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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO: 4**  
Meeting Date: *April 23, 2024*

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**ITEM TITLE:** *Resolution PC 24 04 CUP 04 – 3581 Hwy 101 Grigsby*

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**OVERVIEW:**

Application: A request was received for approval of a Conditional Use Permit (CUP) to reinstate a discontinued detached single unit dwelling (SUD) use in the Highway District. The site had a previously approved residential use, which is conditionally permitted in the underlying Highway District, but the use was discontinued for more than 6 consecutive months and therefore constitutes expiration of that conditional use.

The project site is located at 3581 Hwy 101 on the south west corner of the 36<sup>th</sup> and Hwy 101 intersection, located in the Highway District as regulated by [FCC 10-16](#). The lot had previously taken access from Hwy 101 via an underdeveloped platted alley. A Right of Way driveway construction permit has been submitted to Public Works to change site access to 36<sup>th</sup> St. This CUP approval request is being reviewed against current code criterion. Single Unit Dwellings are exempt from Design Review as per FCC 10-4-10-D.

Process and Review: These requests are a Type III land use application requiring a quasi-judicial public hearing. The Florence Planning Commission is the review body as set out in the [Florence City Code \(FCC\) Title 10 Chapter 4](#). The resolution, findings of fact and application materials are attached to this AIS. Additionally, testimony and at times parts of the application are included as separate attachments and are not included as part of the resolution exhibits. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, are the policy considerations that may be applied in the decision-making process. Application materials, public testimony and agency referrals that speak to the criteria may also be considered.

The findings include a review of the application against the applicable criteria and incorporate public testimony and agency referral comments or concerns where applicable. Where project changes were needed or it was found necessary to ensure the code is met, conditions of approval are included. Additionally, informational items are listed within the resolution and findings to ensure information is conveyed that is applicable but not necessarily a condition of approval.

Public Testimony: At the time of publishing the findings of fact, no public testimony was received.

Agency Referrals: A referral request was sent on April 9, 2023 to the City of Florence Public Works, CTCLUSI, Siuslaw Valley Fire and Rescue, and CLPUD. No issues or concerns were raised. Referral request replies are addressed in the Findings.

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**ISSUES/DECISION POINTS:**

There was one point that an exception was evaluated:

FCC 10-35-2-7-B permits a lesser “driveway to street intersection” separation distance under several situations to include when the lot

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is too narrow or contains existing development. FCC 10-35-2-7-A requires a separation distance of 50 feet from the edge of the right of way to the edge of the driveway. Following this criterion leaves an available width of 8 ft. for a driveway. Staff found the exception criteria to have been met. This discussion is on pages 19 and 20 of the findings.

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**ALTERNATIVES:**

1. Approve the Conditional Use Permit Resolution PC 24 04 CUP 04, with conditions to use the site at 3581 Hwy 101 in the Highway District as a detached single unit dwelling,
  2. Review and recommend changes to the proposed Conditional Use Permit findings for Resolution PC 24 04 CUP 04 and approve as amended,
  3. Continue the Public Hearing to a date certain if more information is required, or
  4. Deny the Conditional Use Permit (CUP) Resolution PC 24 04 CUP 04, and do not approve the use of 3581 Hwy 101 in the Highway District as a detached single unit dwelling.
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**RECOMMENDATION:**

Planning Staff—Option 1, Approve Resolution PC 24 04 CUP 04 with conditions of approval

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**AIS PREPARED BY:**

Wendy FarleyCampbell, Community Development Director

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**ITEM'S ATTACHED:**

**Attachment 1 – Resolution PC 24 04 CUP 04 - Proposed**

- Exhibit A – Findings of Fact
  - Exhibit B – Site Plan
  - Exhibit C – Vicinity Maps
  - Exhibit D – Survey Markers
  - Exhibit E – Application Proposal
  - Exhibit F – Utility Plan
  - Exhibit G – Access
  - Exhibit H – Lighting Plan
  - Exhibit I – Building Elevations Existing
  - Exhibit J – Referral SVFR 4-9-24
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**FINDINGS OF FACT  
FLORENCE PLANNING COMMISSION  
Exhibit "A"**

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**Public Hearing Date:** April 23, 2024      **Planner:** Wendy Farley Campbell  
**Application:** PC 24 04 CUP 04

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request to restore use of a single unit detached dwelling

**Applicant:** David Grigsby

**Property Owners:** David Grigsby

**Location:** 3581 Hwy 101

**Site:** Map # 18-12-23-22 Tax lots 6100, 6000, and 5900

**Comprehensive Plan Map Designation:** Highway District

**Zone Map Classification:** Highway District

**Surrounding Land Use / Zoning:**

**Site:** Unused single unit detached dwelling / Highway District (HD)

**North:** Vacant restaurant building / HD

**South:** Vacant / HD

**East:** Drive-thru Restaurant & Highway / HD

**West:** Single Unit Detached Dwelling / HD

**Streets / Classification:**

East – Hwy 101 / arterial; North – 36<sup>th</sup> Street / Local; West – Pine St / local; South – none / undeveloped alley

**II. NARRATIVE:**

The applicant proposes to put back into service a single unit detached dwelling, which had discontinued use for more than 12 months. The use is conditionally approved in the Highway District. Approval of conditional use permit application is sought.

The project site is located at 3581 Hwy 101 on the south west corner of the 36<sup>th</sup> and Hwy 101 intersection, located in the Highway District as regulated by [FCC 10-16](#). The site consists of three legal lots each having its own tax lot number. The lots were created in the 1950's in the process of the time predating land division laws enacted in the mid-1970's by Lane County. The home was built when in Lane County jurisdiction. No lot combination is requested or required with this action. For the purposes of this review process the three lots will be considered a single development site.

The site had previously taken access from Hwy 101 via an underdeveloped alley. A Right of Way driveway construction permit has been submitted to Florence Public Works to change site access to 36<sup>th</sup> St. This CUP approval request is being reviewed against current code criterion. Single Unit Dwellings are exempt from Design Review as per FCC 10-4-10-D.

### III. NOTICES & REFERRALS:

**Notice:** On April 3, 2024, notice was mailed to surrounding property owners within 301 feet of the property. The property was posted on April 3, 2024. Notice was published in the Siuslaw News on April 17, 2024.

**Referrals:** Referrals were sent on April 9, 2023 the City of Florence Public Works Department, Siuslaw Valley Fire and Rescue (SVFR), CLTCLUSI, and CLPUD.

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

SVFR: “Western Lane Fire and EMS Authority has no questions or concerns with the development of the property as presented.”

PW: Written comments were not received but the applicant provided the permit application submitted to the Public Works Department for driveway and sidewalk construction. Public Works has been working with the applicant’s representative to identify the pedestrian connection needed to successfully match the recent sidewalk work done at the corner of Hwy 101 and 36<sup>th</sup> St. and establish the permitted driveway curb cut distance from the intersection.

### IV. APPLICABLE REVIEW CRITERIA

**Criteria Applying to this Matter for the application include:**

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

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

- Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7
- Chapter 3: Off-Street Parking and Loading, Sections 4 and 8-A
- Chapter 4: Conditional Uses, Sections 3, 5 through 8, 10, and 11
- Chapter 6: Design Review, Section 5-2
- Chapter 8: Non-Conforming Lots & Uses, Section 5 (*may not be needed, pending archive research*)
- Chapter 10: Residential Districts, Sections 4 and 5
- Chapter 16: Highway District, Sections 3 through 7
- Chapter 34: Landscaping, Section 5
- Chapter 35: Access and Circulation, Section 2-4, 2-7, 2-8, and 2-12 through 2-14
- Chapter 37: Lighting, Sections 4-A and 5-R

#### **Title 9: Utilities**

- Chapter 5: Stormwater Management Requirements, Section 2-4

**V. FINDINGS: CONDITIONAL USE PERMIT**

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**FLORENCE CITY CODE**

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

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

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

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

[...]

**3. Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.**

[...]

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

**1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**

**2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**

**3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**

4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.
  5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.
  6. Shall be accompanied by any other information deemed necessary by the City Planning Department.
  7. Shall be accompanied by the required, non-refundable fee.
- D. **Evidence Submittal:** Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. by Ord. No. 30 Series 1990)

**E. Traffic Impact Studies:**

The applicant provided hard and digital copies of the required site, lighting, utility, and access plans. The application also included the fee, a narrative, vicinity maps, and elevations of the existing structure. No criteria warranting a traffic impact study were triggered with this proposed project,

**10-1-1-5: GENERAL PROVISIONS**

- A. **120-Day Rule:** The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)
1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.

The applicant has not requested the expedited review path of 100 days. The PC decision, appeal period and Council action will be made within 120 days.

**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:**

**6. Conditional Use Permits**

The applicant proposes to reinstate a detached SUD in an existing building in the Highway District, which requires a conditional use Type III process that includes 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.

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

1. The notice shall:
  - a. Explain the nature of the application and the proposed use or uses which could be authorized;
  - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
  - c. Set forth the street address or other easily understood geographical reference to the subject property;
  - d. State the date, time and location of the hearing;
  - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
  - f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
  - g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
  - h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

Notice of the public hearing was posted on the subject property and mailed to all property owners within 301 feet of the property on April 3, 2024. Notice was published within the Siuslaw News one time on April 17, 2024. These criteria are met. 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 sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

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

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

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**10-3-4: MINIMUM REQUIRED PARKING BY USE:** During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the 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:**

**A. Residential and Commercial Dwelling Types:**

<b>Single Unit Dwelling including attached and detached dwellings and manufactured homes</b>	<b>2 spaces per dwelling unit on a single lot</b>
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The applicant is proposing use of an existing dwelling building for use as SUD. No covered parking facilities are located on the site. It is presumed the parking pad demarcated as the future garage is the location of the parking. Conditions related to improvement are discussed below.

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

The proposed driveway includes plans for paving. The two required parking spaces shall be improved with a durable dust free surface in accordance with 10-3-8 and any additional driveway within the first 50' from the 36<sup>th</sup> Street ROW. **(Condition 4)** This criterion is conditioned to be met.

**A. Parking for new single-unit dwellings and duplexes shall be provided as follows:**

- 1. A carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100-foot radius. Single car garages, carports, and similar shall measure a minimum of 12 feet wide by twenty (20) feet long with a minimum nine (9) ft. garage door. Double car garages, carports, and similar shall measure a minimum of twenty (20) feet side by twenty (20) feet long. Width is measured from the interior walls or posts. Within the garages, carports, and similar no encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces which shall measure nine (9) feet wide by nineteen (19) feet long.**
- 2. One parking space per unit may be provided on a driveway if the following criteria are met: a. Driveway spaces shall measure at least 12 feet wide by twenty (20) feet long. No encroachments are allowed into the required parking spaces. b. Driveway spaces shall not extend into the public or private right-of-way or sidewalk easement area. c. The number of covered parking spaces provided shall not fall below one (1) space per unit.**

There are three dwellings within 100 feet from the project site and the majority (two) do not have covered parking. So, no covered parking is required. This project proposes a future garage inside a proposed gated access. The garage area is approximately 25 ft. deep by 23 ft. wide. The proposed 25'x 23' garage is determined to meet this code section and exceeds the predominate number of covered parking spaces in the surrounding 100 feet of the property. The site plan and narrative do not specifically state that the area of the garage pad will be used for parking prior to installation of the garage. Two on-site parking spaces are required and must be improved to city standards. **(Condition 4)**

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

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**10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION:** When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance

**with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.**

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

A duly noticed public hearing was held by the Planning Commission on April 23, 2024. This public hearing was held prior to the issuance of any building permits on the subject site. This criterion is met.

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

During this review process the Planning Commission is making specific Findings for granting or denying this conditional use permit and temporary conditional use permit in accordance with the general criteria and conditions of FCC 10-4-9. This criterion is being satisfied as part of this review process.

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

The Planning Commission held a hearing April 23, 2024. The Planning Commission shall make specific findings regarding the application for a conditional use permit according to the criteria as presented in these findings. Should the request for a conditional use permit be approved, it shall become effective at the close of the appeal period.

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

- A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:**
- 1. The request for an extension is made in writing prior to expiration of the original approval.**
  - 2. There are special or unusual circumstances that exist which warrant an extension.**
  - 3. No material changes of surrounding land uses or zoning has occurred. The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)**

This conditional use permit for a detached SUD in the Highway District shall be valid for one year after the date of approval (April 23, 2025). In accordance with this code section, a request for extension shall be made in writing prior to the expiration or the original approval is substantial construction has not taken place.

Authorization of a conditional use permit shall be void one (1) year after the date of approval, April 23, 2024, unless a building permit has been issued and substantial construction pursuant thereto has taken place (**Condition 5**).

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

The discontinuance of the conditional use for 12 consecutive months or the intentional demolition or removal of the SUD shall constitute an expiration of this conditional use permit. and shall require a new conditional use permit to be obtained (**Informational 1**).

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

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

According to the [2018 Housing Needs Analysis](#), overall redevelopment activity within the Florence UGB is expected to range from 46,000 to 53,000 square feet of infill/redevelopment (building floor area), which is over and above the vacant land needs shown in Exhibit VI.1” (pg. 38). According to the 2018 HNA the City has adequate midtown space for development and re-development. This criterion is met.

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

The proposed detached SUD use is exempt from Chapter 6 Design Review in accordance with this code section.

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

The proposed site is accessible by both private and emergency vehicles. The site will have driveway access from 36<sup>th</sup> St. Use of the alley is not proposed with this application. Use of the alley by vehicles will require a right of way permit to be applied and requisite public improvements made. (**Informational 2**) Pedestrian access will be available from the 36<sup>th</sup> Street ROW by means of a sidewalk to be installed as part of this project. In accordance with FCC 10-35-3-1 newly constructed sidewalks shall be constructed along all street frontage (36<sup>th</sup> Street) of the lot. A paved pedestrian walkway shall be installed for access from the newly installed sidewalk to the dwelling’s front entrance. This may be via the paved driveway. (**Condition 6**). This criterion is met or is conditioned to be met.

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

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

The setbacks for the existing dwelling and shed buildings are established and meet the code criteria, excepting the highway setback, which is pre-existing non-conforming and is subject to the criteria in 10-16 related to the less restrictive criteria applying. The area of the future garage is illustrated to be 20 feet from the sidewalk on 36<sup>th</sup> St. and approximately 15 ft. from the property line. The garage door setbacks would not meet the 20 ft. code requirements. The garage when and if installed shall meet the 20 ft. garage door setback from the 36<sup>th</sup> St. property line. **(Condition 7)**

No other regulations of use, building lot coverage, or building height is proposed with this request.

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

The application includes a proposal to install a seven ft. tall fence along Highway 101 and 36<sup>th</sup> St. with a gate access from the 36<sup>th</sup> St. driveway. The fencing material was not stated and is conditioned in FCC 10-34. Fence height along 36<sup>th</sup> St. is discussed and conditioned in FCC 10-36 also. Twelve plantings of some sort are proposed along the Highway frontage on the outside of the fence spaced at regular 8 ft. intervals within a six ft. wide area abutting the sidewalk. The nine most southern plantings are located on the applicant's property and the remaining three are located within the ODOT right-of-way due to a property line adjustment made during the recent ADA sidewalk project. The applicant provided survey marker locations on the site plan and via photographs. To address the pre-existing nonconforming highway setback a sight obscuring fence shall be installed and the twelve plantings must be either street trees or a combination of street trees and medium sized shrubs and in both scenarios installed and irrigated. **(Condition 8)**

The proposed plantings shall either be maintained or include evergreen varieties where the branches will not encroach into the pedestrian and vehicular access areas of 8 ft. and 13 ft. above ground respectively. **(Informational 3)** Vegetated ground cover if used along the outside of the fence line shall be maintained to be less than 12" tall and remain weed free. Non-plant ground cover materials must be recessed or bordered by a 4" to prevent sidewalk encroachment. **(Informational 4)** .

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

Intersection and driveway separation distances are discussed under 10-35.

The driveway is proposed to be improved with pavement, but will require upgrades to the curb cut along the 36<sup>th</sup> Street frontage. These permits have been applied for with Florence Public Works. A gate is proposed across the driveway with a 20 ft. setback from the sidewalk for vehicular loading or cueing. The gates open inward. The 15 ft. garage door setback was conditioned to be increased to 20 ft. earlier. No additional conditions are needed.

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

The proposed project is a detached SUD. There is anticipated to be temporary noise, vibration, odors, and sightliness associated with construction, during the construction period only. FCC 10-6-1 regulations to nuisances will apply to this project as with any residential use in the Highway District (**Informational 5**).

At all times during construction and while the temporary construction site dwelling is located on the subject site the property shall be maintained in a manner that is compliant with FCC 6-1-8 which regulates nuisances within City Limits (**Informational 6**).

No special conditions are needed.

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

Regulation of hours of operation are not applicable with this application as the proposed use is a single unit residential use.

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

No special time period has been identified and needed or warranted.

**I. Requiring bonds to insure performance of special conditions.**

The proposed use is typical of a residential use and zoning and does not create circumstances where regulation of these criteria (FCC 10-4-11-D through I) are warranted with additional conditions of approval.

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

The subject lot is vacant and does not include riparian areas, significant slopes, or buffers with conflicting uses. The existing site is vacant and mostly cleared of vegetation. No regulation of tree and vegetation removal is necessary to maintain soil stability.

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

The proposed use is consistent with the Florence Comprehensive Plan, as discussed above, and will not prevent the orderly and efficient development of the City. These criteria were previously discussed.

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**TITLE 10: CHAPTER 8: NON-CONFORMING LOTS & USES**

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**10-8-5: ABANDONMENT OF NONCONFORMING USE: The discontinuance of a nonconforming use for any six (6) consecutive months shall constitute abandonment. The pre-existing use shall be deemed to have been terminated and every building, structure**

and use occupying the premises thereafter shall conform to the regulations of the zoning district in which is located.

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**TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS**

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

**A. Minimum Lot Dimensions:** To be designated a building site, a lot must meet the following minimum lot dimensions:

**Table 10-10-4-A. Minimum lot dimensions by Development Type.**

**B. Minimum Lot Area:** To be designated a building site, a lot must meet the following minimum lot area:

This lot is in MSB and is regulated by maximum lot coverage in accordance with FCC 10-27-4-B. This will be discussed in detail under that Code section.

**C. Lot Coverage:** The maximum coverage shall not exceed the following:

This lot is in MSB and is regulated by maximum lot coverage in accordance with FCC 10-27-4-C. This will be discussed in detail under that Code section.

**D. Yard Regulations:** Unless an adjustment or variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

Table 10-10-4-D. Minimum setbacks and yard regulations.

	LDR	MDR	RMH	HDR
<b>Front</b>				
Primary	10 ft.	10 ft.	10 ft.	5 ft. <sup>1</sup>
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
<b>Side</b>				
Primary <sup>2</sup>	10 ft.	5 ft.	5 ft.	5 ft. <sup>1</sup>
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
<b>Rear<sup>1</sup></b>				
Primary	10 ft.	5 ft.	5 ft.	5 ft. <sup>1</sup>
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
<sup>1</sup> Single-unit detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District. <sup>2</sup> Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot. <sup>3</sup> For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.				

As discussed in 10-16 the code permits the less restrictive code criteria to apply when compared to a district where the use is permitted outright. Side yard setbacks are 5 ft. for the Medium Density District and no highway setbacks are required. These criteria are less restrictive and apply to this application and decision.

**10-10-5: SITE DEVELOPMENT PROVISIONS:**

**A. Building or Structural Height Limitations:**

1. **Primary Structures:** The maximum building or structural height shall be thirty-five feet (35'), excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.
2. **Accessory Structures:** The maximum building height shall be twenty feet (20').
3. **Accessory Dwelling Units:** The maximum building height shall be twenty-eight feet (28').
4. **Nonresidential Structures:** The maximum building height shall not exceed thirty feet (30').

- 5. Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.**

As previously discussed, detached SUDs are exempt from design review. No new structures are proposed or reviewed under this application.

**B. Fences: See Code Section 10-34-5 of this Title**

Fences are discussed in 10-4 and 10-34.

**C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.**

Vision clearance was discussed under section FCC 10-35 of this Title.

**D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)**

Off street parking was discussed under section FCC 10-3 of this Title.

[...]

**G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.**

Access and circulation were discussed under section FCC 10-35 of this Title.

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

Public Facilities was discussed under section FCC 10-36 of this Title.

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

Lighting was discussed under section FCC 10-37 of this Title.

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**TITLE 10: CHAPTER 16: HIGHWAY DISTRICT**

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

[...]

**C. Single-unit detached, and duplex dwellings.**

[...]

A single unit detached dwelling is proposed and is permitted conditionally.

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



- A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.**
- B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.**
- C. The location of the site can accommodate energy efficient traffic circulation routes.**
- D. The vehicle and pedestrian access to the site can be safely and efficiently provided.**
- E. The necessary utility systems and public facilities are available with sufficient capacity.**
- F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.**

These were addressed in 10-10 or 10-4 or 10-3 above.

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

- A. Setbacks, yards, height, density and similar design features.**
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.**
- C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.**
- D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.**
- E. Parking areas and on-site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.**
- F. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)**
- G. Architectural quality and aesthetic appearance.**
- H. Public health and safety.**
- I. Security.**

- J. Lot area, dimensions and percent of coverage.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

Most of these items were covered in FCC 10-4 and 10-10 above. SU Detached Dwellings are not subject to architectural review except in the Old Town District.

**10-16-6: REHABILITATION OF EXISTING BUILDINGS AND USES:** The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter.

In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

**10-16-7: DESIGN SPECIFICATIONS:**

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

[...]

**2. Residential: One hundred feet (100').**

The existing building is pre-existing non-conforming with regard to a 100 ft. setback. Given the narrow width of the lot the 100 ft. distance could not be achieved. The provision for the lesser setback to apply to conditionally permitted residential uses negates the applicability of this criterion.

[...]

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

No changes to the setbacks are proposed.

- C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

- 2. Residential: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view. In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a

**vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.**

[...]

The site plan includes a proposal for a seven ft. fence and plantings of unknown species along the highway frontage. The building elevations show the height is very low and the fence as proposed should meet the 2/3 policy. Screening was discussed and condition earlier.

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

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

Criterion met.

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

Parking was discussed in 10-3.

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

Minimum lot width is 70 on the south end and 63 on the north end. Criterion met.

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

The legal lot configuration and status was discussed earlier. There are no changes to the lots.

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

No new structures are proposed with this application.

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

This is discussed under 10-35.

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

With the addition of the driveway and future garage the coverage is still below 85%. Criterion met.

[...]

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

This is discussed under 10-37.

**P. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The less restrictive standards would apply.**

This application requests a conditional use permit to reinstate a single unit detached dwelling. The standards that are less restrictive and applicable to this proposal are the 100 ft. residential highway setback. FCC 10-10 here this use is permitted outright is reviewed above.

**R. Screening: Any trash, recycling or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.**

Location of the trash and recycling receptacles was not provided. The site plan shall indicate the trash and recycling receptacles within a building or sight obscuring enclosure no less than 5 feet tall. (Condition 9)

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**TITLE 10: CHAPTER 34: LANDSCAPING**

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

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

**B. Dimensions.**

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

Buffering was discussed earlier and conditioned. The site plan includes a proposal for a seven-foot-tall fence along the Highway and 36<sup>th</sup> Street frontage. The front yard is 36<sup>th</sup> St. limiting that fence height to 4 feet tall. The applicant shall reduce the height of the fence and gates along 36<sup>th</sup> St. to no greater than 4 feet tall. (Condition 10)

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

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**10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in**

managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit....

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

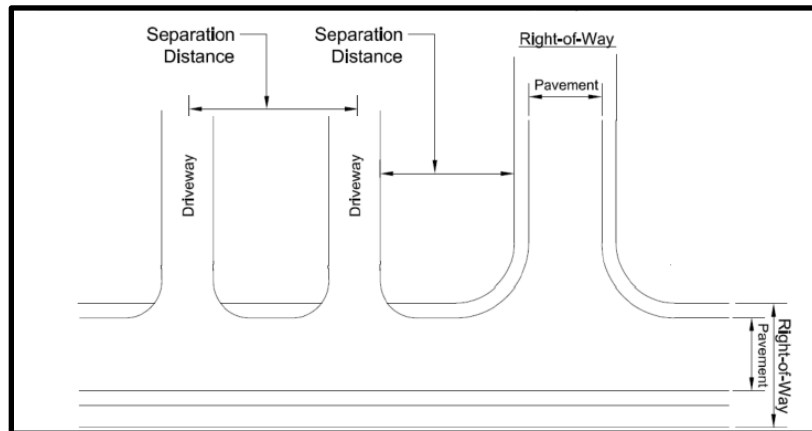
- A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

**Separation Distance from Driveway to Pavement:**

<b>Alley</b>	<b>15 feet</b>
<b>Local Street</b>	<b>25 feet</b>
<b>Collector Street</b>	<b>30 feet</b>
<b>Arterial Street</b>	<b>50 feet</b>

**Separation Distance from Driveway to Pavement:**

<b>Alley</b>	<b>15 feet</b>
<b>Local Street</b>	<b>25 feet</b>
<b>Collector Street</b>	<b>30 feet</b>
<b>Arterial Street</b>	<b>50 feet</b>



Highway 101 is an arterial requiring a 50 ft. driveway separation. Access to the site was previously made from the alley on Highway 101 and from a driveway located less than 20 feet from the Highway right of way on 36<sup>th</sup> St. This 36<sup>th</sup> St. access was partially obscured with the ODOT right of way work performed a couple of years ago. At the same time the property line was moved in the northern corner to the west approximately 12 ft. to accommodate the ADA sidewalk slopes.

The new driveway is proposed to be installed 5 ft. from the western property line and 50 ft. from the Hwy 101 pavement. The TSP code update completed last fall changed the “intersection to driveway” separation measurement methodology from right-of-way pavement to the right-of-way “property” line. The measurement methodology change and change in the location of the right of way line impacts the proposal by approximately 12 ft. leaving an opportunity for an 8 ft. wide

driveway, which does not meet the new minimum 12 ft. dimension. If just accounting for the change in methodology and instead measuring from the original right of way line a 15 ft. wide driveway is available. Section B below permits the opportunity to consider the lot width and built conditions and offer a wider driveway contrary to the separation regulation.

The separation of the proposed driveway from the driveway of the residence to the west is greater than 25 ft., meeting the criterion.

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

**a. no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or**

**b. planned improvements or traffic circulation patterns show a different location to be efficient and safe, the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).**

The property contains structures, the existing driveway was partially obscured with a sidewalk curb return by ODOT in a recent construction project. The property is 63 ft. wide along the 36<sup>th</sup> St. frontage. Providing a five ft. setback on the western property line and the 50 ft. setback from the highway 101 right of way line leaves opportunity for an 8 ft. wide driveway. Measuring from the original right of way line provides an opportunity for a 15 ft. wide driveway. The circumstances of the lot width, ODOT's recent work and the change in front lot line dimension warrant an exception to the 50 ft. separation regulation. This criterion is met.

**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.**

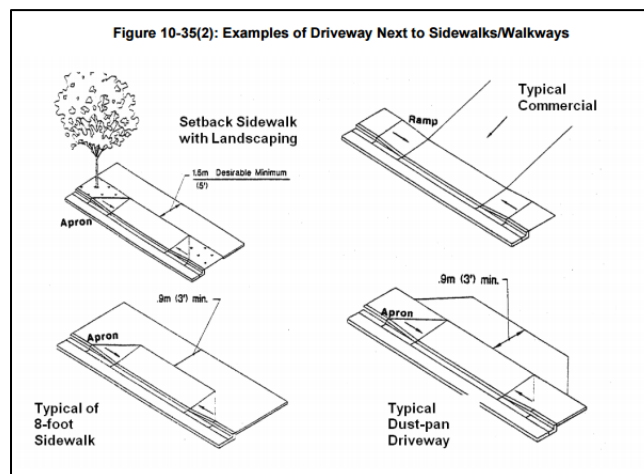
This proposed detached SUD is exempt from the requirement preventing backing movements onto public streets since 36<sup>th</sup> St. is a local street. This criterion is met.

**10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.**

This project represents new development and therefore shall take access primarily from a local street. This site proposed taking access from 36<sup>th</sup> St. a local street. This criterion is met.

**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:
1. Driveways for single family residences shall have a width of not less than twelve (12) feet and not more than twenty (20) feet.
  2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
  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.
- 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) (pictured on next page). 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.



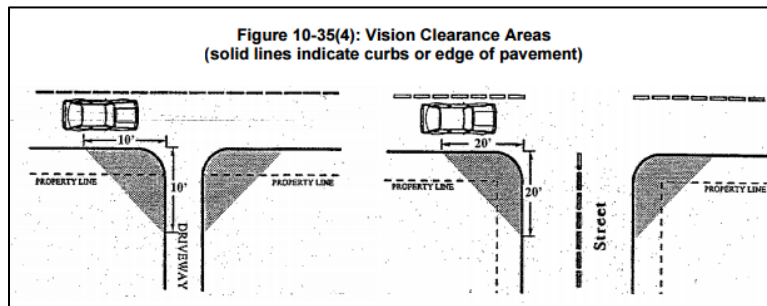
The driveway apron and street access are proposed to be improved to City and ADA accessibility standards with approval from the Public Works Director.

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

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

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

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.



No fencing, structures, or landscaping are proposed that are anticipated to impact vision clearance on this site. The applicant shall maintain the 20' vision clearance area on either side of the streets to maintain vision clearance for vehicle and pedestrian safety. (Informational 7). This criterion is met.

**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.

There is currently no sidewalk along the 36<sup>th</sup> St. frontage. The site plan illustrates a plan to install the sidewalk along this frontage and a right of way construction permit has been applied for. Criterion met. .

- 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 and city inspection and approval of sidewalks is required prior to the issuance of a Certificate of Occupancy. (Informational 8).



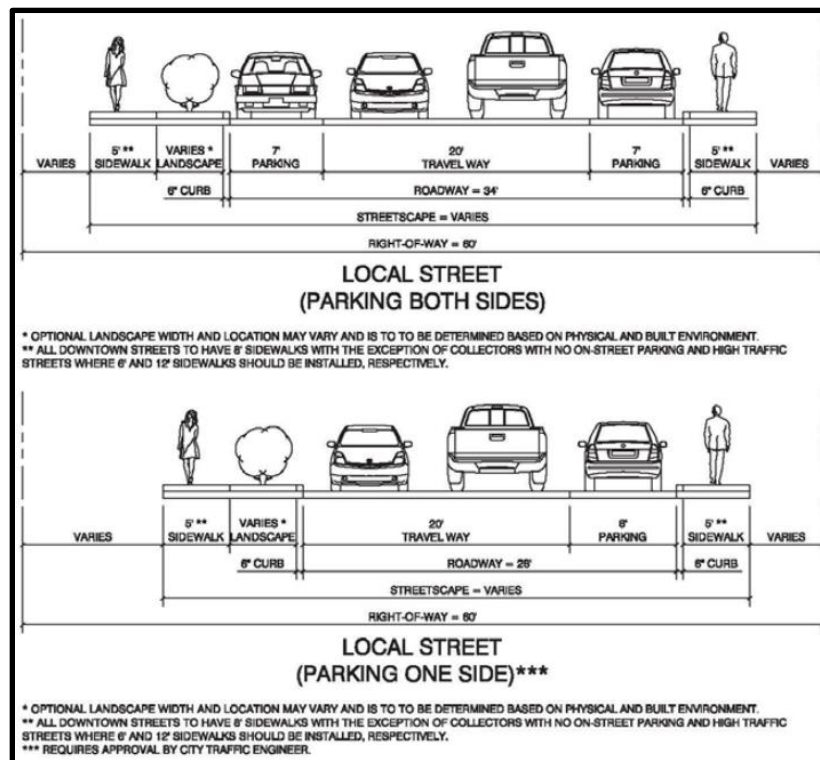
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**TITLE 10: CHAPTER 36: PUBLIC FACILITIES**

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**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 ROW adjacent to the subject site is the 36<sup>th</sup> St. ROW. It is developed to a lesser standard than current policy. The dwelling is currently existing and no expansion is proposed. Therefore, no nexus exists to require contribution to widening the travel lanes. Criterion 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 criterion was addressed earlier and was found to be met.

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

The applicant shall have approval from the USPS for the location of a mailbox on site (**Condition 11**). This criterion is conditioned to be met.

**10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND FIRE PROTECTION:**

- A. Sewers, Water, and Stormwater Mains Required: Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City’s Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.**
- B. Sewer, Water, and Stormwater Plan Approval: Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.**
- C. Existing Watercourse: Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.**
- D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.**
- E. Fire Protection: All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.**
- F. Inadequate Facilities: Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public**

health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. **10-36-4: EROSION CONTROL:** In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

According to the referral comments from the City Public Works Department, the subject site has access to adequate utilities to support the proposed development of the detached SUD. This criterion is met.

**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.**

A utility plan was provided. No overhead lines exist presently on site. All new utilities shall be placed underground in accordance with this Code section (**Condition 12**). This criterion is conditioned to be met.

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

No such exemptions are present on this site. Therefore, utilities shall be placed underground (**Condition 12**). This criterion is conditioned to be met.

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**TITLE 10: CHAPTER 37: LIGHTING**

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**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.**

**10-37-5: EXEMPTIONS:**

**R. In addition to exceptions mentioned above the below apply to residential uses.**

1. **One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.**

2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.
3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.
5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.
6. Decorative low wattage lights.

The applicant provided a lighting plan that meets this code section. Criterion met.

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**VII. CONCLUSION**

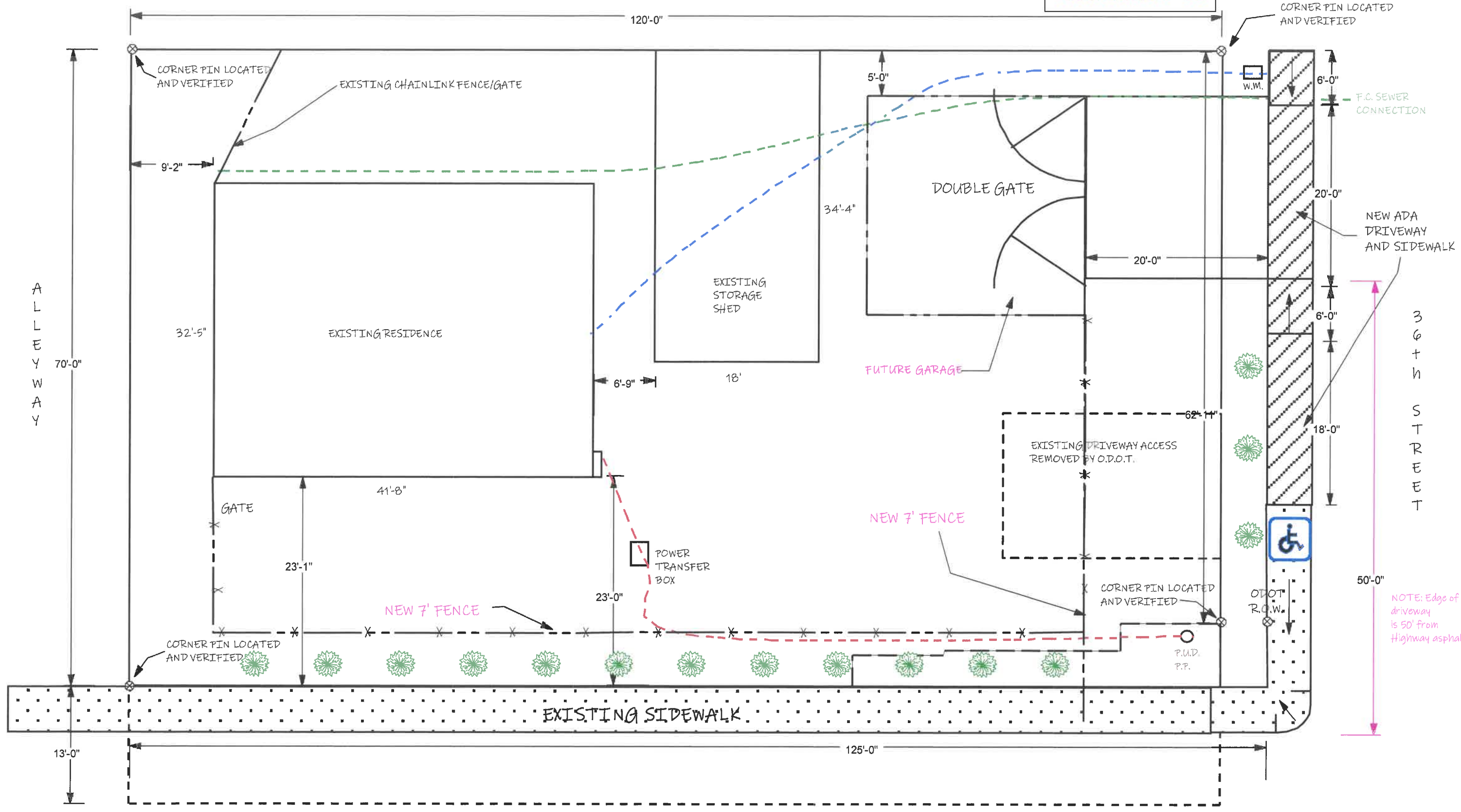
The application meets the requirements of Florence City Code and the Florence Realization 2020 Comprehensive Plan with conditions as outlined in the resolution. An exception is granted for the driveway to arterial separation.

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**VIII. EXHIBITS:**

"A" Findings of Fact
"B" Site Plan
"C" Vicinity Map
"D" Survey Markers
"E" Application Proposal
"F" Utility Plan
"G" Access Plan
"H" Lighting Plan
"I" Building Elevations Existing
"J" Referral Comments - SVRF

# EXHIBIT B



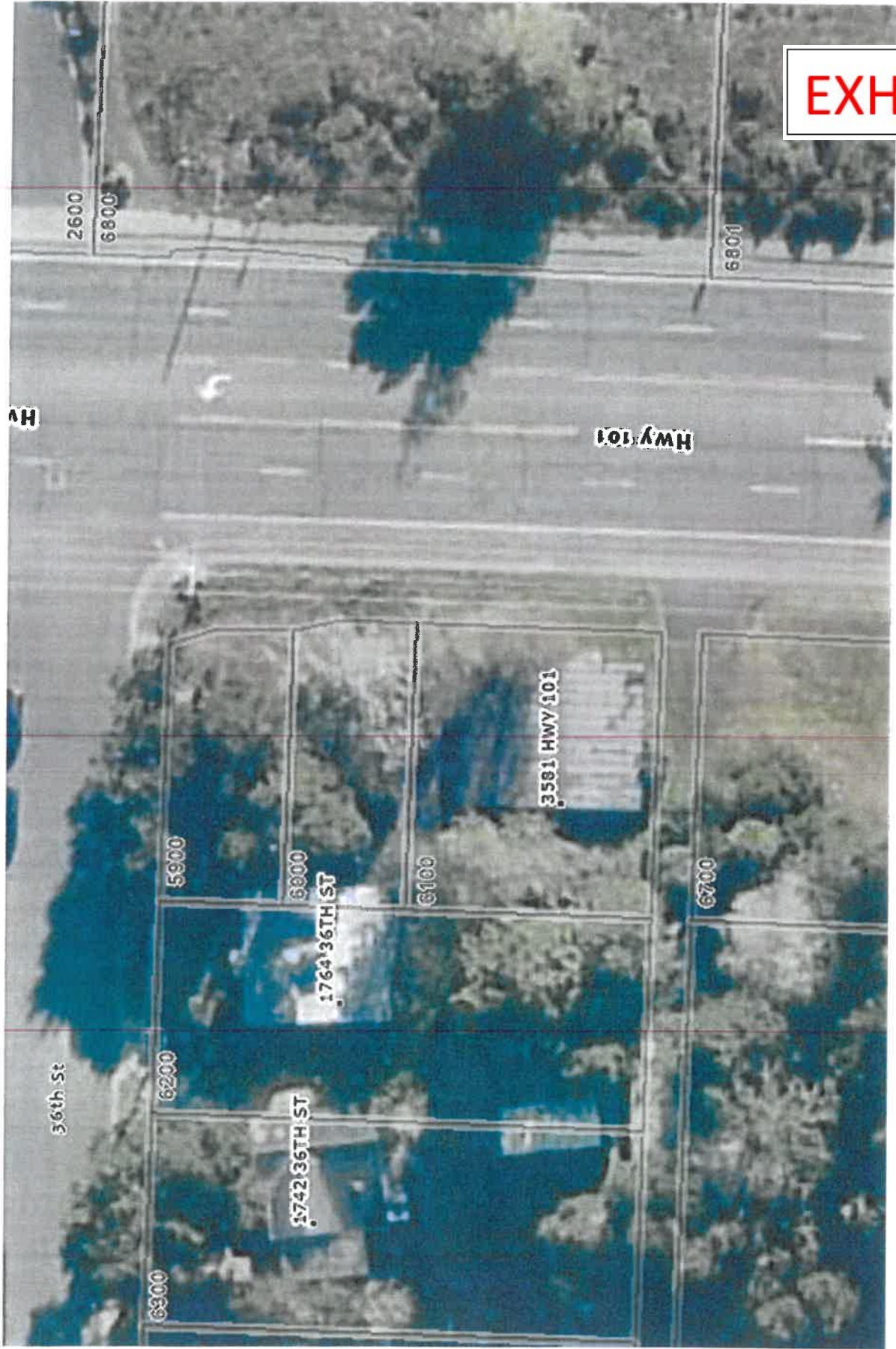
HIGHWAY 101



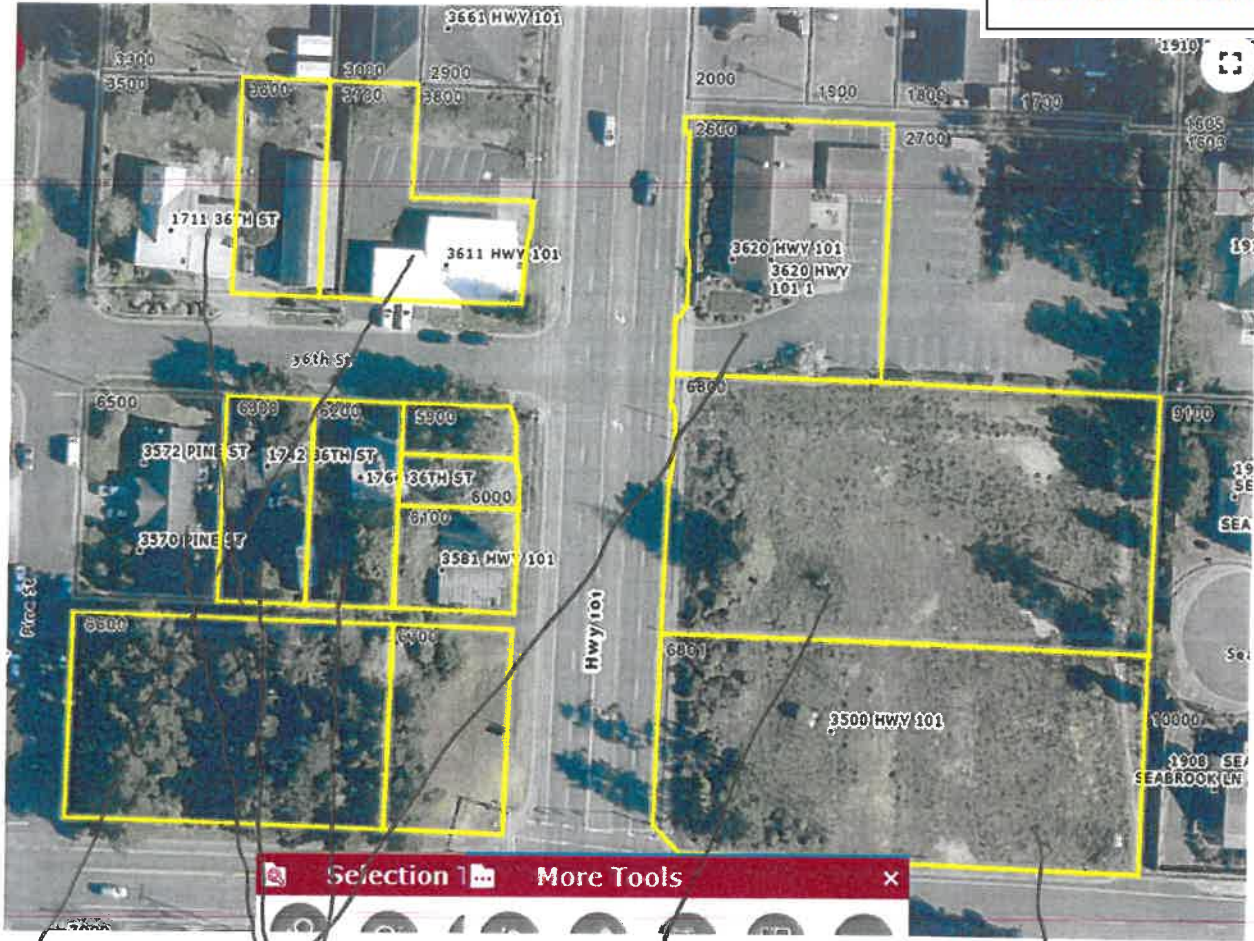
GRIGSBY 3581 HIGHWAY 101 Florence, Oregon 97439	DATE 02-21-2024
	REVISIONS
LOFY CONSTRUCTION AND DESIGNS P.O. BOX 1896 FLORENCE, OREGON 97439 (541) 590-3691	SCALE 1" = 10'
	JOB #
	SHEET S-01



**EXHIBIT C**



# EXHIBIT C



Restaurant

Chen's

Purposed store

Burger King

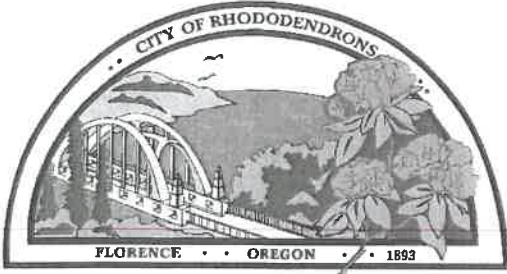
Residential



# EXHIBIT D







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

### Type of Request

#### THIS SECTION FOR OFFICE USE ONLY

Type I    Type II    Type III    Type IV

Proposal: \_\_\_\_\_

### Applicant Information

Name: David Grigsby Phone 1: 541.280.9540

E-mail Address: leeannekng@yahoo.com Phone 2: \_\_\_\_\_

Address: PO Box 2788 Albany Or 97321

Signature: *Eric Rineo for Leeanne & David Grigsby* Date: 01/12/2024

Applicant's Representative (if any): Leeanne King by Direction of David grigsby

### Property Owner Information

Name: David Grigsby Phone 1: 541.280.9540

E-mail Address: leeannekng@yahoo.com Phone 2: \_\_\_\_\_

Address: 3581 Hwy 101 Florence Oregon

Signature: *Eric Rineo for David Grigsby* Date: 01/12/2024

Applicant's Representative (if any): Leeanne King by Direction of David Grigsby

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

### For Office Use Only:

Received  
**RECEIVED**  
City of Florence  
  
MAR 04 2024  
  
By: *SB*

Approved

Exhibit

Property Description

Site Address: 3581 Hwy 101 Florence Oregon 97439

General Description: Conditional use to Maintain single family residence

Assessor's Map No.: 18 - 22 - 23 - 22 Tax lot(s): 05900, 06000, 06100

Zoning District: Highway

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

(FCC 10-1-1-4-B-3): WEST SFD - Commercial Restaurant North - Vacant South HWY, Commercial Fast Food Restaurant East.

Project Description

Square feet of new: 0

Square feet of existing: 1,100

Hours of operation: Residential

Existing parking spaces: 0 - ODOT Removed access - New Purposed

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

Timetable of proposed improvements: Sidewalk & Driveway, July

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

If yes, please describe: Basic Construction & Excavation for Driveway & Sidewalk

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

3581 Hwy 101 Florence Oregon 97439 has always been maintained as a residence since its construction in 1952. Return to Just Residential - 7' Fence along Hwy 101 (6' at Property line) and 36" 15' from curb. Add 20' Driveway, 6' from W. Prop line, Foot & 20' long. 5' Add Sidewalk, 36" side. ROW Permit Issued by P.W. New Windows & Paint, Roof, Plumbing & elect. 5 Trees Removed for Driveway & Sidewalk, With ROW. Permit Issued by P.W.

For Office Use Only:

Paid

Date Submitted: \_\_\_\_\_ Fee: \_\_\_\_\_

Received by: \_\_\_\_\_

## Other Information Required

Below is a check list of the required information to determine if an application is complete. The Florence City Code is available at City Hall or online at [www.ci.florence.or.us](http://www.ci.florence.or.us) (click on "City Code" which is located on the main page). You will also find the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, *Highway 101 Access Management Plans*, *Stormwater Design Manual*, and *Stormwater Management Plan* available on the City's website or at the City Hall for review or purchase.

Site Plan existing and proposed drawn to scale, showing the following:

- Existing and proposed site boundaries and proposed lot boundaries
- Existing and proposed structures
- Existing and proposed roads, streets, rights-of-way, pedestrian walks (widths and types), names, grades, radii
- Existing and proposed utility services – location of water and sewer lines, drainage routes and facilities, manholes, meters, fire hydrants, etc...
- Areas of scenic value, wildlife habitat, potential hazard areas (floodplains, geologic instability), wetlands, or other areas of special significance

*Note: Please submit an electronic copy of any plans submitted larger than 11" x 17"*

A title report from a title company showing:

- Existing liens
- Access and/or utility easements
- Legal description

Utility Plan:

List all utilities currently available to the site AND add this information to a utility plan map (See FCC 10-1-1-4-B-2).

*Note: For help identifying the location of utilities, please call Dig Safely Oregon at 1-800-332-2344 or dial 811. Call Public Works (541-997-4106) to determine the size of utility lines. Call the Fire Marshal (541-997-3212) to determine fire flows.*

Water Supply: 11 - inch line available from 36<sup>th</sup> (Street)

Sanitary Sewer: 4" - inch line available from 36<sup>th</sup> (Street)

Storm Sewer: N/A - inch line available from N/A (Street)

Check if available:  Telephone  Cable TV  Electrical  Other (Such as fiber optics)

Please provide a plan drawn to common scale showing the location of existing and proposed buildings, existing and proposed utility services, location and size of water and sewer lines, drainage routes, manholes, meters, fire hydrants, fire flows, and 2' contours.

Lighting Plan:

Show location of each light fixture, diagram illustrating foot-candle distribution, and elevation drawing of each light fixture in conformance to FCC 10-37.

Access Permits:

For properties along State or County roads (see FCC 10-35-2-4), a state or county access permit or application is required. For properties on Highway 101 located between Highway 126 and the Siuslaw River Bridge, please also refer to the *Highway 101 Access Management Plan*.



Proposed:

Are new streets planned or needed? (Please refer to the Transportation System Plan)

Yes  No If yes, please describe: \_\_\_\_\_

Are utility upgrades or extensions planned or needed?

Yes  No If yes, please describe: underground flex

If you answered yes to either question above, how will these improvements be funded?  
\_\_\_\_\_

Stormwater Plan:

Per FCC 9-5-2-4, a drainage plan is required for projects which add **500 SQUARE FEET OR GREATER** of impervious surface area or clearing vegetation from **10,000 SQUARE FEET OR GREATER** (single family homes are excluded). Please refer to FCC 9-5 and the Florence Stormwater Design Manual for requirements.

Traffic Impact Study:

Per FCC 10-1-1-4-E, larger projects may require a Traffic Impact Study. Please attach a TIS if needed.

Design & Architectural Drawings:

Per FCC 10-6-5, if applying for a design review, please attach or describe colors and materials being used as well as elevations of the proposed building.  
\_\_\_\_\_

Landscaping Plan:

Per FCC 10-34-3-2, the location, size and species of newly proposed plant materials, location(s) of area where existing vegetation will be cleared and/or preserved, irrigation and anticipated planting schedule, and location of existing and proposed fences and walls including buffering and screening materials.

Erosion Control:

Projects of over 1 acre of land disturbance over a period of time (please see FCC 10-36-4) are required to obtain a National Pollution Discharge Elimination System permit from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

Site Investigation Report:

Refer to FCC 10-7-3 for the list of hazard areas within the City Limits which will require a SIR.

Old Town District:

Survey: Properties within the Old Town District require a recent survey per FCC 10-17 for all new development, redevelopment, and additions which show property lines, easements, 2' contours, existing structures, floodplain, and highest observed tide.

Visual Aids: New construction or story additions require visual aids. Please refer to FCC 10-17.

**10-35-2-8: Access Standards:** New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

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

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

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

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

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

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

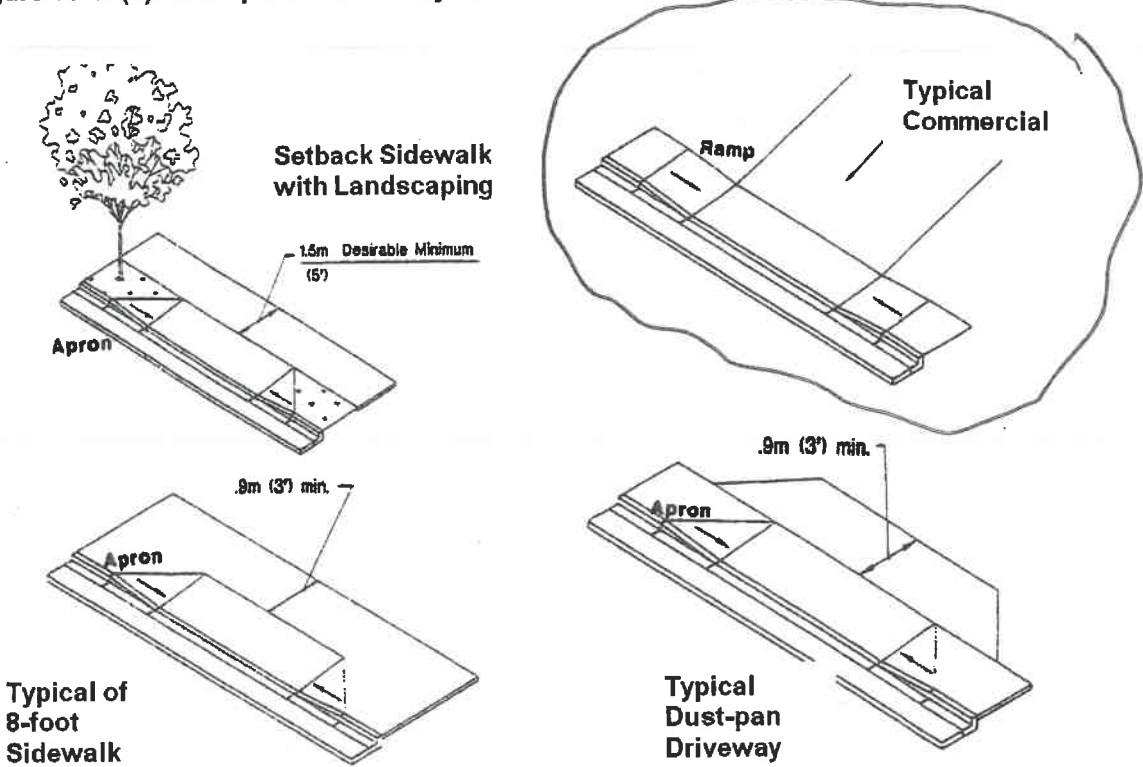
- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, 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:

1. Driveways for single unit detached residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.
2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

**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**



**10-35-3: PEDESTRIAN ACCESS AND CIRCULATION:** All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

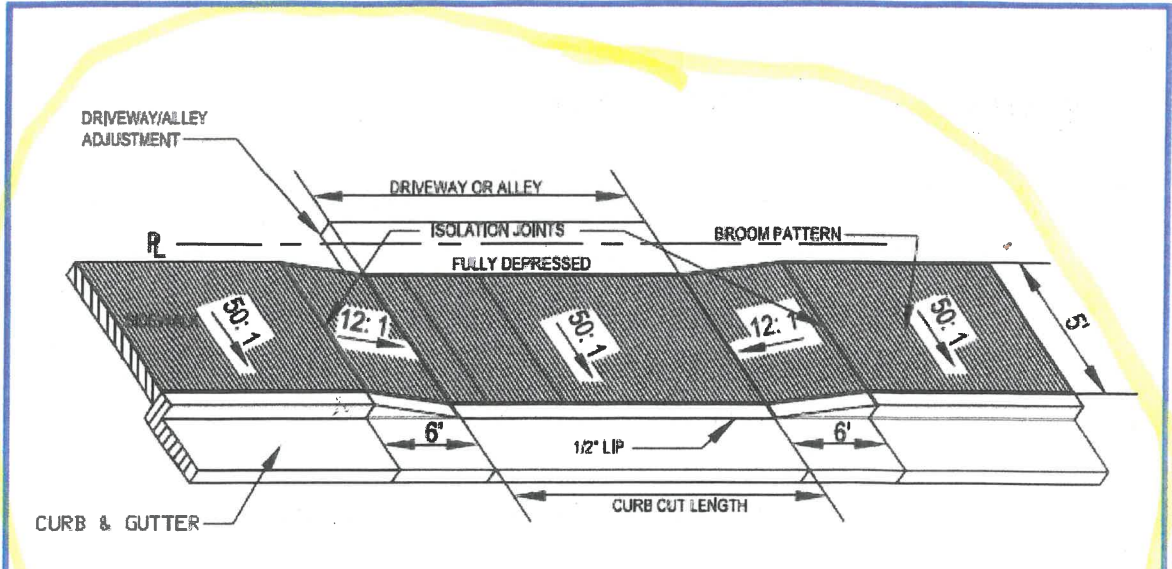
**10-35-3-1: Sidewalk Requirements:**

- A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:
1. Upon any new development of property.
  2. Upon any redevelopment of property that expands the building square footage by 25% or more.
  3. Upon any change of use that requires more than five additional parking spaces.
- B. Exceptions: The Planning Commission may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Planning Commission's determination through a Type 3 process, the construction of a sidewalk is impractical for one or more of reasons 1 through 4 below. The Public Works Director may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements for reason 5 below:
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.

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

- A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.





**CURBSIDE - SIDEWALK APRON FOR 5' WALKS**

**SLOPE:**

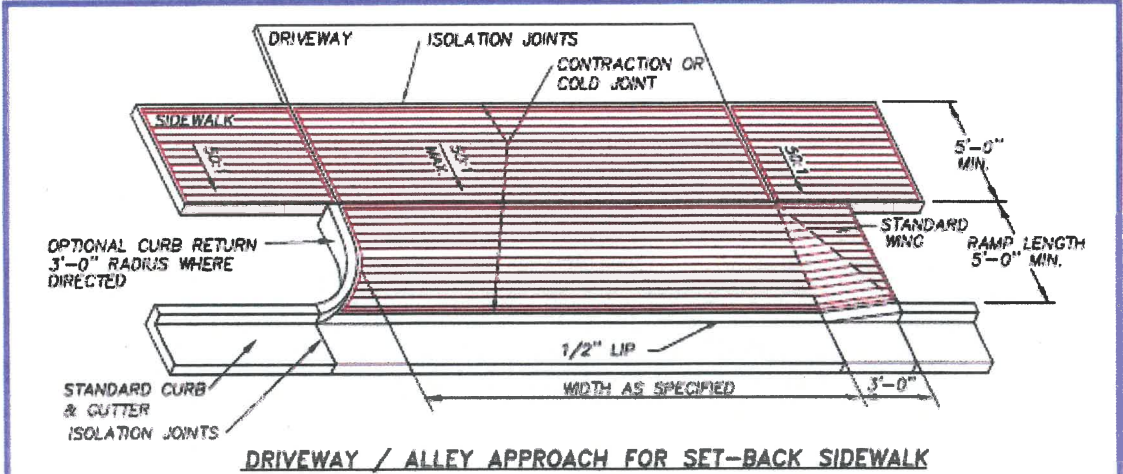
- 50:1 (2%)
- 12:1 (6%)

**NOTES:**

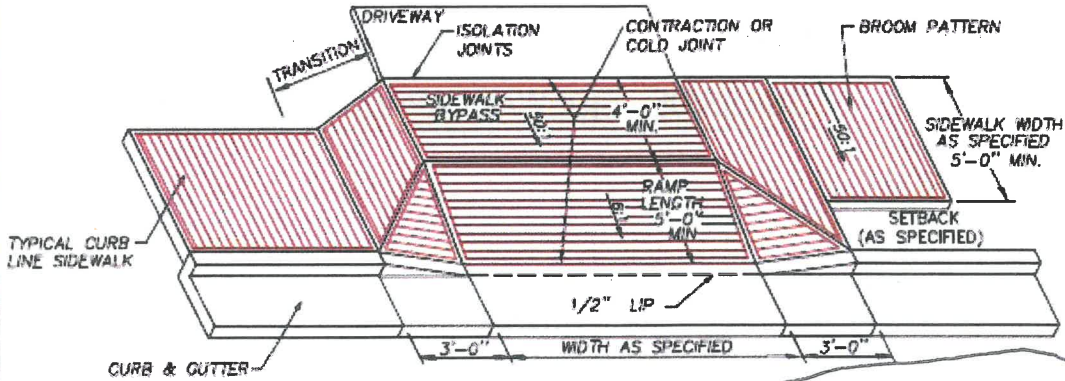
1. ALL CONCRETE SHALL BE 6" INCH MINIMUM THICKNESS OF 3,000 psi. FIELD STRENGTH
2. ADD JOINT IN CENTER OF APRON AND CURB & GUTTER WHEN APRON WIDTH EXCEEDS 20' FT.
3. ALL SLOPES ARE RELATIVE TO HORIZONTAL.
4. IF THE APRON WILL ALSO SERVE AS A SIDEWALK ACCESS RAMP IN PLACE OF A STANDARD RAMP, THE APRON SLOPE FROM THE GUTTER TO THE SHALL BE 12: 1 OR LESS WITH NO LIP.

<b>CITY OF FLORENCE STANDARD DRAWING</b>	
<b>DRIVEWAY AND ALLEY APRON 5' CURBSIDE SIDEWALK</b>	
DATE: 9-22-11	DRAWING NO. F-208B

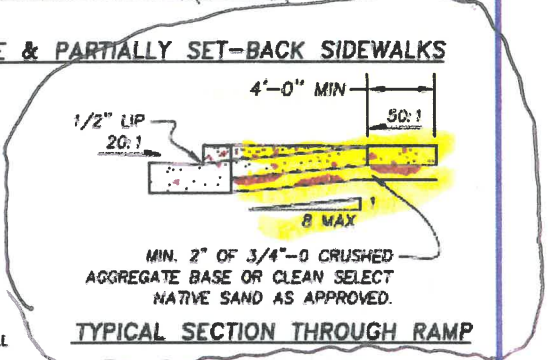




**DRIVEWAY / ALLEY APPROACH FOR SET-BACK SIDEWALK**



**DRIVEWAY / ALLEY APPROACH FOR CURBSIDE & PARTIALLY SET-BACK SIDEWALKS**



**TYPICAL SECTION THROUGH RAMP**

**NOTES:**

- 1) RESIDENTIAL DRIVEWAYS AND SIDEWALK SECTIONS THROUGH DRIVEWAYS SHALL HAVE A MINIMUM NORMAL THICKNESS OF 6". CONCRETE STRENGTH SHALL BE 3300 PSI.
- 2) CONCRETE FOR COMMERCIAL USE AND ALLEY APPROACHES SHALL HAVE A MINIMUM NOMINAL THICKNESS OF 8". CONCRETE STRENGTH SHALL BE 3300 PSI.
- 3) CURB TRANSITIONS FOR COMMERCIAL USE AND ALLEY APPROACHES SHALL BE 5 FT.
- 4) CONSTRUCT CONTRACTION JOINT IN CENTER OF DRIVEWAY WHEN DRIVEWAY WIDTH EXCEEDS 15'.
- 5) NO LIP AT GUTTER IF USED AS SIDEWALK ACCESS RAMP.
- 6) SEE SIDEWALK DETAILS FOR RESTRICTIONS AND SPECIFICATIONS NOT SHOWN.
- 7) THE 50:1 CROSS-SLOPE OF SIDEWALK IS MEASURED FROM HORIZONTAL. THE 12:1 SLOPE OF SIDEWALK TRANSITION TO DRIVEWAY/ALLEY IS RELATIVE TO THE RUNNING SLOPE OF THE SIDEWALK. THE SLOPE OF THE APRON IS MEASURED RELATIVE TO HORIZONTAL.

**CITY OF FLORENCE  
STANDARD DRAWING**

**DRIVEWAY AND ALLEY  
APPROACHES FOR  
SETBACK OR  
BYPASS SIDEWALK**

DATE: MARCH 2007	DRAWING NO. F-208A
---------------------	-----------------------

FILENAME: F-208a.DWG

10-37-5

curfews. Light directed upward is prohibited.

- O. Correctional Facilities
- P. Ornamental and architectural lighting of bridges.
- Q. Temporary exemptions as granted by the City of Florence.

- R. In addition to exceptions mentioned above the below apply to residential uses.
  1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.
  2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.
  3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.
  4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.
  5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.
  6. Decorative low wattage lights.

#### 10-37-6: PROHIBITIONS:

- A. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.
- B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.
- C. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights are prohibited.
- D. Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial districts; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Florence Sign Code.

**10-37-7: ENFORCEMENT:** Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. Non-conformance with this Ordinance is deemed a public nuisance and is subject to abatement in accordance with City of Florence City Code Title 6 Chapter 1.

#### 10-37-8: DEFINITIONS:

**END OF BUSINESS HOURS or END OF BUSINESS** – End of business hours or end of business” means the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

**EXTERIOR LIGHTING** – Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this code.



7.8 in. 1-Light Modern Black LE...  
by PRIVATE BRAND UNBRANDED \$29.97  
★★★★★ (14)



### Product Details

- Complement any existing decor with this modern wall light
- Dark sky-friendly
- Incorporates both decorative appeal and functional illumination

### About This Product

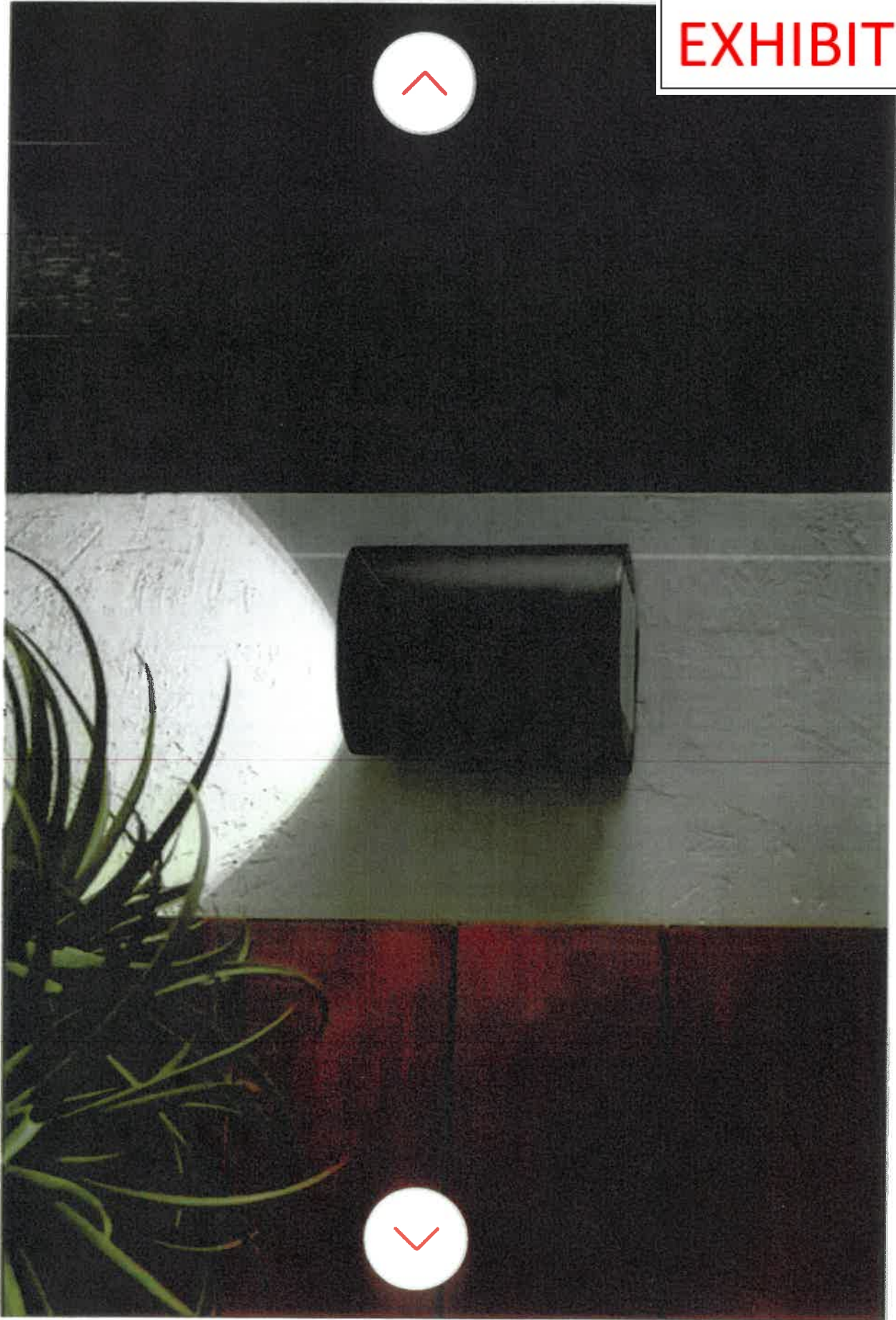
Add bold style with this solar powered cylinder wall light. This dark sky-friendly fixture features direct light towards the ground in a black metal finish. The modern, minimalistic design will highlight and enhance the architectural features of your home and can be used in a variety of exterior applications.

- Solar powered
- 50 Lumens
- Durable steel construction
- Includes all mounting hardware for quick and easy installation
- Dark sky

EXHIBIT H



EXHIBIT H





**EXHIBIT I**





**EXHIBIT I**





**EXHIBIT I**





**EXHIBIT I**





**EXHIBIT I**



## Clare Kurth

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**From:** Michael Schick <chief@wlfea.org>  
**Sent:** Tuesday, April 9, 2024 4:39 PM  
**To:** Clare Kurth; Mike Miller; August Murphy; Gwynn, Brandy; Courtney Krossman  
**Cc:** Sharon Barker  
**Subject:** RE: Referral Comments 3581 Hwy 101

Clare,

Western Lane Fire and EMS Authority has no questions or concerns with the development of the property as presented.

**Michael R Schick, EFO, PhD**

Fire & EMS Chief  
Western Lane Fire and EMS Authority  
2625 Hwy 101  
Florence, OR 97439  
(541) 997-3212 (office)  
(541) 999-9098 (cell)  
[chief@wlfea.org](mailto:chief@wlfea.org)

---

**From:** Clare Kurth <clare.kurth@ci.florence.or.us>  
**Sent:** Tuesday, April 9, 2024 2:56 PM  
**To:** Mike Miller <mike.miller@ci.florence.or.us>; August Murphy <august@ci.florence.or.us>; Michael Schick <chief@wlfea.org>; Gwynn, Brandy <BGwynn@cencoast.com>; Courtney Krossman <ckrossman@ctclusi.org>  
**Cc:** Sharon Barker <sharon.barker@ci.florence.or.us>  
**Subject:** Referral Comments 3581 Hwy 101

Good afternoon,

The City of Florence Community Development Department has received a land use application for address 3581 Hwy 101 seeking approval for a using a lot in the Highway District as a single unit residence. The property is located on the south western corner of Hwy 101 and 36<sup>th</sup> Street and proposes taking access off 36<sup>th</sup> Street. This application will go to Planning Commission for a public hearing on April 23<sup>rd</sup>. Any comments regarding this application would be appreciated by April 16<sup>th</sup>.

Please let me know if you have questions or need additional information.

Thank you

**Clare Kurth, AICP Candidate**

Associate Planner | City of Florence  
[clare.kurth@ci.florence.or.us](mailto:clare.kurth@ci.florence.or.us)

City of Florence  
250 Hwy 101  
Florence, OR 97439