All landscaping areas shall be maintained with a minimum of 70% living plant materials coverage.
- 7-6. In accordance with FCC 10-34-3-2-B, invasive or noxious weeds shall be removed during development of the site and shall not be permitted to grow on site.
- 7-7. The ADA space and space 13 in the parking plan are adjacent and parallel to the driveway. The curbing adjacent to these spaces shall be extended along their lengths and the resulting area planted with evergreen shrubs to meet the 3' required buffer height between the space and the driveway. All landscape areas shall include ground covering.

FCC 10-35: Access and Circulation

- 8-1. The applicant shall provide ODOT with stamped engineered plans for the proposed highway sidewalk and related improvements for their review and approval and provide the City with evidence of the construction permissions.
- 8-2. Per FCC 10-35-2-12 B and C, the applicant shall submit full construction plans for the interior driveways, aprons, sidewalk and ramp plans for review and approval by the Public Works Director.

Prior to obtaining City right-of-way construction permits, the applicant shall provide evidence of ODOT construction permissions required for the proposed sidewalk access.

- 8-3. Landscaping shall be maintained so that plants do not grow to obstruct vision clearance areas at internal intersections or intersections with public streets per FCC 10-34-2-14.
- 8-4. Pedestrian crosswalks between the interior driveway aprons shall be marked according to FCC 10-35-3-3-D.
- 8-5. The width of the pedestrian walkway along the shared driveway is not clearly

marked in the site plan. The materials for this future walkway surfaces shall be constructed of materials that meet ADA accessibility requirements in accordance with FCC 10-35-3-3-D 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.

- 8-6. Pedestrian access and connection to the parking area shall be provided for the pedestrian doors on the eastern side of Building A. Pedestrian access shall also be provided along the driveway with direct access into the site.

FCC 10-36: Public Facilities

- 9-1. Per FCC 10-36-2-18, the shared driveway curbing shall be constructed per City of Florence Standards and Specifications. Additionally, these plans shall be approved and inspected by Public Works and where applicable, by the Oregon Department of Transportation.
- 9-2. If a mailbox or mailboxes are to be used, the applicant shall have such plans approved by the United States Postal Service per FCC 10-36-2-22.
- 9-3. In accordance with FCC 10-36-3, development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director of designee has approved all stormwater, sanitary sewer and water plans in conformance with FCC 9-2, 3 and 5.
- 9-4. If the driveway easement width is insufficient to accommodate the pedestrian access conditioned to be provided along this property, then the easement shall be widened.
- 9-5. The applicant shall install a 6 foot-wide sidewalk along the Highway 101 frontage in a location specified by ODOT. This shall be installed prior to issuance of the Certificate of Occupancy.

FCC 10-37: Lighting

- 10-1. Prior to, or in conjunction with submittal of building plans this information shall be submitted to the City Planning Department for review, which shall include full-cut off light fixtures in compliance with the code section above, and may be processed as a Type I Administrative Review.

FCC 9-5: Stormwater Management Requirements

- 11-1. Per FCC 9-5-2-4-A, the applicant shall provide a drainage plan as specified in the Stormwater Manual. Such plan shall be prepared by a Professional Engineer licensed by the State of Oregon in accordance with FCC 9-5-2-4-B.
- 11-2. The applicant shall provide a stormwater treatment plan to specifically address the proposed impervious development in accordance with FCC 9-5-3-1 through 6.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW

BOARD the 23rd day of January, 2024

Sandra Young, Chairperson
Florence Planning Commission

DATE

DRAFT

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

Public Hearing Date: January 23, 2024 **Planner:** Roxanne Johnston
Application: PC 23 30 DR 06
Related Application: AR 23 02 VEG 02

I. PROPOSAL DESCRIPTION

Proposal: A site Design Review application for a new construction contractors' warehouse complex with caretaker's unit and associated improvements.

Applicant: David Twombly

Property Owners: Twombly Investments, LLC

Location: West side of Hwy 101 directly east of Central Coast Disposal, approximately 600 feet north of the intersection of Highway 101 and 53rd St.

Site: Map #18-12-11-33, Tax Lot 01600

Comprehensive Plan Map Designation: Service Industrial (SI)

Zone Map Classification: Service Industrial (SI)

Surrounding Land Use / Zoning:

Site: Vacant, Native Vegetation / SI

North: Residential, Permit to Demolish / SI

South: Vacant, Native Vegetation / SI

East: Vacant, Native Vegetation/ SI

West: Vacant and Solid Waste & Recycling Truck Terminal/ SI

Streets / Classification:

West – none; South – 30'-wide driveway with access Easement; East – Highway 101/ Arterial; North – None

II. NARRATIVE:

The Design Review application request involves the proposed construction of a three-building warehouse complex including a caretaker's unit. The caretaker's unit is to be situated in Building A, nearest Highway 101. Buildings, B and C, respectively, will be located west of Building A. The site will contain 2 parking lots with 18 parking spaces including an ADA van accessible space.

The subject project is proposed to be constructed on the north side of a larger tax lot bisected by an existing driveway (orienting east to west) connecting Highway 101 to Central Coast Disposal/County Transfer and Recycling operations located southwest of the subject lot. This driveway access will be shared for existing, proposed and future uses pending development of the southern half of the subject lot and the vacant lot to the west. According to the applicant's narrative in Exhibit B, the total square footage of the project site equals 35,375 square feet, or 0.82-acre.

On March 28, 2023, AR 23 02 Veg 02, a vegetation clearing permit, was conditionally approved through a Type II administrative process. The area of approval included the entire subject area tax lot and another tax lot to the south. The lots have been cleared yet native vegetation stands preserved along the west rear and east front property lines and the property lines along the northern and southern property lines as conditioned within the permit. Condition 6 of this permit states *“The applicant shall maintain the stated 25 buffer of undisturbed vegetation along the Highway 101 street frontage with the exception of the vehicular access point if approved by ODOT if along the highway. The applicant shall also maintain a minimum 20-foot buffer of undisturbed vegetation on the north and south property lines and a 15-foot buffer on the west property line in accordance with FCC 10-34-4-C.”*

The current proposal includes an approximately 19’ existing native vegetated landscape buffer within the front yard setback area abutting Highway 101 which includes a 9’ x 104’ adjoining area proposed as a rain garden that will be used to treat stormwater. Additionally, an 8’-wide vegetated buffer is planned along the north side of the project abutting former single-family residence. A storage unit used by a contractor is situated west of the former residence.

The residence to the north is vacant and asbestos removal is in process. The residence was allowed as a legally non-conforming use during its occupation. The owner has not submitted a demolition permit at this time. Given the Service Industrial zoning of the former residential property, the house and lot cannot support future residential uses and the house would not be allowed to be reconstructed. In addition, FCC 10-8, entitled *“Nonconforming Lots and Uses”* reads as follows:

“10-8-5: ABANDONMENT OF NONCONFORMING USE: The discontinuance of a nonconforming use for any six (6) consecutive months shall constitute abandonment. The pre-existing use shall be deemed to have been terminated and every building, structure and use occupying the premises thereafter shall conform to the regulations of the zoning district in which is located.”

An 11’-wide natural vegetated buffer is to remain along the west side, or rear setback of the project site, which abuts the Central Coast Disposal/County Transfer and Recycling (industrial use) lot.

III. NOTICES & REFERRALS:

Notice: On January 3, 2024, 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 January 17, 2024.

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

Referrals: Referrals were emailed to Public Works and Siuslaw Valley Fire on 1/19. However, both staff and the applicant have met with Public Works and ODOT on this development.

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

ODOT Referral Comments dated 12/22/23:

“If new sidewalk is to be installed on ODOT right of way along the frontage of this development, given the complexity of the design for the new sidewalk, we will need a stamped plan from an engineer for the new sidewalk and related improvements in the ODOT right of way. Among the unique design features involved with this new sidewalk are maintaining 4:1 ditch slope which will impact the location of the new sidewalk, compliance with ADA requirements with the design of the sidewalk slopes, and the need for slope ends on the new culvert that would be placed under the portion of sidewalk that returns to the shoulder. When you send me the plans, I will have Our Region 2 Technical Center review the plans and I will return any comments for revisions as necessary.”

Florence Public Works as of the date of this report had provided verbal comments to staff and the applicant on fire hydrant location and associated service line and easement needs.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Sections 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 6: Design Review, Sections 4, 5-1, 6-3, 6-4G and 7 through 11
- Chapter 7: Special Development Standards, Sections 3-H, 6, and 7
- Chapter 31: Service Industrial, Sections 2 and 4 through 7
- Chapter 34: Landscaping, Sections 2 through 5
- Chapter 35: Access and Circulation, Sections 2-2, 2-3, 2-4, 2-6 through 2-14, and 3
- Chapter 36: Public Facilities, Sections 2-4, 2-5, 2-16 through 2-18, 2-22 and 2-23, 3 through 8
- Chapter 37: Lighting, Sections 2 through 6

FCC Title 9: Utilities

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

Florence Realization 2020 Comprehensive Plan

- Chapter 2, Industrial Policies 4, 5 and 6
- Ch. 12 Policies 6, 10, 13, 23, 26, and 28

V. PROPOSED FINDINGS

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

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

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 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, unless conditioned below, was submitted at least 30 days prior to the scheduled public hearing.

- 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:**

[...]

- c. The addition of twenty-five (25) or more single unit dwellings, and an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.**

- d. **A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day**

No traffic impact study is warranted based on the above-mentioned criterion. The project as proposed will not increase traffic volume by (250 ADT or more) nor cause an increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weight by 10 vehicle trips or more per day. As this is a proposal for a warehouse complex and caretaker's unit, any future change of uses and/or development to the south side of the subject lot may warrant traffic impact studies which would be reviewed during any proposed changes of use or new design review applications.

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 design review application is a Type III review process. 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.

[...]

- 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.**

This application requires a Type III (quasi-judicial) review as this application represents new construction requiring design review by the Planning Commission as such development is permitted in the underlying zoning district (Service Industrial). This application required noticing to surrounding property owners and a public hearing.

- 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 January 3, 2024. A notice containing all required information was mailed to surrounding property owners within a 100-foot radius that contained all required information. A notice of public hearing was published in the Siuslaw News January 17, 2024 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 January 23, 2024, 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.**

The applicant provided an off-street parking plan shown in Exhibit C. The *City of Florence Standard Drawing F-222* and *F-223* are proposed to be used for construction of the parking lots. Additionally, the applicant submitted a drawing illustrating the standard design of ADA van accessibility parking space and signage standards which shows how this specific parking space will be designed. Loading spaces are not proposed.

- 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.

Per FCC 10-3-2-C, D and F, required parking spaces shall be maintained and shall not be eliminated, nor used for the storage of materials of any type, nor used for loading or unloading operations during business hours. [Condition 4-1]

- 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.

On site parking spaces are proposed to be provided within two parking lots (East and West parking lot, for the purpose of these Findings) connecting to the access driveway. The access driveway connects to Highway 101 and Central Coast Disposal. 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 total square feet of the three buildings equals 13,024 square feet. Therefore, the subject site is required to have a minimum of 6 parking spaces for the warehouse use, and 2 spaces for the caretaker’s component. Eighteen (18) parking spaces are provided on the site plan in Exhibit C. This criterion is met.

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

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting offstreet parking requirements in Table 10-3-1;**
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**

The single required van accessible ADA parking space is to be located directly in front of the east side of Building A. Building A is the building closest to Highway 101.

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

Table 10-3-2 - Minimum Number of Accessible Parking Spaces
Source: ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
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 regulations and Table 10-3-2, one ADA van accessible parking space is required. One van accessible ADA parking space is provided in Exhibit C and appears to meet minimum dimension requirements. Specific striping widths and the width of the van aisle is provided within the applicant’s materials. Criterion 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 applicant submitted a proposal indicating parking lot details including a parking diagram demonstrating where each parking space and lot will be located. The applicant proposes using City of Florence Standard Detail Drawings, sheets F-222 and F-223. These sheets include parking space dimensions, striping requirements and surfacing information. Also included is a September 2023 design standard sheet for a van accessible ADA parking space and signage. Driveway apron construction was not included for the interior parking lots. Per FCC 10-3-8, All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, brick pavers or other materials approved by the City. Driveway aprons shall be paved for the first fifty (50') feet from the street. [Condition 4-2]

[...]

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 to stormwater drains within the middle of the eastern parking lot between Buildings A and B. Such drainage is proposed to flow to a stormwater facility located east of Building A. Stormwater drainage in the west parking lot adjacent to Building C is proposed to be directed westward towards a stormwater facility located immediately west of said parking lot. No stormwater is proposed to be directed towards public ROWs. Additional details of the stormwater management plan are discussed under section

FCC 9-5 as the applicant did not provide a grading plan. All parking areas shall be graded so as not to drain storm water over public sidewalks. [Condition 4-3]

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

Parking spaces are proposed as 90° head-in with all facing the warehouses. The former residential use (north of the subject lot and located in the SI zoning district), now vacant and undergoing asbestos abatement should not be affected and a future residential use cannot be replaced. An 8'-wide natural vegetated buffer will lie along the north property line area so the parking lot drive areas will be screened, nevertheless. Additionally, a 6' cedar fence is planned along the northern property line that will provide more screening. This fence will align with the parking lot between Buildings A and B.

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. A dilemma arises in that parking is proposed in front of the garage bay doors of each building. A curb or wheel stop could be problematic for entering and exiting the warehouse garages. A wheel stop is proposed for the ADA van accessible space.

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

The landscaping area abutting the Highway 101 public ROW is proposed to be 10 feet wide, exceeding the 5-foot minimum. No vegetation / landscaping area is planned for the abutting access driveway and FCC 10-3- 8-2 is in reference to streets, not driveways. 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 to minimize disturbance to the adjacent lot to the north. Mitigation for any headlight noise to the north is provided by the 8' natural landscape buffer and/or the 6' tall cedar fence section. The landscaped areas and fencing shall be well kept and maintained in accordance with FCC 10-3-8-G. [Condition 4-4]

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.

Seventeen of the 18 parking spaces are located in front of a bay door. The ADA parking space is located in front of the door leading to the caretaker's unit on the west side of Building A. For all intents and purposes these spaces are grouped together although there are extra spaces between them. No backing movements or other maneuvering within a street ROW will occur and the 24' aisle width should be adequate for backing up maneuvers. This criterion is met.

No loading area is proposed or required with this application in accordance with FCC 10-3-11-B. The criterion is met.

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.**

The applicant has supplied information meeting the criterion in FCC 10-3-8-L-1 through 5, 7 and 9. Criterion 8 has been supplied regarding proposed signage for the ADA parking stall as seen on page 5 of 6 in Exhibit C. No other signs have been proposed. In accordance with FCC 10-3-10-G bicycle parking shall be clearly marked and reserved for bicycle parking only. This criterion will be discussed in more detail under that section. No additional signs were proposed for this development. The applicant shall obtain sign permits for all signage to be in compliance with sign regulations in accordance with FCC 4-7. (Informational 3) Bumper guards and curbs were previously addressed under FCC 10-3-8-E.

The applicant did not submit grading, nor specifications for signs, bumper guards and curbs. Surfacing and subgrading details for the parking lot has been supplied in Exhibit C, using the City of Florence Standard Drawings F-222 and F-223. Storm drainage is shown in Exhibit D and grading plans drawn up by an engineer are conditioned later in these Findings. As the site involves disturbing at least an acre, the applicant applied for a stormwater permit (NPDES), signed by the City on March 30, 2023.

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.**

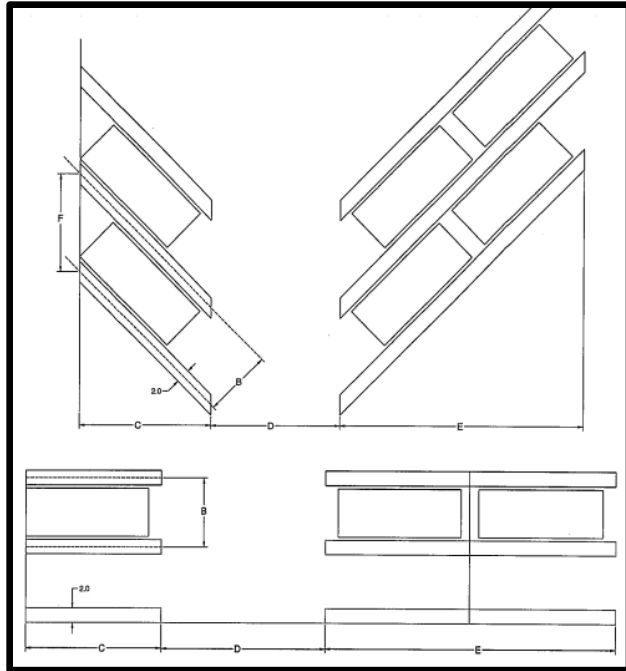


FIGURE 10-3 (1)

Space Dimensions in feet	Parking Angle \leq°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
		30°	15.6	26.7	12		
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	

Ninety-degree parking stalls as proposed in Exhibit C appear to meet the minimum width and length requirements of FCC 10-3-9-A, above. Striping is indicated; however, the dimensions will need to be verified during final building inspection to ensure the requirements of FCC 10-3-9-B and C are met. The aisle striping for all spaces are provided in Exhibit C. ADA signage and placement is also included in this exhibit. Criteria met.

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

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

[...]

- D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.**

Bicycle parking shown in Exhibit C illustrates that the rack will be located under 50 feet from the front entrance on the southwest side of Building A. This door is also located in front of the ADA van accessible parking space. The bicycle parking will also be easily accessible from the shared driveway that connects to Highway 101. Criterion met.

- 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 measuring 3' X 6' that can accommodate 2 bicycles located near the southeast entrance of Building B. (Exhibit C), nearest to the east parking lot apron connecting to the shared driveway. The location of the bike parking rack is within 50' from the front door of Building A, is visible from the main driveway, will not create a hazard to pedestrians, and will not interfere with vision clearance onsite. Lighting is provided through the use of exterior Ring lighting proposed in Exhibit G. To mitigate possible conflict with nearby parking and vehicle access, the rack area shall be marked in accordance with FCC 10-3-10-G and barriers shall be erected to prevent vehicles from encroaching within the bicycle parking area. [Condition 4-5]

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. There are missing details to be discussed and conditioned later in this section.

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.

According to the Service Industrial district requirements outlined in FCC 10-31-4-A through D, all setbacks, yards, height, density, and similar design features comply. The site plan (Exhibit D) indicates a 10' x 120' buffer and 9' x 104' rain garden sandwiched together abutting Highway 101. Side and rear setbacks for the Service Industrial District are 15' with exception to industrial uses abutting residential uses. The former residential use to the north is buffered by an 8' native vegetation strip and a 6' cedar fence is planned. Additionally, there is an additional 8' space between the vegetation and the building sides wherein which the storm drain line is located. The north side setback will exceed the 15' requirement. Criteria met.

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

Minimum lot frontage per the underlying Service Industrial zoning district is 200'. The project lot frontage provides 135', which alone would not meet the frontage criterion. The entire lot frontage as illustrated in partition # 2006-P1954 includes the undeveloped southern portion, totals approximately 283 feet. Not counting the entire lot/tax lot, since the north half of the lot is the subject site of these findings, the total area of the project site is 35,375 square feet. Maximum lot coverage by all impervious surfaces is 85%. The applicant is proposing lot coverage by impervious surface of approximately 75.60%. The 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 and within the warehouse buildings. 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.

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 and 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.

A development timeline has not been provided by the applicant. As discussed, and conditioned later in this Section, the design review will be valid for 1 year from approval at which time it will expire unless substantial construction has been completed. A 1-year extension may be applied for in writing prior to the expiration in accordance with FCC 10-6.

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

[...]

10-6-6-3: BUILDING FAÇADES:

[...]

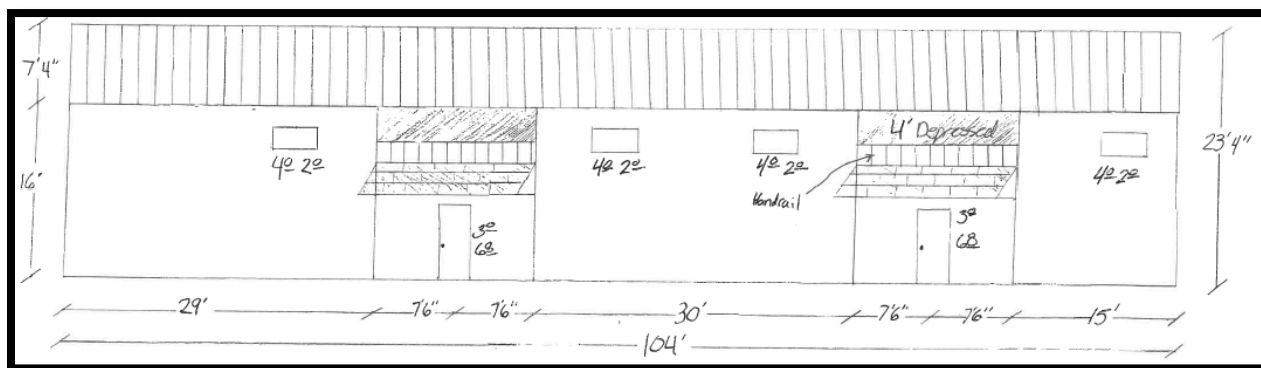
C. Articulation and detailing: all building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:

- 1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall**

occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:

- a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;
- b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
- c. Offsets or breaks in roof elevation of 2 feet or greater in height.
- d. A “break,” for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

The rear of Building A is proposed to face Highway 101. The length of Building A measures 104'. The applicant proposes to construct two 4' recessed balconies with handrails above two exit doors with eave extensions (all materials unknown) as part of the articulation and detailing requirements outlined in FCC 10-6-6-3-C a, b and d, above. Four recessed windows measuring 4' in length and 2' in height are spaced throughout the length of Building A further serve to provide breaks in the wall plane. The applicant has not proposed an offset or break in roof elevation of 2 feet or greater in height as required by FCC 10-6-6-3-C-1-c. and shall submit an elevation plan meeting this requirement. [Condition 5-1]



2. The Planning Commission, through design review, may approve detailing that does not meet the 24-inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.
3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.

4. **Building elevations that do not orient to a street or civic space need not comply with the 24inch break-in-wall-plan standard, but should complement the overall building design.**

Buildings B and C will not orient to a street or civic space. They will be constructed in symmetrical rows and closely match Building A in size, colors, and materials.

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

[...]

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

All buildings are proposed to share the same color scheme. The applicant’s narrative proposes that the color of the roofs will be green, and the buildings’ colors will be beige/sandy with white trim; similar to the nearby Central Coast Disposal building to the southwest of the subject lot (Exhibits B and E).

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.

The nature of the warehouse construction is not commercial (except for renting the individual bays out) and the use listed as an Industrial Use Category under FCC 10-2-14: *“Warehouse, Freight Movement, and Distribution involves 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.”*

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

These sections have been reviewed earlier in the report.

- 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.**

The applicant has incorporated some architectural features into the proposed industrial building. The below represents a review of those features. The applicant shall comply no less than three of the architectural features listed in FCC 10-6-7-B below and conditioned in 5-1 through 5-4, unless PC permits fewer or they or the applicant recommend alternative features that meet the intent of the code section. **[Condition 5]**

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 site plans in Exhibit E shows the 2 covered front entrances (which in practice will be rear exits but face Highway 101) of the east side of Building A will measure 4' in depth, 15' in width (including the recessed balconies), and 8 feet in height. The total elevation of this side is 15' x 104', or 1,664 sq. ft. This does not meet the minimum 6 feet in depth criteria but does exceed the 10% width of the building as the two entrances extend 14% of the width of the building elevation. Crition partially met and conditioned below.

Per FCC 10-6-7-B-1, the applicant shall submit revised elevation plans demonstrating that the covered front entrances meet the 6' depth minimum. [Condition 5-2]

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

The street-facing elevation of Building A, which will face Highway 101, totals 1,664 square feet. The 4 proposed recessed windows total 32 sq ft. and do not meet the minimum 30% of surface area requirement for street facing elevations. Per FCC 10-6-7-B-2, the applicant shall provide a minimum of 499.2 sq. ft. (30%) of window coverage along the east elevation of Building A. [Condition 5-3]

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

Trim details have not been provided for the windows. Per FCC 10-6-7 B-2, the applicant shall submit window trim details that meet the minimum four-inches in width requirement or depth as applicable. [Condition 5-4]

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.

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

Pedestrian shelters as described on FCC 10-6-6-6-G refer to commercial buildings. The proposed building is not intended for commercial public use; but rather as uses by contractors who would typically conduct business off-site. The awnings proposed do not meet the minimum requirements of a pedestrian shelter as their width is 36% of the south facing elevation rather than 75%. Aside from architectural detailing on the east facing elevation of Building A, these canopies/awnings are intended to provide an outdoor break area for the contractors. The entrance to the caretaker's unit is located on the west side of Building A. This entrance, shown in Exhibit E, does not include the depth of this door canopy/awning.

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

The rear Highway 101 facing Building A is to have a pitched roof. Eaves and guttering have not been proposed, however, eaves are shown in images of the Central Coast Disposal building. The applicant shall provide roofing eave details of not less than 12 inches as required in FCC 10-6-6-7-B-4. [Condition 5-5]

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.

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 but lacks the direction of traffic flow into and out of off-street parking spaces (Exhibits C & D). The applicant shall submit a site plan revision indicating the traffic flow into and out of off-street parking spaces in accordance with FCC 10-6-8-A. [Condition 5-6]

- 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 a basic floor plan minus details on the caretaker's unit. Exterior surfacing materials have not been specified. Per FCC 10-6-8-C, the applicant shall submit all exterior surfacing materials for the buildings. [Condition 5-7]

- 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.**

Other than what has been conditioned above and later in these Findings, no additional information has been deemed necessary.

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)

This Design Review approval is valid for one year and will expire January 24, 2025 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. [Condition 5-8]

All approved design review conditions, unless otherwise stated, shall be met prior to final inspection. [Condition 5-9]

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

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

[...]

- H. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with**

seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009).

The applicant was issued a National Pollutant Discharge Elimination System Permit by the Oregon Department of Environmental Quality prior to clearing of vegetation in 2023.

The entire subject tax lot contains 100% Yaquina Loamy Fine Sand according to Map C, Appendix 7 of the Florence Realization 2020 Comprehensive Map. Although no wetlands or riparian areas on these lots are identified in the 2013 Wetland and Riparian Inventory, presence of Yaquina soils requires an approved Phase I Site Investigation Report (SIR) demonstrating that the conditions in the Comprehensive Plan do not exist; or that the applicant will have a drainage system constructed; or to provide placement of fill materials which are required according to plans prepared by a registered engineer and approved by the City in accordance with FCC 10-7-6. [Condition 6-1]

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

- A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:**
- 1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or**
 - 2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)**

The Section 2 stated in subsection A, above, is in reference to wetlands, riparian areas and problem areas. None of these apply to the subject property. The Section 3 reference in subsection A, above, refers to the Yaquina soils previously addressed, which will require an SIR as conditioned under FCC 10-7-3-H of these Findings.

In the event the conditioned SIR reveals the need for a Phase II SIR, such application will be reviewed at a later date, prior to construction.

[...]

- 8. Soils: The Site Investigation Report shall address the following development constraints for the soil types.**

[...]

- a. **Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.**

10-7-7: REVIEW AND USE OF SITE INVESTIGATION REPORTS A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

The conditioned Phase II SIR application shall be reviewed through a Type II administrative review process as discussed above unless a stormwater report prepared by an engineer is submitted or the site development size is reduced to then require only a Simplified process design.

TITLE 10: CHAPTER 31: SERVICE INDUSTRIAL

10-31-2: Buildings and Uses:

- 6. Caretaker's unit**
- 8. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.**
- 9. Other buildings and uses determined to be similar to those listed in this section, which meet the purpose of this District and which do not have a different or more detrimental effect upon adjoining areas than those buildings and uses specifically permitted.**

The caretaker's unit is permitted outright in the zone. The proposed warehouse complex use is intended to function like construction contractor's warehousing space and mini-storage units. Service Industrial is a zoning district which permits the most intensive uses of all the zoning districts, such as excavation and landscaping yards. A warehouse complex in itself would cause a low impact on its surrounds. The use or uses are what determines the area impact(s). Per FCC 10-31-3, should any of the uses within the future warehouses be proposed, they may require a Conditional Use permit. These include sand and aggregate operations; concrete ready-mix businesses; wrecking yards; solid waste facilities; composting operations; manufacturing, including medical marijuana processing sites and recreational marijuana processors; auto body repair; non-motorized recreation facilities related to the dunal and public lands resources located to the west of this district; other buildings and uses determined to be similar to those listed in this section, which meet the purpose of this district and which do not have a different or more detrimental effect upon adjoining areas than those buildings and uses specifically permitted; and medical marijuana production sites and marijuana producers. ([Informational 1](#))

10-31-4: Lot and Yard Provisions:

A. Minimum lot frontage: 200 feet

Although the proposed site provides approximately 135' of Highway 101 frontage, the entire lot measures 1.82 acres with a highway frontage of approximately 285 feet as explained elsewhere. In addition, the applicant owns the property immediately south of this tax lot. The partition plat (Exhibit J) shows the combined lot (not to be confused with tax lot) frontage as approximately 500 feet. Criterion met.

B. Lot coverage: Maximum of 85%, buildings and impervious surfaces

The site plan in Exhibit D notes the proposed building coverage (footprint) will contain 13,024 square feet. The east and west impervious access points measure 11,612. In total, the proposal calls for 24,636 square feet of impervious surfacing. The project site totals 35,375 square feet of the total tax lot's 79,279 square feet. Using only the project site figure, the lot coverage will total 69.64% (24,636 divided by 35,375 = 0.6964 x 100 = 69.64). Criterion met.

C. Setback/yards regulations:

**Front: On Highway 101 – 25' minimum
On Oak, Spruce or other abutting streets - 20'**

Exhibit D demonstrates an approximate 26-foot setback from Highway 101. Criterion met.

Aside from Highway 101, the subject site does not adjoin any other abutting streets; simply the driveway to the south. Criterion not applicable.

**Side: Internal side yards - 15'
Side yards abutting other districts - 20'**

The north internal side yard will measure approximately 16 feet in width. As explained elsewhere, the former residential use to the north is located within the Service Industrial zoning district, so the 20' setback does not apply.

**Rear: Internal rear yards - 15'
Rear yards abutting other districts - 20'**

Where an industrial use abuts a residential use, additional screening may be required, as determined by the Planning Commission/Design Review Board.

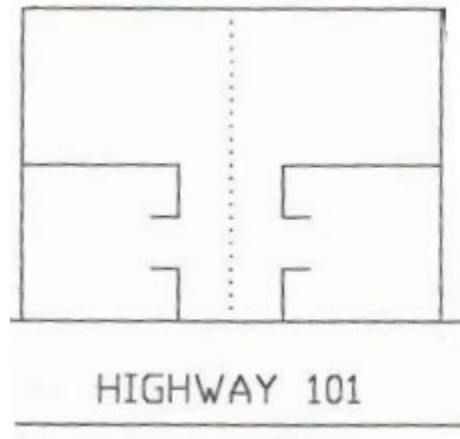
The rear yard does not abut another zoning district and exceeds 15' as seen in Exhibit D. Criterion met.

D. Height: Not to exceed 38', except as provided by FCC 10-2-4.

The elevations shown in Exhibit E illustrate that the top height of the warehouses will measure 23', 4". Criterion met.

10-31-5: Site Design Criteria:

1. **Access:** Access and circulation shall be in accordance with FCC 10-35, except as modified by the following specific standard: Access to Highway 101 shall be via combined driveways as shown on the diagram below:



The subject site will not have direct access to Highway 101. Instead, access to the two parking lot aprons will take place from a shared driveway connecting from the highway to the Central Coast Disposal/County Transfer and Recycling business as shown in the diagram above. Criterion met.

Access and circulation shall be designed to allow future access by trucks/heavy equipment from Oak Street or Spruce Street via traffic signals at Munsel Lake Road and Heceta Beach Road and Highway 101, when those signals are installed. Businesses who will access via these signals shall contribute proportionately to the costs of the signals.

No access is planned or presently available on a future extension of Oak St. Should any be provided via easement in the future the owner should expect to pay a proportionate share of construction costs for Oak St. Criterion not applicable.

2. Landscaping and Screening

- a. **Landscaping and screening shall meet the requirements of Section 10-34 of this Title.**
- b. **Businesses which include outdoor storage of business vehicles, product or raw materials shall screen those storage and or production areas from Highway 101 by providing a visual screen consisting of a berm planted with evergreen shrubs/trees which maintain a permanent year-round vegetative screen at least 15' above the top of the berm at maturity. The Planning Commission/Design Review Board may require a taller berm or other plantings if necessary to fully screen outdoor storage, machinery and/or operational activities from Highway 101. Fences may not be substituted for berms.**

FCC 10-34 is reviewed later in this report. No outdoor storage of business vehicles, products or raw materials is proposed.

- c. **Where an industrial use abuts a residential use, see FCC 10-34-3-7-D.**

The topic of the former residential use in the Industrial Service zoning district has been discussed elsewhere.

3. Building Design:

- a. **Consistent with the purpose of this district to maintain a visually pleasing entrance to Florence, the main office/administrative building on a parcel should be designed to be attractive, and should be placed on the Highway 101 side of the vegetated berm. Wood or good quality vinyl siding, patterned block or other similar materials are preferred. Metal-clad office/administrative buildings are discouraged.**

An office space is proposed on the south end of Building A. The caretaker's unit will be also located within Building A, which is closest to Highway 101 but screened by the highway using native vegetation. The east-facing façade will include two doors to allow access by users, however these will not be the actual front doors. Rather, the main entrance will be located at the southwest side of Building A with access from the east parking lot.

- b. **Colors and design shall be consistent with general community practice. The Planning Commission/Design Review Board may disapprove buildings inconsistent with general community practice, including colors and design features which incorporate company logos or other like identification.**

Colors and design are reviewed earlier in the report.

4. Lighting.

- a. **Lighting shall be in accordance with Section 10-37 of this Title.**

Lighting is discussed under FCC 10-37.

- b. **Lighting on the Highway 101, Oak or Spruce frontage shall be carefully integrated into the overall site design.**

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

Final utility plans for the project are required to receive stamped approval from Public Works prior to issuance of the building permit.

10-31-6: Parking: Parking and loading spaces shall be provided as required by the City's parking standards (FCC 10-3). On lots abutting Highway 101, or those abutting residential zoning, parking shall not be located in yards abutting streets. Businesses sharing an access may also share parking according to the shared parking provisions of FCC 10-3.

Parking is discussed earlier in the report. Parking is not proposed to abut Highway 101 or residential zoning. No other street abuts the project.

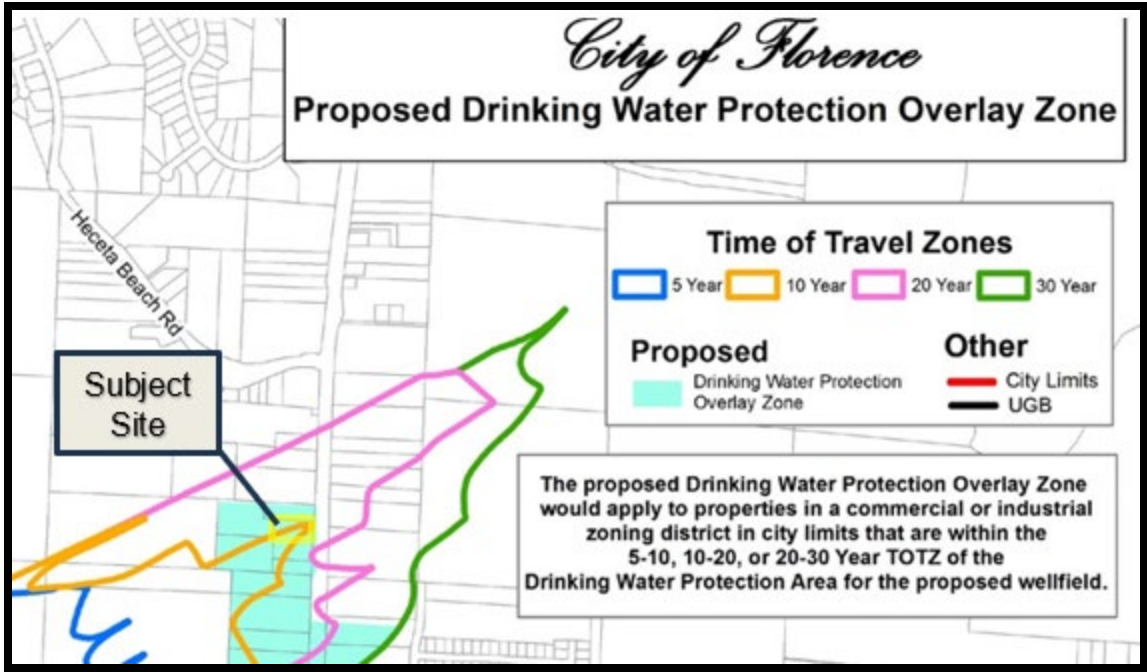
10-31-7: Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

TITLE 10: CHAPTER 32: DRINKING WATER OVERLAY DISTRICT

10-32-1: PURPOSE:

- A. The Drinking Water Protection (DWP) Overlay District is established to protect from contamination the North Florence Sole Source Dunal Aquifer, used as the sole potable water supply source by the City. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:**
- 1. Protect the City's drinking water supply, which is obtained from groundwater resources, from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and**
 - 2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.**
- B. In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:**
- 1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;**
 - 2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and**
 - 3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater**

The subject site is located within the Drinking Water Overlay District. This overlay district was automatically zoned and applied over underlying industrial and commercial zoning districts to a specific area in 2013 and contains 3 zones, referred to as Time of Travel Zones (TOTZ). These zones represent the timeframe, in years, it would take for contaminants to reach the North Florence Sole Source Dunal Aquifer, a potable water source for the City. The image taken from a map found in FCC 10-32 shows that the subject site straddles the Ten Year and Twenty Year TOTZ areas:



10-32-7: STANDARDS FOR HAZARDOUS MATERIALS IN TOTZ: Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Florence Fire Code, the following standards shall apply:

B. Ten to Twenty Year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.
2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Fire Code).
3. All new use of DNAPLs are prohibited.
4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. The following requirements for inspection and record keeping procedures for monthly in- house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine

inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

- C. **Twenty to Thirty Year TOTZ Standards.** The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

A footnote within this section defines DNAPL: *“DNPLs are organic substances that are relatively insoluble in water and more dense than water. DNAPLs tend to sink vertically through sand and gravel aquifers to the underlying layer. The most common are chlorinated solvents. Significant amounts of DNAPLs are present at chlorinated solvent-contaminated sites, such as manufacturing and degreasing facilities, dry cleaners, wood treators, and former manufacturing gas plants.”*

As proposed uses are introduced to areas within the TOTZ, the City will closely monitor these uses to ensure compliance with these codes. At this time, no such uses that would utilize hazardous materials including DNAPLs are proposed.

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.

¹Noxious and invasive weeds are those identified by the current Lane County Public Works “Noxious and Invasive Weed Management List,” with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in “Noxious Weed Policy and Classification System” will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

A Vegetation Clearing Permit was conditionally approved in March 2023. The conditions of approval concerning the retention of native vegetation include the following:

Condition 6. *“The applicant shall maintain the stated 25 buffer of undisturbed vegetation along the Highway 101 street frontage with the exception of the vehicular access point if approved by ODOT if along the highway. The applicant shall also maintain a minimum 20-foot buffer of undisturbed vegetation on the north and south property lines and a 15-foot buffer on the west property line in accordance with FCC 10-34-4-C.”*

Condition 11. *“The vegetation buffer along the Highway 101 ROW frontage shall be maintained as is or at minimum of 15 feet in height until development plans are submitted and the City can determine screen needs along the Highway101 ROW.”*

The property has since been cleared of vegetation, save those areas above that were conditioned.

According to the site plan and applicant’s narrative, shown in Exhibits D and C, The applicant proposes to retain native vegetation areas within the 25’ front yard, (an area of 25’ by 120’ totaling approx. 3,000 sq. ft.) 20’ rear yard (20’ x 115’ totaling approx. 2300 sq. ft.) and 8’ within the north side yard., (8’ x 280’ totaling approx. 2,240 sq. ft.).

10-34-2-3: Significant Vegetation. “Significant vegetation” means:

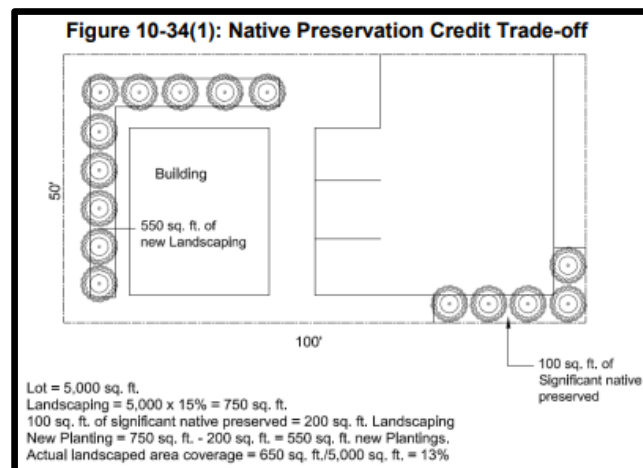
- A. Native vegetation, or
- B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or
- C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

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.



For a landscape preservation credit, the approximate total square footage of significant native preserved area would be 6,322 sq. ft. According to FCC 10-34-2-4-E, the landscape credit for preserved significant preservation areas would be granted a 2:1 ratio; meaning that every square foot of such area would count as two square feet towards the total landscape area requirement. In this instance, 6,322 sq. ft. X 2 = 12,644 sq. ft.

As described under FCC 10-34-3-3 below, the total lot landscaping requirement for the 35,375 sq. ft. site is 15%, and without the preservation credit, the requirement is still exceeded, (6,322 (native vegetation total including rain gardens) divided by 35,375 (entire site size) = 0.17870 and 0.1787 x 100 = 17.87% of total landscaping 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 area requirements. Not all details

for 10-34-2-2 through 10-34-2-4 have been provided yet are unnecessary to calculate the area based on the amount of natural landscaping proposed. The stormwater swales will provide the balance of the required trees and shrub counts needed to meet the balance required under 10-34-2-4-E.

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.

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.**

Landscaping notes were submitted as part of this application in reference to the location/retention of native vegetation, square footage breakdown on pervious and impervious surfacing, the square footage of each rain garden, storm drainage flow, and location of utilities. These are shown in Exhibits C and D. Irrigation lines and frost-free faucets are indicated in Exhibit F.

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.

The total project lot size is 35,375 sq. ft. The project site will contain a total of 6,322 sq. ft. of native vegetation, which includes the two proposed rain gardens for stormwater treatment, which have been conditioned later in these findings to be re-designed. To discern whether the

percentage of landscaping area meets the requirement of FCC 10-34-3-3, the following equation is used:

6,322 (native vegetation total including rain gardens) divided by 35,375 (entire site size) = 0.1787

$0.1787 \times 100 = 17.87\%$ of total

As demonstrated, the criterion of meeting the minimum 15% landscaping area for the entire lot is exceeded as the calculations arrive at 17.87%.

A. Landscaping shall include planting and maintenance of the following:

- 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.**

The proposed development site has 135 feet of street frontage along Hwy 101. The shared driveway access is a 30 foot wide easement. Therefore, the total street frontage for this site is 165 feet and 1 tree is required per 30 linear feet of street frontage.

$165 / 30 = 5.5$ trees are required

Tree counts are rounded up to the next whole number, therefore 6 trees are required within the first 20 feet of the Hwy 101 abutting property line. It is anticipated the minimum required trees are present within the preservation area and proposed stormwater system, but these shall be inventoried, calculated and maintained in accordance with FCC 10-34-3-8. [\[Condition 7-3\]](#)

The access easement present on the site is not platted to become a street and does not have minimum dimension to meet street standards with future development. Therefore, the southern border of this development is not included in the minimum tree calculations.

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

The proposed development site has 135 feet of street frontage along Hwy 101. The shared driveway access is a 30 foot wide easement. Therefore, the total street frontage for this site is 165 feet and 6 shrubs are required per 30 linear feet of street frontage.

$165 / 30 = 5.5$

$5.5 \times 6 = 33$ shrubs are required

Shrub counts are rounded up to the next whole number, therefore 33 shrubs are required within the first 20 feet of the Hwy 101 abutting property line. It is anticipated the minimum required shrubs are present within the preservation area and proposed stormwater system, but these shall be inventoried, calculated and maintained in accordance with FCC 10-34-3-8. [\[Condition 7-4\]](#)

The access easement present on the site is not platted to become a street and does not have minimum dimension to meet street standards with future development. Therefore the southern border of this development is not included in the minimum shrub calculations.

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

The applicant is proposing maintaining native vegetation and is not proposing planting new landscaping, except within the swale areas. The existing landscaping areas appear to meet the minimum 70% living plant material requirement. All landscaping areas shall be maintained with a minimum of 70% living plant materials coverage. [\[Condition 7-5\]](#)

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.**

Aside from Highway 101, no street abuts the subject site. Sidewalk plans along the subject site are discussed under FCC 10-35. An inventory of trees and shrubs within the first 20 feet of the Hwy 101 abutting lot line have previously been conditioned.

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

This will be reviewed with the stormwater management plan.

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

In accordance with FCC 10-34-3-2-B, invasive or noxious weeds shall be removed during development of the site and shall not be permitted to grow on site. [Condition 7-6]

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.**

Specifics on size and species of plants proposed to be planted within the swales were not submitted for review. They state they will plant in accordance with the standard. All landscape areas shall include ground covering.

- 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 is 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. No hardscape features are proposed or calculated.

- D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water tolerant, native plants.**

The site is too large to implement the Simplified Approach to stormwater management as explained under FCC 9-5, below, and the applicant has been conditioned to provide a stormwater study and a different approach.

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. Irrigation is shown in Exhibit F. The applicant provided an irrigation system plan but shall obtain an irrigation permit and shall install a backflow prevention device per FCC 9-2-3-5 and in coordination with Florence Public Works. [Condition 7-2]

[...]

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

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

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

The ADA space and space 13 in the parking plan are adjacent and parallel to the driveway. The curbing adjacent to these spaces shall be extended along their lengths and the resulting area planted with evergreen shrubs to meet the 3' required buffer height between the space and the driveway. (Condition 7-7)

- 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.**

Parking is discussed under FCC 10-3. The nature of the proposal are individual warehouse units each building served by an access and parking/loading in front of each unit. Separation between these spaces and the warehouse doors would be contradictory to the intended use. Criterion does not apply.

- 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 Service Industrial District. The lots to the north and south are also zoned SI.

A former residential use is located to the north of this property. As discussed elsewhere, the owner is actively working with the State to abate the asbestos. The structure has been vacant several years and replacing the structure as a residence is not allowed within the Service Industrial district. The applicant is proposing an 8'-wide vegetated buffer along 280' of the north property line, in combination with a 6' tall cedar fence which would provide a solid buffer from the east parking area. The table above is not applicable. Criterion met.

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

Proposed landscape is existing, well established native vegetation. In accordance with FCC 10-34-3-8 any plantings that fail to survive shall be replaced within 6 months in accordance with this code section. [Condition 7-1]

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

- A. Street Tree List.** Trees shall be selected from the Tree and Plant List for the City of Florence based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.
- B. Caliper Size.** The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.
- C. Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees

shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-14.

- D. **Soil Preparation, Planting and Care.** Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

The applicant has been working with ODOT on sidewalk plans along the west side of Highway 101 as discussed under FCC 10-35-3. A storm drainage ditch runs directly west of the highway shoulder and power poles have been installed. Planting trees could interfere with utilities and the ditch location. The site enjoys a significant amount of mature native vegetation, including mature trees.

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.)

- B. **Dimensions:**

[...]

- 2. **Commercial and Industrial Zones:** Except as provided below, the height of fences and walls in any required front yard shall not exceed (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

The applicant is proposing a cedar fence 6' in height roughly measuring 90' in length along the north property line to screen the east parking lot from the neighboring abandoned residential use. The criteria are 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.

The applicant received a permit to construct a state highway driveway approach March 13, 2006. This driveway connection to Highway 101 is currently used by Central Coast Disposal/County Transfer and Recycling and will also be available to future development directly south of the subject site and also to the west. As traffic use is expected to be low, the project does not trigger the necessity for traffic control measures.

The applicant is required to develop the current shared driveway to meet current code. The approach and additional required sidewalk and ramps that will be placed within the Highway 101 right-of-way. In December 2023, the applicant submitted a permit to occupy or perform operations upon a state highway. On December 22, 2023, ODOT's Doug Baumburger, P.E. submitted the following referral comment regarding the proposed project:

"If new sidewalk is to be installed on ODOT right of way along the frontage of this development, given the complexity of the design for the new sidewalk, we will need a stamped plan from an engineer for the new sidewalk and related improvements in the ODOT right of way. Among the unique design features involved with this new sidewalk are maintaining 4:1 ditch slope which will impact the location of the new sidewalk, compliance with ADA requirements with the design of the sidewalk slopes, and the need for slope ends on the new culvert that would be placed under the portion of sidewalk that returns to the shoulder. When you send me the plans, I will have Our Region 2 Technical Center review the plans and I will return any comments for revisions as necessary".

The applicant shall provide ODOT with stamped engineered plans for the proposed highway sidewalk and related improvements for their review and approval and provide the City with evidence of the construction permissions [Condition 8-1]

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

The applicant received a permit to construct a state highway driveway approach March 13, 2006, (Exhibit I). This driveway connection to Highway 101 is currently used by Central Coast Disposal and will also be available to future development directly south and west of the subject site. As traffic use is expected to be low, the project does not trigger the necessity for traffic control measures.

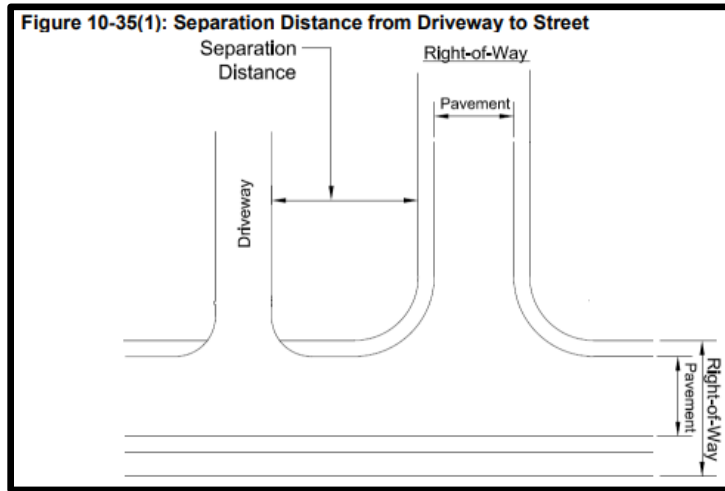
10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

- 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
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Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet



An approach for the shared access driveway to Highway 101 has already been installed. No other approach has been requested at this time. The access to the east parking area is approx. 88 feet from the east property line and Hwy 101. Precise dimensions are not included for the driveway to driveway separation from the east and west parking areas, but building B and C between the access points are proposed at 44 feet in width. Therefore, the separation is at a minimum 88 feet. At the time of this application the City did not have adopted standards for separation distance between driveways. Standards for separation for driveway to driveway distance was adopted with the [2023 TSP Code Updates](#) (pg. 6 and 7) by City Council October 2023. While not in effect at the time of this application submittal, the driveway separation appears adequate in accordance with the revised FCC 10-35-2-7 criteria. See below.

Separation Distance from Driveway Centerline to Driveway Centerline

<i>Alley</i>	<i>N/A</i>
<i>Local Street</i>	<i>25 feet</i>
<i>Collector Street</i>	<i>125 feet</i>
<i>Arterial Street</i>	<i>125 feet</i>

[...]

- 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.**

No backing onto a public street from off-street parking areas are proposed and the parking areas are interior to the site. Criterion met.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives.

Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

Indirect access via a shared access driveway is proposed which connects the project site to Highway 101, an arterial designation. 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.

Vehicular, bicycle and pedestrian access to the site will take place via a shared access driveway and are conditioned as necessary. Pedestrian access and connection to the parking areas shall be provided for the pedestrian doors on the eastern side of Building A and along the driveway. (Condition 8-6)

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.**
- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:**
 - [...]
 - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.**
 - 3. Where a driveway is to provide two-way traffic, the minimum width shall be at least 18 feet.**

The two proposed driveway aprons connecting to the shared access driveway will accommodate two-way traffic and will measure approximately 24 feet in width with an unrestricted aisle. Per FCC 10-35-2-12 B and C, the applicant shall submit full construction plans for the interior driveways, aprons, sidewalk and ramp plans for review and approval by the Public Works Director. [Condition 8-2.]

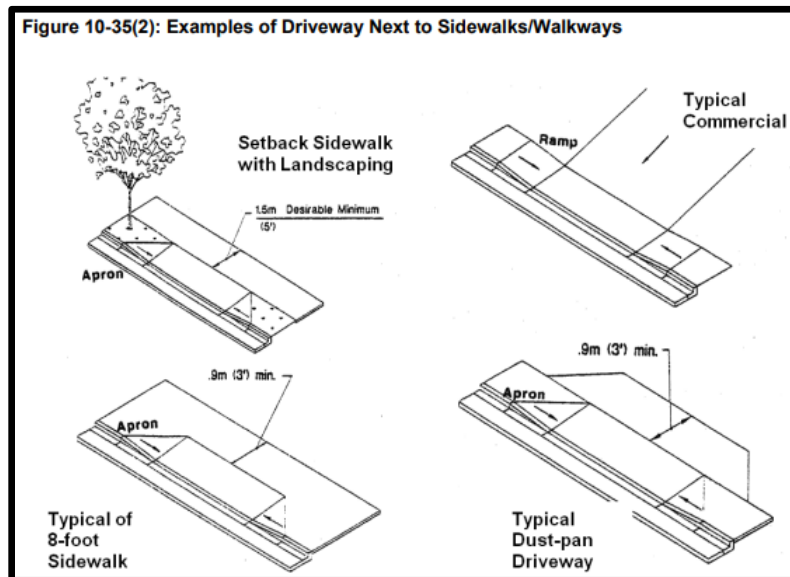
[...]

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

The subject site is primarily flat. It is not anticipated that the driveway apron access points 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.

Driveway apron construction has been conditioned above.



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:

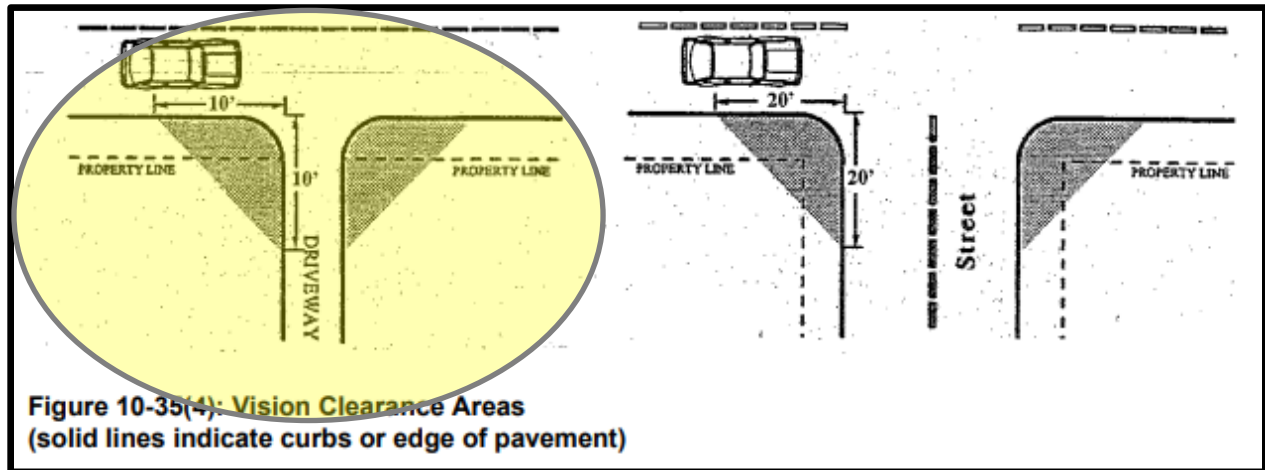
[...]

- 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 shall be maintained so that plants do not grow to obstruct vision clearance areas at internal intersections or intersections with public streets per FCC 10-34-2-14. [Condition 8-3]



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 required to construct a sidewalk and ramps along the Highway 101 frontage of this site in accordance with City Codes with Public Works and ODOT review and approval. This criterion has been conditioned to be met elsewhere.

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.**

[...]

Pedestrian access is proposed by use of the ADA parking space isle and ramp leading to the front door of the caretaker's entrance (the west side of Building A). Reasonably safe pedestrian access from Highway 101 will be available by use of sidewalks installed within the highway ROW that will connect to the shared access driveway pedestrian access conditions under 8-6. Criterion conditioned to be met; however pedestrian crossing between the site's driveway aprons is conditioned to be marked.

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**

[...]

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):

No multi-use paths are proposed.

[...]

B. Pedestrian Crossing. Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay

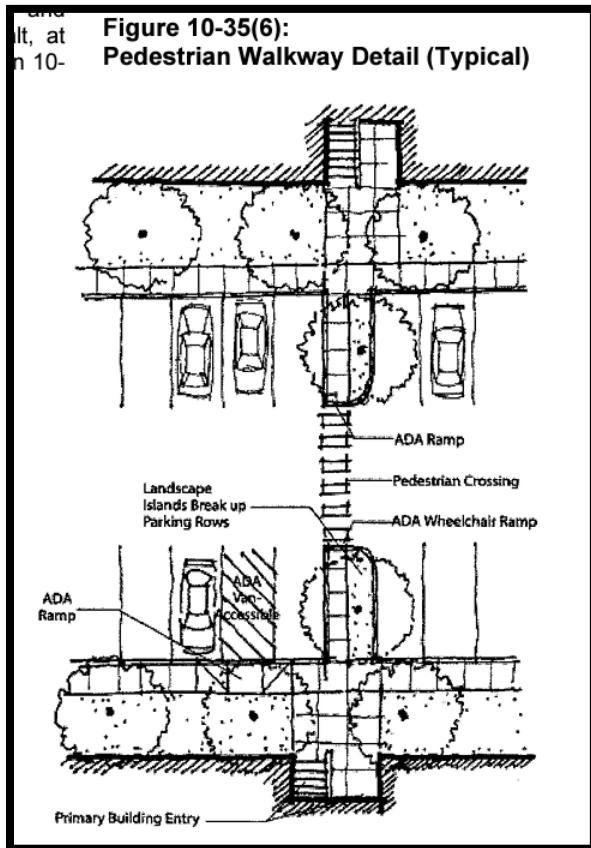
between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

Pedestrian crosswalks are not indicated in the site plans. Pedestrian crosswalks between the interior driveway aprons shall be marked according to FCC 10-35-3-3-D. [Condition 8-4]

- 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 along the shared driveway is not clearly marked in the site plan. The materials for this future walkway surfaces shall be constructed of materials that meet ADA accessibility requirements in accordance with FCC 10-35-3-3-D 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 8-5]

- 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.



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.**

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

If the driveway easement width is insufficient to accommodate the pedestrian access conditioned to be provided along this property, then the easement shall be widened. **(Condition 9-4)**

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

The property abuts Highway 101. The Transportation Systems Plan includes the addition of sidewalks along this frontage. The applicant shall install a 6-foot-wide sidewalk along the Highway 101 frontage in a location specified by ODOT. This shall be installed prior to issuance of the Certificate of Occupancy. (**Condition 9-5**)

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:

A. Curb exposure shall be per City Standards and Specifications.

[...]

Per FCC 10-36-2-18, the shared driveway curbing shall be constructed per City of Florence Standards and Specifications. Additionally, these plans shall be approved and inspected by Public Works and where applicable, by the Oregon Department of Transportation. [[Condition 9-1](#)]

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

If a mailbox or mailboxes are to be used, the applicant shall have such plans approved by the United States Postal Service per FCC 10-36-2-22. [[Condition 9-2](#)]

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.**

To date, the Public Works Director has not provided written referral comments regarding stormwater drainage, sewer and water improvements and other improvements. In accordance with FCC 10-36-3, development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or designee has approved all stormwater, sanitary sewer and water plans in conformance with FCC 9-2, 3 and 5. [[Condition 9-3](#)]

On November 1, 2023 the applicant had a pre-development meeting with the Director of Public Works present. No written record of comments was taken during that meeting.

- 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.**

To date, no referral comments have been submitted by the Siuslaw Valley Fire and Rescue Fire Chief. On November 1, 2023 the applicant had a pre-development meeting with the Fire Chief present. No written record of comments was taken during that meeting.

- 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.**

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 plans are shown in Exhibit F and indicate that these are underground. The criterion is met.

[...]

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.

A photometric plan was provided showing the lumen output for each light source. A lighting plan demonstrating exact location of exterior light sources and product information was not submitted with this application. Submission and review of the lighting plan is conditioned to be met later in these findings.

The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

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

10-37-4: LIGHTING STANDARDS:

- A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.**
- B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.**

The photometric plan (Exhibit G) explains that all parking areas will be lit using Ring floodlights containing 2000 lumens and that the lumen output would be 2.186 which would not exceed the maximum allowed foot-candles. Ring floodlights are typically motion activated. An example (not provided by the applicant) of this lighting is shown in the image, below, and appears to be adjustable to ensure full cut-off and is able to be monitored remotely:

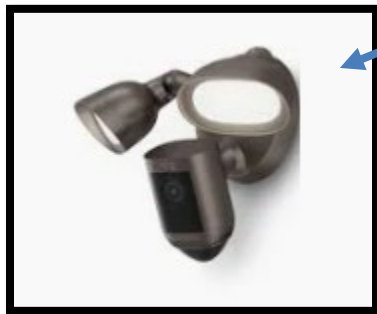


Image taken on 1/16/24 from https://www.amazon.com/Ring-Floodlight-Motion-Detection-release/dp/B09PTLY3GC/ref=asc_df_B09PTLY3GC/?tag=hyprod20&linkCode=df0&hvadid=598358753210&hvpos=&hvnetw=g&hvr and=15546525821496890043&hvpon=&hvptwo=&hvgmt=&hvdev=c&hvdvcmid=&hvlocint=&hvlocphy=9030327&hvtargid=pla1880130378146&pssc=1&mcid=7e7237265a4d31a59e529e30dd8c3dc0&gclid=CjwKCAiA75itBhA6EiwAkh09e2VqoAtdukW025jLBqxbXtXls-fcAoFaiwqABnkfErhPfvnFbkTKhoCjdcQAvD_BwE

More information regarding lighting installation and product specifications has been conditioned below.

- 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.**

Although it is not known at what height the Ring floodlights will be mounted on the building, they would likely be mounted less than 15 feet in height. Exhibit G shows that lighting will be installed at the north end of the buildings. The applicant has been conditioned to provide information regarding the height the lighting will be installed.

- 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.**

The proposed lighting is motion activated.

- E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.**

Per FCC 10-37-4 E, lighting shall be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted. ([Informational 2](#))

- 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.**

No commercial signage has been proposed.

- 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.**

No roadway signage has been proposed.

A lighting plan and specifics on the proposed lighting fixtures including heights to which the fixtures will 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, which shall include full-cut off light fixtures in compliance with the code section above, and may be processed as a Type I Administrative Review. [[Condition 10-1](#)]

10-37-5: EXEMPTIONS:

[...]

- 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 exemption for onsite lighting.

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT

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

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

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

Except as noted below in Sections 9-5-1-8 A and B, the standards and requirements contained in the 2008 City of Portland Stormwater Management Manual, the 2008 City of Portland Erosion and Sediment Control Manual, and the City of Florence Stormwater Design Manual, December 2010, are adopted by reference into this Code.

- A. The following Sections of the 2008 City of Portland Stormwater Management Manual are not adopted by the City of Florence:

- Appendix A: (City of Portland Code and Policy)
- Appendix B: (Vendor Submission)
- Appendix D: (Submittal Guides)
- Appendix E: (Storm Development Methodology)
- Other Sections that the Florence Public Works Director finds are not directly applicable to Florence or are partially applicable because they have been modified by the Florence Stormwater Design Manual, December 2010.

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

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.**

The applicant submitted a sketch of where drainage is diverted within the project. The applicant had originally intended to keep the scale of the project within the allowances of a non-engineered stormwater solution. The plans illustrate the project exceeds the size allowed to use a simplified approach. Therefore, the sketch does not meet code requirements specified in the Stormwater Manual. Per FCC 9-5-2-4-A, the applicant shall provide a drainage plan as specified in the Stormwater Manual. Such plan shall be prepared by a Professional Engineer licensed by the State of Oregon in accordance with FCC 9-5-2-4-B. [Condition 11-1]

- 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.**

As the applicant did supply a drainage sketch and has been conditioned to submit a full drainage plan, the plan will need to be reviewed at a later date.

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.**

With submission of the application materials, the applicant proposes a Simplified Approach plan to treat stormwater (Exhibit D). Such approach only applies to development under 0.5 acre or 21,780 square feet. Since the project involves a total impervious area of 35,375 square feet (0.812-acre), the project is too large to qualify for use of the Simplified Approach. The applicant shall provide a stormwater treatment plan to specifically address the proposed impervious development in accordance with FCC 9-5-3-1 through 6. [Condition 11-2]

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.

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.**

9-5-4: MAINTENANCE RESPONSIBILITY:

9-5-4-1: PUBLIC FACILITIES:

- A. The City will maintain and operate Public Stormwater Facilities as set out in FCC 9-5-1-2 and FCC 9-5-1-6.**

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.

9-5-4-3: CITY ACCEPTANCE OF NEW STORMWATER FACILITIES:

- A. The City may accept for maintenance new residential stormwater facilities constructed under approved permits when the following conditions are met:**
 - 1. Improvements in the residential subdivisions or Planned Unit Developments have been completed to the satisfaction of the city,**
 - 2. All drainage and stormwater management facilities have been inspected and have been in satisfactory operation for at least one (1) year, and**
 - 3. Any stormwater system improvements made during the one-year maintenance period have been inspected and approved by the City.**

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 applicant has been conditioned to resubmit a drainage and stormwater management plans stamped by a registered engineer. These plans will be reviewed through a Type I administrative process, unless the Planning Commission wishes to approve them through a Type II quasi-judicial process. With either review, the applicant will be conditioned to provide an Operation and Maintenance agreement.

2020 FLORENCE REALIZATION COMPREHENSIVE PLAN

Chapter 2: Land Use

Industrial

Goal

To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage and distribution, construction and development-related uses, and airport-related uses.

Policies

[...]

4. **The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use.**
5. **The City shall encourage heavy commercial uses, such as contractors' yards; sand, gravel and landscape material supply yards (wholesale and retail); lumber yards; concrete batch plants; truck and equipment rental and leasing with outside storage of vehicles and equipment; salvage operations; and other similar uses should be encouraged to locate or relocate in the Airport Industrial Park or in the Service Industrial District on Highway 101. Expansions of such uses in other districts should be limited to expansions on the existing site only.**

Although no heavy commercial use as stated in Policy 5, above, the proposed warehouse with a caretaker's unit resembles indoor storage bays with work spaces for contractors. Given the layout of the parking areas, there will be no room on the site to conduct heavy commercial work outdoors and no on-site areas to park large vehicular equipment.

6. **New industrial development shall observe the City's performance standards regulating noise, glare, dust, odor, and fire hazards to insure that the City's clean air, water and other natural resources are not adversely affected by such development.**

Recommendations

4. **Sufficient site planning should be conducted as part of development of an industrially zoned property to allow for adequate on-site circulation, parking and loading for autos and heavy vehicles, access for emergency vehicles, and stormwater drainage to provided facilities.**
5. **Where industrial sites front on Kingwood Street or Pacific View Drive or Highway 101, adequate measures should be taken by developers to landscape the lot frontage, and, when present, incorporate native vegetation into such plans.**

The subject site abuts Highway 101. The applicant intends on using existing native vegetation at this time as the sole source of landscaping as it exceeds the minimum 15% landscape requirement.

6. **Industrial developments should provide a landscaped buffer and/or a minimum 6 foot high solid wood fence or architectural block wall as proposed in the table below when proposed abutting land planned or used for residential development.**

Adjoining Land Use / Zoning	Landscaped Buffer	Fence or Wall
Abutting single family zoning or use	35 Feet	6' solid wood fence or architectural block wall
Abutting duplex, triplex or townhouse zoning or use	25 Feet	6' solid wood fence or architectural block wall
Abutting multiple family or condominiums	15 Feet	6' solid wood fence or architectural block wall

Service Industrial

In the UGB, industrially planned lands are designated Service Industrial in the area located between the North Commercial Node and the Heceta Beach Neighborhood Cluster along Highway 101. The purpose of the Service Industrial designation is to provide lands for construction and development service businesses and related uses, while continuing the North Gateway theme begun in the Neighborhood Commercial Gateway designation. There are no other appropriate or available lands within the City or the UGB for these uses. Heavy vegetation and berms will be used to separate the business/office structures along Highway 101 from the processing, storage, maintenance, and other more industrial functions to be located at the rear of the berms. Access to these sites shall be by shared driveways onto Highway 101 in the short term, and via Oak and Spruce Streets in the long term after these streets are developed.

Industrial Plan Designation

Categories and Background

[...]

The July 1997 Commercial and Industrial Land Use Analysis concluded that there were sufficient industrially designated lands for the 20 year planning period. By 2000, it had become apparent that, while adequate industrial acreage existed, there were no designated lands for relocation/expansion of existing industrial uses requiring large land area such as concrete batch plants, excavating contractors and other primarily construction related businesses. A revised Industrial Lands Inventory (Appendix 2) was prepared, resulting in the designation of lands along Highway 101 north of the present (2000) City limits for such land extensive industrial uses.

[...]

Service Industrial

In the UGB, industrially planned lands are designated Service Industrial in the area located between the North Commercial Node and the Heceta Beach Neighborhood Cluster along Highway 101. The purpose of the Service Industrial designation is to provide lands for construction and development service businesses and related uses, while continuing the

North Gateway theme begun in the Neighborhood Commercial Gateway designation. There are no other appropriate or available lands within the City or the UGB for these uses. Heavy vegetation and berms will be used to separate the business/office structures along Highway 101 from the processing, storage, maintenance, and other more industrial functions to be located at the rear of the berms. Access to these sites shall be by shared driveways onto Highway 101 in the short term, and via Oak and Spruce Streets in the long term after these streets are developed.

The subject site is located within a Service Industrial zoning district between the North Commercial Node (Fred Meyer and the future Cannery Station site immediately south of Munsel Lake Road and Heceta Beach Road. Development associated with this site includes the addition of sidewalks along the west side of the Highway 101 frontage of this lot, which, as other owners develop and connect with this sidewalk over time, will improve off-site transportation in this area for pedestrian use. The on-site vehicle and bicycle parking as discussed under FCC 10-3 meet minimum requirements and will ensure parking demands created by this development are met onsite and will not disproportionately affect off-site transportation facilities.

Chapter 12: Transportation

Policies

- 6. The City shall continue to require new development to pay its share of costs of development of, or improvements to, transportation facilities which will serve the proposed development.**

[...]

- 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 will access Highway 101 via a shared access driveway with Central Coast Disposal to the west. Policies 6 and 10 refer to the cost share for new development and 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 site plan meets the policy outlined in Policy 10 and the developer is tasked elsewhere to provide improvements to transportation facilities through the construction of the parking lot aprons, shared driveway and the sidewalk along Highway 101.

- 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.**

23. All transportation improvements shall be consistent with the requirements for stormwater in Chapter 11 of the Comprehensive Plan.

26. On-site parking for motor vehicles and bicycles is required except in Downtown Districts where some motor vehicle parking can be provided on the street.

On-site parking for vehicles and bicycles will be provided and has been reviewed under FCC 10-3.

28. The City shall notify ODOT of all project proposals and development applications adjacent to state highways or served by a private vehicular approach on a state highway. The City should notify Lane County of all project proposals and development applications adjacent to county roads.

VI. CONCLUSION

The proposed development and uses are compatible with adjacent uses. The design of the building and architectural features as proposed or conditioned can meet the design requirements of FCC 10-6 for non-residential uses in the Service Industrial District. Therefore, the Design Review can meet City Code with the Conditions of Approval as discussed in the Findings above.

VII. INFORMATIONALS

1. Per FCC 10-31-3, should any of the uses within the future warehouses be proposed, they may require a Conditional Use permit. These include sand and aggregate operations; concrete ready-mix businesses; wrecking yards; solid waste facilities; composting operations; manufacturing, including medical marijuana processing sites and recreational marijuana processors; auto body repair; non-motorized recreation facilities related to the dunal and public lands resources located to the west of this district; other buildings and uses determined to be similar to those listed in this section, which meet the purpose of this district and which do not have a different or more detrimental effect upon adjoining areas than those buildings and uses specifically permitted; and medical marijuana production sites and marijuana producers.
2. Per FCC 10-37-4 E, lighting shall be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted.
3. The applicant shall obtain sign permits for all signage to be in compliance with sign regulations in accordance with FCC 4-7.

VIII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application & Narrative
"C" Parking Plans
"D" Site Plan & Stormwater Plans
"E" Elevations and Design
"F" Utility Plans
"G" Photometric Plan
"H" ODOT Referral Comments
"I" Hwy Approach Permit
"J" Utility Easement and Partition
"K" ODOT Construction Permit Draft

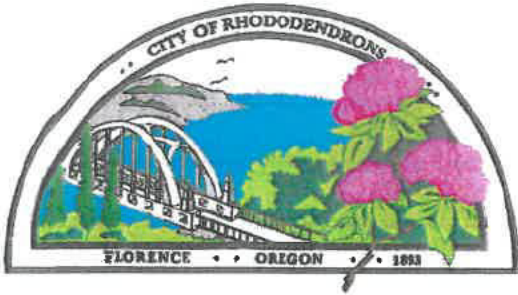


EXHIBIT B

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: Warehouse buildings

Applicant Information

Name: David R. Twombly Phone 1: [Redacted]

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

Address: [Redacted] Siustlaw Road, Florence OR 97439

Signature: [Signature] Date: 10/19/2023

Applicant's Representative (if any): _____

Property Owner Information

Name: Twombly Investments Phone 1: [Redacted]

E-mail Address: twombly6@hotmail.com Phone 2: [Redacted]

Address: [Redacted] Florence OR 97439

Signature: [Signature] Date: 10/19/2023

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
RECEIVED
City of Florence
OCT 02 2023
By: _____

Approved

Exhibit

Property Description

Site Address: 5321 Hwy 101, Florence OR 97439

General Description: Vacant Lot

Assessor's Map No.: 18121420 Tax lot(s): 1600

Zoning District: Service Industrial

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): What we are proposing right now is less than one acre.

Project Description

Square feet of new: 13,024 SF Square feet of existing: 0

Hours of operation: 8am - 5pm Existing parking spaces: 0

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

Timetable of proposed improvements: 18-24 months

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)

We are proposing warehouse space - 18 Bays, 15 x 44 feet. There will be an office that is 12 x 22 feet & will include 1 bathroom. Above the office will be a studio apartment 12 x 30 feet.

For Office Use Only:

Date Submitted: Oct 20, 2023 Fee: \$ 2577.⁰⁴
Received by: Clare K ck 1571

Paid
ck

David R. Twombly

[REDACTED]
Florence OR 97439
[REDACTED]

10/19/2023

Proposed buildings and site plan north of driveway on MAP 18121420, lot 1600:

All vegetation will be native vegetation inside of raingarden and out. Calculations are as follows:

11' x 100' = 1,100 SF

8' x 280' = 2,240 SF

10' x 120' = 1,200 SF

West raingarden = 846

East raingarden = 936

Total vegetation = 6,322 SF

Total lot size is 35,375 SF, which totals 17% of the lot which exceeds the requirement.

A 6 foot cedar fence will be placed on the property line in between the residence and the buildings.

Parking lot diagram shows an example of 5 parking spots, there will actually be 18 parking spots plus one handicapped spot and a bike spot.

Color of the building will be beige/sandy with white trim. The roof will be green, similar to the Central Coast Disposal building in the back.

Have confirmed with the fire chief that no additional fire hydrants need to be installed.

Submittals show the parking lot, the construction of the raingardens, as well as water flow, vegetation, fencing, building site and dimensions.

Place sidewalks as needed on Hwy 101

1/5

103.25'

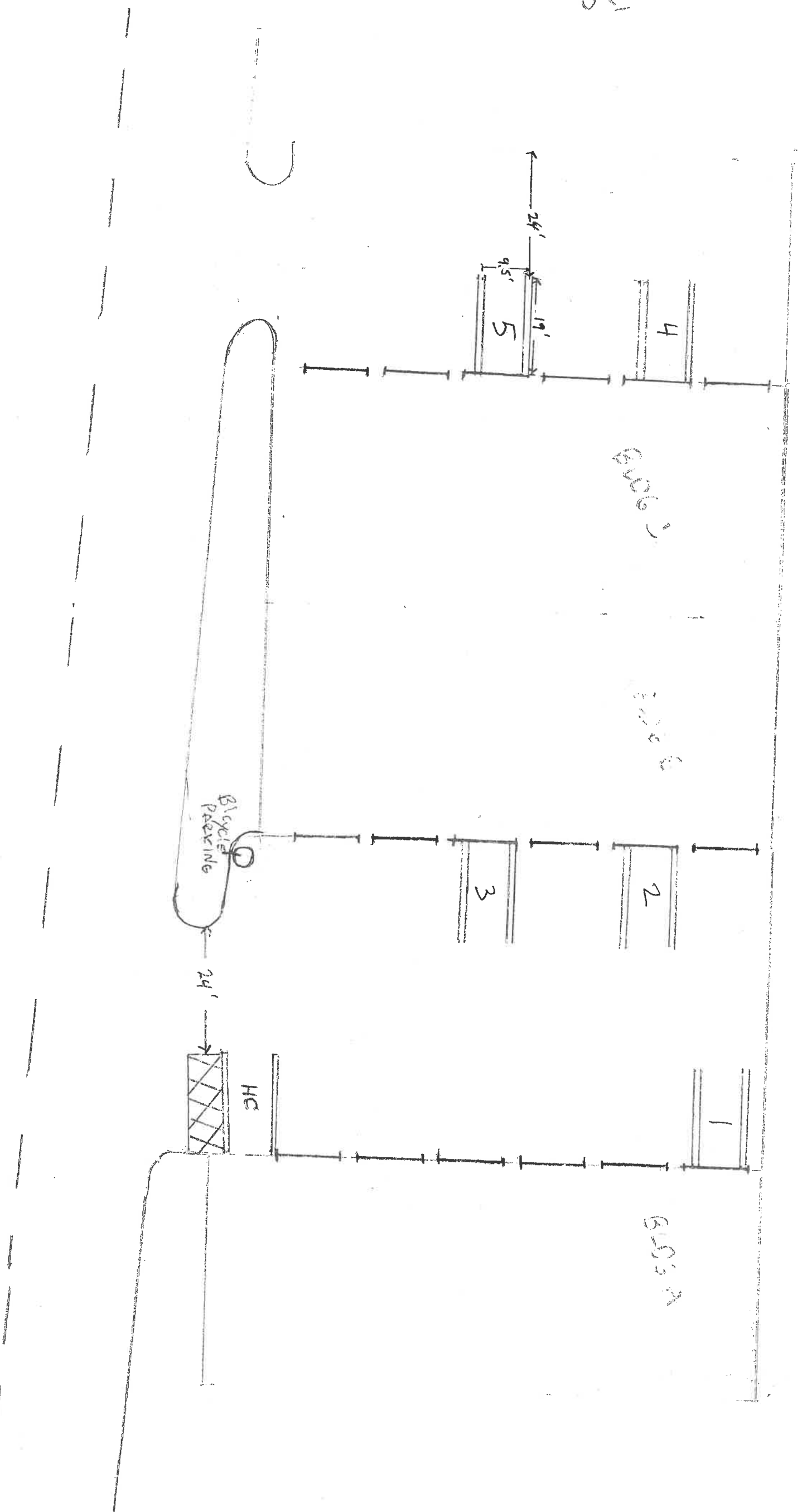
PARKING DETAIL

11 = 20'

N

HWY 01

135'



HANDICAPPED

9' 6"

19'

MUST BE
DOUBLE STRIPPED

ONE HANDICAPPED
STALL PER 25 PARKING
SITES REQUIRED

2" COMPACTED
HMAC

6" COMPACTED CRUSHED
GRAVEL

COMPACTED NATIVE SAND

**CITY OF FLORENCE
STANDARD DRAWING**

**PARKING
LOT
STANDARDS**

REV: 11-27-12

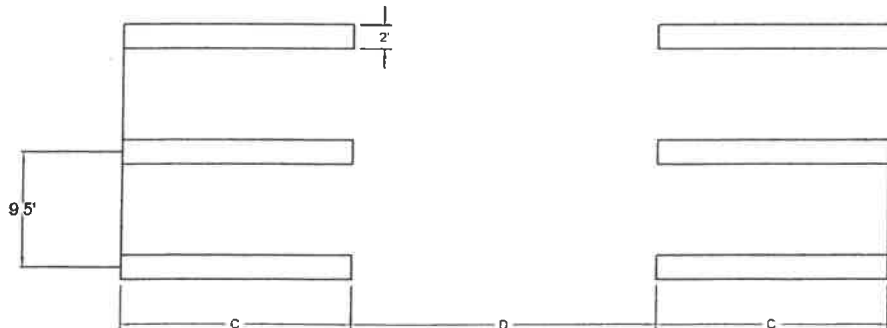
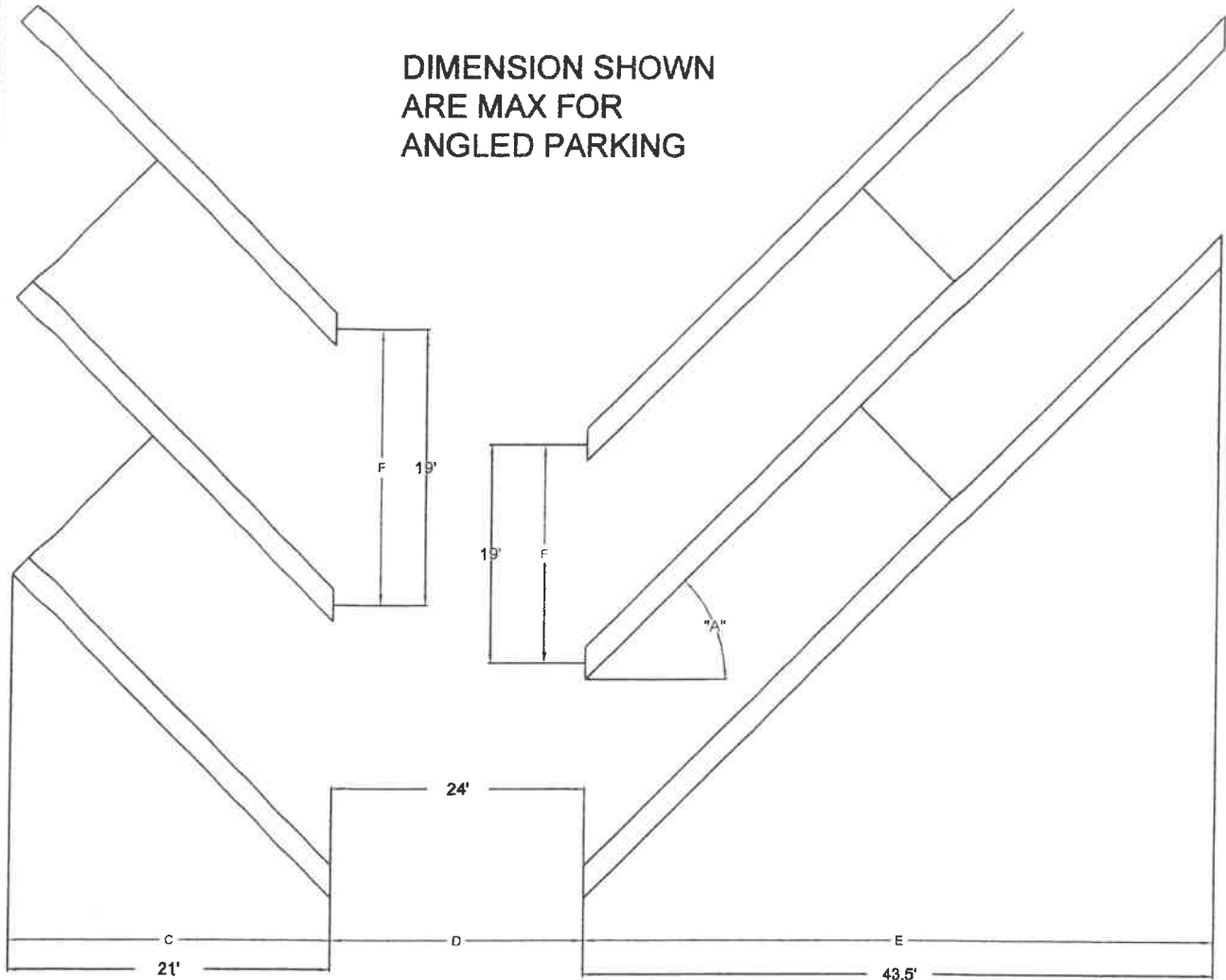
DATE:

11-26-12

DRAWING NO.

F-222

DIMENSION SHOWN
ARE MAX FOR
ANGLED PARKING



PARKING DIMENSIONS
FOR STRAIGHT IN
PARKING

"A" EQUALS ANGLE OF
PARKING

STALL AND AISLE DIMENSIONS
STANDARD CAR

A	B	C	D	E	F
30°	9.5	19	11	28	19
45°	9.5	18	13	33.3	24
60°	9.5	21	18	33.5	11
70°	9.5	21	19	39	10
80°	9.5	20.3	24	43.5	9.5
90°	9.5	19	25	42	9.5

"A" EQUALS ANGLE OF
PARKING

STALL AND AISLE DIMENSIONS
COMPACT CARS

A	B	C	D	E	F
30°	8.5	17	12	25.6	17
45°	8.5	18	13	30.1	12
60°	8.5	18.9	15	34.8	9.8
70°	8.5	18.9	17.6	35.3	9
80°	8.5	18.9	18	39.4	8.6
90°	8.5	17	22	38	8.5

**CITY OF FLORENCE
STANDARD DRAWING**

**PARKING
LOT
DIMENSIONS**

REV: 11-27-12

DATE:

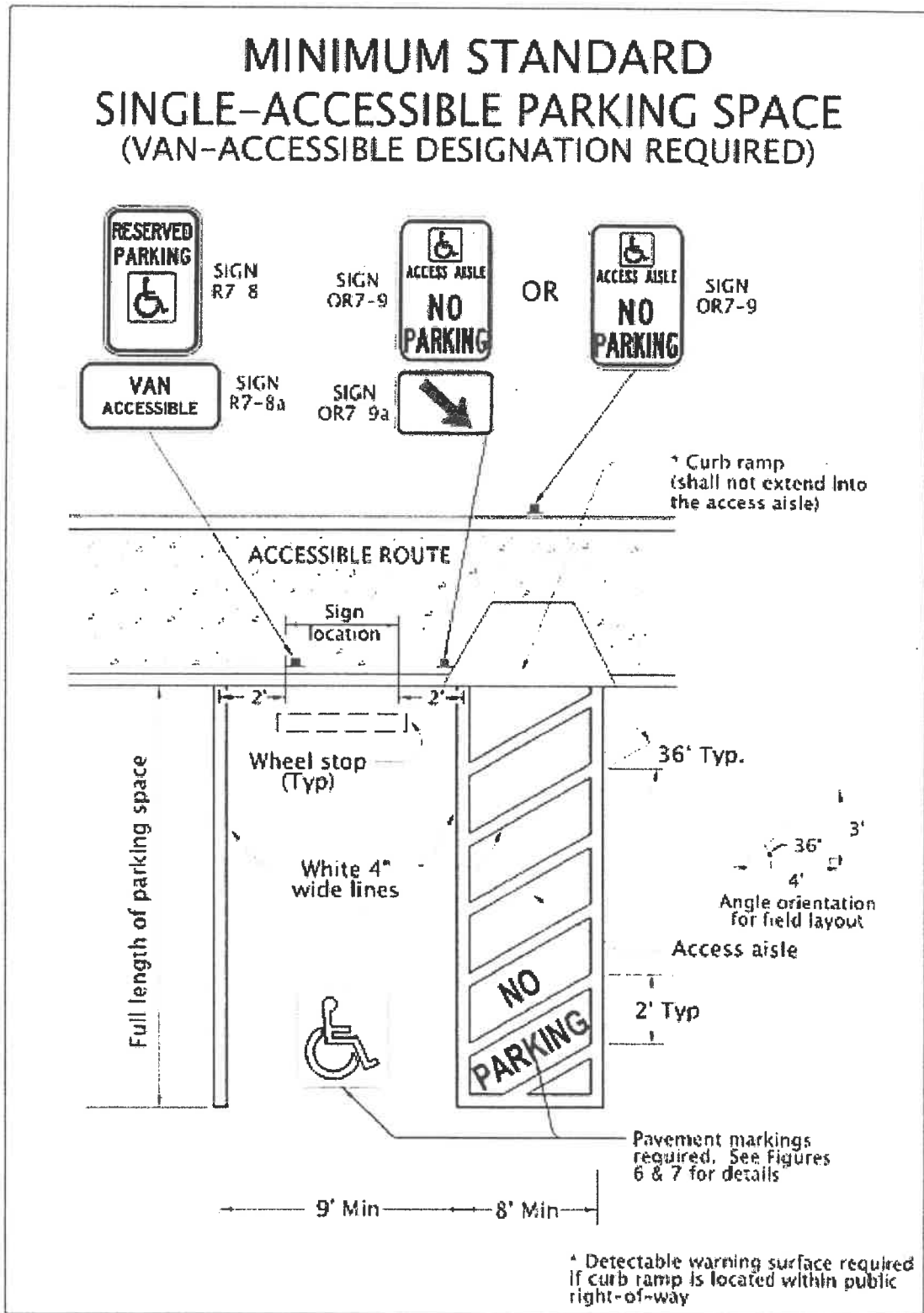
7-18-102

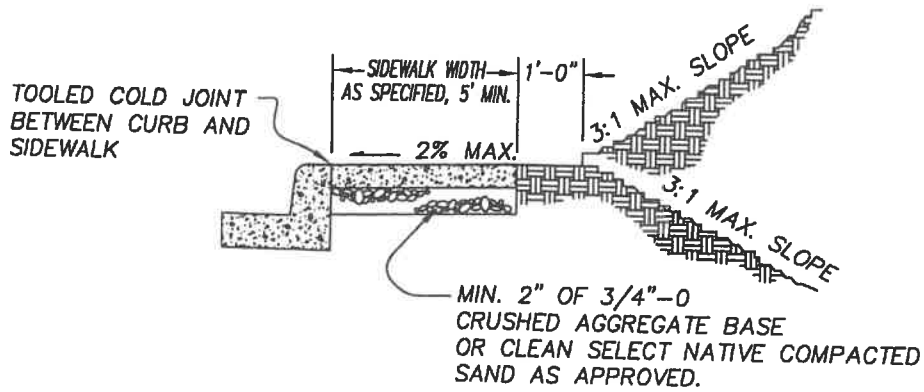
DRAWING NO.

F-223

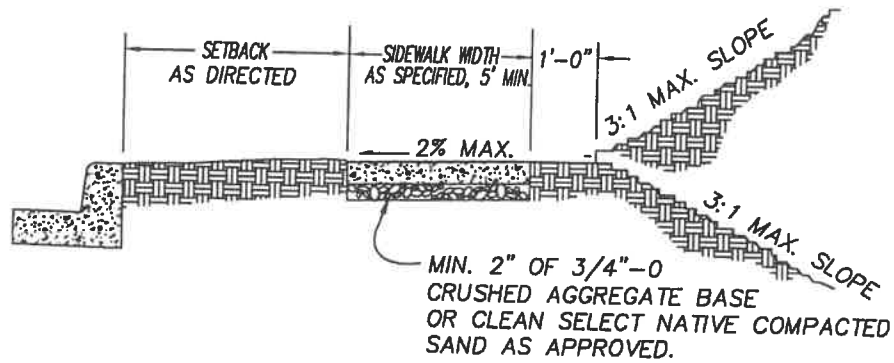
DRAWING NOT TO SCALE

Figure 1: Single-Accessible Parking Space

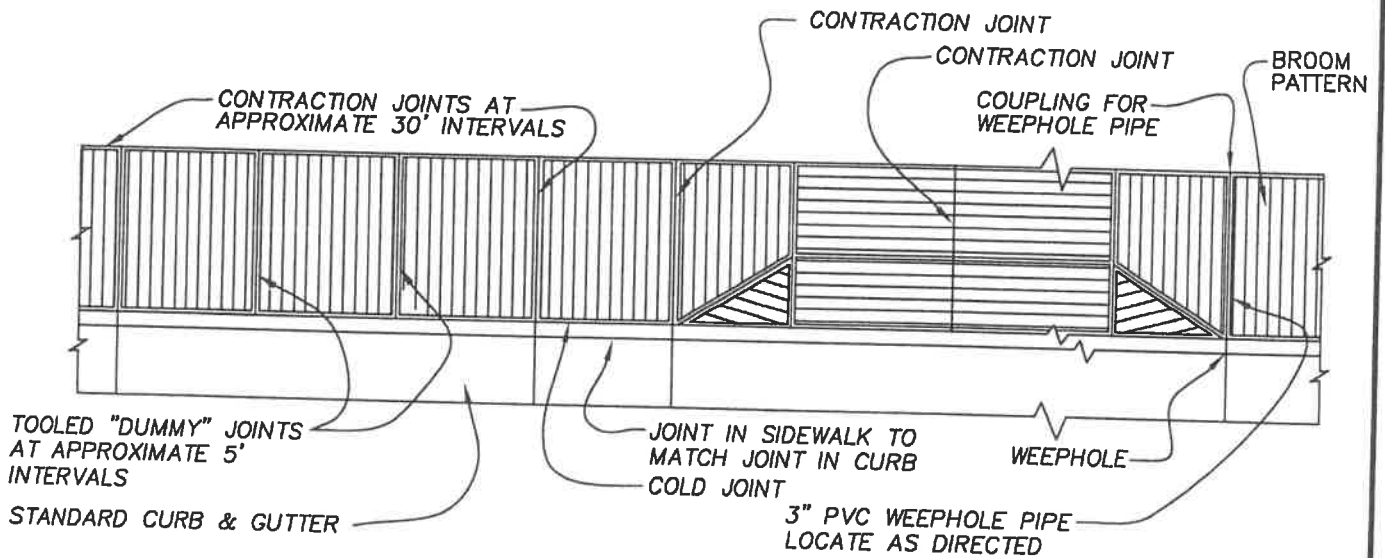




TYPICAL CURBSIDE CROSS SECTION



TYPICAL SETBACK CROSS SECTION



TYPICAL PLAN VIEW

NOTE:

1. SIDEWALKS 8 FEET AND WIDER SHALL HAVE A LONGITUDINAL CONTRACTION JOINT AT THE MIDPOINT.
2. CONCRETE DEPTH FOR STANDARD SIDEWALKS SHALL BE NOMINAL 4" MIN.; THICKNESS IN DRIVEWAY SHALL MATCH EXISTING DRIVEWAY.
3. CONCRETE STRENGTH SHALL BE 3300 PSI MIN.

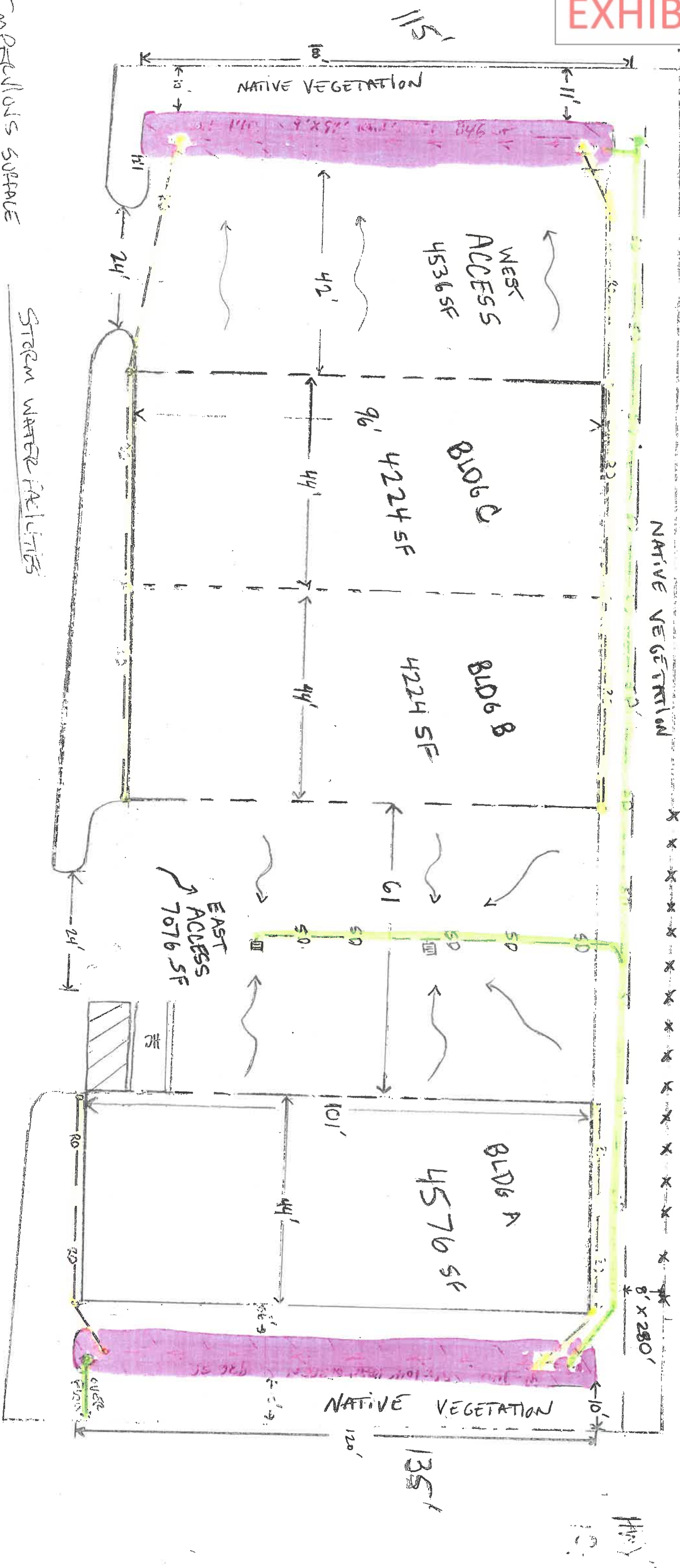
**CITY OF FLORENCE
STANDARD DRAWING**

SIDEWALK

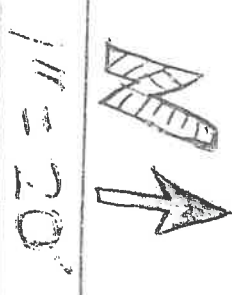
DATE:
REV-10-25-12

DRAWING NO.
F-205

EXHIBIT D



283.35'



IMPERVIOUS SURFACE

BUDG A	= 4576 SF
BUDG B	= 4224 SF
BUDG C	= 4224 SF
WEST ACCESS	= 4536 SF
EAST ACCESS	= 7076 SF
TOTAL IMPERVIOUS	= 24,636 SF

STORM WATER FACILITIES

WEST RAIN GARDEN	= 846 SF
EAST RAIN GARDEN	= 936 SF
9' x 104' SW-140	
9' x 104' SW-140	
TOTAL	1782 SF

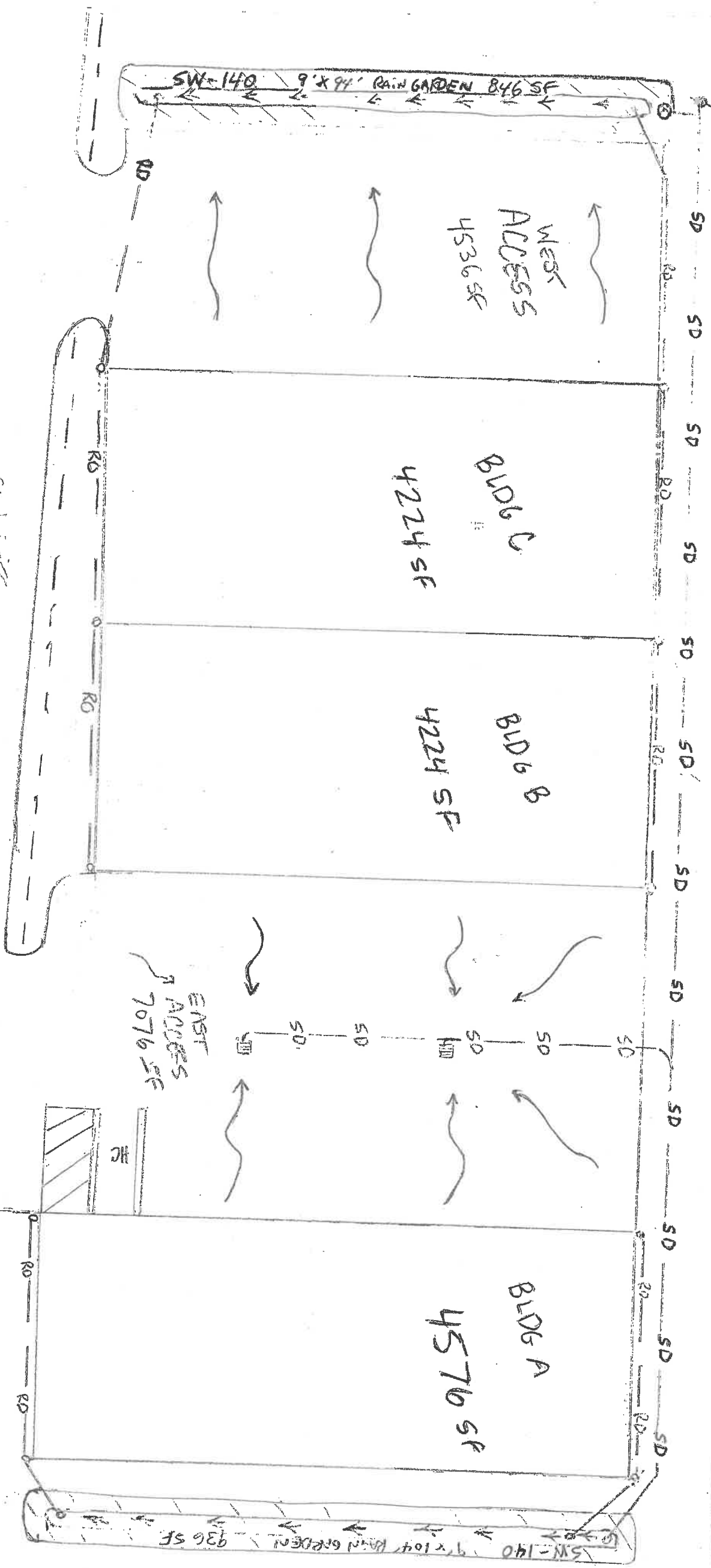
1782 SF SW-140 WILL TREAT IPTD 29,700 SF

EASEMENT ROAD

6' CEDARE FENCE

203.35'

1" = 20'
UTILITY + STORM WATER



IMPERVIOUS SURFACE

Bldg A	=	4576 SF
Bldg B	=	4224 SF
Bldg C	=	4224 SF
WEST ACCESS	=	4536 SF
EAST ACCESS	=	7076 SF
TOTAL IMPERVIOUS	=	24,636 SF

STORM WATER FACILITIES

WEST RAIN GARDEN	=	846 SF
EAST RAIN GARDEN	=	936 SF
9' x 104'	TOTAL	1782 SF
5W-140		
1782 SF 5W-140 WILL		
1782 SF		29,700 SF

* NOTE *

ALL UTILITIES TO BE INSTALLED TO COF SPEC, SUBMITTALS UPON REQUEST

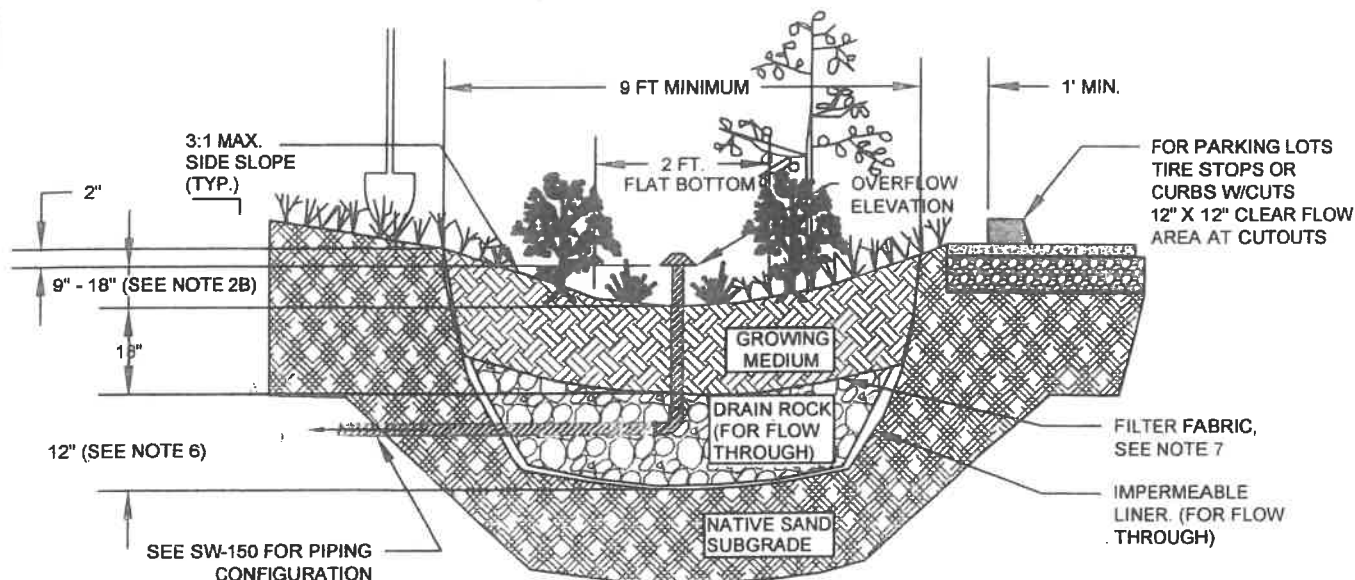
NEW 8" C-900 TO NEW WATER FIRE HYDRANT

12" x 8" HOT TAP

EXISTING COF 12" WATER MAIN

135'
HOT TAP + INSTAL (1) 1" DOMESTIC AND (1) 1" IRRIGATION

HWY 101



1. Provide protection from all vehicle traffic, equipment staging, and foot traffic in proposed infiltration areas prior to, during, and after construction.
2. Dimensions:
 - a. width of basin: 9' minimum.
 - b. depth of swale (from top of growing medium to overflow elevation; Simplified: 12", Presumptive: 9" - 18").
 - c. Flat bottom width: 2' min.
 - d. Side slopes of basin: 3 : 1 maximum.
3. Setbacks (from midpoint of facility):
 - a. Infiltration swales must be 10' from foundations and 5' from property lines.
 - b. Flow-through swales must be lined with connection to approved discharge point according to SWDM Section 2.1.
4. Overflow:
 - a. Overflow required for Simplified Approach
 - b. Inlet elevation must allow for 2" of freeboard, minimum.
 - c. Protect from debris and sediment with strainer or grate.
5. Piping: shall be ABS Sch. 40, cast iron, or PVS Sch. 40. 3" pipe required for up to 1,500 sq. ft. of impervious area, otherwise 4" min. Piping must have 1% grade and follow the Uniform Plumbing Code.
6. Drain Rock:
 - a. None required for infiltration basin.
 - b. Size for flow-through swale: $\frac{3}{4}$ " washed.
7. Separation between drain rock and growing medium: Use filter fabric (see SWDM Exhibit 2-5).
8. Growing Medium:
 - a. 18" minimum.
 - b. See Appendix B for specifications.
9. Vegetation: Follow landscape plans otherwise refer to plant list in SWDM Appendix G. Minimum container size is 1 gallon. # of plantings per 100sf of facility area:
 - a. Zone A (wet) 115 herbaceous plants OR 100 herbaceous plants and 4 shrubs.
 - b. Zone B (moderate to dry): 1 tree AND 3 large shrubs AND 4 medium to small shrubs.

The delineation between Zone A and B shall be either at the outlet elevation or the check dam elevation, whichever is lowest.
10. Install washed pea gravel or river rock to transition from inlets and splash pad to growing medium.
11. Inspections: Call City of Florence Public Works (541) 997-4106 to schedule appropriate inspections.

**CITY OF FLORENCE
STANDARD DRAWING**

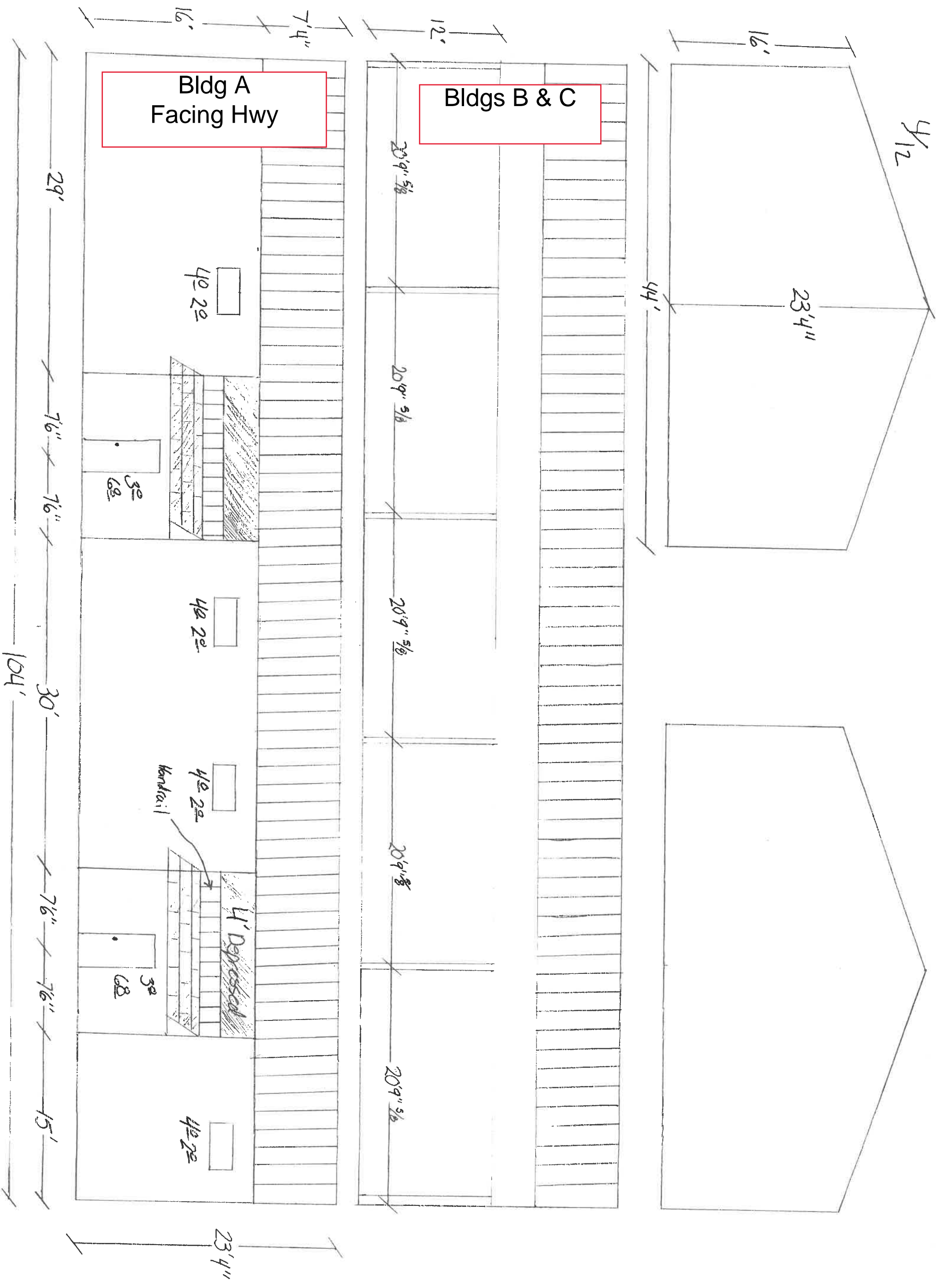
**SIMPLIFIED/ PRESUMPTIVE
DESIGN APPROACH
SWALE**

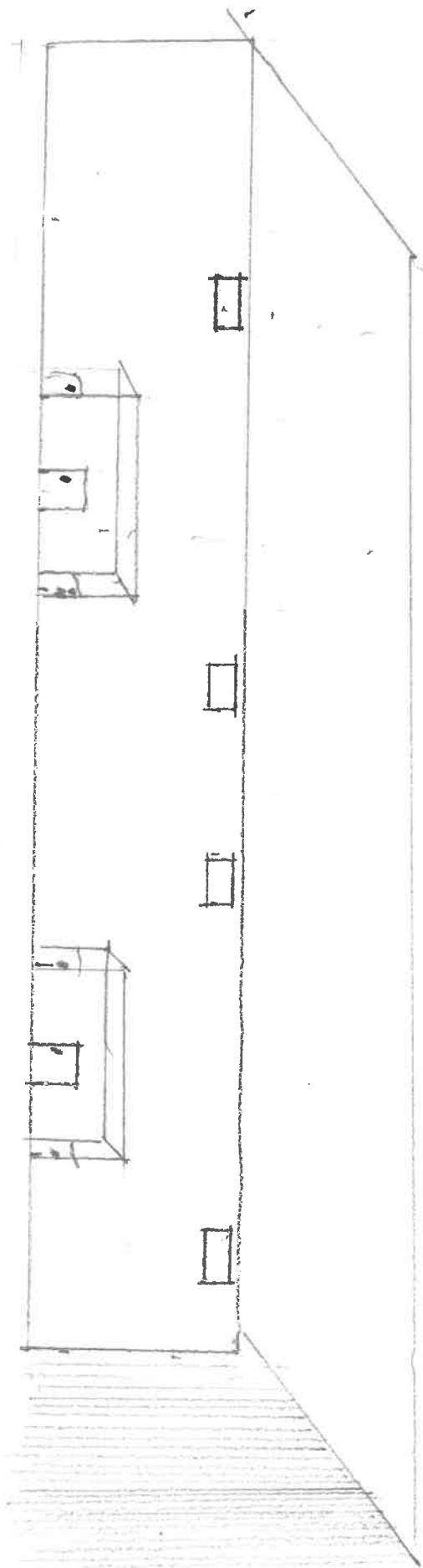
DRAWING NOT TO SCALE

DATE:
11-30-10

DRAWING NO.
SW-140

Exhibit E





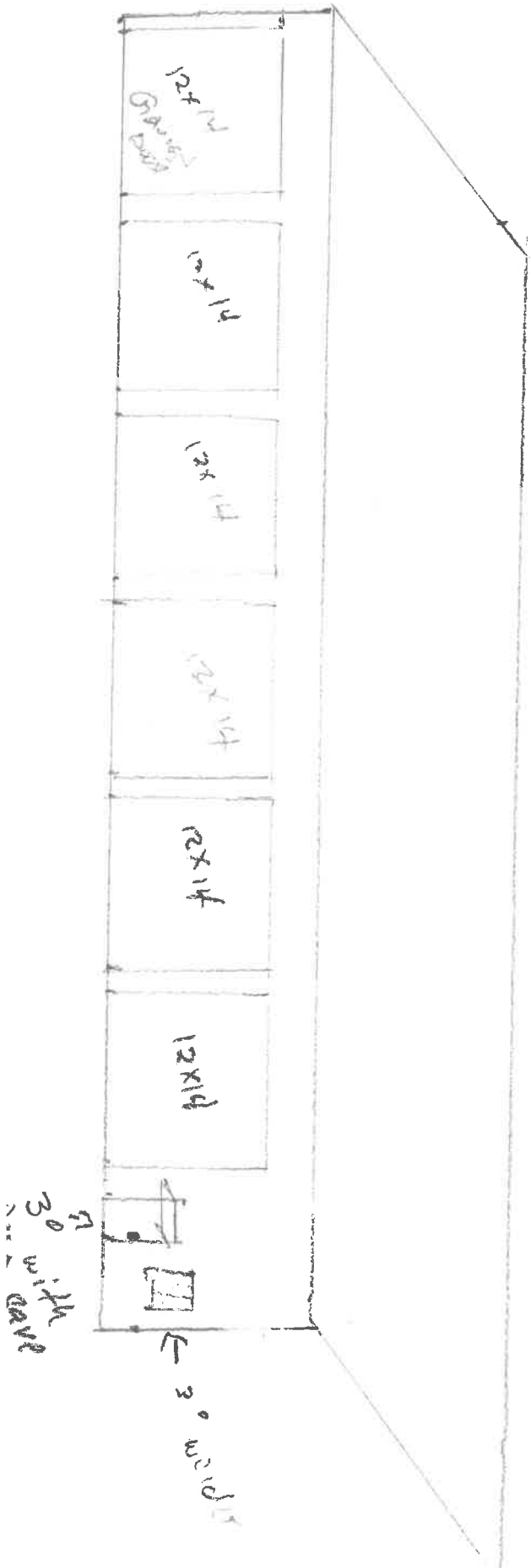
Restroom

9' x 4'

Restroom
with
extension

4' x 15' x 8' in height

N →





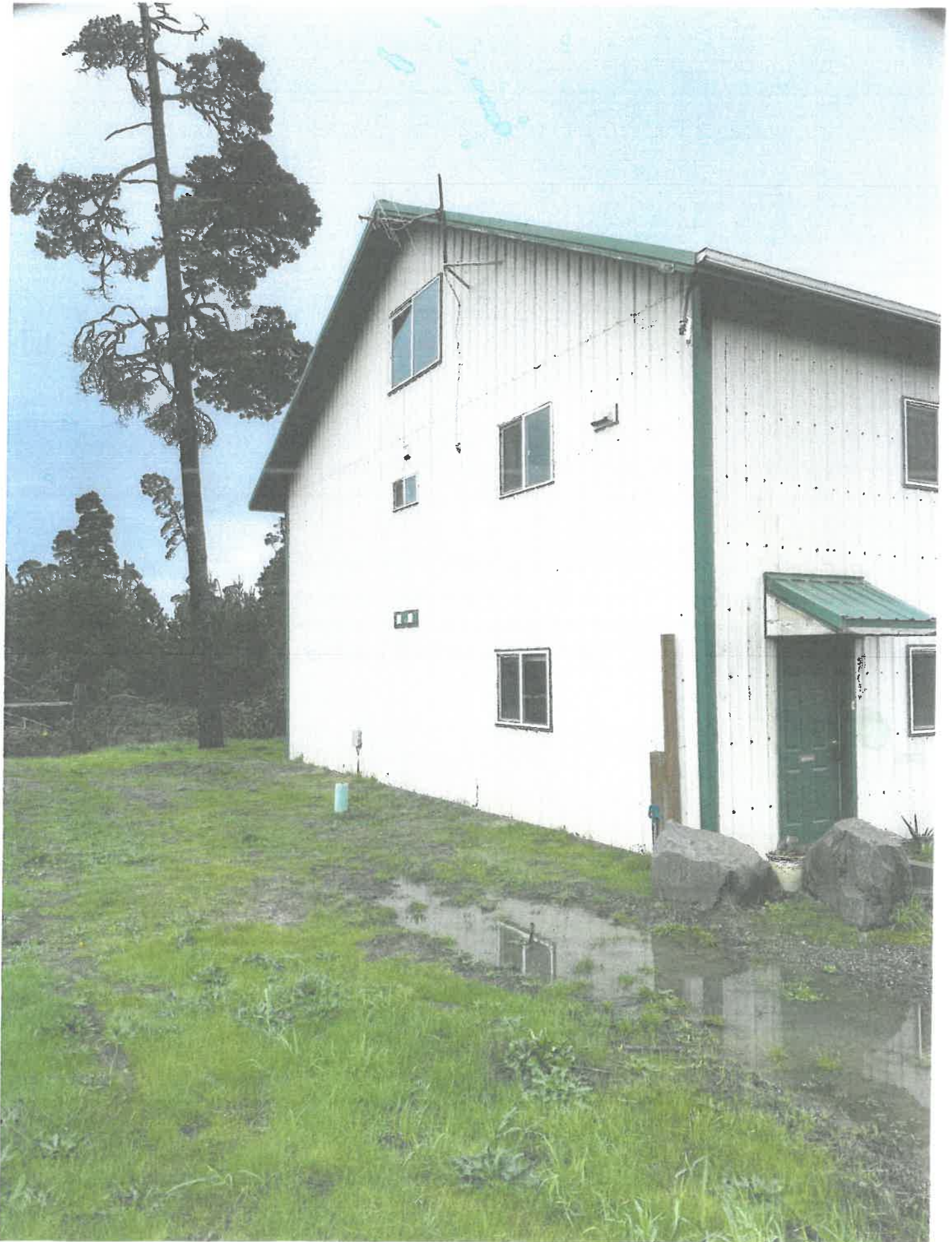


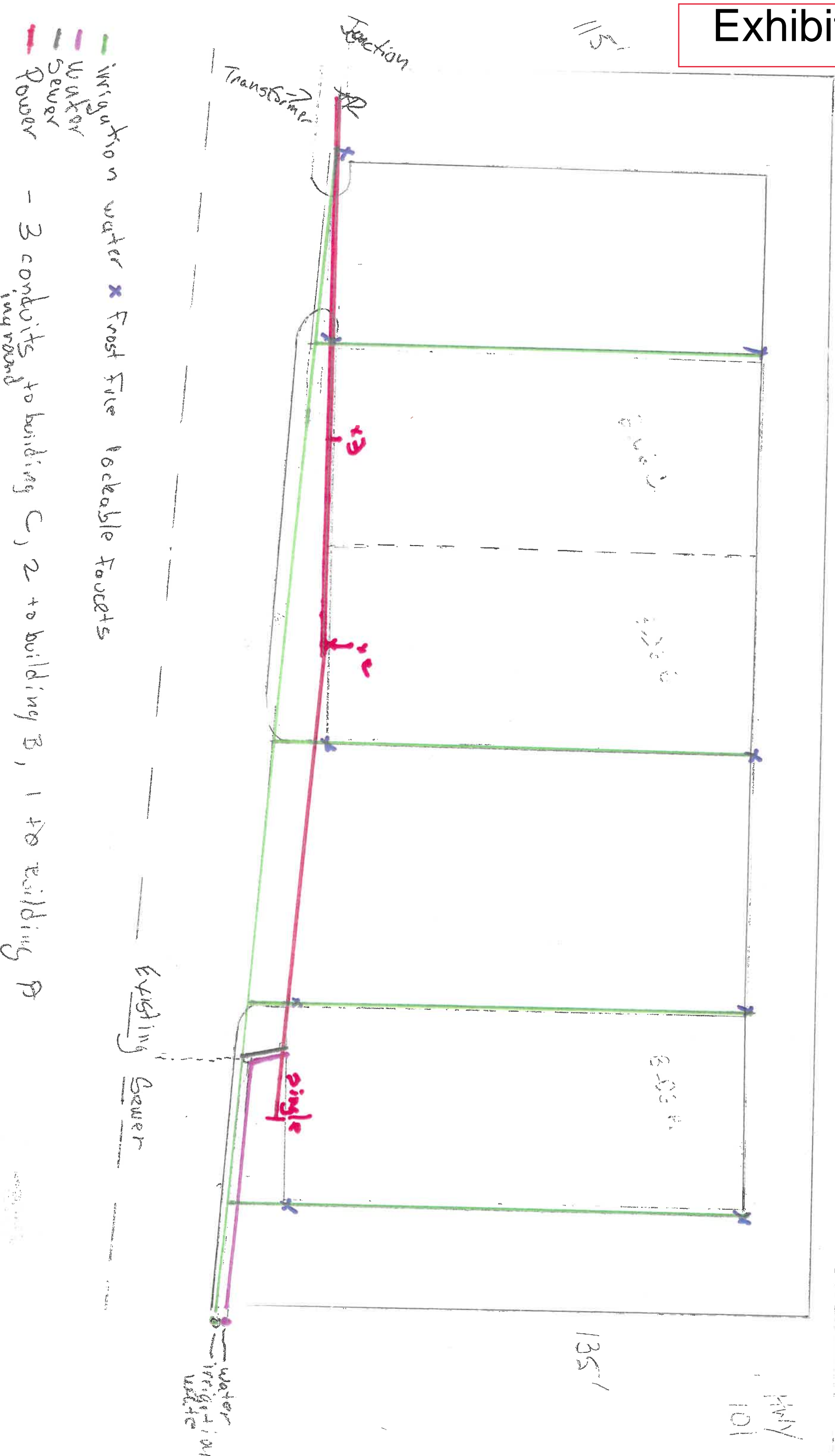
Exhibit F

Utility diagram

195'

N

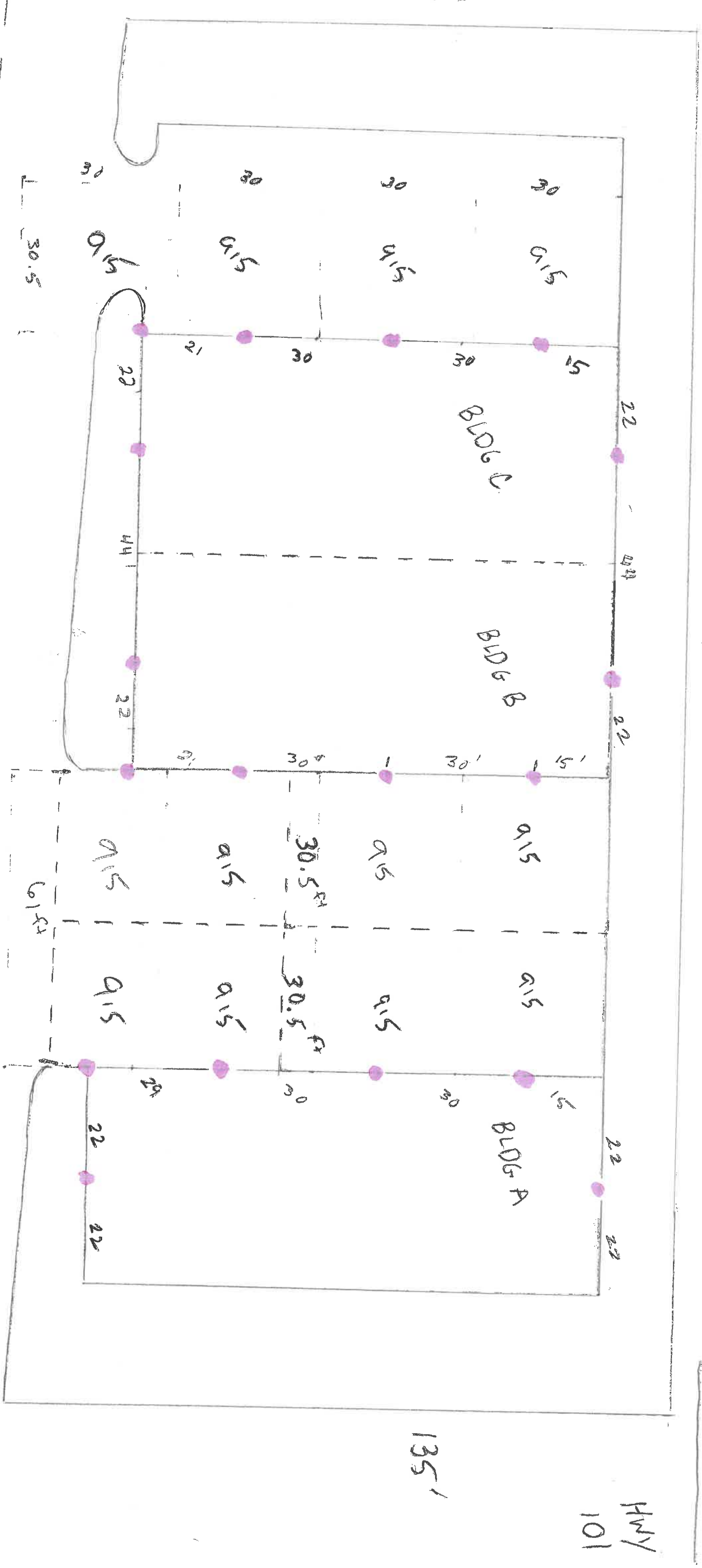
11 = 20'



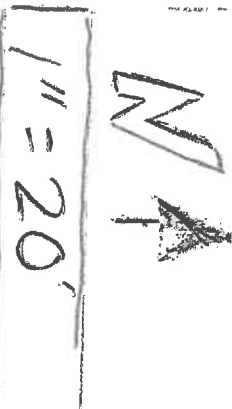
- irrigation water * Frost Free Lockable Faucets
- Water
- Sewer
- Power - 3 conduits to building C, 2 to building B, 1 to building A

EXHIBIT G

1/5



233.35'



- is a ring Flood light of 2000 lumens
- Parking lot lighting is at 2,186 foot candles

HWY 101

135'

30.5

30

30

30

30

9.15

9.15

9.15

9.15

21

30

30

15

22

22

44

22

9.15

30

30

15

22

9.15

9.15

9.15

9.15

61.5

30.5 FT

30.5 FT

9.15

9.15

9.15

9.15

20

30

30

15

22

22

22

BLDG A

BLDG B

BLDG C

Exhibit H

Clare Kurth

From: clare.kurth@ci.florence.or.us

To: Roxi Taylor

Fri, Jan 12 at 4:20 PM

Clare

From: BAUMGARTNER Douglas G <Douglas.G.BAUMGARTNER@odot.oregon.gov>

Sent: Friday, December 22, 2023 11:58 AM

[REDACTED] <[REDACTED]@odot.oregon.gov>; POWELL Wade

<Wade.POWELL@odot.oregon.gov>; Clare Kurth <clare.kurth@ci.florence.or.us>

Subject: RE: Insurance

Good morning, David,

If new sidewalk is to be installed on ODOT right of way along the frontage of this development, given the complexity of the design for the new sidewalk, we will need a stamped plan from an engineer for the new sidewalk and related improvements in the ODOT right of way. Among the unique design features involved with this new sidewalk are maintaining 4:1 ditch slopes which will impact the location of the new sidewalk, compliance with ADA requirements with the design of the sidewalk slopes, and the need for slope ends on the new culvert that would be placed under the portion of sidewalk that returns to the shoulder. When you send me the plans I will have Our Region 2 Technical Center review the plans and I will return any comments for revisions as necessary.

Have a good weekend,

Doug

Douglas Baumgartner, P.E.

Region 2 Development Review Coordinator

Oregon Department of Transportation

455 Airport Rd SE, Bldg. A | Salem, OR 97301

Cell: 503.798.5793

PERMIT NO: 52636

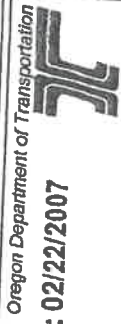
Application Id: 5133 Highway Number: 009

PERMIT TO CONSTRUCT A STATE HIGHWAY APPROACH

MilePoint: 187.51

Reason for Request: Change of use

Completion Date: 02/22/2007



Applicant Information

Name: David Twombly
 Company: Central Coast Disposal
 Address: 5491 Hwy 101
 P.O. Box 1629
 Florence OR 97439
 Phone: (541) 902-7554 FAX: (541) 902-7555
 eMail:

Property Information

Address: n/a
 Highway: Florence OR 97439
 County: Lane
 Highway: Oregon Coast
 MilePoint: 187.51 Engineering Station: 141+50
 Route: US101 Side of Hwy: R
 Next Forest?: N
 Landmarks: 1688' north of munsel lake road.

Insurance Information

Company: Abel Insurance Agency
 Policy No: 01CD6325552 Amount: \$1,000,000
 Policy Begin: 06/06/2005 Policy End: 06/06/2006

Performance Bond Information

Company:
 Bond No: Amount

Property Owner Information

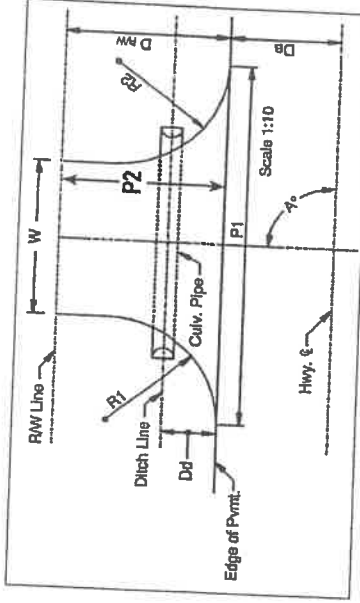
Name: David Twombly
 Company: Central Coast Disposal
 Address: 5491 Hwy 101
 P.O. Box 1629
 Florence OR 97439 USA
 Phone: (541) 902-7554 FAX: (541) 902-7555
 eMail:

Tax Lot Information

Township	Range	Section	Tax Lot
18	12	11-33	1600

Specification

Width (W):	24.00ft	Angle (A):	90
Radius 1 (R1):	20.00ft	Radius 2 (R2):	20.00ft
Paving Lmt (P1):	64.00ft	Paving Lmt (P2):	20.00ft
Surf (Ds):	27.00ft	Ditch (Dd):	15.00ft
Culvert:	Concrete	RAW (Dnw):	33.00ft
Sub Base Cise:	18.00in	Diam:	18.00in
Base Cise:	19mm - 0 Aggregate Base (1 1/2" - 0')	Len:	70.00ft
Level Cise:	19mm - 0 Aggregate Base (3/4" - 0')	Thickness:	6.00in
Wear Cise:	Std Duty Class 'C' Asphalt Concrete	Thickness:	2.00in
	Std Duty Class 'C' Asphalt Concrete	Thickness:	2.00in



Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. All materials and workmanship shall be in accordance with current Oregon Standard Specifications for Highway Construction.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0045 through 734-051-0355, which are by reference made a part of this permit; and which are in effect at any particular time in the duration of the permit.

Applicant Signature	Date
Local Agency Approval (if required)	Date
This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.	
Authorized ODOT Signature	Date

Exhibit I

Completed 2007

PERMIT NO: 52636

PERMIT FOR ENCROACHMENT, CONSTRUCTION ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 6433 Highway Number: 009 MilePoint 187.61

PROVISIONS

Reason for Request: Change of use

Applicant: David Twombly

- 150.101 The permit and all specifications, details, typical drawings and standard drawings attached to the permit shall take precedence over all plans, drawings and specifications produced by the Architect or Engineer representing the Applicant or Contractor.
- 150.201 Within 48 hours before beginning permit work and again after completing permit work, the Applicant (or agent) shall notify the District permitting representative.
- 150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.
- 150.501 The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.
- 150.701 Maintain all existing highway signs. If any signs are damaged due to Contractor's operations, replace those signs before the end of that work shift - Avoid operations whose methods, conditions, or timing may injure people or damage properties. Damage includes staining surfaces with such things as mud and asphalt. When damage occurs, the District Manager will determine if it is to be corrected by repair, replacement, or compensatory payment. If compensatory payment is required, the District Manager will determine the amount.
- 150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.
- 150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.
- 170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.

Company: Central Coast Disposal

If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.

280.101

All grass and small brush, within the work area, shall be rotary or flail mowed to ground level prior to any excavation. ORS 570.570 Necessitates the duty to thoroughly clean machinery before moving said machinery over any public road or from one farm to another. All hay, straw or other crop residue infested with noxious weeds described in ORS 570.515 to 570.600 having partially or fully formed seeds shall not be moved from the land on which grown.

330.411

Native material found to be unsatisfactory for compaction shall be disposed off of the project and Department controlled property. The site shall be shaped to drain, contoured, trimmed and seeded with native grasses in a manner satisfactory to the District Manager.

330.421

Only earth or rock shall be used as fill material. The site shall be shaped to maintain existing drainage, contoured, trimmed and seeded with native grasses in a manner satisfactory to the District Manager.

400.001

Permission is required for any person(s) seeking to change drainage patterns which increase peak flow rates or pollutant loads to ODOT R/W. The impacts created by the development must be mitigated to maintain the water quality and peak surface runoff at the existing level. All of the proposed improvements shall comply with the Clean Water Act, Oregon Drainage Law, NPDES regulations, Total Maximum Daily Load (TMDL) limitation guidelines, and the Endangered Species Act. Erosion control measures shall be taken to prevent impacts to highway right-of-way, during and after construction.

445.004

Due to the corrosive environment of coastal locations, corrugated metal pipe is NOT allowed.

PERMIT NO: 52636

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 6133 Highway Number: 009 MilePoint 187.61

PROVISIONS

Reason for Request: Change of use

Applicant: David Twombly

445.412 Any area of cut or damaged concrete shall be restored in accordance Drawing RD300 and "Typical Section-Pipe Section Under Sidewalk" See \$00445.410. Company: Central Coast Disposal

- 00445.41 Installation in Paved Areas:
- (a) General - Install pipes, within paved areas that are to be preserved, by open excavation, tunneling, jacking, or boring methods as allowed by ODOT Permit. Regardless of the method used, do not disturb the adjoining pavement more than necessary.
 - (b) Open Excavation Method - Where open excavation method is used, cut, remove, and restore the pavement as follows:
 - (1) Pavement Cuts - Saw cut the pavement along each edge of the area to be removed when no pavement overlay will occur or when the surface is carrying traffic. All other pavements may be saw or wheel cut. Limit the area being cut, to the least width and extent practical for installation. Cuts shall be clean, vertical and made true to lines designated within a tolerance of 25 mm. Depths of the cuts shall be sufficient to permit the removal of pavement between or alongside them without damage to pavement or structures to be left in place. Remove and dispose of pavement lying within the limits of the cuts and from any adjoining areas damaged by the cutting and removal operations according to Section 00310.
 - (2) Replacement Surfacing:
 - a. Aggregate Base - After pipe has been installed and the trench backfilled to proper elevation, according to Section 00405, for pipes 1800 mm and less in diameter and Section 00510 for pipes over 1800 mm in diameter, place and compact aggregate base or foundation material to a thickness of 450 mm or the thickness of the removed aggregate base, whichever is greater.
 - b. Pavement - Unless otherwise approved, the kind of replacement pavement to be constructed shall correspond with the same kind removed from the area. Replace highway shoulders, driveways, curbs, gutters, walks, dikes, walls and other similar asphalt or portland cement concrete structures with construction at least equal in all respects to that of the structures or parts of structures removed, similar and matching that of adjoining, undisturbed structures. Perform replacement work as follows:
 - Trim all loose fragments from abutting edges of old pavement.
 - Apply asphalt tack coat to edges of existing asphalt concrete.
 - Thoroughly moisten edges of old portland cement concrete.
 - Place, shape, compact, and finish the asphalt or portland cement concrete with water.
 - (Light Duty) and 00440, as appropriate.
 - Respective thickness' of new pavement shall equal removed pavement thickness or the following, whichever is greater:

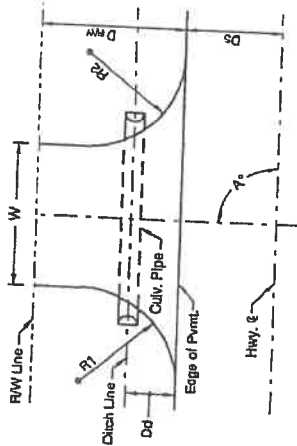
Material	Minimum Compacted Thickness, mm
Traveled-Way Area	Other Areas
Asphalt Concrete	130
Portland Cement Concrete	200
Culvert Beveled End Sections shall match Approach Road design embankment slope at culvert location. Sloped ends shall be designed in conformance with Standard Drawings RD309, RD312. Safety end sections shall be designed in conformance with Standard Drawings RD318 and RD321	
460.001	
749.001	
1.000	
2.000	

Construct mailbox turnouts in conformance with Standard Drawing RD 100.

SPECIAL PROVISIONS

APPLICATION APPROVED WITH CONDITIONS: APPROACH TO US 101 SHALL BE USED BY TAX LOT 01600 UNTIL THE EXTENSION OF OAK STREET IS DEVELOPED. UPON CONSTRUCTION OF OAK STREET, APPLICANT SHALL UTILIZE THE OAK STREET EXTENSION BY ALL PARCELS FRONTING THE OAK STREET EXTENSION.

Type A - Ditch Section Approach Road



See Page One for Approach Road Dimensions.
 Pipe ends sloped at 1: _____
 Note: Slope ends of culverts within the clear zone as follows:
 Posted speeds < 45 mph - 1:4
 Posted speeds > 45 mph - 1:6
 Safety End Section sloped at 1: _____
 Note: Culvert pipes that are parallel to the road, and in the clear zone, with diameters >600 mm require Safety End Sections with safety bars.

Plan Drawing and Dimensions

Standard Drawing References

Refer to the following Standard Drawings for all "Type A" Permits:

- Standard Drawing:
 RD300: Pipe Backfill/Compaction.
- When Metal Pipes are used, refer to Standard Drawing:
 RD309: Sloped Ends for Metal Pipe
 RD318: Safety End Section for Metal Pipe
 RD354: Coupling Bands
- When Concrete Pipes are used, refer to Standard Drawing:
 RD312: Sloped Ends for Concrete Pipe.
 RD321: Safety End Section for Concrete Pipe.
- For profile, slope, surfacing, refer to Standard Drawing:
 RD715: Approaches and Non-Sidewalk Driveways.

Notes:

- Concrete Culvert Pipe - Use Class V reinforced concrete pipe.
- Metal Culvert Pipe - Use 2.01 mm thkn. aluminized steel pipe.

Submit Alternate Pipe Materials for review and approval, to District Manager or designated representative.

- Dc = This is an old dimension replaced by Ds
- Ds = Distance from Roadway Centerline to Edge of Pavement at approach
- Dd = Distance from EP to Ditch Right-of-Way line
- Dr/W = Distance from Edge of Pavement to Centerline of driveway pipe
- Dd = Distance from Edge of Pavement to Centerline of driveway pipe
- Dp = This is an old dimension replaced by Ds
- K = Distance from back of curb to back of driveway
- W = Width
- P1 = Paving Limit 1
- P2 = Paving Limit 2
- R1 = Radius 1
- R2 = Radius 2
- A = Angle of approach
- CL = Centerline

REGION	PROJECT NUMBER	SHEET NO.
OREGON		
ID	DIVISION	

Exhibit J

20' Waterline easement

Beginning at a point East 568.21 feet and North 214.41 feet from the Southwest corner of Section 11, Township 18 South, Range 12 West of the Willamette Meridian, said point also being on the Westerly right of way line of US Highway 101 and 60 feet distant measured at right angles from the centerline of said Highway; thence North 85° 48' 20" West for 180.00 feet; thence North 4° 11' 40" East for 20.00 feet; thence South 85° 48' 20" East for 178.43 feet to said Westerly right of way line of US Highway 101; thence along said Westerly right of way line South 0° 17' 00" East for 20.06 feet, to the point of beginning, in Lane County, Oregon.

LAND PARTITION PLAT NO. 2006-P1954

PARTITION PLAT

TERRACE INVESTMENTS, LLC, II AND DAVID R. TWOMBLY

SW 1/4, SEC. 11, T 18 S, R 12 W, W.M.
FLORENCE, LANE COUNTY, OREGON
JUNE 9, 2005

RECORDED
DATE: 20 07 21 2006
COUNTY CLERK
BY: *M. Williams*

LANE COUNTY SURVEYORS OFFICE
C.S. FILE NO. _____
FILED DATE: _____

Division of Chief Deputy Clerk
Lane County Deeds and Records
01/20/2005 11:18:03 AM
\$51.00
00745328000043780010015

OWNERS AND PARTITIONERS:
DAVID R. TWOMBLY AND TERRACE INVESTMENTS, LLC, II
2825 HWY 101 NORTH
FLORENCE, OREGON 97439

SURVEYOR:
WOBBE & ASSOCIATES, INC.
EUGENE M. WOBBE, P.L.S., W.R.E.
P.O. BOX 3083 / 610 KINGWOOD ST.
FLORENCE, OREGON 97439

ZONING:
COMMERCIAL

CITY OF FLORENCE APPROVALS:
1/5/06

PLANNING DIRECTOR:
1/5/06

LANE COUNTY APPROVALS:
1/20/06

LANE COUNTY SURVEYOR:
1/20/06

LANE COUNTY ASSESSOR:
1/20/06

SURVEYORS CERTIFICATE:
I, EUGENE M. WOBBE, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE FOLLOWING DESCRIBED PROPERTY: PARCEL 1

BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14 AND 19 IN TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE SOUTH LINE OF SAID SECTION 10 NORTH 87° 47' 58" WEST FOR 120.00 FEET; THENCE LEAVING SAID SOUTH LINE OF SECTION 10 NORTH 0° 07' 33" EAST FOR 246.23 FEET; THENCE EAST FOR 407.48 FEET; THENCE SOUTH 0° 17' 07" EAST FOR 280.00 FEET; THENCE WEST FOR 289.27 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON.

OWNERS DECLARATION:
I, DAVID R. TWOMBLY, AS TO PARCEL 1, TERRACE INVESTMENTS, LLC, II, AN OREGON LIMITED LIABILITY COMPANY, AS TO PARCEL 2, ARE THE OWNERS OF THE LAND DESCRIBED HEREON AND DID CAUSE TO BE PARTITIONED AND PLATTED AS SHOWN HEREON ACCORDING TO THE PROVISIONS OF THE OREGON REVISED STATUTES, CHAPTER 92 AND DO ACKNOWLEDGE THE EXISTENCE OF EASEMENTS AS SHOWN.

ARTHUR F. KONING, MEMBER
TERRACE INVESTMENTS, LLC, II

ACKNOWLEDGMENT: STATE OF OREGON
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED ARTHUR F. KONING, MEMBER, TERRACE INVESTMENTS, LLC, II, AN OREGON LIMITED LIABILITY COMPANY, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED.

ACKNOWLEDGMENT: STATE OF OREGON
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED DAVID R. TWOMBLY, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED.

PARCEL 1:
BEGINNING AT A POINT NORTH 87° 47' 58" WEST 120.00 FEET AND NORTH 0° 07' 33" EAST 246.23 FROM THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14 AND 19 IN TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 0° 07' 33" EAST FOR 250.00 FEET; THENCE EAST FOR 333.30 FEET; THENCE SOUTH FOR 120.00 FEET; THENCE EAST FOR 23.00 FEET; 0° 17' 07" EAST FOR 120.00 FEET; THENCE WEST FOR 407.48 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON.

PARCEL 2:
BEGINNING AT A POINT NORTH 87° 47' 58" WEST 120.00 FEET AND NORTH 0° 07' 33" EAST 246.23 FROM THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14 AND 19 IN TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 0° 07' 33" EAST FOR 250.00 FEET; THENCE EAST FOR 333.30 FEET; THENCE SOUTH FOR 120.00 FEET; THENCE EAST FOR 23.00 FEET; 0° 17' 07" EAST FOR 120.00 FEET; THENCE WEST FOR 407.48 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON.

NARRATIVE:
THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE CORNERS OF THE PARTITION SHOWN HEREON. THE EASTERLY BOUNDARY WAS ESTABLISHED FROM MONUMENTS FOUND FROM A C.S.F. 38178 AND C.S.F. 39252. THE WESTERLY LINE WAS ESTABLISHED AT DEED RECORD. THE INTERIOR LINE WAS SET AT THE DIRECTION OF THE OWNERS.

0 INDICATES 6/8" X 3/8" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WOBBE - PLS 1083".

1 INDICATES 6/8" IRON ROD FOUND WITH YELLOW PLASTIC CAP MARKED "WOBBE - PLS 1083".

2 INDICATES 5/8" IRON ROD FOUND WITH YELLOW PLASTIC CAP MARKED "AA SURVEYING", C.S.F. 30444.

3 INDICATES MEASURED DATA SAME AS RECORD.

4 INDICATES THAT THE LINE IS NOT TO SCALE.

EQUIPMENT USED: NIKON DTM - 621

SURVEY REFERENCES:
A - DEED, RECORDED 1998, R 2218, RECEPTION NO. 98-44-138
C - C.S.F. 30444
D - C.S.F. 38178
E - C.S.F. 39252

ACKNOWLEDGMENT: STATE OF OREGON
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED DAVID R. TWOMBLY, WHO IS KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE ABOVE INSTRUMENT AND HAS ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE A VOLUNTARY ACT AND DEED.

ACKNOWLEDGMENT: STATE OF OREGON
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THIS 9TH DAY OF JANUARY, 2006

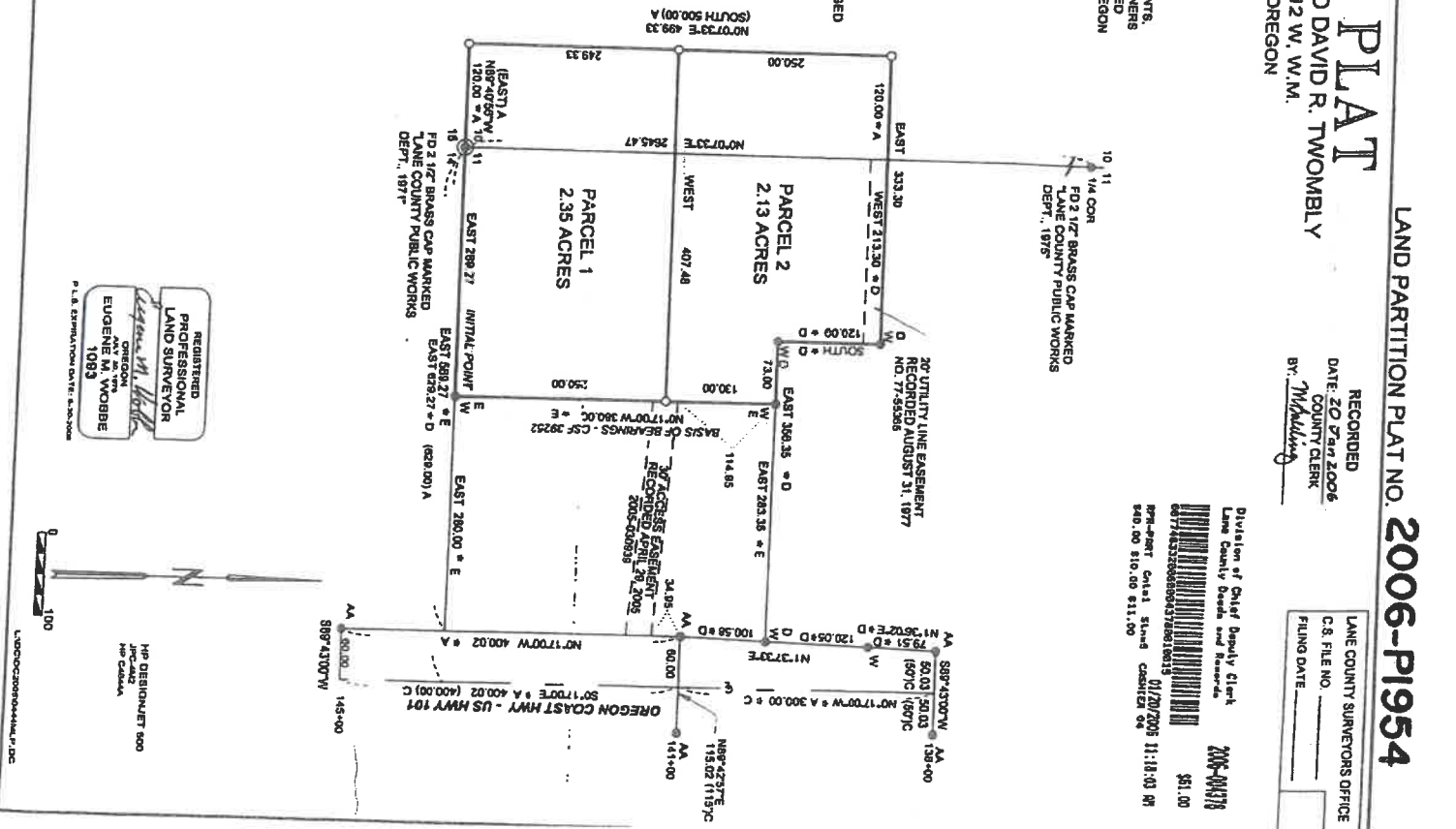
ACKNOWLEDGMENT: STATE OF OREGON
COUNTY OF LANE SS

PERSONALLY APPEARED BEFORE ME THIS 9TH DAY OF JANUARY, 2006

PARCEL 1 & 2
NOTARY PUBLIC - OREGON
COMMISSION NO. 386999-318754
MY COMMISSION EXPIRES: DECEMBER 22, 2006

NOTES:
CONCURRENCE RECORDED JULY 13, 2006. DOCUMENT NO. 2006-0212932 DEED RECORDS OF LANE COUNTY, OREGON.
EASEMENT RECORDED SEPTEMBER 19, 1944, BOOK 274, PAGE 696. DEED RECORDS OF LANE COUNTY, OREGON. (EXACT LOCATION UNDISCLOSED)
CONCURRENCE 2006-004720

NOTES:
CONCURRENCE RECORDED JULY 13, 2006. DOCUMENT NO. 2006-0212932 DEED RECORDS OF LANE COUNTY, OREGON.
EASEMENT RECORDED SEPTEMBER 19, 1944, BOOK 274, PAGE 696. DEED RECORDS OF LANE COUNTY, OREGON. (EXACT LOCATION UNDISCLOSED)
CONCURRENCE 2006-004720



MAP NO. 18-12-11-3-3, TL 1800

REGISTERED PROFESSIONAL LAND SURVEYOR
EUGENE M. WOBBE
1083



APPLICATION AND PERMIT TO OCCUPY OR
PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

Exhibit K

CLASS:	KEY#
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GENERAL LOCATION				PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)	
HIGHWAY NAME AND ROUTE NUMBER <i>US-101/9/ OREGON COAST</i>				<input type="checkbox"/> POLE LINE	TYPE MIN. VERT. CLEARANCE
HIGHWAY NUMBER <i>101</i>	COUNTY <i>Lane</i>			<input type="checkbox"/> BURIED CABLE	TYPE
BETWEEN OR NEAR LANDMARKS <i>MUNSEL LAKE RD - HEGETA BEACH RD</i>				<input checked="" type="checkbox"/> PIPE LINE	TYPE <i>WATER</i>
HWY. REFERENCE MAP <i>AML</i>	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> NON-COMMERCIAL SIGN AS DESCRIBED BELOW	
APPLICANT NAME AND ADDRESS <i>Twombly Investments P.O. Box 1629 Florence OR 97439</i>				<input type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW	
				FOR ODOT USE ONLY	
				BOND REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO	REFERENCE: OAR 734-055-0035(2)
INSURANCE REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO		REFERENCE: OAR 734-055-0035(1)	SPECIFIED COMP. DATE		

DETAIL LOCATION OF FACILITY (For more space attach additional sheets)

MILE POINT	TO	MILE POINT	ENGINEERS STATION	TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
							CENTER OF PVM	RW LINE	DEPTH/VERT.	SIZE AND KIND	
<i>187.45</i>		<i>187.45</i>				<i>L</i>	<i>36'</i>	<i>30'</i>	<i>PER PLAN ~ 3'</i>	<i>1" HDPE 8" C 90</i>	

DESCRIPTION OF DESIRED USE

TWO 1-INCH WATER SERVICE TAPS AND WATER SERVICE LINES. 8-INCH WATER LINE EXTENSION, sidewalk.

SPECIAL PROVISIONS (FOR ODOT USE ONLY)

- TRAFFIC CONTROL REQUIRED YES [OAR 734-055-0025(6)] NO
- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED YES [OAR 734-055-0100(2)] NO [OAR 734-055-0100(1)]
- ♦ AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE _____ AT PHONE NO.: _____ OR EMAIL OR FAX THIS PAGE TO THE DISTRICT OFFICE AT: _____ SPECIFY TIME AND DATE WORK IS TO OCCUR.
- ♦ A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.
- ♦ ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987. CALL BEFORE YOU DIG 1-800-332-2344

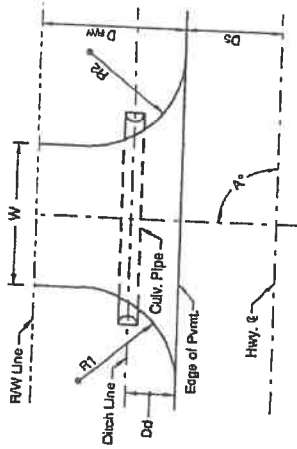
COMMENTS (FOR ODOT USE ONLY)

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE <i>X [Signature]</i>		TITLE <i>Public Works Director</i>	DATE <i>12/6/2023</i>
APPLICANT SIGNATURE <i>X [Signature]</i>	APPLICATION DATE <i>12/6/23</i>	TITLE <i>President Twombly Inv</i>	TELEPHONE NO. <i>541-999-0838</i>
DISTRICT MANAGER OR REPRESENTATIVE <i>X</i>			APPROVAL DATE

When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached; and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.

Type A - Ditch Section Approach Road



See Page One for Approach Road Dimensions.
 Pipe ends sloped at 1: _____
 Note: Slope ends of culverts within the clear zone as follows:
 Posted speeds < 45 mph - 1:4
 Posted speeds > 45 mph - 1:6
 Safety End Section sloped at 1: _____
 Note: Culvert pipes that are parallel to the road, and in the clear zone, with diameters >600 mm require Safety End Sections with safety bars.

Plan Drawing and Dimensions

Standard Drawing References

Refer to the following Standard Drawings for all "Type A" Permits:

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 RD318: Safety End Section for Metal Pipe
 RD354: Coupling Bands
- When Concrete Pipes are used, refer to Standard Drawing:
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Notes:

Concrete Culvert Pipe - Use Class V reinforced concrete pipe.

Metal Culvert Pipe - Use 2.01 mm thkn. aluminized steel pipe.

Submit Alternate Pipe Materials for review and approval, to District Manager or designated representative.

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REGION	PROJECT NUMBER	SHEET NO.
OREGON		
ID	DIVISION	

