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**ITEM TITLE:** Resolution PC 24 03 DR 01 (*formerly CUP 03*), Siuslaw Estuary Trail

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**OVERVIEW:**

Application: Request for a Design Review Permit to install a multi-use trail with a crushed gravel surface that extends from a trail access point on Redwood Street south of the Hwy 126 intersection. The multi-use trail would then follow the upland estuary area south to a terminus / access point on Quince Street. This project proposal is for phase 1 of the Siuslaw Estuary Trail and includes a parking lot at the southwest intersection of Hwy 126 and Spruce Street and amenities that include benches, interpretive signage, and dog waste stations.

The zoning districts associated with the proposal are Mainstreet Area A (parking lot), Old Town Area C (estuary trail site), and Natural Estuary Management Unit (abutting trail site). In addition to the zoning districts the site of the development is included in the Natural Resource Conservation Shoreland Management Unit. The Natural Estuary District and Shoreland overlay are the most restrictive management units for development as regulated by [FCC 10-19-2](#) (pg. 5-7) and FCC 10-19-10 (pg. 25-29). The project proposal includes interpretive signage that will include collaboration with CTCLUSI and fulfill the required educational component to permit the multi-use trail.

The Siuslaw Estuary Trail plan is included in the Florence Realization [2020 Comprehensive Plan](#), the 2023 [Transportation System Plan](#), [Florence Parks and Recreation Master Plan](#) (2011), and the [Siuslaw Estuary Trail Vision Preferred Location and Design](#) (2013). This project has had ongoing planning and community outreach in various forms since the late 1990's and as proposed adds both recreational amenities to the area and will expands the pedestrian/bicycle transportation system.

Process and Review: This permit application is a Type III land use application requiring a quasi-judicial public hearing. The Planning Commission opened the public hearing on February 27, 2024, received staff's report and heard public testimony. The PC decided to continue the public hearing to a date certain of March 12, 2024 in order to confirm the Confederated Tribes referral testimony and ensure the findings reflected the accurate analyses of the various 50 ft. buffers and their applicability to the various project elements.

The findings of fact and application materials are attached to this AIS. The findings of fact are revised and the edits are shown in **red strike-out** and **underline** for subtractions and additions. The applicable criteria are listed in the "Applicable Criteria" section of the findings. The Tribe's

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referral comments have been added as well as testimony summaries and staff's responses to both. As of the date of writing staff continues to research the various buffers applicable to this project and will present the results in their presentation at the public hearing.

Staff generally recommends a finding that the proposal can meet the requirements of City code and the Florence Comprehensive Plan once the conditions of approval laid out in the draft resolution are enacted. However, staff will confirm that recommendation once analyses is complete on the buffering. The Planning Commission can amend the proposed findings of fact, resolution, and conditions of approval as it sees fit.

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**ISSUES/DECISION POINTS:** Staff has amended the materials to reflect the changes in the file number on the materials and adopting resolution.

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**ALTERNATIVES:**

1. Approve the Design Review Permit with conditions of approval and findings of fact as written;
2. Review and recommend changes to the Design Review Permit findings and approve as amended;
3. Continue the Public Hearing to a date certain if more information is required; or
4. Do not approve the request, revising the findings and drafting a resolution stating how the application does not meet the criteria.

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**RECOMMENDATION:** Planning Staff: Pending

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**AIS PREPARED BY:** Wendy Farley-Campbell, Community Development Director (Trail)  
Clare Kurth, Associate Planner (Parking Lot)

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**ITEMS ATTACHED:** **Attachment 1:** Draft Resolution PC 24 03 DR 01 (Revised)  
"A" Findings of Fact (Revised)  
"M" Kiely Testimony  
"N" Nelson Testimony  
"O" SVFR Referral Comments

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**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 24 03 DR 01** *(Previously CUP 03)*

A REQUEST FOR A DESIGN REVIEW, FOR DEVELOPMENT OF PHASE I OF THE SIUSLAW ESTUARY TRAIL--SEGMENT 4; A MULTI-USE PATHWAY FROM THE REDWOOD ST TERMINUS SOUTH OF HWY 126 TO QUINCE STREET. PROJECT PROPOSAL INCLUDES PUBLIC PARKING, SIDEWALK INSTALLMENT, DOG WASTE STATIONS, INTERPRETIVE SIGNS, AND BENCHES.

**WHEREAS**, application was made by City of Florence Public Work Director Mike Miller on behalf of Florence Urban Renewal Agency and the City of Florence, for a Design Review Permit as required by FCC 10-19-2-B-2, FCC 10-19-10-3, FCC 10-1-1-4, and

**WHEREAS**, the Planning Commission met in a public hearing on February 27, 2024 and March 12, 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 determined per FCC 10-1-1-6-3-E, after review of the application, testimony and evidence in the record, as per FCC 10-19, 10-17, 10-27, and 10-7, that the application meets the criteria through compliance with certain Conditions of Approval; and

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

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

The request for a Design Review for Development of Phase I of the Siuslaw Estuary Trail--Segment 4, meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan, as conditioned. The Planning Commission approves the design review with the conditions listed below:

**Conditions of Approval:**

Approval for shall be shown on:

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

"A"	Findings of Fact
"B"	Application
"C"	Project Proposal
"D"	Project Drawings
"E"	Overview of Amenities
"F"	Lighting Fixture Example
"I"	Examples of Trail Amenities
"J"	Siuslaw Trail Layout-LCOG

support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval.
3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.
4. Five feet wide landscape areas shall be provided wherever the parking lot abuts a street right-of-way.
5. The applicant shall ensure the parking lot striping meets the specifications of 10-3-9-B.
6. The rack for two bicycle spaces is proposed to be located in a landscape bed adjacent to Hwy 126. It is recommended the rack be relocated into a parking space converted for this purpose then two bicycle spaces would be required. Alternatively, three spaces are required and the area must be free of obstacles like shrubs and trees to make bike parking feasible. The five-foot landscaping is still required and may need to locate in the western setback area if bicycle parking remains within the area proposed in Exhibit E.
7. Proposed bicycle parking signage shall be submitted to the City of Florence Community Development Department for review within 6 months of this approval or prior to the Siuslaw Estuary Trail being opened for public use, whichever is first
8. The signage plan for the project shall include tsunami evacuation information to direct pedestrians to the safety destination areas.
9. To meet the applicable site and development requirements of the NRC Management Unit the applicant shall perform the following activities: 1. Prior to site disturbance the project's cut and fill limits/boundaries as illustrated on sheets C1 through C8 shall be flagged and photographed. The images shall be provided in a digital format to the CD Department. These flagged areas shall denote and be the limits of vegetation clearing. 2. All vegetation removal beyond these boundaries either directly or indirectly due to the effects of adjacent disturbance shall be replanted with like species prior to calling for the conditions check site visit. 3. The color, hue and texture of the benches and signage stands shall blend with the surrounding vegetation to the maximum amount feasible.
10. The mean high tide for this area is at the 6.5 ft. elevation. The lowest level of disturbance illustrated on the plans is on Sheet C4 at 7.8 ft. The applicant shall either illustrate on a contour map the location of the mean high tide whereby the point is 15 ft. or more from the project site or prior to site disturbance flag the 6.5 ft mean high tide point to ensure there is

no disturbance of the required 50 ft. buffer area.

11. Sidewalk construction is proposed along Redwood St. and Spruce St. Neither appear to be eight ft. wide. Sidewalks installed shall be 8 ft. wide.
12. Parking lot lighting shall be pedestrian scaled with a maximum height of 16 ft.
13. The landscape plans require additional specificity for the size and species of new proposed plant materials within the parking lot site meeting the standards in 10-34-3-3 & 4 & 5 and 10-34-4. These shall be submitted for PC review and approval prior to installation.
14. The five ft. landscaping area adjacent to the Spruce St. and Hwy 126 rights of way shall include evergreen screening materials or a decorative wall a minimum of 36" in height, incorporate portals for visibility and access and include vegetative ground cover.
15. The parking lot driveway entrance shall be shifted south to achieve a 50 ft. setback or the driveway width reduced or some combination.
16. Redwood St. is not proposed for vehicular improvement, nor is it warranted because Spruce St. is the vehicular access point for the project. For this reason, signage should be placed along the area of substandard right of way width and surfacing prohibiting parking since no turn around is available and congestion is likely. Emergency vehicles will need access to the trail head from this location.
17. Resolution 16, Series 1999 requires a street light at a four-way intersection and at the entrance where a bike path meets a City street. Street lights or pedestrian lights shall be installed at both trailheads if there is no lighting in the immediate vicinity meeting the intent.
18. The parking area is required to have lighting to provide 2-foot candles minimum and 5-foot candle maximum. The lighting photometric plan shall be provided with the landscape plan for PC review and approval.
19. A second waste station shall be provided closer to the Quince St. trailhead. Interpretive signage shall include education on the threat dog waste can have on the estuary's ecosystem, the leave no trace concept, and staying on the trail to prevent damage to natural and cultural resources.
20. Areas of disturbance in the trail area shall be replanted with species native to that estuary resource. Reseeding or planting with species not native to that NRC management area shall not be used.
21. In accordance with Comprehensive Plan policy, CTCLUSI shall be consulted in the planning of the trail's replanting and cultural and ethnobotanical educational components. The Siuslaw Watershed Council shall be consulted in the planning of the trail's estuary ecosystem and botanical educational and replanting components.

Informational:

1. The subject site for the parking lot and the Siuslaw Estuary Trail is owned by the Florence Urban Renewal District (FURA) and shall be the on-going responsibility of FURA and the City of Florence in accordance with this Code section. The parking lot shall be maintained and reserved in-perpetuity for the trailhead use.
2. Signs shall be in accordance with Title 4 Chapter 7 of this Code.
3. The construction of sidewalk south of the Spruce St. driveway is delayed. The City will participate proportionately in its construction. The same shall be true for the Quince St. sidewalk widening.
4. Full installation of Spruce St. is not required at this time but the city shall participate in its proportionate share of improvements when extension is warranted.
5. Upon completion of improvements to Spruce and Redwood Sts. any boundary and interior monuments disturbed must be certified by a professional land surveyor that they were re-established.
6. Utilities shall be placed underground.
7. Pedestrian crossings and parallel lying pedestrian and bike facilities are exempted with limitations. Paths are limited to 10 ft. wide and the 50' buffer area is widened an additional 10 ft. if the path is paved. No pet waste, dumping of wastes, or application of chemicals, is permitted within the 50' buffer area. Vegetation disturbance is limited to minimum necessary for construction and is determined to be the path location and cut and fill locations identified on the plans. No additional clearing width is permitted. The trail should be adopted by a community group that can manage the area for litter, dog waste, and vegetation damage due to trespass and shortcutting.
8. In accordance with Section 3.6 of the Stormwater Design Manual Public Works permits are required for public infrastructure improvements. It is also Public Works who administers the review process and permitting for those public infrastructure systems. This is a difference in review entity and not a waiver of design standards. The same standards apply to private and public systems.
9. There are no minimum parking requirements standards defined in FCC 10-3-2. Therefore, all proposed parking stalls, 21 vehicle and 3 bicycle, shall be maintained for use of Siuslaw Estuary Trail Users and shall not be permitted to be used for storage of materials.
10. One of the requirements of the sensitive area buffer is that the requirements of state and federal regulations are met to include Endangered Species. DSL has been provided notification of this project. Because the path is located within the highest high tide area the project requires DSL review.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 12<sup>th</sup> day of March, 2024.

SANDRA YOUNG, Chairperson  
**Florence Planning Commission**

DATE

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

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**Public Hearing Date:** February 27 & March 12, 2024      **Planner:** Clare Kurth &  
**Application:** PC 24 03 DR 01 (Previously CUP 03)      Wendy FarleyCampbell

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a multi-use trail along the estuary with trail heads at Redwood St. and Quince St. and a parking lot SE of the Spruce St and Hwy 101 intersection. The trail serves as an educational observation and thus is proposed to include interpretative signage and be constructed of compacted gravel.

**Applicant:** City of Florence

**Property Owners:** Florence Urban Renewal Agency

**Location:** South of Highway 126 between Spruce St. and Quince St. upland of the mean high tide along the base of old Middle School property.

**Site:** Map # 18-12-26-33 TL 00904, 18-12-26-32 TL 08000 & 07800

**Comprehensive Plan Map Designation:** Downtown

**Zone Map Classification:** Mainstreet Area A and Old Town Area C, Shoreland Management Unit Natural Resources Conservation

**Surrounding Land Use / Zoning:**

Site: Undeveloped / Main Street Area A (MSA) and Old Town Area C (OTC)  
North: Gallagher Park / Open Space  
South: Estuary / Natural Estuary  
East: Estuary / Natural Estuary & Car Wash / Highway District  
West: Vacant / OTC & MSA

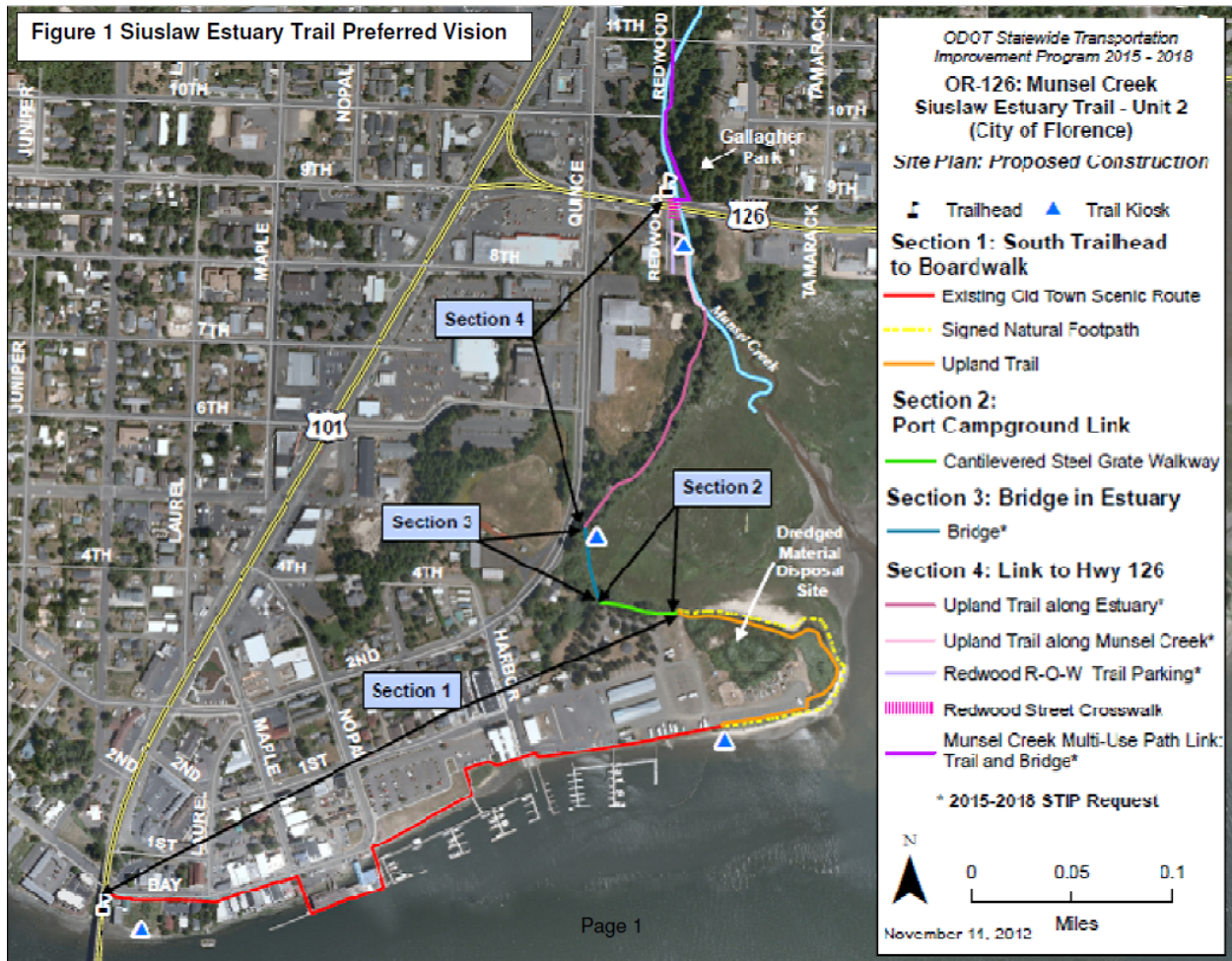
**Streets / Classification:**

East – Undeveloped Spruce St ROW / Local; North – HWY 126 / Arterial; West – Undeveloped Redwood ROW / Local; South – none

**II. NARRATIVE:**

The applicant proposes to develop Segment 4 of the Siuslaw Estuary Trail. This is the first segment to be developed and thus termed Phase 1. It consists of trail heads at Quince St. and Redwood St. south of Highway 126, a sidewalk along Redwood St., a parking lot a block east on Spruce St. and the actual trail east and south of the former middle school site at the base of the property at the confluence of Munsel Creek with Siuslaw Estuary marshland and salt flats.





**III. NOTICES & REFERRALS:**

**Notice:** On February 7, 2024, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on the same date. Notice was published in the Siuslaw News on February 21, 2024.

At the time of writing no public testimony had been received.

The following public Testimony was received:

T. Duman Feb 27, 2024: Public testimony included 7 concerns. Each will be summarized below with a response following.

1. Zoning requests require showing that a public need exists.

Response: The public need for the Siuslaw Estuary has been sufficiently demonstrated in planning documents adopted and approved by the City which include the Parks and Recreation Master Plan (2011), 2012 Transportation System Plan (TSP), Siuslaw Estuary Trail Vision 2013, Florence Realization 2020 Comprehensive Plan, and the 2023 TSP.

2. In the FOF it is stated Redwood St is not a vehicular access point, but that this is also listed as an unload point for SVFR.

*Response: The FOF prepared for the Public Hearing held on February 12, 2024 included that Redwood St was not anticipated to be used for vehicular access. This was intended to convey that the trail is intended for use by vehicles and that the intended use of the trail and Redwood St as related to the trail would be pedestrians and bicycles rather than vehicles. The use of Redwood St for loading and unloading emergency vehicles to access the trail would be for emergency access only, this would not be anticipated as a regular use of the Redwood ROW. SFVR would also have the option of accessing the trail from Quince St.*

3. Parking spaces should be screened so they do not shine onto the residential property to the west.

*Response: This is addressed under FCC 10-3-8-D. The property to the west is zoned Mainstreet Area A which is considered a mixed use district and residential uses are permitted conditionally. Currently this property is vacant and not zoned residential or approved for a residential use. Additionally, current site conditions include vegetation along Munsel Creek that would provide adequate headlight screening if a residential use existed.*

4. Concerns of the 50 foot riparian area on either side of Munsel Creek and that this will overlay the proposed parking lot. The riparian area will also hamper the future bridge construction.

*Response: PENDING*

5. Will the City be willing to accept liability of the gravel trail knowing the diminished recreational immunity is a threat?

*Response: The recreational immunity fix is being worked on during the 2024 legislative short-session. This will be a topic better discussed by the City's legal team, but at this time the City has not closed other public trail facilities.*

6. The trail head is being proposed in a street ROW and the public has a right to use it. By giving the property to FURA the public will be excluded from its use.

*Response: The trailhead area within the Redwood St. right of way, as illustrated in Exhibit J, is not proposed to be vacated or otherwise given to FURA. The property to the south of the Redwood St. right-of-way is currently owned by FURA. The public will not be excluded for the use of the trail head, parking lot, or the Siuslaw Estuary Trail, regardless of ownership. These will be public facilities.*

7. The installation of the sidewalk will isolate his property west of the parking lot site and diminish the property value and hamper future development of his site.

*Response: With development of properties abutting the Redwood ROW street sidewalk development would occur. The installation of sidewalks will not isolate Mr. Duman's property as a curb cut and driveway approach could be applied for*

and installed when development is proposed. This estuary trail development is not proposed to, or anticipated to hamper future site development.

J. Hoberg Feb 27, 2024: Testimony submitted included both written comments and pictures submitted of the current site conditions of the proposed Redwood trailhead site and Gallagher Park located on the northside of Hwy 126 that is proposed to connect to the Siuslaw Estuary Trail during future development phases. Written comments included concerns of transient activity at the site, negative impact to his adjacent business and property value.

Response: Mr. Hoberg's comments can be summarized with a concern for maintenance of the trail and surrounding area. The area is currently heavily used by those experiencing homelessness. He challenges whether the city will maintain the trail and amenities with the negative use of the property now. Will people feel safe enough to use it or will it encourage additional nuisance. This project is not a conditional use permit and rather a design review. Therefore, there are limits to the applicable criteria and resulting conditions related to Mr. Hoberg's concerns. As with other city parks and trails, the city encourages and welcomes volunteers and adoption. Either of these could address the concerns and provide more consistent monitoring of the area. With regard to the theft of services the City does offer remedy and Mr. Hoberg is encouraged to reach out and arrange for a refund.

J. Nelson Feb 26, 2024: Testimony mentions not seeing a traffic impact study and asks whether one will be done. There is a crosswalk mentioned on page 11 on the combined Exhibit B-G document and the testimony is asking if this will be in addition to the existing Spruce Street crosswalk.

Response: A traffic impact analysis is not required for this project based on criteria in FCC 10-1-1-4-E of FCC 10-35-2-5. This will be discussed in more detail under section FCC 10-35-2-5.

The crosswalk mentioned is from the 2013 Siuslaw Estuary Trail Vision Document included as Exhibit G. The crosswalk was installed at Spruce Street as an alternative to the 2013 proposed location. No additional street crossing is proposed at Hwy 126 with this project or in the 2023 TSP.

C. Kiely Feb 27, 2024: Testimony posed questions and concerns of the Siuslaw Estuary Trail not being ADA accessible.

Response: The path construction will result in a trail that is rated as being ADA accessible. The path is not proposed to be paved due to the cost of paving materials and the increased site work that would be required in the sensitive Natural Resource Conservation management unit and adjacent to the Natural Estuary. Motorized accessibility devices would be permitted and be able to navigate the slopes. The trail is permitted as an educational use and minimal fill is permitted in the district and overlay.

**Referrals:** A referral was sent to Siuslaw Valley Fire and Rescue February 20, 2024 and to Confederate Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTLUSI) on February 21, 2024.

At the time of this report, the City had received referral comments from the following agencies:

Siuslaw Valley Fire and Rescue: Chief Schick stated *“I have no concerns with the estuary trail plans. I don’t see a width on the entrance but I assume it’s at least 20’. It would be nice to know a weight limit on the planned bridge as well as dimensions in case we needed to get an ATV on the trail.”*

**Staff Response:** The bridge is a future project and not under consideration at this time. The trail head is located on Redwood St. where ATV access could be possible. It is unknown whether an ATV would damage the trail due to the grade of approach to both trail heads.

CTCLUSI: Jillian Hendrix, Cultural Resources Protection Specialist stated that the tribe has no objections to the project but that the property is in proximity to known cultural resource sites and so may contain unlocated cultural resources. They request and the state and federal laws require the tribes be contacted immediately if any know or suspected cultural resources are encountered during any phase of the work.

**Staff Response:** A condition is included in the Resolution to address this requirement.

#### IV. APPLICABLE REVIEW CRITERIA

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

- Chapter 1: Zoning Administration, Sections 1-6-3
- Chapter 2: General Provisions, Sections 12 C & E4, and 13
- Chapter 3: Off-Street Parking and Loading, Sections 2 through 5, 8-C through L, 9, & 10
- Chapter 7: Special Development Standards, Sections 2 through 7
- Chapter 17: Old Town District, Sections 17C-2-A, 17C-4-C through K & Figure 17.2
- Chapter 19: Estuary, Shorelands, and Beaches and Dunes, Sections 1, 2, & 10
- Chapter 27: Mainstreet Areas, Sections 2 through 5
- Chapter 34: Landscaping, Sections 2, 3, and 4
- Chapter 35: Access and Circulation, Sections 2 & 3
- Chapter 36: Public Facilities, Sections 2-1, 2-5, 2-11, 2-16 through 2-21 2-23, 5, and 9
- Chapter 37: Lighting, Sections 2 through 4

##### **Realization 2020 Florence Comprehensive Plan:**

- Chapter 2: Land Use, Policy 1 and Other Plan Designations, Policy 1.  
Other Plan Designation Categories, Public, Downtown, and Marina
- Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources: Scenic Resources and Visual Quality Policies 1 and 3
- Chapter 8: Parks and Recreation, Policies 4 through 6 & 9, 11c &  
Open Space, Policies 13, 14, 15 and 19 Recommendation 7, 8 and 9
- Chapter 12: Transportation, Policies 8 and 13, 15 through 19, 22, 23, 34, 35, 40, 41, and 44.
- Chapter 13: Energy Facilities and Conservation, Policies 1 and 2
- Chapter 16: Estuarine Resources, Policies 15 and 16

**V. FINDINGS: DESIGN REVIEW**

Findings are listed in numerical order by chapter as found in Florence City Code, Title 10 and conclude with a review of the comprehensive plan policies also in numerical order by chapter.

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**FLORENCE CITY CODE**

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

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**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:**
- 4. New construction requiring Design Review by the Planning Commission**

The applicant proposes a parking lot, sidewalk, and estuary multi-use trail for educational observation. These require a design review. Type III processes include a quasi-judicial public hearing. This criterion is met through this review process.

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
  - d. Notice shall be mailed to any person who submits a written request to receive notice.**
- 2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the public hearing was posted on the subject property and mailed to all property owners within 300 feet of the property on February 7, 2024. It was originally thought the trail location triggered a conditional use permit and so notification for 300 ft. was made. Notice was published within the Siuslaw News one time on February 21, 2024. These criteria are met.

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

- 1. The notice shall: ....**

The provided notice contained all information listed in FCC 10-1-1-6-3-C. These criteria are met.

- D. **Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.**
- E. **Action by the Planning Commission:**
  - 1. **At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
  - 2. **Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
  - 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
  - 4. **There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not d.**

The Planning Commission held a public hearing on February 27, 2024 which met the standards of FCC 2-3 and FCC 2-10. These criteria are met.

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**TITLE 10: CHAPTER 2: GENERAL PROVISIONS**

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**10-2-12: USES AND ACTIVITIES PERMITTED IN ALL ZONES: The following uses and activities are permitted in all zones without review unless specifically required otherwise:**

[...]

- C. **Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and**

[...]

- E. **Exceptions: The following uses and activities require land use approval:**

[...]

- 4. **Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.**

A trail identified in the TSP is typically permitted outright without review as stated in “C” above. However, the trail is located in an environmentally and culturally sensitive location as illustrated in Map 17-1 of the Comp Plan and discussed in Chapters 16 and 17 of the Comp Plan and so regulated by FCC 10-19 and FCC 10-1.

**10-2-13: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number**

includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

The proposal is a multi-use trail rather than a path or pathway which are required to be paved as stated in the definitions.

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

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### **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 subject site for the parking lot and the Siuslaw Estuary Trail is owned by the Florence Urban Renewal District (FURA) and shall be the on-going responsibility of FURA and the City of Florence in accordance with this Code section. The parking lot shall be maintained and reserved in perpetuity for the trailhead use. **(Informational 1)**. Parking lot plans have been submitted in conjunction with the Siuslaw Estuary Trail Plans. This criterion is met.

- 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.**

This criterion is discussed in more detail under the applicable code sections below.

- 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.**

There is no City standard for a parking minimum for this type of proposed use. In accordance with FCC 10-3-4 and as seen in Table FCC 10-3-1, minimum parking requirements for parks and open space shall be as determined by the Florence Planning Commission.

- 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.**

~~Minimum parking requirements will be discussed in more detail below. Minimum parking requirements are determined by the Planning Commission during this review process or the most~~

~~recently adopted TSP shall be maintained for Siuslaw Estuary Trail users and shall not be used for storage of materials.~~

There are no minimum parking requirements standards defined in FCC 10-3-2. Therefore, all proposed parking stalls, 21 vehicle and 3 bicycle, shall be maintained for use of Siuslaw Estuary Trail Users and shall not be permitted to be used for storage of materials (Informational 9).

**E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.**

The proposed parking is adjacent to a currently undeveloped portion of Spruce St. that has not been identified in the 2023 TSP as a deficient intersection. The access aisle is 28 ft. wide, greater than the minimum. The parking lot is served by only one driveway. If the parking lot is full one would need to back up within the parking lot to then exit it. If more than two other cars were waiting to enter the parking lot this could create a traffic flow problem. Spruce St does include a hammerhead turnaround area utilizing the driveway entrance. The use has made accommodations with the proposed design to address any conflicts. The use is not expected to generate trips at peak use that would endanger or impede the flow of traffic on Hwy 126. The Siuslaw Estuary Trail terminates at a sidewalk at the north Redwood St. and south (Quince St.) connection points which will provide safe transition from one transportation facility to the other. Additional details of site access and circulation will be discussed under FCC 10-35. This criterion is met.

**F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.**

This Code section shall be interpreted to mean as the required off-street parking at the parking lot development at Spruce St and Hwy 126 shall not be used for loading and unloading operations (including, but not limited to site maintenance equipment and materials) during peak Siuslaw Estuary Trail and parking lot use. ~~As p~~Peak use hours fluctuate for a variety of reasons (weather, season, events, etc.). Therefore, peak use hours shall be determined at the discretion of the Public Work's Director.

**G. Parking and Loading standards that are listed under specific zoning districts supersede the general requirements of this chapter.**

The parking lot site is located in the Mainstreet A zoning district as regulated by FCC 10-27. Specific parking requirements for the underlying zoning district will be further discussed under FCC 10-27.

**H. Provisions of this Chapter shall not apply to any parking located in an organized parking district.**

The proposed parking lot is not located in an organized parking district.

**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.**

See Section FCC 9-5.



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

~~This type of~~ Parks and Open Space uses ~~does~~ not have ~~a~~ standard minimum parking requirements. Parking minimums are set as determined by the Planning Commission.

- D. For Commercial and Retail Trade types and for sites with five or more dwelling units, the following standards must be met. 1. Commercial and Retail Trade. For Commercial and Retail Trade type uses provided in Table 10-3-1.C, at least 20 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger.

The Siuslaw Estuary Trail is not a commercial or retail type site and therefore is not subject to the requirement to provide electrical conduit ~~as discussed in this code section~~.

**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 Design Review Board 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 Design Review Board 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.

**Table 10-3-1, Minimum Required Parking by Use:**

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

<b>Parks and Open Space</b>	As determined by the Planning Commission for active recreation areas, or no standard
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There are no minimum vehicular parking count requirements for Parks and Open Space uses. Twenty-one vehicular parking spaces are proposed in the new parking lot on Spruce Street, southwest of the Hwy 126 and Spruce St intersection. One space is ADA accessible. The trail

property along Quince St. has 526 feet of frontage providing the opportunity for 23 countable parking spaces 22 feet long as permitted under 10-3-3-B and 10-3-9-D respectively.

Neither the 2023 TSP nor the Siuslaw Estuary Trail Vision contain an analysis of minimum parking needs. The proposed new parking and availability of 23 more on-street is anticipated to be adequate. 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;**
- C. Accessible spaces shall be grouped in pairs where possible;**
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
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
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

One van ADA parking stall is proposed out of the 21 total parking stalls, meeting the 1/25 requirement. The signage, and stall and loading zone widths meets or exceed the criteria. 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.**

**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.**

The parking lot is proposed to be graded so as not to drain storm water over public sidewalks and parking lot surfacing is not proposed to encroach upon a public ROW.

At the driveway approach a new valley drain is proposed to catch stormwater from the proposed ROW improvement and increased impervious surface.

The parking area is graded to slope south where a catch basin is proposed that connects to an infiltration basin as seen on sheet C9. All storm water from the parking facility is proposed to be maintained on site. This criterion is met.

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

Parking spaces are located or screened so that headlights do not shine onto adjacent residential uses. Residential uses are present on the north side of Hwy 126 and separated by a vegetated berm.

Public Testimony comments from Mr. Duman mentioned concerns of screening headlights from his property immediately west of the proposed parking lot. Mr. Duman's lot is vacant and zoned Mainstreet Area A which conditionally permits residential uses. As the site to the west is neither zoned residential nor does it have a residential use, screening of headlights is not required by this code section. However, existing vegetation onsite along the Munsel Creek would be adequate to provide screening if required. This criterion is met.



- E. Except for parking areas required in conjunction with a single-family attached or detached, duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, all parking areas shall provide:**
- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**

Curbs are proposed to be a minimum of 6 inches in height near abutting streets and interior lot lines as seen on sheet C9 and sheet D2 that include City of Florence Standard Drawing F-203. This criterion is met.

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

The parking lot abuts street ROW on both Hwy 126 and Spruce St. The proposed parking lot setbacks are ten ft. on Spruce St. and between 3 ft. to 10 ft. on Hwy 126. Landscape areas exceeding the minimum 5-foot-wide requirement are proposed adjacent to the two most westerly spaces along Highway 126. No landscape buffers are proposed along Spruce St. or along the western access aisle terminus although space exists within the setback to accommodate the landscape areas. Five feet wide landscape areas shall be provided wherever the parking lot abuts a street right-of-way. **(Condition 4)** There are additional parking lot screening requirements that will be addressed later in the Chapter and in FCC 10-34.

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

No parking is proposed to extend into the public ROW. 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.**

This criterion is addressed in "D" above.

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

Two parking lot lights are proposed for the parking lot. One is proposed to be placed at the northwest corner of the parking area and the other at the southeast corner. Additional lighting details and specification will be discussed under 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.**

Parking is proposed in a manner that will not require backing movements within a street ROW. Adequate space is provided in the proposed parking area for all maneuvering to occur on site in intended parking areas.

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

In the Mainstreet District zero lot line front and side yards are permitted. Regardless the setbacks vary from 3 ft. to 10 ft. This criterion is not applicable.

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

Planning review is being completed during this 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.**

Individual parking stall are included on parking lot plan. Loading spaces are not proposed or required with this development. This criterion is met.

**2. Circulation area.**

Parking lot circulation area is included. This criterion is met.

**3. Access to streets and property to be served.**

Access is proposed to be taken from Spruce Street.

**4. Curb cut dimensions.**

The driveway width / curb cut dimensions is proposed at 24 feet.

**5. Dimensions, continuity and substance of screening, if any.**

No screening is proposed. Parking lot area screening for the Hwy 126 ROW and Spruce Street are discussed in more detail under FCC 10-34.

**6. Grading, drainage, surfacing and subgrading details.**

Grading, drainage, surfacing, and subgrading details are provided. This criterion is met.

**7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**

No obstacles are proposed to traffic and circulation in finished parking areas. This criterion is met.

**8. Specifications for signs, bumper guards and curbs.**

Curb height and details are provided on City of Florence Standard Drawing No. F-203 as seen on Sheet D2 and sheet C9.

Specifications for the ADA parking stall signage was provided. Bike parking signage is conditioned below. This criterion is met or is conditioned to be met.

**9. Landscaping and lighting.**

Proposed landscaping areas and lighting locations have been submitted.

**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.**

Parking stalls are proposed to be 9 feet six inches in width and 19 feet in length. Minimum parking stall dimensions are met. This criterion is met.

**B. Each space shall have double line striping with two feet (2') wide on center.**

Double line striping is proposed as seen on Sheet C9. But the striping separation dimensions are not included on the site plan. The applicant shall ensure the parking lot striping meets the specifications of 10-3-9-B. **(Condition 5)**.

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

Parking lot striping is proposed to be 4 inches in width using reflective paint. This criterion is met.

**D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;**

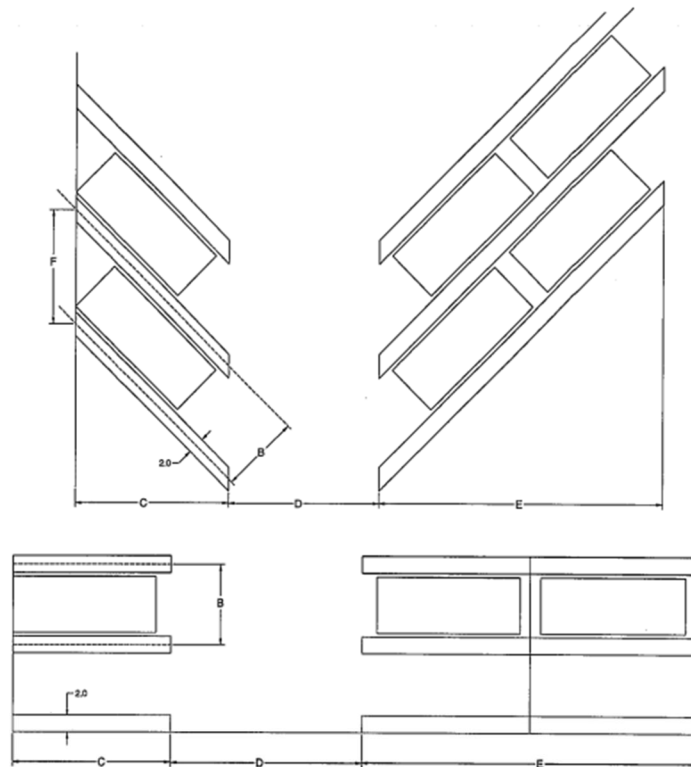
No parallel parking stalls are proposed. The on-street parking on Quince St. discussed earlier used the 22 ft. length to arrive at the available parking on-street parking spaces available to this project. This criterion is not directly applicable as proposed.

**E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;**

Parking area conforms to dimensions in Figure 10-3(1) below. Minimum aisle width required is 23 feet and 28 feet is proposed. This criterion is met.

**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.**

As proposed, the parking areas conform to ADA standards for dimension and minimum required ADA stalls. This criterion is met.



**FIGURE 10-3 (1)**

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <math>\alpha</math>	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	

**10-3-10: BICYCLE PARKING REQUIREMENTS: All new construction or enlargement or change of use 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.**

Bike parking is required at a 1:10 ratio with a minimum of 2 spaces. 21 parking spaces are proposed and therefore a minimum of 3 bicycle parking spaces are required for this parking lot. The rack for two spaces is proposed to be located in a landscape bed adjacent to Hwy 126. It is recommended the rack be relocated into a parking space converted for this purpose then two bicycle spaces would be required. Alternatively, three spaces are required and the area must be free of obstacles like shrubs and trees to make bike parking feasible. The five-foot buffer is still required and may need to locate in the western setback area if bicycle parking remains within the area proposed in Exhibit E. **(Condition 6)**

[...]

- D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.**
- E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;**

Bicycle parking is proposed on the northwest corner of the parking lot with visibility from Hwy 126 ROW which provides security in accordance with this code section. The bicycle rack location is no further from the trailhead off of Redwood St. than any other parking space. This determination will change once the other trail head is installed in the middle of the west property line. Presently this criterion is met.

- 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.**

Two parking lot lights are proposed with this parking lot. One is in the northwest corner adjacent to the proposed bike parking location and the other is located near the southeast corner of the parking lot. The northwestern light location is anticipated to provide adequate lighting for security and will be at least as well-lit as other vehicle parking stalls. This criterion is met.

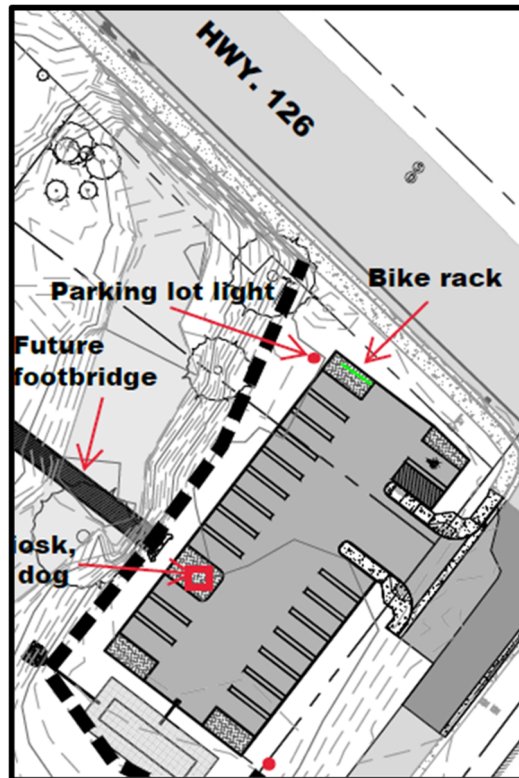
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.**



The reserved area for bicycle parking is anticipated to be clearly identifiable by the bike rack. In accordance with this code criterion a sign shall be used clearing making the space as reserved for bicycles only. Proposed bicycle parking signage shall be submitted to the City of Florence Community Development Department for review within 6 months of this approval or prior to the Siuslaw Estuary Trail being opened for public use, whichever is first (**Condition 7**). This criterion is conditioned to be met.

**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.**

Bike parking is proposed on the northwest corner of the parking lot as seen in the snip below from the sheet C10. The location of the bike parking does not impede or create hazards to pedestrians and is not in a location that will conflict with vision clearance standards. This criterion is met.



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**TITLE 10: CHAPTER 7: SPECIAL DEVELOPEMNT STANDARDS**

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**10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:**

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.
- B. "Soils Map", Florence Comprehensive Plan Appendix 7.
- C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.
- D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.
- E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

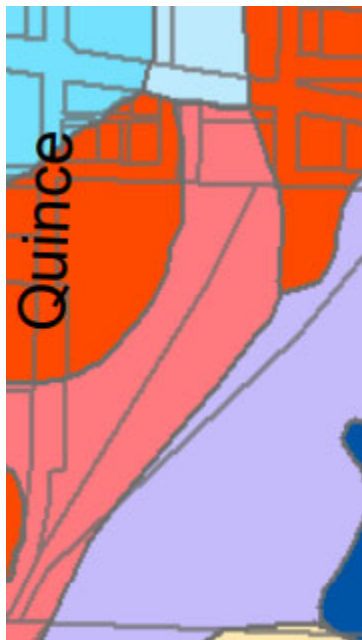
The project is located in the following problem areas listed above: Soils Map (Waldport fine sand 12 to 30 % slopes & Brallier variant muck), Hazards Map (100-year Floodplain & Near and Distant Tsunami Inundation Areas). See next page for excerpts.

**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.

- A. **Special Flood Hazard Area:** All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.
- D. **Ocean Flooding, Tidal Flooding, Tsunami:** (See subsection A above, Special Flood Hazard Area).
- E. **Slopes Greater than Twelve Percent:** For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.
- G. **Brallier and Heceta Soils:** In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

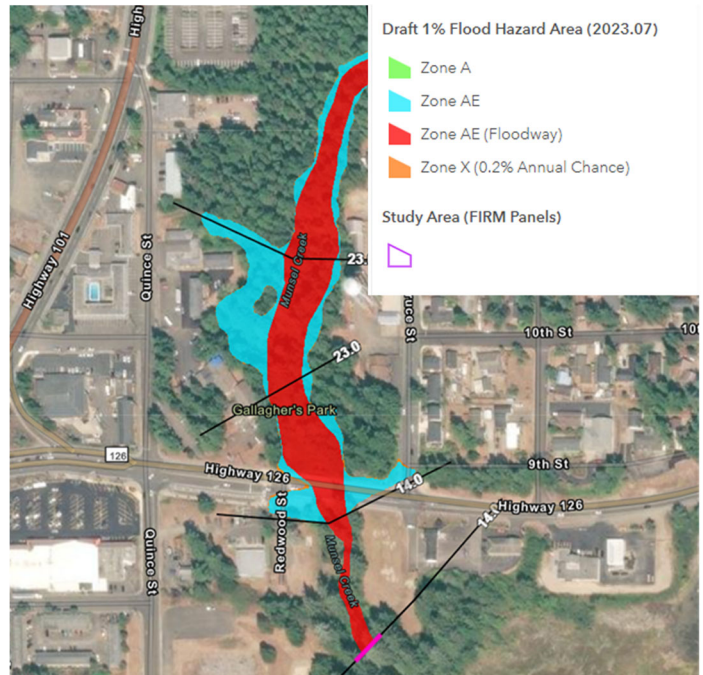
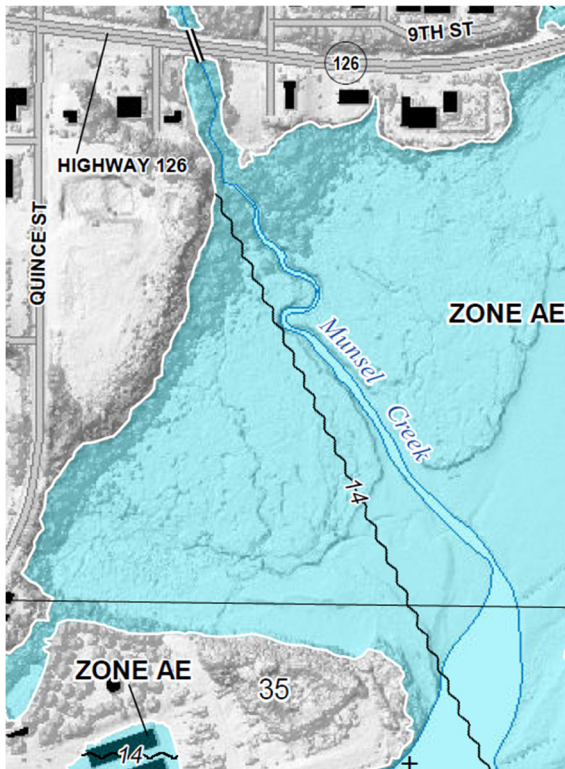
No structures are proposed in the special flood hazard zone or in the tsunami inundation areas. On the Waldport soils the proposal includes a cut and fill plan for grading designed by a registered engineer. Sheets C8 and C1 address drainage. The sheets include plans for revegetation of cut and fill areas outside of the trail location. No structures are proposed in the Brallier soils and so

no pilings are required. The proposal does include grading for an engineered trail. Criterion met or not applicable.



Brallier		Waldport	
	Brallier variant muck (X)		Waldport fine sand, 0 to 12 percent slopes
	Brallier muck, drained (X)		Waldport-Urban land complex, 0 to 12 percent slopes
Dunal Land			Waldport fine sand, 12 to 30 percent slopes (X)
	Dune land (N)		Waldport fine sand, thin surface, 0 to 30 percent slopes (O)
Heceta			Waldport fine sand, 30 to 70 percent slopes (X)

NRCS Soils Map, 2009 Excerpt



#### **10-7-5: DEVELOPMENT STANDARDS FOR TSUNAMI HAZARD OVERLAY AREAS**

- A. Purpose.** The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:
- 1. Reduce loss of life;**
  - 2. Reduce damage to private and public property;**
  - 3. Reduce social, emotional, and economic disruptions; and**
  - 4. Increase the ability of the community to respond and recover. Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.**
- B. Definitions.** Terms used in this subsection are defined within FCC 10-2-13.
- C. Applicability of Tsunami Hazard Overlay Zone.** All lands identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.
- D. Uses.** In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in FCC 10— 5-E, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.
- E. Prohibited Uses.** Unless authorized in accordance with FCC 10-7-5-G, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:
- 1. In areas identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:**

- a. **Hospitals and other medical facilities having surgery and emergency treatment areas.**
  - b. **Fire and police stations.**
  - c. **Structures and equipment in government communication centers and other facilities required for emergency response.**
  - d. **Buildings with a capacity greater than 250 individuals for every public, private, or parochial school through secondary level or child care centers.**
  - e. **Buildings for colleges or adult education schools with a capacity of greater than 500 persons.**
  - f. **Jail and detention facilities.**
- 2. In areas identified as subject to inundation from the Medium (M) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:**
- a. **Tanks or other structures containing, housing or supporting water or firesuppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.**
  - b. **Emergency vehicle shelters and garages.**
  - c. **Structures and equipment in emergency preparedness centers.**
  - d. **Standby power generating equipment for essential facilities.**
  - e. **Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.**
  - f. **Medical facilities with 50 or more resident, incapacitated patients.**
  - g. **Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.**
  - h. **Hotels or motels with more than 50 units.**
- 3. Notwithstanding the provisions of FCC 10-8, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.**

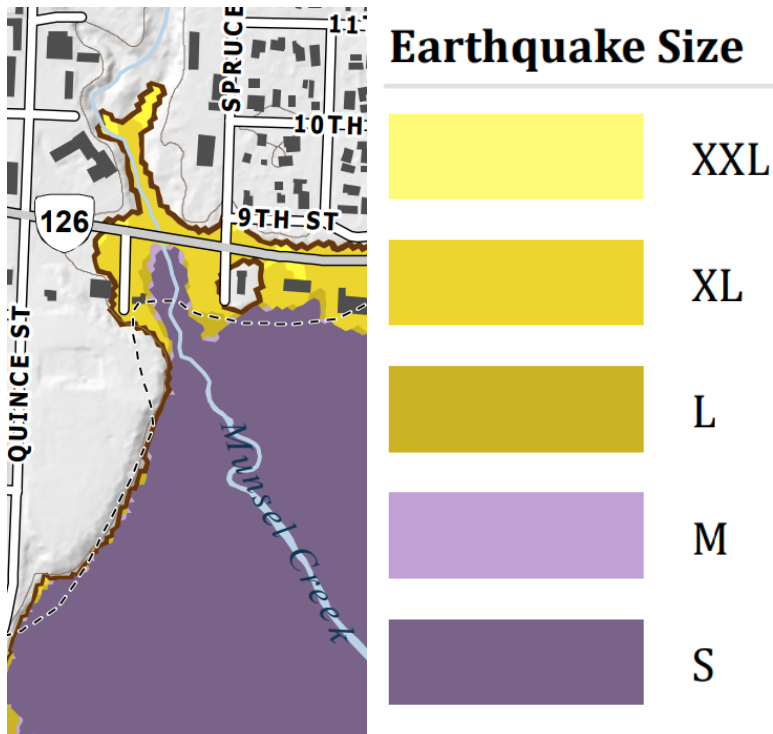
The proposed project is not classified as any of the prohibited uses in the XXL or Medium magnitude TIM areas.

**G. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation**

measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Evacuation Route Plan. Such measures shall include:

1. **On-site improvements:**
  - a. **Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions.**
  - b. **Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.**
  - c. **Where identified in the Evacuation Route Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.**

The project parking lot and trail are in the XXL TIM, see DOGAMI TIM excerpt below. The project includes construction of sidewalk improvements on Redwood St., providing pedestrian connectivity from the trail, and on Spruce St., to the sidewalks on Hwy 126. The trail is a day use facility with no lighting down slope from the trailheads. The parking lot does propose lighting. Asphaltic surfacing is not appropriate in the NRC overlay zone. However, the surfacing construction is classified as an ADA compatible design. Pedestrian safety is addressed. Criterion is met.

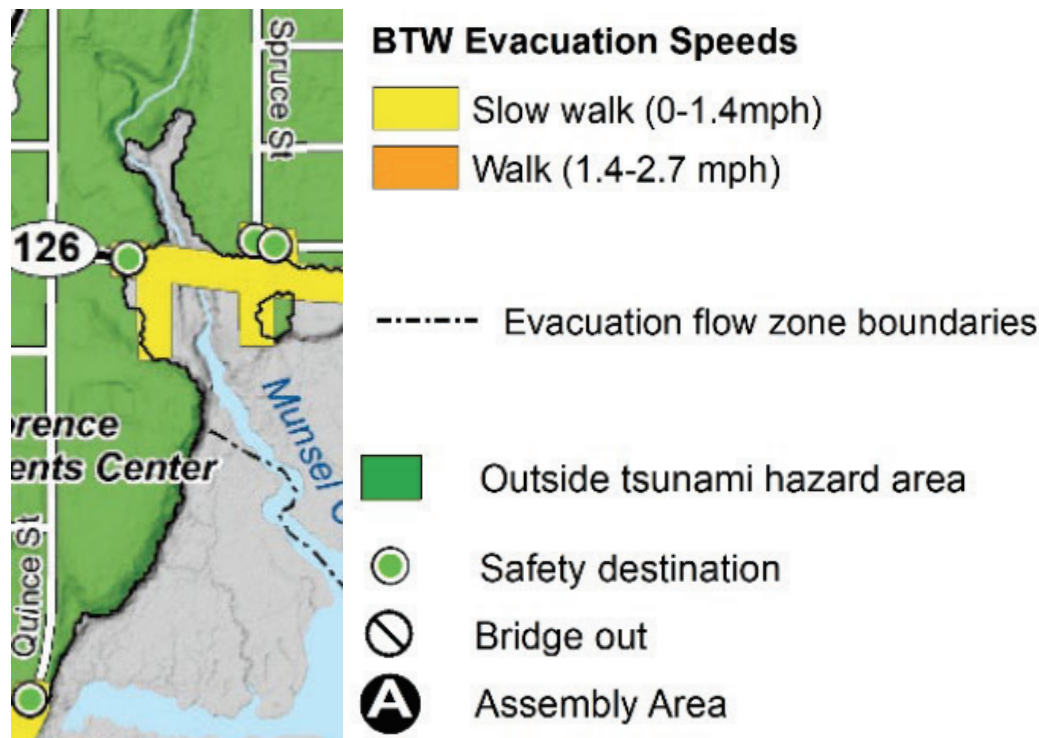


2. **Off-site improvements: Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.**

Pedestrian facilities are available from the project site to the evacuation routes. No off-site improvements are needed. Criterion met.

3. **Evacuation route signage consistent with the standards set forth in the Evacuation Route Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.**

The evacuation route analyses and Beat the Wave modeling performed in 2018 identified Quince St. near the trail head, Hwy 126 at Redwood St. and 9<sup>th</sup> St. on Spruce St. as a safety destination areas. See below from Figure 3-14. The signage plan for the project shall include evacuation information to direct pedestrians to the safety destination areas. **(Condition 8)**



4. **Evacuation route improvements and measures required by this subsection shall include, at a minimum, the following:**

- a. **Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;**
  - b. **Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and**
  - c. **Such other improvements and measures identified in the Evacuation Route Plan.**
- 5. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be in accordance with FCC 8-5-1.**

These items were addressed under numbers 1 & 2 above.

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

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

The need for a Phase 1 SIR was addressed above. Because the project does not specifically construct buildings many of the criteria were not applicable. Those criteria that did apply were found to either have been addressed by the engineer's drawings in the submittal and conditions added to ensure compliance with the standards or in the case of the tsunami inundation overlay



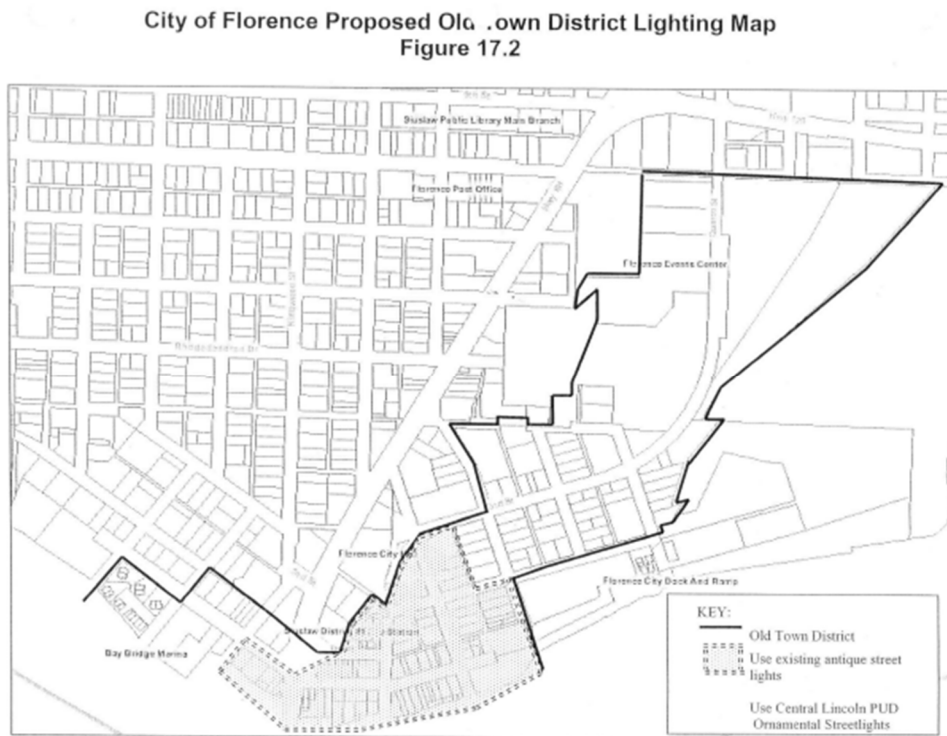
zone conditions placed. Criterion are met to not require a Phase 1 or 2 SIR as permitted in 2 above. This is because the city has adopted standards adequate to eliminate the dangers posed by conditions in the problem areas.

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**TITLE 10: CHAPTER 17: OLD TOWN DISTRICTS: AREA C**

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The Old Town Area C criteria apply to the trail portion of the project only.



No lighting is proposed along the trail or at the Quince St. trailhead. There is a street light on the west side of Quince in the approximate location of the trailhead. If lighting is installed the standard CLPUD light fixture would be utilized. No condition required.

**10-17C-2 LAND USES FOR AREA C: The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:**

- A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:**

**Parks and open space**

The proposal includes a TSP identified multi-use trail in an open space area. Because the trail is in an environmentally and culturally sensitive area a design review is required.

**10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C**

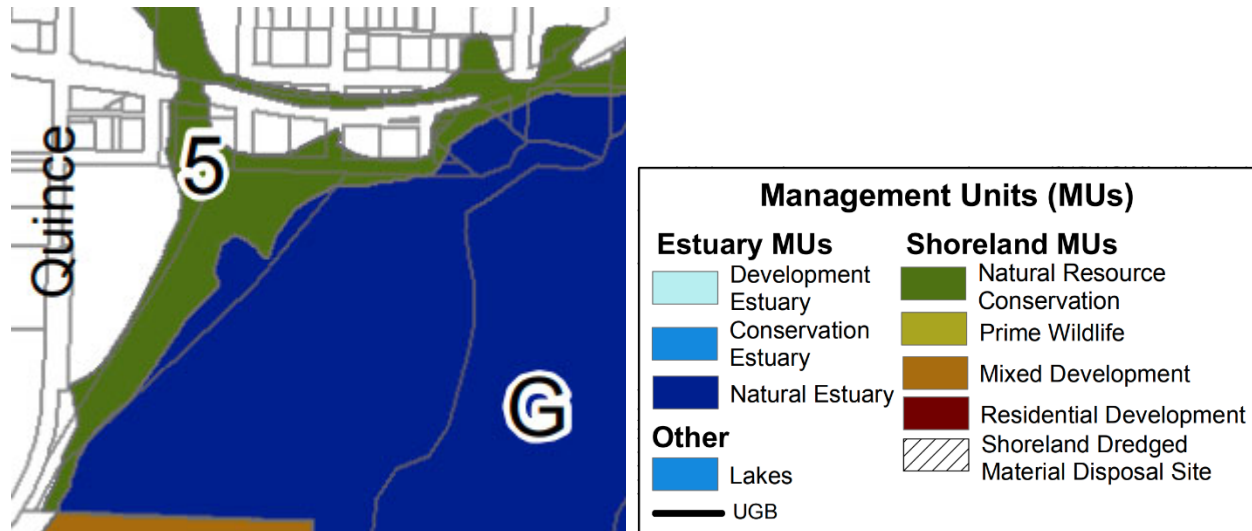
- B. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the building codes.**

Building codes do not regulate ADA access on trails. ADA parking was reviewed for the parking lot in FCC 10-3 above.

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**TITLE 10: CHAPTER 19: ESTUARY, SHORELANDS, AND BEACHES AND DUNES**

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**10-19-1: ESTUARY DISTRICT ADMINISTRATION**

**A. Applicability**

- The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding “management units.” In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.
- Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.

**B. Resource Capability Assessment:**

- Purpose:** Uses Requiring a Special Use Permit (Type II Review) or Conditional Uses (Type III Review) in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this

subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

#### **10-19-2: NATURAL ESTUARY DISTRICT (NE):**

- A. Purpose and Extent:** The purpose of the Natural Estuary District (NE) is to assure the protection of significant fish and wildlife habitats and continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE District are determined by the natural estuarine features. The NE District includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the City Zoning Map as specified by this Title.
- B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:**
  - 2. Research and educational observations**
- E. A use or activity is consistent with the resource capabilities of Natural Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.**

Segment 4 of the Siuslaw Estuary Trail will be located upland outside of the Natural Estuary District. It will not be located within a salt march, tide flat, eelgrass or algae bed. The significance of the NE District in the context of Segment 4 is that when reviewing the adjacent Shoreland MU (NRC) where the trail will be located the adjacent NE District needs to be considered for allowable uses as you will see below. The proposed trail is an education observation medium that does not require dredge or fill as defined in FCC 10-2 and so is permitted outright. The trail will include educational signage and waysides for observation of the estuary's unique ecosystem within the Siuslaw. The bridge crossing use permitted outright in the NE District will be applicable at a later review when the crossing at Munsel Creek is proposed. The same findings would be applicable for that use. Because Segment 4 is not in the Natural Estuary District and also does not require a Special Use or Conditional use permit it does not require a Resource Compatibility Assessment. Criterion met or not applicable.

#### **10-19-10: Natural Resource Conservation Overlay District (/NRC)**

- A. Purpose:** The Natural Resource Conservation Overlay District (/NRC) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resources Management Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds

and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

**Intent.** The requirements imposed by the /NRC District shall be in addition to those imposed by the base zoning district. Where the requirements of the /NRC District conflict with the requirements of the base zoning district the more restrictive requirements shall apply. The requirements of the adjacent Estuary District shall supersede the requirements of this Section of the Code.

- B. Permitted Uses:** In addition to the uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright as specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary District....

As discussed above the proposed trail is an education observation medium that does not require dredge or fill as defined in FCC 10-2 and so is permitted outright in the adjacent Natural Estuary District. It is therefore a permitted use.

- F. Site and Development Requirements.** The following specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.
2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.
  4. Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in 10-19-10-F, where vegetation removal beyond that allowed above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of native species in order to maintain the natural character of the area.
  5. The requirements for parking and vision clearance shall be as provided by the respective base zoning district.
  6. No topographic modification is permitted within the 50 foot buffer zone specified by 10-19-10-G.

7. **The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowable: a) Foot paths b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat. c) Replanting of the area or other areas which have been previously cleared.**
8. **All mature trees must be retained within the setback area specified by 10-19-G, except where removal is subject to requirements of the Oregon Forest Practices Act.**
9. **Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.**
10. **The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.**

As discussed in "G" below the 50 ft. buffer area starts at the 6.5 ft. mean high tide line which is east and likely well eastward of the project site. The lowest elevation of site disturbance is approximately 7.8 ft. Therefore, the project does not criteria previously listed specific to the buffer area do not appear to be impacted.

To meet the applicable site and development requirements of the NRC Management Unit the applicant shall perform the following activities: 1. Prior to site disturbance the project's cut and fill limits/boundaries as illustrated on sheets C1 through C8 shall be flagged and photographed. The images shall be provided in a digital format to the CD department. These flagged areas shall denote and be the limits of vegetation clearing. 2. All vegetation removal beyond these boundaries either directly or indirectly due to the effects of adjacent disturbance shall be replanted with like species prior to calling for the project closeout/conditions check site visit. 3. The color, hue and texture of the benches and signage stands shall blend with the surrounding vegetation to the maximum amount feasible. **(Condition 9)**

**G. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.**

1. **In addition to the yard setbacks required in the base zoning district, a 50 foot buffer zone shall be required. The buffer zone is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer zone shall be as specified in 10-19-10-F.**

The mean high tide for this area is at the 6.5 ft. elevation. The lowest level of disturbance illustrated on the plans is on Sheet C4 at 7.8 ft. The applicant shall either illustrate on a contour map the location of the mean high tide whereby the 50 ft. buffer point is 15 ft. or more from the project site or prior to site disturbance flag the 6.5 ft mean high tide point to ensure there is no disturbance of the required 50 ft. buffer area. **(Condition 10)**

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**TITLE 10: CHAPTER 27: MAINSTREET DISTRICT**

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10-27-2 Permitted Buildings and Uses

[...]

**fff. parking areas, public and private**

**a9. Other buildings and uses determined to be similar to those listed in this section and which do not have a different or more detrimental effect upon the adjoining uses than those buildings and uses specifically permitted.**

**10-27-4      Lot and Yard Dimensions**

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

This criterion is met.

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

This criterion is met.

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

This criterion is met.

**D.      Yard Regulations:**

**Area “A” as shown on the following page:**

- 1.      Front yards: Front yards may vary from 0’ to 10’ from back of property line. Ten percent of the frontage, or a minimum of 6’, may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8’ wide pedestrian way is maintained within the sidewalk area.**
- 2.      Side and rear yards: Buildings may be zero lot line, provided that all Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen-foot (15’) buffer may be required.**

The parking lot includes 3 ft. to 10 ft. front yard setbacks along Hwy 126 and a 10 ft. setback along Spruce St. The interior side yard is located on the west side of the creek and the and stormwater swale is greater than 30 ft. from the rear property line. Criterion met.

**10-27-5      Site and Development Provisions**

[...]

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

Area “A” as shown on the following page:

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

...

Criterion for minimum coverage area met via parking islands, buffers, and swale system.

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

...

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8’ in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6’ sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.
  - a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6’ in width with 6’ of clear walkway if there is no on-street parking on that side of the street.

Sidewalk construction is proposed along Redwood St. and Spruce St. Neither appear to be eight ft. wide. Sidewalks installed shall be 8 ft. wide. (Condition 11)

- D. **Parking and Loading Spaces**

Area “A” as shown on the following page:

Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant’s lot is located, or in a shared lot in another block....

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

Criterion met or conditioned to be met in FCC 10-3 above.

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

Vision clearance shall be discussed under section FCC 10-35-2-13.

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

Informational 2

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

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

The application includes a proposed lighting style for the parking lot that includes a black curved neck with fluted fixture. A height was not proposed. Pedestrian scaled has been interpreted to mean around 16 ft. high. Parking lot lighting shall be pedestrian scaled with a maximum height of 16 ft. **(Condition 12)** The applicant is attempting a solar powered fixture to avoid wiring. Additional lighting criteria will be discussed further under section FCC 10-37. This criterion is conditioned to be met.

H. **Design Review.**

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

The design review criteria are being addressed in these findings.

I. **Trash Enclosures.**

**All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least 6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.**

No trash enclosures requiring screening are proposed. A trash can is proposed as well as dog waste station in the parking lot adjacent to the proposed information kiosk in the interior side yard. Criterion met or not applicable.

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

Public Facilities will be discussed under section FCC 10-36.



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**TITLE 10: CHAPTER 34: LANDSCAPING**

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**10-34-3: LANDSCAPING**

**10-34-3-1: Applicability.** Except for single-unit and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

- A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)
- B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

The project is a new development and thus must provide landscaping meeting the code.

**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.

Landscape plans were provided showing the location of proposed landscape areas, and where existing vegetations is proposed to be removed. The existing and proposed pavement outlines were provided, as well as the proposed planting for cut and fill areas. The landscape plans require additional specificity for the size and species of new proposed plant materials within the parking lot site meeting the standards in 10-34-3-3 & 4 & 5 and 10-34-4. These shall be submitted for PC review and approval prior to installation. (**Condition 13**)

**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.

Landscaping between the parking lot and the street rights of way was discussed above in FCC 10-3. This criterion refines the requirement to include species suitable for screening (evergreen and minimum 3' height) or to incorporate a masonry wall meeting the screening requirement. The five ft. landscaping area adjacent to the Spruce St. and Hwy 126 rights of way shall include evergreen screening materials or a decorative wall a minimum of 36" in height, incorporate portals for visibility and access and include vegetative ground cover. **(Condition 14)**

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**TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION**

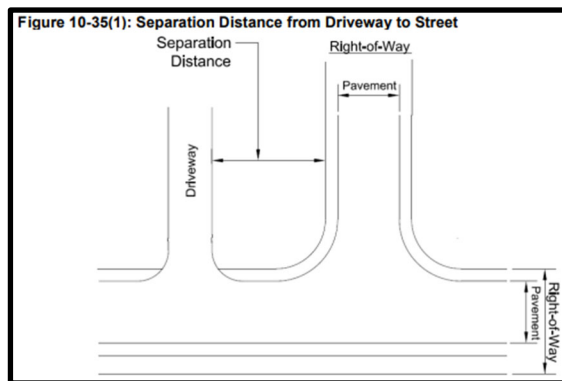
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**10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:**

- 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:**

**Arterial Street                      50 feet**



- B. Where the City finds that reducing the separation distance is warranted, such as:

- a. no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or
  - b. planned improvements or traffic circulation patterns show a different location to be efficient and safe, the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).
- C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-unit detached and attached and duplex dwellings are exempt on streets classified local.**

The parking lot's driveway access is setback approximately 47.5' from the Hwy 126 intersection pavement, just short of the 50 ft. setback requirement. Sheet C9 that illustrates the parking lot design is not in scale with the 1" = 20' scale in the upper right corner. It is possible the driveway is intended to meet the separation setback. Unless the Planning Commission finds that reduction is warranted the driveway entrance shall be shifted south to achieve a 50 ft. setback or the driveway width reduced or some combination. **(Condition 15)**

**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.**

Reviewed in section 3 below.

**10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:**

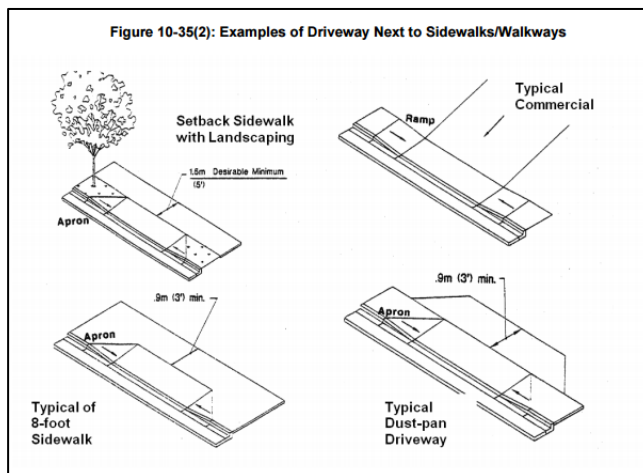
- A. Driveway Approaches.** Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, 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:
  - 3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
  - 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 driveway meets the maximum grade and exceeds the minimum width for two-way traffic. Criterion met.

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

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



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

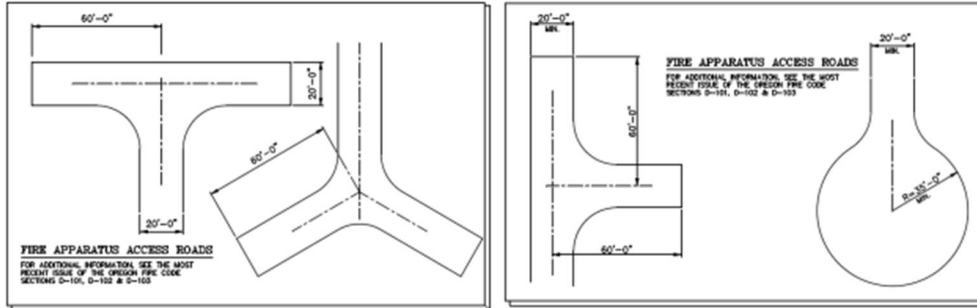


Figure 10-35(3): Examples of Fire Lane Turn-Around

Driveway design and turnarounds were reviewed earlier and found to meet city code. Criterion met.

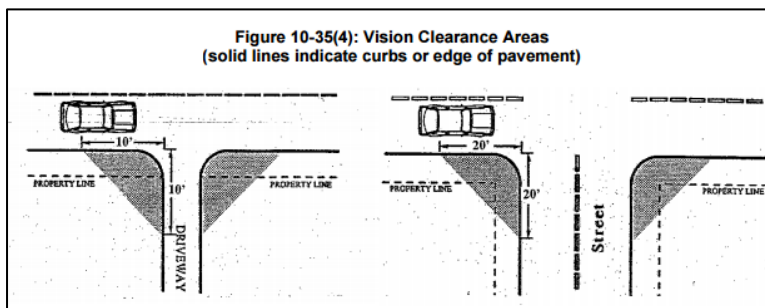
**10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.**

No intrusions proposed or anticipated. Informational

**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 1/2') 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:**

**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 10-1-4 of this Title for definition.



No fencing, structures, or landscaping are proposed that are anticipated to impact vision clearance on this site. This will be further evaluated with the landscape plan review.

**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.**

Sidewalks are proposed along Redwood and Spruce Sts. Sidewalk installation south of the parking lot driveway on Spruce St. is discussed elsewhere and proposed to be delayed to be constructed with TSP project R10. Sidewalks are conditioned to be widened elsewhere in the report to meet the minimum 8' width requirement. Criterion conditioned elsewhere.

**B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:**

- 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.**
- 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.**
- 3. Topography or contours make the construction of a sidewalk impractical.**
- 4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.**
- 5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.**

**C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.**

**D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.**

The construction of sidewalk south of the Spruce St. driveway is delayed. The City will participate proportionately in its construction. The same shall be true for the Quince St. sidewalk widening. (Informational 3)

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## **TITLE 10: CHAPTER 36: PUBLIC FACILITIES**

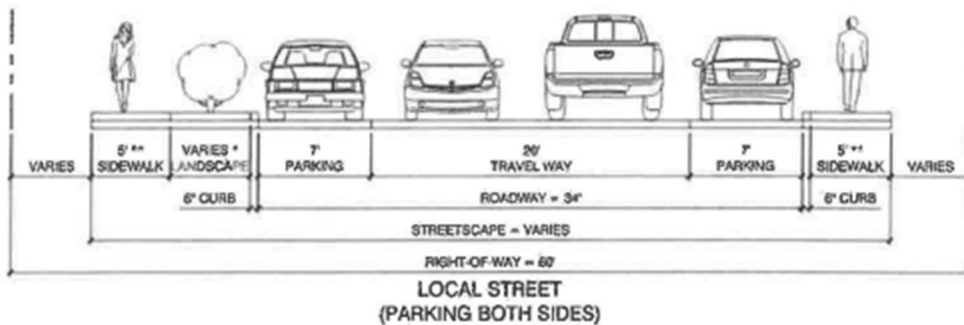
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**10-36-2: STREET STANDARDS: 10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:**

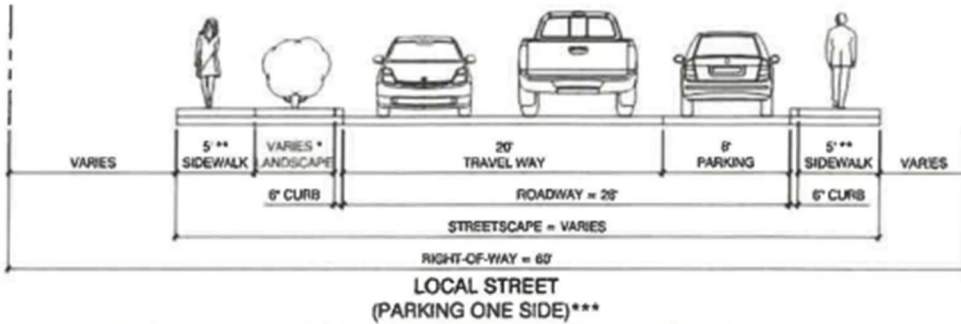
- A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.
- B. Streets within or abutting a development shall be improved in accordance with the Transportation System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

**10-36-2-5: 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).



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



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

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

1. Street classification in the Transportation System Plan
2. Anticipated traffic generation
3. On-street parking needs
4. Pedestrian and bicycle requirements based on anticipated level of use
5. Requirements for placement of utilities
6. Street lighting
7. Minimize drainage, slope, and sensitive lands impacts
8. Street tree location, when provided
9. Protection of significant vegetation, as provided for in Chapter 34
10. Safety and comfort for motorists, bicyclists, and pedestrians
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided
12. Access needs for emergency vehicles
13. Transition between different street widths (i.e., existing streets and new streets)
14. Driveway Off-sets
15. Curve Radii
16. Queuing Factors

**C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement can not be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.**

This project proposes to widen Spruce St. and extend it to just past the driveway. Typically, the city requires street and utility installation “to and through” along a property’s frontage. The City



recently adopted the 2023 TSP update. Spruce St. at this project site is included in TSP projects R10 and R 24, the extension of 8<sup>th</sup> from Quince St. to Spruce St. via a bridge crossing over Munsel Creek and the installation of either a signal light or round-a-bout, respectively. The two projects will likely be constructed together. Because of these two projects it is reasonable to delay the full development of Spruce St. until those projects are engineered and knowledge is gained for design elevations etc. Full installation is not required at this time but the city shall participate in its proportionate share of Spruce St. when extension is warranted. **(Informational 4)**

Redwood St. is not proposed for vehicular improvement, nor is it warranted because Spruce St. is the vehicular access point for the project as related to trail users. For this reason, signage should be placed along the area of substandard right of way width and surfacing prohibiting parking since no turn around is available and congestion is likely. Emergency vehicles will need access to the trail head from this location. **(Condition 16)**

**10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:**

- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.**
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.**
- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.**
- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).**
- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**
- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

Curb tight sidewalks are proposed to be installed along Redwood St. and Spruce St. Bicycle lanes are not required with the ROW improvements. Sidewalk meandering is not proposed. This criterion is met

**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.**

The existing Spruce St. ROW adjacent to the parking lot is proposed to be widened to local street standards. to just past the driveway curb cut. This criterion is met.

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

- A. Curb exposure shall be per City Standards and Specifications.**
- B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.**
- C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.**

The subject site proposes parking lot access from Spruce St. Typical driveway curb cut drawing was provided. Criterion met.

**10-36-2-20: Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.**

Upon completion of improvements to Spruce and Redwood Sts. any boundary and interior monuments disturbed must be certified by a professional land surveyor that they were re-established. (Informational 5)

**10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.**

Spruce St. and Redwood St. both have street signs [that meet City of Florence Standards and Specifications](#). Criterion met.

**10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.**

Resolution 16, Series 1999 requires a street light at a four-way intersection and at the entrance where a bike path meets a City street. A street light is located at the NE corner of the intersection

of Spruce St and Hwy 126. Street lights or pedestrian lights shall be installed at both trailheads if there is no lighting in the immediate vicinity meeting the intent. **(Condition 17)**

**10-36-5: UTILITIES:**

**A. Underground Utilities:**

- 1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.**
- 2. Subdivisions. In order to facilitate underground placement of utilities:**
  - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.**
  - b. The City reserves the right to approve the location of all surface-mounted facilities.**
  - c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.**
  - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

The proposed utilities include stormwater facilities whose piping is proposed to be underground where placed. Criterion met.

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

No such exemptions are present on this site. Therefore, utilities shall be placed underground **(Informational 6)**

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**TITLE 10: CHAPTER 37: LIGHTING**

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**10-37-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.**

**10-37-3: LIGHTING PLANS REQUIRED:** All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

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

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

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

**B.** Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

**C.** Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

**D.** Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

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



- F. **All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.**
- G. **Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.**

Lighting plans for the proposed parking lot were provided. They included the location of two pole lights and the style of fixture. A photometric plan was not provided. The parking area is required to have lighting to provide 2-foot candles minimum and 5-foot candle maximum. The lighting photometric plan shall be provided with the landscape plan for PC review and approval. **(Condition 18)**

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## **TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT UTILITY**

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In accordance with FCC 9-5 the entire project is either located in a “Sensitive Area” or adjacent to it because the areas are protected for species designated by ODFW and NMFS. Section 9-5-3-3-F establishes a 50 ft. protection buffer prohibiting land disturbing activities within and adjacent to the sensitive area. Pedestrian crossings and parallel lying pedestrian and bike facilities are exempted with limitations. Paths are limited to 10 ft. wide and the buffer area is widened an additional 10 ft. if the path is paved. No pet waste, application of chemicals, or dumping of wastes is permitted within the 50’ buffer area. Vegetation disturbance is limited to minimum necessary for construction and is determined to be the path location and cut and fill locations identified on the plans. No additional clearing width is permitted. The trail should be adopted by a community group that can manage the area for litter, dog waste, and vegetation damage due to trespass and shortcutting. **(Informational 7)**

The project includes a planted stormwater system for the parking lot to the south of the lot. It includes an overflow that outfalls into Munsel Creek. A stormwater pipe is proposed in C1 adjacent to Quince St. to go under the trail to reduce stormwater pooling at the top of a trail. Utilities are another exception item with the same limitations.

One of the requirements of the sensitive area buffer is that the requirements of state and federal regulations are met to include Endangered Species. DSL has been provided notification of this project. Because the path is located within the highest high tide area the project requires DSL review. **(Informational 10)**

In accordance with Section 3.6 of the Stormwater Design Manual Public Works permits are required for public infrastructure improvements. It is also Public Works who administers the review process and permitting for those public infrastructure systems. This is a difference in review entity and not a waiver of design standards. The same standards apply to private and public systems. **(Informational 8)**

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **CHAPTER 2: LAND USE**

#### **Land Use / Policy:**

1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.

**Other Plan Designations / Policy:**

1. The City should recognize unique land uses, sites, and/or ownership patterns and should provide for flexibility in the land use system to address unique situations while remaining consistent with City goals and policies.

**Other Plan Designations:**

**Downtown**

The project site is located in multiple districts and multiple hazard areas. Partitions were performed on the Quince St. property to place the trail within public property. The City purchased the Spruce St. property to provide a location for a trailhead and parking. The project elements adjacent to Quince St. and Hwy 126 are slated for major infrastructure improvements in the future. Flexibility in the timing of sidewalk widening and street extensions is warranted.

**CHAPTER 5: OPEN SPACES AND SCENIC, HISTORIC, AND NATURAL RESOURCES**

**Scenic Resources and Visual Quality**

**Policy**

1. To identify scenic resources within the City and surrounding areas.

The project does not impact the visual resources identified in the Vision Management Plan. It does however capitalize on the scenic resource viewshed south and southwest of the site.

**CHAPTER 8: PARKS AND RECREATION**

**Parks and Recreation / Policies:**

4. The City shall ensure that the public parks system is accessible to all residents and visitors.
5. The City shall use sustainable practices in developing and planning park facilities and lands, including: sustainability guidelines for design and maintenance of parks and recreation and community facilities; a natural resource interpretive and signage program; tree planting and community garden programs; and other sustainable practices.
11. The City shall address conflicts and issues related to on-leash and off-leash dog walking through the following actions:
  - c. Provide public education on the need to collect and dispose of dog waste in specified receptacles on ocean beaches and public property to improve

**the experience of all users and reduce threats to water quality and public health.**

The project includes accessibility features at access points and via the surfacing choice. Solar lighting is proposed for the parking lot. Interpretive signage, tree planting, and a dog waste station is proposed. A second waste station shall be provided closer to the Quince St. trailhead. Interpretive signage shall include education on the threat dog waste can have on the estuary's ecosystem, the leave no trace concept, and staying on the trail to prevent damage to natural and cultural resources. **(Condition 19)**

### **Open Space / Policies**

- 13. The City shall encourage and support public/private efforts to insure permanent public access and views of the Siuslaw River and its scenic estuary.**
- 14. The City shall develop an interconnecting trail system, providing a full circular route around the Florence area and incorporating Rhododendron Drive, Munsel Lake, beaches, dunes, Old Town, Port and Siuslaw Estuary. The system shall also connect the various parks, residential areas, business, public places through the following actions:**
  - a. Consider the potential to establish or maintain bikeways and/or walkways prior to vacating any public easement or right-of-way;**
  - b. Develop and adopt a Comprehensive Trail Plan that includes bicycle and pedestrian facilities and provides for park connections;**
  - c. Develop the bike lanes and multi-use paths identified in the Florence Transportation System Plan to connect bicyclists and pedestrians to parks, commercial centers and nature areas;**
  - d. Develop and adopt bike and pedestrian facility design standards; and**
  - e. Develop a system of trails and pathways to provide a safe network that links neighborhoods, parks, natural open space, schools, employment centers, shopping locations, recreation facilities and other key community destinations.**

The project accomplishes these policies.

- 15. The City shall ensure that native vegetation is planted, retained, and maintained in parks and open space areas.**

Areas of disturbance in the trail area shall be replanted with species native to that estuary resource. Reseeding or planting with species not native to that NRC management area shall not be used. **(Condition 20)**

- 19. The City, in conjunction with the Port of Siuslaw, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Siuslaw Watershed Council, shall plan and provide estuary and aquatic trails and put in and take out points along the Siuslaw River.**

CTCLUSI shall be consulted in the planning of the trail's replanting and cultural -and ethnobotanical educational components. The Siuslaw Watershed Council shall be consulted in the planning of the trail's estuary ecosystem and botanical educational components. (Condition 21) The Port is not adjacent to this segment. They would be consulted in future phases.

## CHAPTER 12: TRANSPORTATION

### Policies:

13. The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques
15. Land development shall not encroach within setbacks required for future expansion of transportation facilities. At the time of land development or land division, the City shall require dedication of adequate right-of-way or easements consistent with the adopted TSP in order to achieve connectivity; maintain adequate street widths, bikeways and walkways; and to accommodate transit facilities. Chapter 12: Transportation Page XII-4
16. New development and redevelopment shall accommodate on-site traffic circulation on the site. For new development and redevelopment, “backing out” maneuvers onto all streets shall be avoided for uses other than single-family and duplex homes. “Backing out” maneuvers shall also be avoided for new single-family and duplexes accessing arterial and collector streets.
17. 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.
18. 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.
19. The City shall provide an inter-connected trail system as directed in Comprehensive Plan Chapter 8 policy and shown in the TSP Project Maps.
22. 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.
23. 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.

34. Design and construction of transportation facilities shall be responsive to topography and should minimize impacts on natural resources such as streams, wetlands and wildlife corridors.
35. All transportation improvements shall be consistent with the requirements for stormwater in Chapter 11 of the Comprehensive Plan.
40. Bicycle parking facilities shall be provided as part of new development at places of employment, businesses, multi-family residential developments and at public buildings.
44. The City shall develop multi-use paths that both enhance community livability and serve as tsunami evacuation routes.

These criteria are met or conditioned to be earlier in the report.

### **CHAPTER 13: ENERGY FACILITIES AND CONSERVATION**

#### **Policies:**

1. Energy conservation shall be considered when services are extended and public facilities are upgraded.
2. Use of solar, wind and forest waste energy sources shall be encouraged as a means to conserve existing energy supplies.

These policies are addressed earlier in the report.

### **CHAPTER 16: ESTUARINE RESOURCES**

15. The general priorities (from highest to lowest) for management and use of the estuarine resources, as implemented through the Management Unit designation and permissible use requirements shall be:
  - a. Uses which maintain the integrity of the estuarine ecosystem
  - b. Water-dependent uses requiring estuarine location, as consistent with the Shallow Draft Development Estuary classification
  - c. Water-related uses which do not degrade or reduce the natural estuarine resources and values
  - d. Non-dependent, nonrelated uses which do not alter, reduce, or degrade estuarine resources and values.
16. In Natural Estuary Management Units, the following additional policies shall apply:

*See Section FCC 10-19 above.*

## CHAPTER 17: COASTAL SHORELANDS

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### Policies:

5. The management of Coastal Shorelands shall be compatible with the characteristics of the adjacent coastal waters. The policies in this Chapter are in addition to the policies in Chapter 16, Siuslaw River Estuary; and where conflicts exist, the policies and provisions of Chapter 16 shall prevail.
12. General priorities for the overall use of Coastal Shorelands (from highest to lowest) shall be to: Chapter 17: Coastal Shorelands Ocean and Lake Shorelands Page XVII-4 1. Promote uses which maintain the integrity of estuaries and coastal waters; 2. Provide for water-dependent uses; 3. Provide for water-related uses; 4. Provide for nondependent, nonrelated uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses; 5. Provide for development, including nondependent nonrelated uses, in urban areas compatible with existing or committed uses; 6. Permit nondependent, nonrelated uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.
14. In Natural Resources Conservation Management Units, the following additional policies shall apply:
  - a. For Shorelands in the Natural Resources Conservation MU within the Florence UGB, implementation requirements in Lane Code Chapter 10 Overlay Zoning Districts shall apply outside city limits, and the Natural Resource Conservation Overlay Zoning District in Florence City Code Title 10 Chapter 19 shall apply inside city limits.
  - b. Uses shall fall within and respect Priorities 1-5 of the Priority Statement (Policy 12).
  - c. Filling in Coastal Lakes adjacent to this MU shall only be allowed in very rare instances and after a complete study of potential physical or biological impacts on the Lake. The cumulative effects of all such fills shall be considered. Positive benefits must outweigh negative effects.
  - d. Land divisions outside city limits within the Florence UGB shall not be allowed prior to annexation to the city. Land divisions within city limits in this MU shall be approved only with affirmative findings that the land division and subsequent use are consistent with shoreland values as identified by on site evaluation.
  - e. For any approved development on coastal lake or estuarine shoreland in this MU, a minimum 50' horizontal buffer zone is required from the estuary or lake. (Setback requirements on ocean shorelands in this MU will vary depending on the rate of erosion in the area and will be determined by site review, with a 100 foot minimum.)

- f. Only developments and activities which do not pose a threat to life or property from land instability, erosion or other natural hazard shall be allowed.

**Management Unit #5:**

**Management Unit #5** is a 50-foot wide strip of land measured from the mean high tide line, starting at the northern boundary of MU #4 and extending to the UGB, including any adjacent lands within the 100-year floodplain.

**Rationale is:**

- a. Steeply rising bank limits estuarine influence;
- b. Adjacent tideflats limit accessibility to river channel;
- c. Expansive tideflats limit erosion danger;
- d. Adjacent to a biologically productive part of the estuary – marshes at the confluence of North Fork and Main Stem;

This management unit is intended to protect the riparian vegetation and provide a buffer for the adjacent natural estuarine Management Unit. Hazard of flooding or bank erosion is limited by the steeply rising banks and the wide expanse of tideflats adjacent. The adjacent properties east of Munsel Creek have developed street access and are provided with city services; city setbacks and parking requirements will limit the extent of development on the south side of Highway 126.

See Section FCC 10-19 above.

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**VII. CONCLUSION**

The application meets the requirements of Florence City Code and the Florence Realization 2020 Comprehensive Plan with conditions as outlined in the resolution.

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**VIII. EXHIBITS:**

"A" Findings of Fact	"I" Examples of Trail Amenities
"B" Land Use Application	"J" Siuslaw Trail Layout-LCOG
"C" Project Proposal Narrative	"K" Duman Testimony
"D" Project Drawings	"L" Hoberg Testimony
"E" Amenity Overview	"M" Kiely Testimony
"F" Lighting Fixture Example	"N" Nelson Testimony
"G" Siuslaw Estuary Trail Vision (2013)	"O" SVFR Referral Comments
"H" CTCLUSI Referral Comments	

Dear Planning Commission Members,

This is in regards to the proposed estuary trail. I would like to request the planning commission consider making this trail wheel chair accessible.

My husband is in a wheel chair due to a stroke. At this time the only place he can really go for a walk is on the board walk at the marina. The side walks of old town are not passable on a wheel chair, Exploding Whale Park is not wheel chair accessible and there aren't many other options.

Florence recently got the addition of Dave's chairs, making beach access for those who cannot walk. It would be really nice to have more places made accessible for the disabled in our community.

Thank you for your consideration.

Cindy Kiely  
469 Sherwood Loop  
Florence, Oregon 97439

# Exhibit N

**From:** [Jason Nelson](#)  
**To:** [Planning Department](#)  
**Subject:** RESOLUTION PC 24 03 CUP 03– Estuary Trail with Parking at Hwy 126 & Spruce ,Street  
**Date:** Monday, February 26, 2024 2:37:53 PM

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In looking at the exhibits I did not see anything pertaining to a traffic impact survey. Will there be one? My concern is it is presently very difficult to enter Hwy 126 from Spruce as it is today. I cannot imagine the impact if the parking lot was only accessible from Hwy 126.

Additionally, there is mention of a Redwood Street crosswalk. On page 11 of the exhibits it shows a picture of Hwy 126 but doesn't specify exactly where the crosswalk would be. Would the crosswalk directly behind the photo be removed or would there be two crosswalks within a 1000' of each other? How will this effect traffic exiting Spruce Street?

Thank you for taking the time to address my questions.

Jason Nelson  
1237 Yew St.  
Florence OR 97439

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**From:** Michael Schick <chief@wflfa.org>  
**Sent:** Tuesday, February 20, 2024 5:04 PM  
**To:** Clare Kurth <clare.kurth@ci.florence.or.us>  
**Subject:** RE: Questions on 2 Projects

Clare,

1. I have no concerns with the estuary trail plans. I don't see a width on the entrance but I assume it's at least 20'. It would be nice to know a weight limit on the planned bridge as well as dimensions in case we needed to get an ATV on the trail.

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Thank you

**Clare**