

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

Public Hearing Date: January 24, 2017 **Planner:** Glen Southerland
Date of Report: January 17, 2017
Application: PC 16 28 CUP 09

I. PROPOSAL DESCRIPTION

Proposal: A request for a conditional use permit to approve a recreational marijuana retail facility within the Commercial district.

Applicant: Shawn Fleming, representing Beryl Industries LLC

Property Owners: Beryl Industries LLC

Location: 1541 Highway 101

Site: Map # 18-12-26-23 Taxlot 00700

Comprehensive Plan Map Designation: Commercial

Zone Map Classification: Commercial

Surrounding Land Use / Zoning:

Site: Vacant retail / Commercial
North: Thrift store, retail / Commercial
South: Commercial/Restaurant / Commercial
East: Fuel station/Church / Commercial
West: Residences / Commercial

Streets / Classification:

East – Highway 101 / Major Arterial; North – 16th Street / Local; West – None; South – 15th Street / Collector

II. NARRATIVE

The building at 1541 Highway 101 was originally constructed in 2003. The building is located on Lots 1 (remainder) and 2 of Block 22 of Gallagher's Part of the City of Florence. The lot was home to a residence built prior to the 1960s which was demolished in 2003 to make room for the construction of the current 1,704 square foot commercial building. County records indicate that two single family residences were demolished which City records indicate that only one was demolished.

The building at 1541 Highway 101 received a Design Review Board approval on April 8, 2003. The 1,704 square foot building was completed later that year.

The applicant applied for a conditional use permit on November 16, 2016 to approve a recreational marijuana retail facility within the formerly retail building.

III. NOTICES & REFERRALS

Notice: On January 4, 2017 notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on January 4, 2017. Notice was published in the Siuslaw News on January 18, 2017.

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

Referrals: On January 5, 2017 referrals were sent to the Florence Building Department, Florence Police Department, Florence Public Works, Oregon Liquor Control Commission, Oregon Department of Transportation, and Siuslaw Valley Fire and Rescue.

At the time of this report, the City had received referral comments on the proposal from:

Sean Barrett, Siuslaw Valley Fire and Rescue Fire Marshal, stated that because of the size of the building, a secondary egress would be required and plans would need to be reviewed. **(Exhibit F)(Condition 5.5 & Informational 1)**

Doug Baumgartner, ODOT Development Review Coordinator, stated that there was no existing Highway 101 access and that all work within the Highway right-of-way or connections to the stormwater system within the right-of-way must be permitted through ODOT. **(Exhibit G)(Informational 2)**

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-6-3

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

Chapter 4: Conditional Uses, Sections 3 through 11, & 12-I

Chapter 5: Zoning Variances, Sections 2 through 7

Chapter 6: Design Review, Sections 5, 6 & 9

Chapter 15: Commercial District, Sections 3 through 5

Chapter 34: Landscaping, Sections 3 through 5

Chapter 35: Access and Circulation, Sections 2-12, 2-14 & 3

Chapter 37: Lighting, Sections 2 & 3

Realization 2020 Florence Comprehensive Plan:

Chapter 2: Land Use, Commercial Policies 3, 4, 6 & 9

V. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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:
7. Conditional Use Permits.
 8. Variances.
- B. Notification of Hearing:
1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.
 - a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.
 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.

Notification of the quasi-judicial land use hearing for this application was mailed on January 4, 2017, 21 days prior to the hearing, to all property owners within 300 feet

of the subject property. This notice was also mailed to the Oregon Department of Transportation as the proposal is adjacent to a state roadway.

A notice was also published in the Siuslaw News one time on January 18, 2017. The notification procedures meet the requirements of FCC 10-1-1-6.

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.**

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; the street address of the property; the date, time and location of the meeting; the need to “raise it or waive it” appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available

no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

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

The Planning Commission met and decided upon the application in accordance with FCC 2-10.

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.**
- 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 received all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to support the application meeting the code requirements. The burden to supply such evidence is upon the applicant.

F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

Notice of Decision shall be mailed to the applicant and all parties providing testimony either in writing or verbally at the hearing who provided a mailing address.

H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action

requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

The applicant has requested a Conditional Use Permit with Design Review. Staff has decided due to referral comments received that a variance is also required. Those criteria have been addressed and these required approvals consolidated in order to provide faster service to the applicant. The criteria in this staff report address Variance, Design Review, and Conditional Uses.

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

10-3-2: GENERAL PROVISIONS:

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.**

The proposed site includes a parking lot to the north of the structure at 1541 Highway 101. The property owner and applicant shall ensure that the off-street parking provided is maintained and remains available and exclusive as off-street parking and loading.

- B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.**

The applicant has proposed to bring the parking lot into code compliance as much as can be achieved. The applicant has proposed a number of improvements to the parking lot. The current parking spaces do not meet code requirements for stall width or length. It also appears that the existing (faded) striping is not 2-foot on-center. Staff has proposed that a variance be granted for the existing parking lot where it cannot reasonably be altered to meet the current City Code.

- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.**

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

No new parking spaces are proposed by the applicant. The applicant has proposed the provision of four parking spaces meeting City Code, including one ADA Accessible parking space to the north of the building. There are currently five parking spaces which do not meet code criteria. These criteria are met.

The parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours. **(Condition 4.1)**

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.

The applicant has proposed parking within a parking lot. This criterion is met.

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

Table 10-3-1, Minimum Required Parking By Use:

C. Commercial and Retail Trade Types:

Retail Sales and Service (See also Drive-Up Uses)	Retail: 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
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Retail marijuana sales fits the retail sales parking category. The applicant has proposed the provision of four parking spaces for a 1,640 square foot building. The applicant is required to provide four parking spaces (1,640 square feet / 1 parking space per 333 square feet = 4.925 \approx 4 parking spaces), including accessible parking spaces.

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

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting offstreet parking requirements in Table 10-3-1;**
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 – Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0

The applicant has proposed and is required to provide one ADA Accessible parking space with a van-accessible space with a 96" wide access aisle. These criteria are met.

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

- B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to**

storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

Overall, this site is pre-existing and non-conforming. Storm water does not drain over public sidewalks, but appears to drain into landscaped areas adjacent to the parking lot through an existing catch basin on the western edge of the driveway. No changes will be required to the grading of the parking lot as part of this application.

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

The parking lot is constructed so that traffic faces the highway, but a mature hedge has been installed and maintained to prevent headlights from shining onto adjacent residential uses or traffic. These criteria are met.

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

No parking area exists or has been proposed which extends into the public right-of-way. This criterion is met.

F. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.

The pre-existing parking lot on the site has a large evergreen hedge between it and the adjacent home to the west. The hedge, however, is in excess of six feet in height.

The applicant shall be required to trim the western hedge to a height no more and no less than six feet in height. **(Condition 4.2)**

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

The applicant has proposed lighting as part of their application and these criteria will be addressed below as part of FCC 10-37.

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

Proposed parking is located on the north side of the building, however, within the Commercial District, front yards are not required. This criterion is met.

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

No current parking lot construction or resurfacing is proposed or required. This criterion is met.

- K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:**
- 1. Individual parking and loading spaces.**
 - 2. Circulation area.**
 - 3. Access to streets and property to be served.**
 - 4. Curb cut dimensions.**
 - 5. Dimensions, continuity and substance of screening, if any.**
 - 6. Grading, drainage, surfacing and subgrading details.**
 - 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**
 - 8. Specifications for signs, bumper guards and curbs. 9. Landscaping and lighting.**

The applicant has provided a parking plan showing the existing individual parking spaces and driveway. Modification of the parking spaces, bringing them to current code standards, shall be required per FCC 10-3-9 below.

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

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.**
- B. Each space shall have double line striping with two feet (2') wide on center.**
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.**

- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

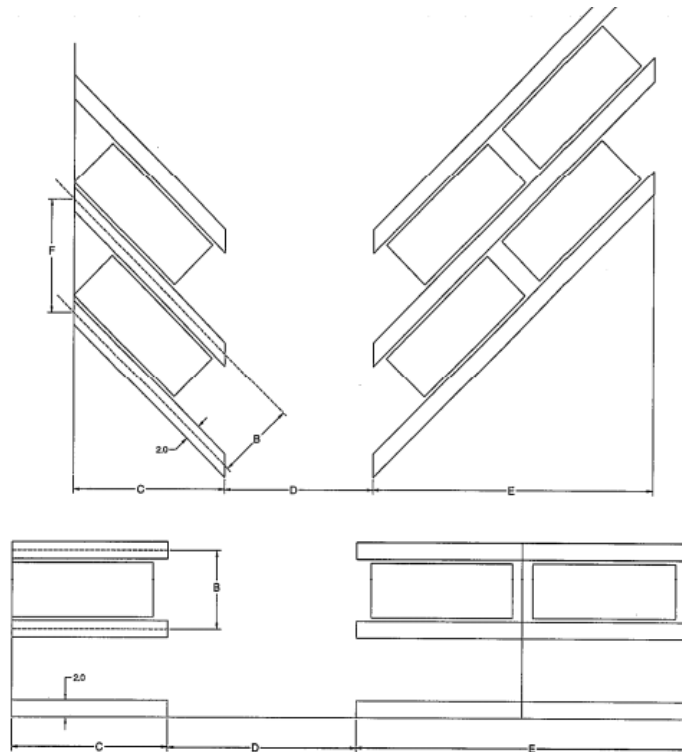


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

The applicant has submitted a parking plan with the details required.

The applicant shall provide four parking spaces meeting the listed requirements of FCC 10-3-9. **(Condition 4.3)**

The applicant's parking lot has a non-compliant driveway aisle width of less than 23 feet. The adjustments being made by the applicant to bring their parking spaces into compliance, the narrow lot width, and the pre-existing, but required evergreen hedge separating the use from the neighboring residential property require that the aisle remain the same, deficient width as a pre-existing, non-conforming feature.

The applicant shall provide a sign at the entrance to the driveway cautioning drivers to the narrow driveway conditions. **(Condition 4.4)**

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

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

The applicant shall provide at least two bicycle parking spaces which meet the listed requirements of FCC 10-3-10. **(Condition 4.5)**

TITLE 10: CHAPTER 4: CONDITIONAL USES

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.

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

- A. Site and building plans and elevations.
- B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.
- C. Existing and proposed utility lines and easements.
- D. Operational data explaining how the buildings and uses will function.
- E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

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

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.

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 January 24, 2017 regarding the proposed recreational marijuana retail facility. 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)
- 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.

Authorization of a conditional use permit shall be void one (1) year after the date of approval, January 24, 2018, unless the use commences by this date and no building permits are necessary. **(Condition 5.1)**

The discontinuance of the existing conditional use shall be considered the cessation of operations of the recreational marijuana retail facility. The discontinuance of the marijuana retail conditional use shall be considered the cessation of operations of the marijuana retail facility. This conditional use permit shall not be transferrable and discontinuance shall be considered immediate following cessation of approved activities at 1541 Highway 101 as prescribed in FCC 10-4-9. **(Condition 5.2)**

10-4-9: REVOCATION: The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

- A. Failure to comply with any prescribed requirement of the conditional use permit.
- B. Violation of any of the provisions of this Title.
- C. The use for which the permit was granted has ceased to exist or has been suspended for six (6) consecutive months or for eighteen (18) months during any three (3) year period.
- D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance. (Ord. 625, 6-30-80).

Failure to comply with FCC 10-4-9 shall necessitate the revocation of the conditional use permit. The applicant is encouraged to meet the requirements of the conditional use permit as well as the requirements of Florence City Code.

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.

Marijuana retail facilities are not specifically mentioned within the Comprehensive Plan as the Comprehensive Plan predates the legality of those uses within the City. In a larger sense, however, retail commercial activities are addressed within the Comprehensive Plan. Conformity with the Florence Comprehensive Plan will be addressed as part of the review of applicable Comprehensive Plan Policies.

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

Special conditions of approval shall be established by the Planning Commission to carry out the purpose of this Chapter as well as the Florence Realization 2020 Comprehensive Plan. Review of the conditional use permit criteria and the policies of the Comprehensive Plan are reviewed later in this report. Conditions as necessary are included.

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.

Because of the nature of the use proposed, there are only a handful of appropriate sites within the Florence city limits. The applicant applied for this conditional use permit after the adoption of Ordinance No. 12, Series 2015.

The proposed location of the recreational marijuana retail facility must be outside of areas prescribed by Oregon state law and Florence City Code, including 175 feet from residential zoning districts, 200 feet from parks, 400 feet from Miller Park, 200 feet from libraries, 200 feet from child care facilities, and 1000 feet from schools. In addition, the proposed facility must be a permitted use in the zoning district where it has been proposed. Recreational marijuana retail stores are a conditional use in all zoning districts in which they are allowed. The proposal meets this criterion.

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.

Design Review of the site will be addressed later in these findings.

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

The public facilities, services, or utilities necessary to service the proposed structure exist within the surrounding right-of-ways. The public services available are adequate to service the proposed recreational marijuana retail facility.

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. Pedestrian access is available adjacent to the lot and five-foot sidewalks are currently available along Highway 101. The proposed facility will be located along a local street with a width more than adequate to allow the passage of vehicles necessary to protect public health and safety. The nearest hydrant is located at the corner of 15th and Pine Streets. The use established is retail and the use proposed is retail. No changes will be required.

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 use proposed will be regulated further by FCC 10-4-12-I. No special yard setbacks, coverage, or height will be required.

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

Landscaping and other screening will be addressed below under section FCC 10-34.

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

Vehicles will be able to access the proposed facility through the existing driveway curb cuts and parking lot. This criterion is met.

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

The applicant will be subject to the same regulations regarding noise, vibration, odors, and sightliness as other commercial uses in Florence. In addition to those regulations, the applicant will also have to abide by FCC 10-4-12-I, as addressed below.

The proposed facility has a pre-existing trash enclosure.

The applicant shall utilize the pre-existing trash enclosure. Trash and recycling containers shall be kept inside the trash enclosure or inside the facility at all times. **(Condition 5.3)**

The applicant shall provide a cigarette receptacle for the deposit of cigarette butts further than 10 feet from the main entrance to the building. The applicant shall take other measures and post signage as necessary per the Oregon ICAA. **(Condition 5.4)**

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

No regulation of hours of operation or the duration of use or operation will be required.

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

As stated above and as part of Condition 5.1, this conditional use permit will be valid until one year from the date of approval unless a building permit has been issued or significant construction has taken place.

Unless otherwise specified, Conditions of Approval shall be completed prior to July 24, 2017. **(Condition 5.1)**

I. Requiring bonds to insure performance of special conditions.

No bonds will be required to insure performance of special conditions.

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

No tree or vegetation removal has been proposed by the applicant other than that necessary to plant required trees and install parking lot lighting. No removal of trees or vegetation will be permitted other than that necessary specifically to plant trees or install lighting fixtures.

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 not inconsistent with the Florence Comprehensive Plan and will not prevent the orderly and efficient development of the City.

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by

the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

- I. **All Medical and Recreational Marijuana Uses requiring licensing or registration by the Oregon Liquor Control Commission or the Oregon Health Authority.**
 1. **Medical marijuana dispensaries, recreational marijuana retailers, medical and recreational marijuana processing sites, recreational producers, and marijuana wholesalers are permitted conditionally except as specifically provided for in the Pacific View Business Park District and Limited Industrial District and where permitted as a home occupation. Where a licensed marijuana use is not listed among the uses permitted conditionally or outright in a particular zoning district, the marijuana use is not permitted in that zoning district.**

Recreational Marijuana retailers are permitted conditionally within the Commercial District. This criterion is met.

2. **Prior to submitting an application for a medical marijuana or recreational marijuana conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed development site complies with the necessary separation requirements for a medical marijuana or recreational use.**

The applicant and the business owner met with staff on several occasions to discuss the requirements of applying for a conditional use permit, City Code, and the operation of a marijuana facility within Florence. The applicant submitted a request for verification of appropriate separation for a recreational marijuana use. These criteria are met.

3. **Medical marijuana dispensaries and marijuana retailers must be separated from the following by a minimum of the listed distance:**
 - a. **175 feet from residential zones**
 - b. **200 feet from public libraries.**
 - c. **200 feet from public parks, except Miller Park which shall be 400 feet.**
 - d. **200 feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).**

- e. 1,000 feet from:**
 - 1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020.**
 - 2. Private or parochial elementary or secondary school, teaching children as described in ORS 339.030.**

School buffers listed in “3.e.” above shall be measured as follows: A straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the premises of a retailer or dispensary. For all other buffers, distance is measured in a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for medical marijuana facility use. The distance limitations are based upon the uses surrounding the proposed medical marijuana facility location at the time the conditional use application is deemed complete.

The proposed site meets the buffering criteria listed using the methodology applied by the City. The applicant's site exceeds the required distances from residential zones; public libraries; public parks, including Miller Park; as well as public and private schools. The applicant's site is less than 200 feet from a child care facility (Bright Beginnings is located to the north of the property). However, the building itself lies outside the required 200-foot buffer from the child care facility property, therefore, using the methodology described in FCC 10-4-12-I-3 these criteria are met.

- 4. All medical and recreational marijuana uses shall:**
 - a. Not be a home occupation, except Medical Marijuana Production and Processing and Recreational Marijuana Producers and Processors in a permanent building as discussed in ‘c’ below.**
 - b. Not locate in a building that also contains a dwelling or caretaker facility.**
 - c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a high tunnel, greenhouse, trailer, cargo container or motor vehicle, except as provided in ‘i’. Medical and Recreational Production not in a residential zone and not a home**

occupation may conduct outdoor grow operations, excepting in the Highway District.

- d. Not have a drive-up window or walk-up window.**
- e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.**
- f. Provide overhead lighting after sunset during business hours for any on-site parking area.**
- g. Have only one public entrance and the single public entrance shall face a public street.**
- h. Not share an air circulation system with another use.**
- i. Not locate in greenhouses or high tunnels, except for producers and production sites that are not home occupations may use those structures in non-residential districts where the business use is permitted.**
- j. Provide effective odor control system such as by carbon filtration.**
- k. Not use artificial lighting after sunset and before sunrise with outdoor grow sites and production or those operating in greenhouses or high-tunnels.**
- l. Position security cameras in such a way as to only show the licensee's property and surrounding public right-of-way.**

The proposed retail marijuana facility will be located within a permanent, stand-alone, commercial structure that does not have a drive-up or walk-up window, and does not share an air circulation system with any other use. The retail marijuana facility does not share a building with a dwelling and is not a home occupation. The applicant has installed lighting meeting the above criteria as part of their previous approval. Criteria a-f, h, i, and k-l are met.

Sean Barrett, SVFR Fire Marshal, has provided referral comments (Exhibit F) that due to the size of the building, a secondary egress is required and that plans for security would need to be reviewed for emergency access to the facility. The applicant had originally proposed that one of the two entrances to the building be eliminated in order to meet FCC 10-4-12-l-g. The applicant proposed the elimination of the doorway leading to Highway 101.

Staff recommends the approval of a variance to allow the applicant to keep both doorways for fire safety as well as solving the architectural issues of framing in a prominent doorway on the Highway-facing elevation. Staff has no preference to whether the doors remain operable other than to allow emergency egress from the building.

The applicant shall retain the existing doorways to allow emergency egress from the facility. The applicant may retain the doors as ingress if preferred. Should the applicant retain the doors for egress only, the applicant shall post a sign directing walk-in traffic to the facility's main entrance. Door replacement is permitted, provided that the doors and framing are of a coordinating color. **(Condition 5.5)**

The applicant shall provide manufacturer's information prior to six months from the date of issuance of the conditional use permit (July 24, 2017) of installation of an effective odor control system such as by carbon filtration. **(Condition 5.6)**

- 5. All medical marijuana and recreational marijuana uses must have a current and active registration and/or license to conduct business as a facility from the Oregon Health Authority and from the Oregon Liquor Control Commission, as applicable and must have a current City business license.**

The applicant has submitted an application with the Oregon Liquor Control Commission and is currently seeking approval for their recreational marijuana retail facility. Upon final approval, the applicant shall submit proof of current and active registration with the OLCC to the City prior to operation of the recreational marijuana retail facility. This information shall be kept current and submitted to the City following any changes in licensing or property ownership. **(Condition 5.7)**

Current and active registration must be kept at all times during operation of the dispensary. The applicant, if lacking current registration with the state, shall immediately cease operations until current and active registration is obtained. **(Condition 5.8)**

TITLE 10: CHAPTER 5: ZONING VARIANCES

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

- I. Grant only the minimum variance necessary to meet the hardship or practical difficulties.**

The applicant has applied to remove the Highway 101 entrance in order to comply with City Code, specifically FCC 10-4-12-I-g, as explained above. Because no other doorways exist on the exterior of the building and the existing door is architecturally

essential to the appearance of the frontage elevation, a variance will be granted to allow the door to remain in place.

10-5-3: APPLICATION: The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing. The applicant shall set forth in detail:

- A. The practical difficulties and physical hardships involved.**
- B. Existing conditions on the site.**
- C. Reasons for a variance being the most practicable solution to the problem.**
- D. Any other pertinent information requested by the Planning Commission.**

The applicant was unaware of the need for a variance, and therefore did not apply for one. Staff determined that the variance was needed through referral comments received from Fire Marshal Sean Barrett. The most practicable solution was to not frame in the existing doors and to allow their use as deemed appropriate by the applicant.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

- A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.**
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or**
- C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and**
- D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.**

The applicant, through their original proposal to meet the City Code, would be required to frame in a door which is architecturally integrated into the elevation of the building. The applicant, due to the necessity of providing another doorway for emergency egress purposes, would then need to modify another portion of the building in order to cut in a doorway. The existing south and west walls of the building are approximately property-line-tight and may not pose an ideal location for an emergency egress doorway. Due to the nature of the pre-existing building and

the physical location of both the parking entrance and the Highway 101 entrance, a variance to the conditional use criteria is logical.

10-5-5: PUBLIC HEARING: Upon receipt of a complete application for a variance, a public hearing will be scheduled in accordance with the requirements of Section 10-1-1-6 of this Title. (Ord 26, 2008)

10-5-6: EFFECTIVE DATE: A variance shall become effective at the close of the appeal period.

The variance will be evaluated at a public hearing of the Planning Commission. The variance will become effective, if approved, at the close of the appeal period.

10-5-7: EXPIRATION OF VARIANCE: Authorization of a variance shall be void one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval
- B. There are special or unusual circumstances that exist which warrant an extension
- C. No material changes of surrounding land uses or zoning has occurred. The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

Due to the nature of the conditional use permit being considered and the requirements upon this particular use and not the construction of a structure, the variance shall be granted for the duration that the building at 1541 Highway 101 is occupied by a recreational marijuana retail facility. **(Condition 6.1)**

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to

affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

- A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.**
- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.**

The building where the proposed use will take place is pre-existing. The existing setbacks, yards, and height are appropriate for the underlying zoning district. This criterion is met.

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

Screening and landscaping will be addressed as part of review of Chapter 34: Landscaping later in this report.

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

The proposed recreational marijuana retail facility will be located in a pre-existing building. The location and design of access and egress points for vehicles and pedestrians likely could not be reasonably modified in accordance with the change proposed. The parking access aisle does not meet the width requirements.

Pedestrian access is available to the facility doors from both the parking lot (16th Street) and Highway 101 and meets the criteria outlined in FCC 10-35. Access from the parking area is available and pre-existing and meets the criteria. Vehicle access does not meet the available criteria, however, because of the lack of available space and the pre-existing, non-conforming nature of the site, no modification of the existing site will be required.

- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interferences.**

The recreational marijuana retail facility will be free of noise, vibration, smoke, dust, odor, light intensity and electrical interference. No smoking of marijuana by customers will be allowed on-premises.

Condition 5.6 requires odor removal such as through carbon filtration. No marijuana odors will be permitted to emanate from the facility.

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

The parking spaces are being modified to meet the standards set forth in FCC 10-3: Off-Street Parking and Loading. The driveway width, however, cannot be reasonably modified without either encroachment on the Highway 101 right-of-way or the neighboring property to the east or the removal of necessary buffering landscaping installations.

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

The building, originally reviewed and approved as part of Resolution 03-04-08-08, is of appropriate architectural quality and aesthetic appearance, and is compatible with adjacent buildings. This criterion is met.

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

The applicant has proposed no modification of the color, building materials, or exterior appearance, but shall abide by the policies within the Architectural Design code reviewed later within this report. Should the Highway 101 entrance be replaced, the applicant, as required by Condition 5.5, shall paint the replacement in accordance with FCC 10-6-5-H and Condition 6.1 below.

If the applicant or property owner chooses to change the building color, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department. **(Condition 6.2)**

I. Exterior lighting and security.

Lighting will be addressed in and regulated by FCC 10-37. The state requires video surveillance as part of a facility permit. No additional security measures are required.

J. Public health, safety and general welfare.

The applicant has proposed a secured, monitored facility for the sale of recreational marijuana. This criterion is met.

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

The structure of the proposed recreational marijuana retail store, being pre-existing, also has pre-existing services connected. No additional services will be required.

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

The site has already been developed. Required changes shall have until six months from the date of issuance (July 24, 2017), concurrent with operation of the facility, to be completed. Conditions, unless otherwise stated, shall be met by July 24, 2017 in order to continue operation of the facility. **(Condition 5.1)**

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

No bonds will be required to insure performance of special conditions.

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

Other conditions needed in order to implement policies contained within the Florence Comprehensive Plan will be addressed as part of that section of this report.

10-6-9: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

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

No major modifications of the structure have been granted. Design Review was necessary by the nature of the application. The approval for Design Review of the proposed facility shall expire on January 24, 2018. **(Condition 6.3)**

TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Marijuana Retailers

The proposed use is a conditional use in the Commercial Zoning District. The applicant has submitted a request for a conditional use permit per FCC 10-4-4.

10-15-4: LOT AND YARD REQUIREMENTS:

- A. Minimum Lot Dimensions: The minimum lot width shall be twenty five feet (25').**
- B. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.**

The lot and structure are pre-existing and meet the requirements for minimum lot dimensions and minimum lot area. The width of the lot is 44 feet in width and the lot area is 5,227 square feet. These criteria are met.

- C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**

The exact coverage of the lot is not known, but is approximately 80%. The applicant has not proposed the addition of additional coverage. Future applications considering additions or impervious surface will require the inclusion of area figures for the calculation of lot coverage.

D. Yard Regulations:

- 1. Front yards are not required except where setbacks have been established for road widening or other purposes.**
- 2. Side and rear yards are not required except:**
 - a. Where setbacks have been established for road widening or other purposes.**
 - b. Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.**

The front and rear yards are pre-existing and meet the above criteria. The side yard (west) is pre-existing, non-conforming with respect to FCC 10-34-3-7-D.

10-15-5: SITE AND DEVELOPMENT PROVISIONS:

- A. Building or Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').**

The applicant has not indicated the height of their building. As a two-story commercial structure, it likely does not exceed the 28-foot maximum height

requirement. However, the building, as mentioned, is pre-existing and a different height will not be required.

B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.

The applicant has submitted a landscaping plan. Proposed landscaping, including what is existing on the site will be reviewed below.

C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements.

Parking requirements have been reviewed previously within this report.

D. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definitions and requirements.

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

F. Access and circulation: Refer to Section 10-35 of this Title for requirements.

Vision Clearance and access and circulation will be addressed under FCC 10-35 below. The applicant has not turned in any information regarding signage that will be reviewed by the Building Department in accordance with Title 4 Chapter 7 of City Code.

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

Building lighting will be reviewed as part of FCC 10-37 of this report.

10-15-6: GENERAL PROVISIONS:

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

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

Outdoor storage of materials, manufacturing, compounding, processing, and treatment of products shall not be allowed. Unreasonable odor, dust, smoke, noise, vibration, or appearance shall not be allowed. Odors may not emanate from the facility. **(Condition 7)**

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: LANDSCAPING

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

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

The applicant has submitted an updated landscape plan showing all landscaping on the property.

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

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

The applicant has provided a landscaping plan with the location of existing shrubs and proposed trees. The applicant submitted information regarding the species of the proposed trees, but has since decided to plant a different species. The applicant chose these plantings from the Tree and Plant List for the City of Florence.

The applicant shall submit a revised landscaping plan, including the dimensions of landscaped areas, prior to the deadline for completion of conditions of approval, July 24, 2017. **(Condition 8.1)**

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning

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

The minimum landscaped area for the Commercial District is 15% of the lot area. At the time of the original approval of the current building, 10% landscaped area would have been required. The total site area under consideration is 5,227 square feet. Fifteen percent of 5,227 square feet, or the required landscaped area, is 784 square feet. The exact area of existing landscaping is unknown at this time, but appears to be larger than 784 square feet. This criterion is met.

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

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

The proposed site has 164 lineal feet of street frontage. For this amount of street frontage, five trees are required ($164 \text{ l.f.} / 30 \text{ ft.} = 5.46 \approx 5 \text{ trees}$). The applicant has proposed the installation of three trees.

The applicant shall install five trees selected from the Tree and Plant List for the City of Florence. **(Condition 8.2)**

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

For the above amount of street frontage, 33 shrubs are required ($164 \text{ l.f.} / 30 \text{ ft.} = 5.46 * 6 = 32.79 \approx 33 \text{ shrubs}$). The submitted landscape plan and a site visit by staff determined that there are currently more than 33 shrubs on the property. No additional shrubs will be required.

- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.**
- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.**
- 5. Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

Living plant materials currently cover more than 70% of the required planting area and required plant materials are located within the first 20 feet of street-abutting lot lines.

New plantings shall be pocket-planted with a soil-compost blend around plants and trees to ensure healthy growth. **(Condition 8.3)**

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

Plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. In which case, the applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. If the applicant has not permanently irrigated the plantings prior to July 24, 2017, and the plantings appear to still require regular irrigation, the applicant shall install a permanent, underground irrigation system with a backflow prevention device to all installed landscaping elements. **(Condition 8.4)**

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

The building is separated from the parking area and driveway by an existing five-foot landscaped area. Curbing is used to protect other areas of the property.

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

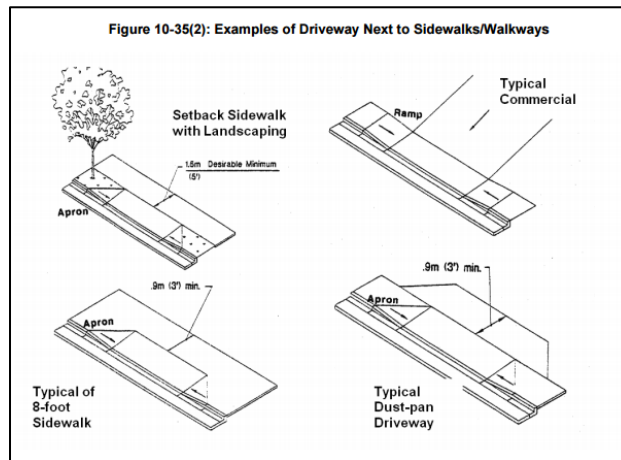
The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal. **(Condition 8.5)**

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

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

- A. Driveway Approaches.** Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.
- B. Driveways.** Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

 - 2.** Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
 - 4.** One-way driveways shall have appropriate signage designating the driveway as a oneway 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) (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 applicant's property is pre-existing, non-conforming. The driveway apron has not been proposed for replacement or reconstruction nor will be required.

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.

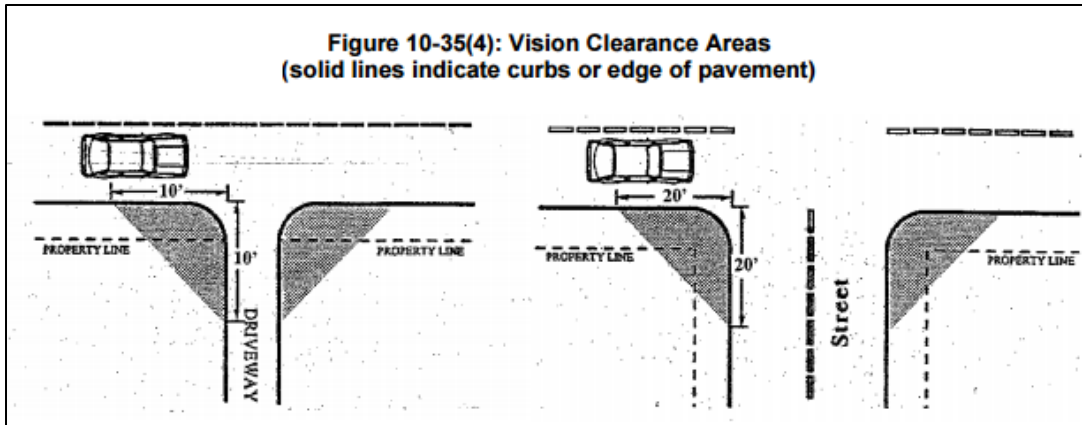
The applicant has not proposed any structures that would have less than the minimum vertical clearance within the driveway area.

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.

The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height. **(Condition 9)**



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.
- B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:
 - 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
 - 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
 - 3. Topography or contours make the construction of a sidewalk impractical.
 - 4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.

5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.
- C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.
- D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

The site has previously installed sidewalks which meet code criteria for this district.

TITLE 10: CHAPTER 37: LIGHTING

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

B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.

As an application for a conditional use permit, exterior lighting fixtures proposed meet the requirements of Title 10, Chapter 37.

Existing exterior lighting fixtures shall be modified or changed to comply with the requirements of FCC 10-37. **(Condition 10.1)**

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

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

The applicant has submitted information for proposed lighting fixtures (Exhibit E). The applicant meets all criteria for Chapter 37: Lighting.

Any additional lighting installed on the exterior of the building shall be evaluated by the Planning Department prior to issuance of Certificate of Occupancy. **(Condition 10.2)**

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.**

The applicant has proposed two pole lights mounted at 20' in height at the eastern edge of the parking lot adjacent the Highway 101 right-of-way. After review of the manufacturer's specifications, these lighting fixtures appear to meet the requirements of City Code.

The applicant has proposed parking lot lighting only. The lighting proposed consists of LED full cut-off fixtures, which will not direct light emissions upward beyond the horizontal plane. The fixtures proposed will not shine illumination skyward. It appears from the provided photometric plan that illumination will not leave the site and project onto adjacent right-of-ways or properties.

The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property. **(Condition 10.3)**

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

The lighting fixtures mounted above the parking area provide at least two foot-candles of illumination for the entire parking lot with a maximum of 5 foot-candles of illumination.

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

The proposed lighting is adjacent to a residential use. The mounted height of the lighting proposed is twenty feet. There is also a thick vegetative buffer between the site and the adjacent residential property.

- D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.**
- E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.**

The applicant has not stated whether or not the lights will be extinguished at the end of business hours.

Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security issues. Motion sensors are recommended. **(Condition 10.4)**

Lighting will be reviewed during a 30-day review period following the issuance of a Certificate of Occupancy. Should the proposed lighting not meet the requirements of FCC 10-37, staff may require the lighting to be adjusted.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 2: LAND USE

COMMERCIAL

POLICY 3. The City shall promote the efficient use of available lands designated for the establishment of commercial uses.

The site of the proposed recreational marijuana retail facility is appropriate for the use proposed. By locating in an existing building, the applicant is efficiently using available, built commercial facilities rather than leaving a building vacant and constructing a new facility.

POLICY 4. The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.

The applicant has proposed a recreational marijuana retail facility within a structure which could be considered architecturally interesting and appropriate for the

surrounding district. Future large-scale development of the site will meet architectural guidelines and the criteria of the Florence City Code and shall enhance the surroundings of the building.

POLICY 6. All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment.

The applicant is proposing a reuse and redevelopment of a commercial unit located at 1541 Highway 101. The applicant is meeting the minimum levels of improvement and development standards as described throughout Florence City Code related to lighting and landscaping. Other non-conforming issues on the site are pre-existing and would be cost prohibitive to change at this time. Should those non-conforming areas of the property be significantly affected by the applicant or another property owner at some point in the future, those non-conforming issues may be required to meet current code.

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

The proposed location of the facility has approved access through a driveway onto 16th Street rather than Highway 101. The access is consistent with the City's access management guidelines.

VI. ALTERNATIVES

- 1. Approve the application based on the findings of compliance with City regulations.**
- 2. Modify the findings, reasons or conditions, and approve the request as modified.**
- 3. Deny the application based on the Commission's findings.**
- 4. Continue the Public Hearing to a date certain if more information is needed.**

VI. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the conditional use permit subject to the following conditions.

VII. CONDITIONS OF APPROVAL

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

1. Approval for shall be shown on:

"A" *Findings of Fact*

"B" Land Use Application & Authorization for Representative

"C" Elevations

"D1" Site Plan

"D2" Revised Site Plan

"E" Lighting Information

"F" SVFR Referral Comments

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

4. Parking Requirements

4.1. The parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.

4.2. The applicant shall be required to trim the western hedge to a height no more and no less than six feet in height.

- 4.3. The applicant shall provide four parking spaces meeting the listed requirements of FCC 10-3-9.
- 4.4. The applicant shall provide a sign at the entrance to the driveway cautioning drivers to the narrow driveway conditions.
- 4.5. The applicant shall provide at least two bicycle parking spaces which meet the listed requirements of FCC 10-3-10.

5. Timelines & Conditional Use Permit Requirements

- 5.1. Authorization of a conditional use permit shall be void one (1) year after the date of approval, January 24, 2018, unless the use commences by this date and no building permits are necessary. Required changes shall have until six months from the date of issuance (July 24, 2017), concurrent with operation of the facility, to be completed. Conditions, unless otherwise stated, shall be met by July 24, 2017 in order to continue operation of the facility.
- 5.2. The discontinuance of the existing conditional use shall be considered the cessation of operations of the recreational marijuana retail facility. The discontinuance of the marijuana retail conditional use shall be considered the cessation of operations of the marijuana retail facility. This conditional use permit shall not be transferrable and discontinuance shall be considered immediate following cessation of approved activities at 1541 Highway 101 as prescribed in FCC 10-4-9.
- 5.3. The applicant shall utilize the pre-existing trash enclosure. Trash and recycling containers shall be kept inside the trash enclosure or inside the facility at all times.
- 5.4. The applicant shall provide a cigarette receptacle for the deposit of cigarette butts further than 10 feet from the main entrance to the building. The applicant shall take other measures and post signage as necessary per the Oregon ICAA.
- 5.5. The applicant shall retain the existing doorways to allow emergency egress from the facility. The applicant may retain the doors as ingress if preferred. Should the applicant retain the doors for egress only, the applicant shall post a sign directing walk-in traffic to the facility's main entrance. Door replacement is permitted, provided that the doors and framing are of a coordinating color.
- 5.6. The applicant shall provide manufacturer's information and proof of installation of an effective odor control system such as by carbon filtration prior to six months from the date of issuance of the conditional use permit (July 24, 2017).
- 5.7. The applicant has submitted an application with the Oregon Liquor Control Commission and is currently seeking approval for their recreational marijuana

retail facility. Upon final approval, the applicant shall submit proof of current and active registration with the OLCC to the City prior to operation of the recreational marijuana retail facility. This information shall be kept current and submitted to the City following any changes in licensing or property ownership.

- 5.8. Current and active registration must be kept at all times during operation of the dispensary. The applicant, if lacking current registration with the state, shall immediately cease operations until current and active registration is obtained.

6. Variance & Design Review

- 6.1. The variance shall be granted for the duration that the building at 1541 Highway 101 is occupied by a recreational marijuana retail facility.
- 6.2. If the applicant or property owner chooses to change the building color, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.
- 6.3. No major modifications of the structure have been granted. The approval for Design Review of the proposed facility shall expire on January 24, 2018.
7. Outdoor storage of materials, manufacturing, compounding, processing, and treatment of products shall not be allowed. Unreasonable odor, dust, smoke, noise, vibration, or appearance shall not be allowed. Odors may not emanate from the facility.

8. Landscaping

- 8.1. The applicant shall submit a revised landscaping plan, including the dimensions of landscaped areas, prior to the deadline for conditions of approval, July 24, 2017.
- 8.2. The applicant shall install five trees selected from the Tree and Plant List for the City of Florence.
- 8.3. New plantings shall be pocket-planted with a soil-compost blend around plants and trees to ensure healthy growth.
- 8.4. Plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. In which case, the applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. If the applicant has not permanently irrigated the plantings prior to July 24, 2017, and the plantings appear to still require regular irrigation, the applicant shall install a permanent, underground irrigation system with a backflow prevention device to all installed landscaping elements.

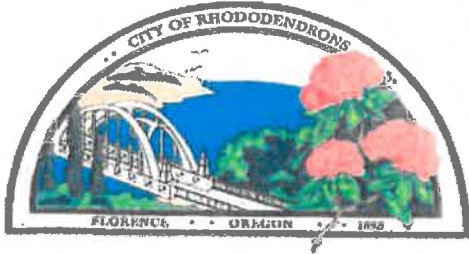
- 8.5. The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.
9. The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.
10. **Lighting**
 - 10.1. Existing exterior lighting fixtures shall be modified or changed to comply with the requirements of FCC 10-37.
 - 10.2. Any additional lighting installed on the exterior of the building shall be evaluated by the Planning Department prior to issuance of Certificate of Occupancy.
 - 10.3. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.
 - 10.4. Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security issues. Motion sensors are recommended.

Informational

1. The applicant shall contact Fire Marshal Sean Barret prior to final inspection and operation of the facility in order to review the security plans for the building's emergency
2. An ODOT Miscellaneous Permit must be obtained from the ODOT District 5 Maintenance Office for any work that is performed in ODOT right of way and a Miscellaneous Permit is also required for connection to state highway drainage facilities. If the proposed development will be making a new connection to or increasing stormwater flow to an ODOT drainage facility then the applicant must contact ODOT District 5 to determine whether a Miscellaneous Permit will be required.

VIII. EXHIBITS

"A" Findings of Fact
"B" Land Use Application
"C" Elevations
"D1" Site Plan
"D2" Revised Site Plan
"E" Lighting Information
"F" SVFR Referral Comments
"G" ODOT Referral Comments



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

Type of Request

☐ Design Review (DR) (See FCC 10-6) ☐ Conditional Use Permit (CUP) (See FCC 10-4)

Applicant Information

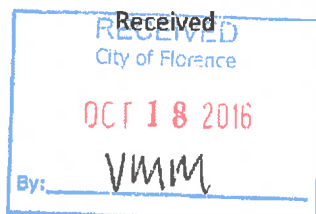
Name: Shawn Fleming Const. LLC Phone 1: [Redacted]
E-mail Address: [Redacted] Phone 2: 9/30/16
Address: [Redacted]
Signature: [Redacted] Date: _____
Applicant's Representative (if any): _____

Property Owner Information

Name: Beryl Industries LLC Phone 1: [Redacted]
E-mail Address: _____ Phone 2: _____
Address: 1541 Hwy 101 Florence OR 97439
Signature: _____ Date: 9/30/16
Applicant's Representative (if any): Shawn Fleming

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:



Approved

Exhibit

Exhibit B

Property Description

Site Address: 1541 Hwy 101

General Description: Marijuana PET STORE

Assessor's Map No.: _____ - _____ - _____ - _____ Tax lot(s): _____

Zoning District: _____

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

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

Project Description

Square feet of new: _____ Square feet of existing: _____

Hours of operation: 10-7 M.T.O.S. Existing parking spaces: _____

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

Timetable of proposed improvements: _____

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

If yes, please describe: _____

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

New Recreation Marijuana Dispensary

For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid

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 (click on "City Code" which is located on the main menu). 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 Safety 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: _____ - inch line available from _____ (Street)
Sanitary Sewer: _____ - inch line available from _____ (Street)
Storm Sewer: _____ - inch line available from _____ (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 10-3-8-G.

☐ 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: _____

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-D, larger projects may require a Traffic Impact Study. Please attach a TIA if needed.

☐ Design & Architectural Drawings:

Per FCC 10-6-6-C, 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.

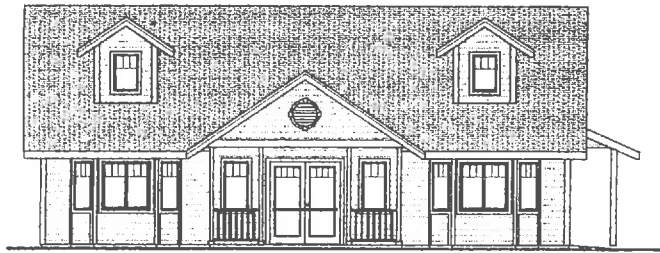
☐ Site Investigation Report:

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.

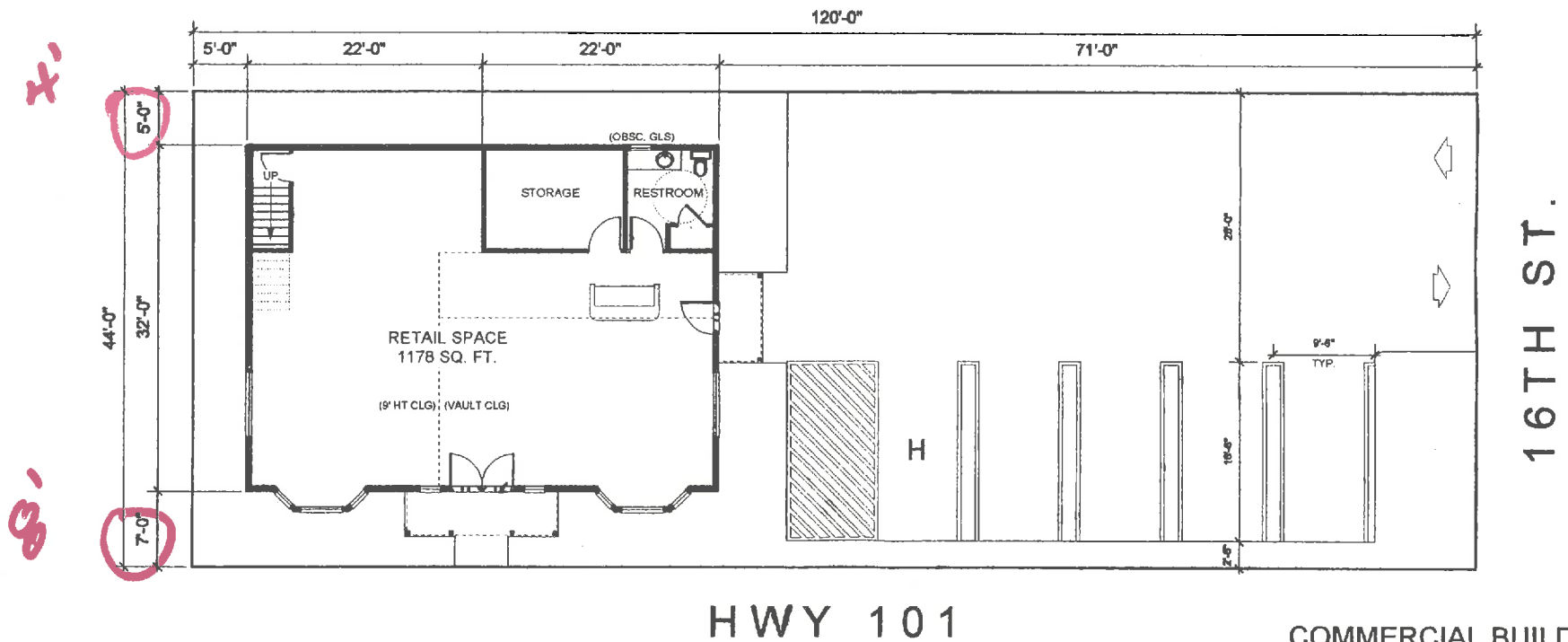
Visual Aids: New construction or story additions require visual aids. Please refer to FCC 10-17.



EAST (HWY 101) ELEVATION



NORTH (16TH ST) ELEVATION

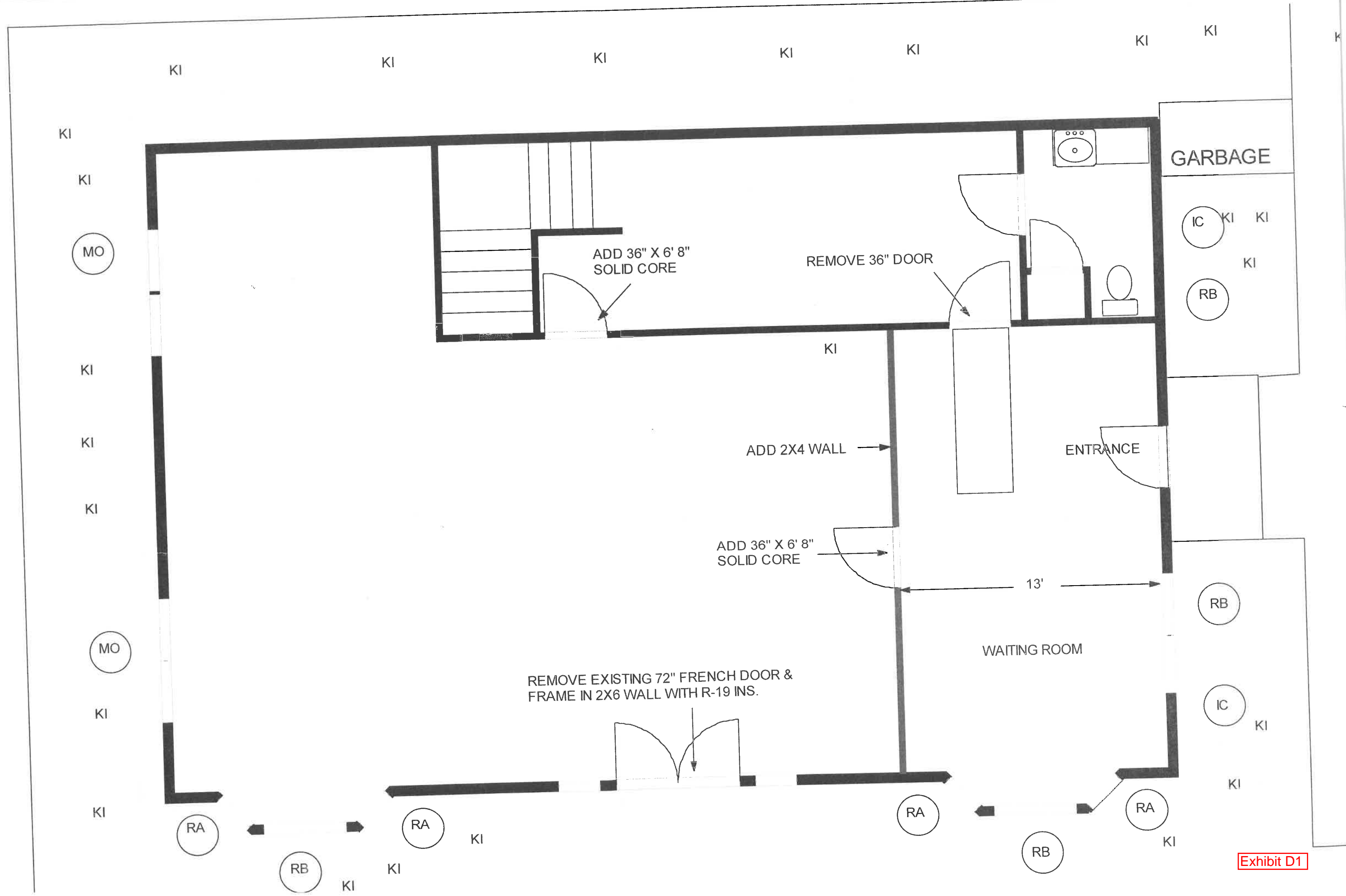


MAIN FLOOR

1435 SQ. FT.

COMMERCIAL BUILDING
16TH AND 101
FLORENCE, OR
SCALE: 1/16"=1'

Exhibit C



KI

KI

KI

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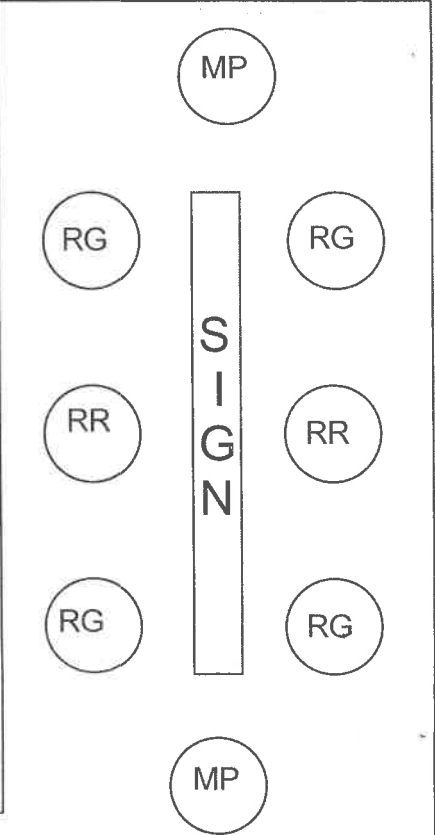
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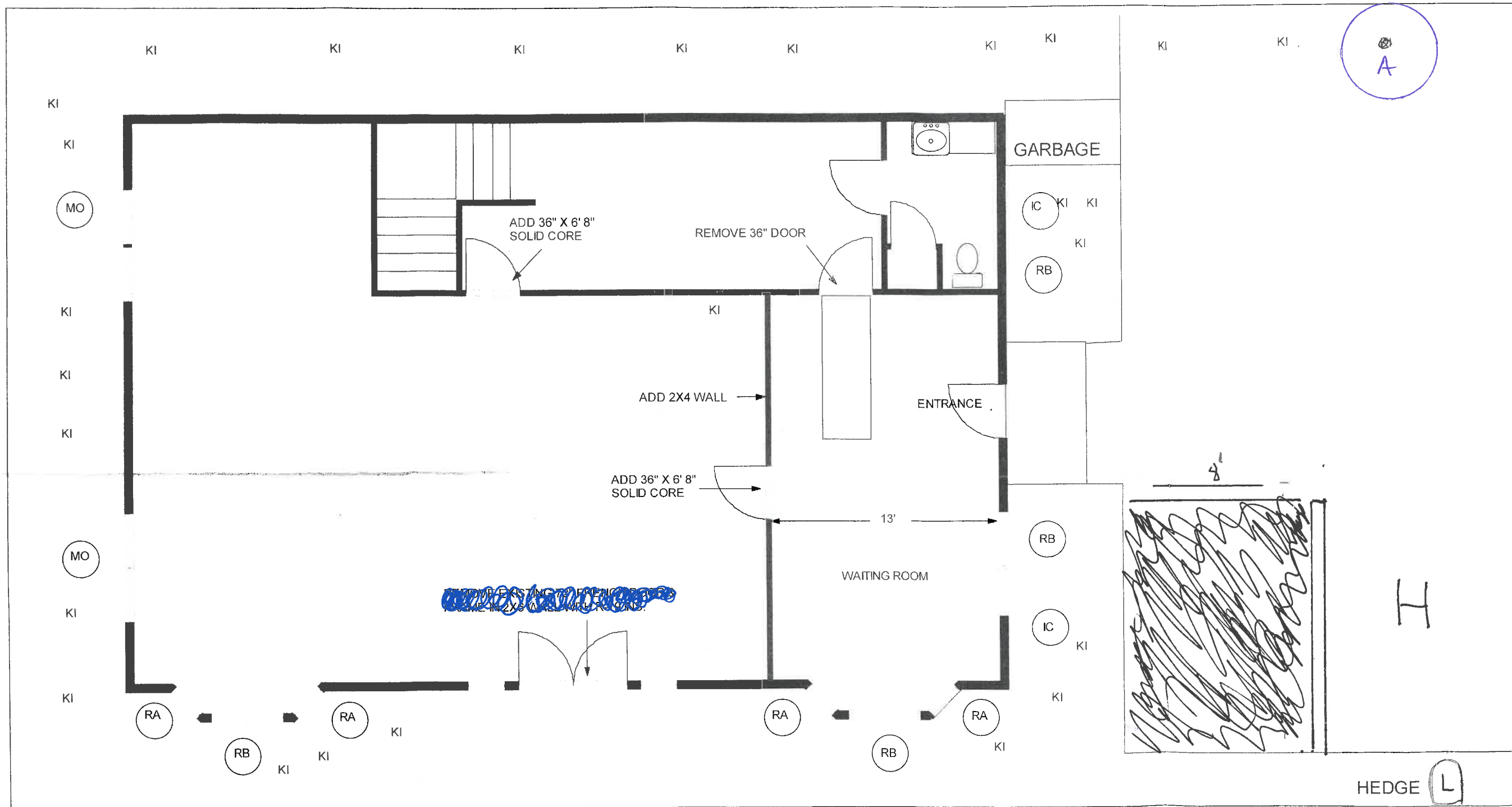
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PARKING

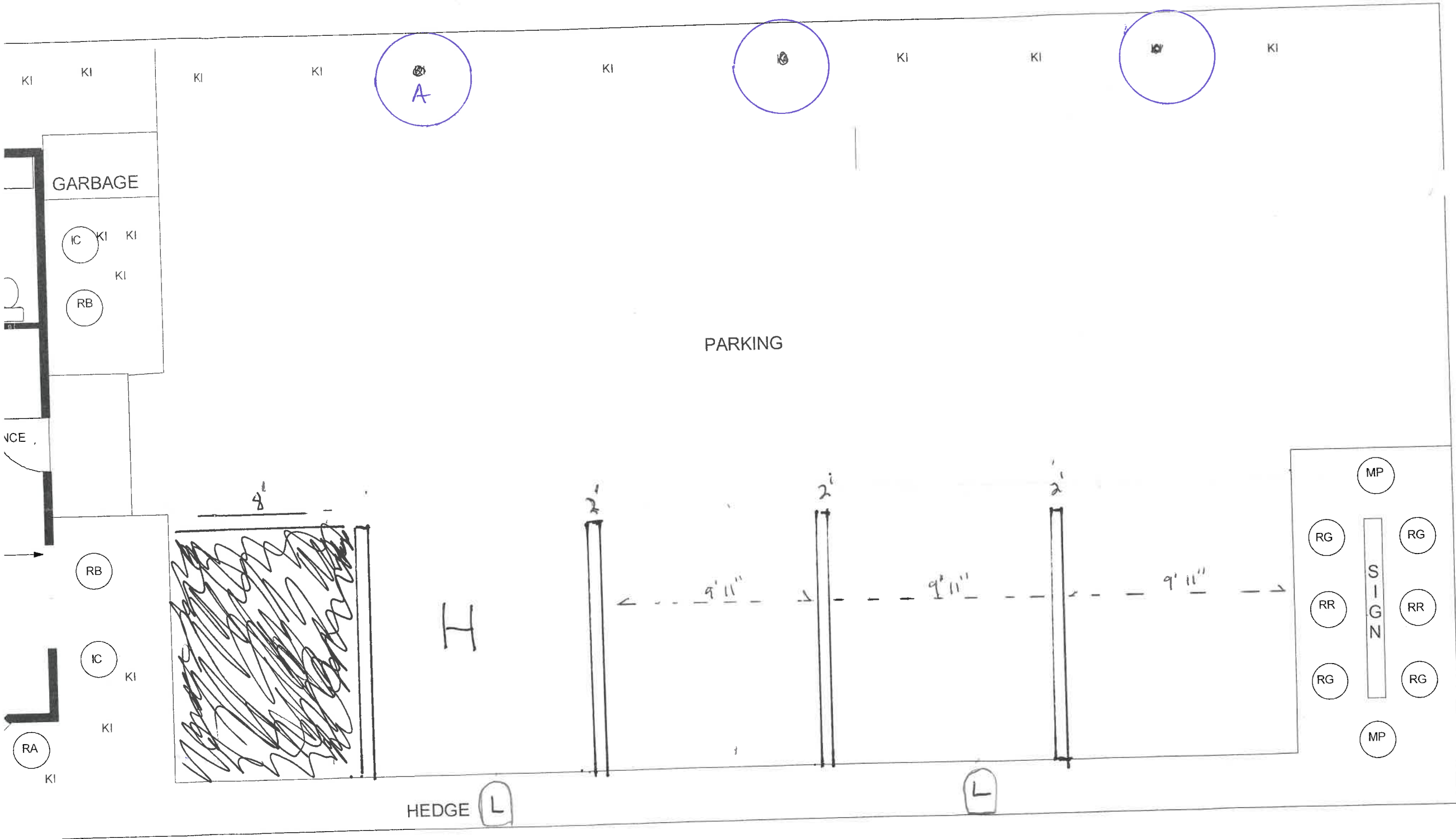
HEDGE





2 - MO - MEXICAN ORANGE 5 GAL.
 2 - IC - ITALIAN CYPRESS 5' 6"
 2 - MP - MUGHO PINE 15 GAL
 2 - RR - RHODODENDRON ROCKET 5 GAL
 4 - RG - RHODODENDRON GOLDEN GATE 5 GAL
 4 - RB - RHODODENDRON BRONZE WING 5 GAL
 4 - RA - RHODODENDRON ANGR 5 GAL
 36 - KI - KINNINGKINNICK 1 GAL

HIGHWAY 101



FEATURES & SPECIFICATIONS

INTENDED USE — Streets, walkways, parking lots and surrounding areas.

CONSTRUCTION — Rugged, die-cast, single piece aluminum housing with nominal wall thickness of 1/8". Die-cast doorframe has impact-resistant, tempered, glass lens (3/16" thick). Doorframe is fully gasketed with one-piece tubular silicone.

Finish: Standard finish is dark bronze (DDB) corrosion-resistant polyester powder finish, with other architectural colors available.

OPTICS — MIRO finish, segmented reflectors for superior uniformity and control. Reflectors attach with tool-less fastener and are rotatable and interchangeable. Five full cutoff distributions available: Type II (roadway), Type III (asymmetric), Type IV (forward throw), Type IV (forward throw sharp cutoff) and Type V (symmetric square).

ELECTRICAL — Ballast: Constant wattage autotransformer. Metal Halide: Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for 175-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested. All ballasts are mounted on a removable power tray.

Socket: Porcelain, mogul-based socket with copper alloy, nickel-plated screw shell and center contact.

LISTINGS — Listed and labeled to UL standards for wet locations. Listed and labeled to CSA standards (see Options). NOM Certified (see Options). IP65 Rated. U.S. Patent No. D556,357.

WARRANTY — 1-year limited warranty. Complete warranty terms located at

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application.

Specifications subject to change without notice.



NIGHTTIME
FRIENDLY

Catalog Number
Notes
Type



Architectural Area & Roadway Lighting



MR2

METAL HALIDE: 175W - 400W
HIGH PRESSURE SODIUM: 200W - 400W

Specifications

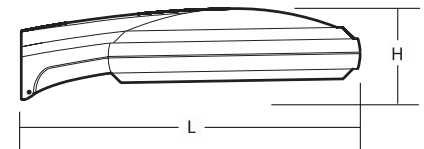
Length: 32-7/8 (83.5)

Diameter: 25 (63.5)

Overall Height: 8-1/4 (21.0)

*Weight: 46 lb. (20.9 kg)

EPA: 0.91 ft² (0.08°)





All dimensions are inches (centimeters) unless otherwise indicated.

*Weight as configured in example below.

ORDERING INFORMATION

For shortest lead times, configure product using standard options (**shown in bold.**)

Example: MR2 400M SR3 TB SCWA LPI

MR2										
Series	Wattage	Distribution		Voltage	Ballast	Mounting		Options	Finish ¹⁷	Lamp ¹⁸
MR2	<u>Metal halide</u>	SR2	Segmented type II roadway	120	(blank) Magnetic	SPA	Square pole mounting	<u>Shipped installed in fixture</u>	(blank) Dark bronze	LPI Lamp included
	175M ¹			208 ⁶	CWI Constant wattage isolated	RPA	Round pole mounting	SF Single fuse (120, 277, 347V) ¹²	DBL Black	L/LP Less lamp
	200M ²	SR3	Segmented type III asymmetric	240 ⁶				DF Double fuse (208, 240, 480V) ¹²	DGC Charcoal gray	
	250M ³			277	 	WBA	Wall bracket (up or down) ⁹	PER NEMA twist-lock receptacle only (no photocontrol)	DMB Medium bronze	
	320M ²	SR4SC	Segmented type IV forward throw, sharp cutoff	347	SCWA Super CWA pulse start ballast			QRS Quartz restrike system ^{13, 14}	DWH White	
	350M ^{1, 2, 4}			480 ⁶	Note: For shipments to U.S. territories, SCWA must be specified to comply with EISA.	<u>Shipped separately</u> ^{10, 11}	HS Houseside shield (SR2, SR3, SR4W) ^{10, 15}	DNA Natural aluminum		
	400M ^{3, 4}			TB ⁷		SPA19/ MR2	Square pole adaptor (DM19 to SPA)	EC Emergency circuit ^{13, 14}	<u>Super Durable Finishes</u>	
	<u>High pressure sodium</u> ⁵	SR4W	Segmented type IV wide, forward throw	23050HZ ⁸		RPA19/ MR2	Round pole adaptor (DM19 to RPA)	CSA Listed and labeled to Canadian safety standards	DDBXD Dark Bronze	
	200S							NOM NOM certified ⁸	DBLXD Black	
	250S							INTL Available for MH probe start shipping outside the U.S.	DNAXD Natural aluminum	
	400S	SR5S	Segmented type V symmetric square					REGC1 California Title 20 effective 1/1/2010	DWHXD White	
								<u>Shipped separately</u> ¹⁰	DDBTXD Textured dark bronze	
								PE1 NEMA twist-lock PE (120, 208, 240V)	DBLBXD Textured black	
								PE3 NEMA twist-lock PE (347V)	DNATXD Textured natural aluminum	
								PE4 NEMA twist-lock PE (480V)	DWHGXD Textured white	
								PE7 NEMA twist-lock PE (277V)		
							SC Shorting cap for PER option			
							VG Vandal guard ¹⁶			

Accessories: Tenon Mounting Slipfitter

Order as separate catalog number. Must be used with pole mounting (RPA).

Tenon O.D.	One	Two@180°	Two@90°	Three@120°	Three@90°	Four@90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

Notes

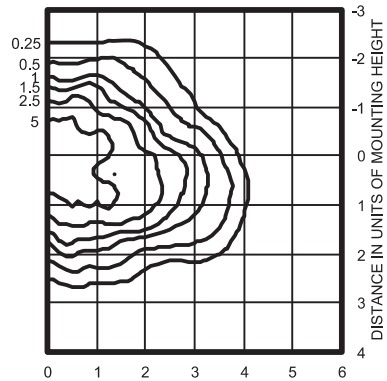
- These wattages do not comply with California Title 20 regulations.
- Must order SCWA.
- These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance. 250M REGC1 is not available in 347 or 480V.
- Must use reduced jacket lamp ED28.
- Not available with SCWA.
- Must specify CWI for use in Canada.
- Optional multi-tap ballast (120, 208, 240, 277V; 120, 277, 347V in Canada).
- Consult factory for available wattages.
- Mounted in lens-up orientation, fixture is damp location rated.
- May be ordered as an accessory.
- Must specify finish when ordered as accessory.
- Must specify voltage. Not available with TB.
- EC and QRS options cannot be ordered together.
- Maximum allowable wattage lamp included.
- Order MR2SR2/3HS U or MR2SR4WHS U as an accessory.
- Order MR2VG U as an accessory.
- See www.lithonia.com/archcolors for additional color options.
- Must be specified.

Exhibit E

MR2 Metal Halide, High Pressure Sodium

MR2 400M SR3 Test No. LTL10099P

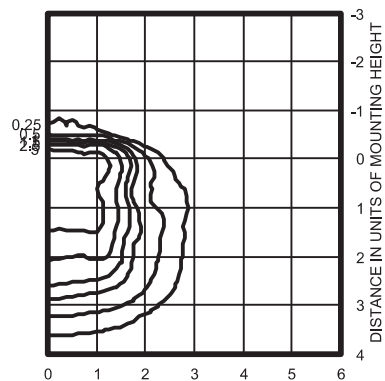
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Type III, Medium, Full Cutoff

MR2 400M SR4SC Test No. LTL10100P

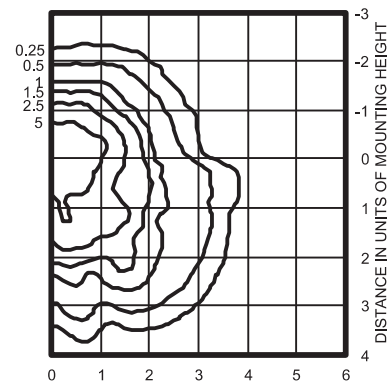
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type IV, Very Short), Full Cutoff

MR2 400M SR4W Test No. LTL10101P

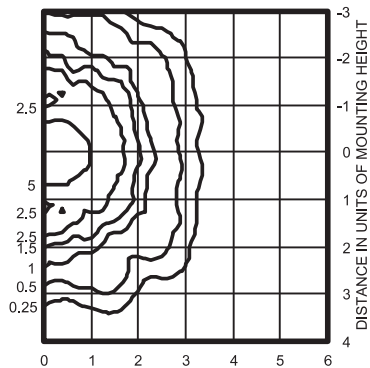
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Type IV, Short, Full Cutoff

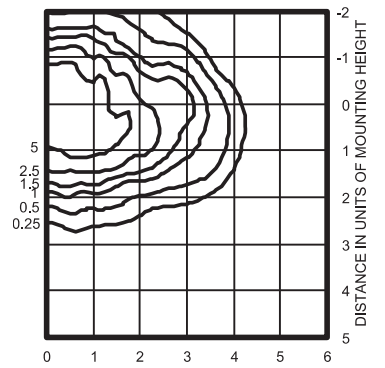
MR2 400M SR5S Test No. LTL10102P

ISOILLUMINANCE PLOT (Footcandle)



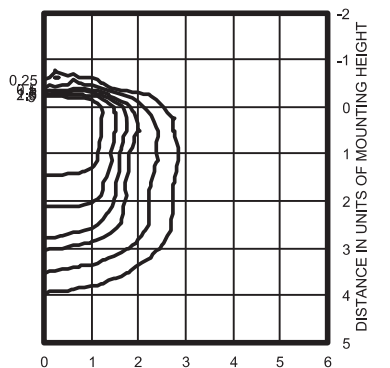
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type IV, Very Short), Full Cutoff

MR2 400S SR3 TEST NO: LTL10104



400W lamp, rated 50000 lumens. Footcandle values based on 20' mounting height.
Classification: Type II, Medium, Full Cutoff

MR2 400S SR4SC TEST NO: LTL10105



400W lamp, rated 50000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type IV, Very Short), Full Cutoff

Notes

- 1 Photometric data for other distributions can be accessed from the Lithonia Lighting web site (www.lithonia.com).
- 2 For electrical characteristics consult outdoor technical data specification sheets on www.lithonia.com.
- 3 Tested to current IESNA and NEMA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory and actual field measurements. Dimensions and specifications are based on the most current data and are subject to change.

When ordering poles, specify the appropriate drilling pattern. See below example.

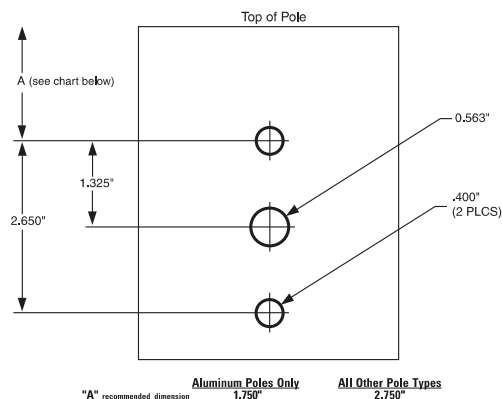
Example: SSA 20 4C DM19AS

- DM19AS 1 at 90 degrees
- DM28AS 2 at 180 degrees
- DM29AS 2 at 90 degrees
- DM39AS 3 at 90 degrees
- DM49AS 4 at 90 degrees
- DM32AS 3 at 120 degrees (round poles only)

DRILLING TEMPLATE # 8

AERIS™

Pole-Mounted Luminaire (not for suspend)



"A" recommended dimension 1.750" Aluminum Poles Only 2.750" All Other Pole Types

Note: Dimension varies by pole type to allow clearance for pole cap. Check pole cap depth if field drilling poles.

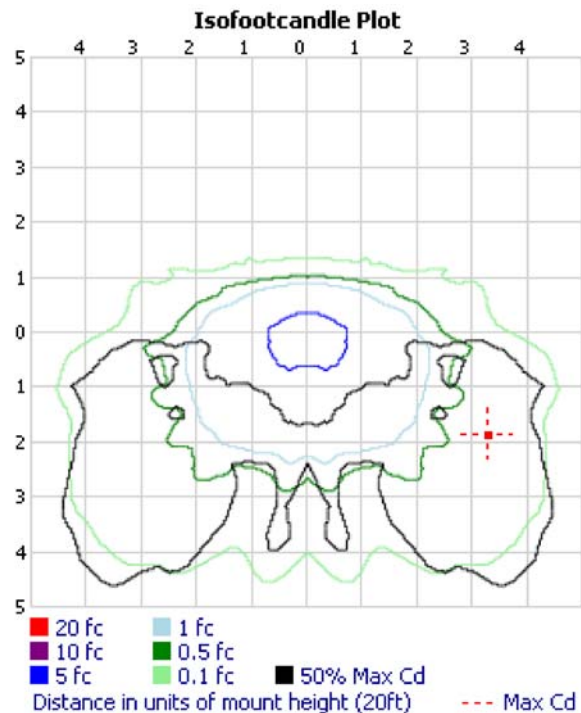
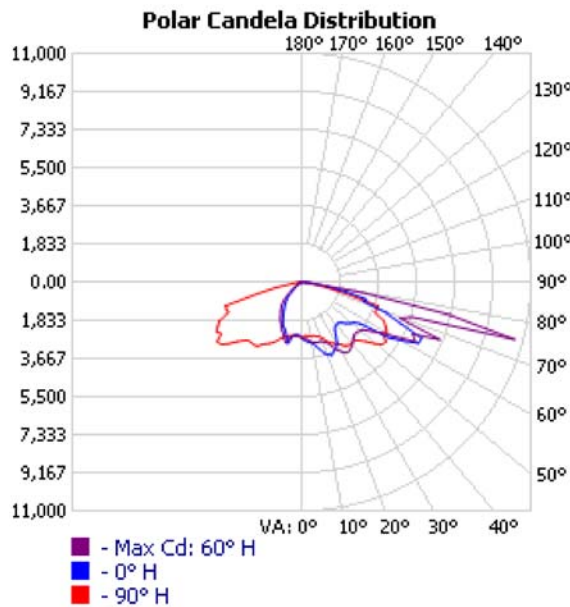
NOTE: This drawing is A22 to scale and should be used for dimensional purposes only.

OUTDOOR PHOTOMETRIC REPORT
CATALOG: MR2 400M SR4W HS (PROBE)



TEST #: LTL12464
TEST LAB: ACUITY BRANDS LIGHTING CONYERS LAB
TEST DATE: 1/27/2014
CATALOG: MR2 400M SR4W HS (PROBE)
DESCRIPTION: OMERO ARCHITECTURAL ARM-MOUNTED CUTOFF LUMINAIRE WITH SEGMENTED TYPE IV WIDE REFLECTOR AND BLACK INTERNAL HOUSE-SIDE SHIELD

SERIES: MR
LAMP CATALOG: MH400/U/ED28
LAMP: ONE 400-WATT CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION
LAMP OUTPUT: 1 LAMP, RATED LUMENS/LAMP: 32000
INPUT WATTAGE: 462
LUMINOUS OPENING: RECTANGLE (L: 9.72", W: 14.52")
TER VALUE: 34 (BF = 1)
TER CATEGORY: AREA & SITE LIGHT - TYPE IV
MAX CD: 10,571.0 AT HORIZONTAL: 60°, VERTICAL: 75°
CUTOFF CLASS: SEMICUTOFF
ROADWAY CLASS: MEDIUM, TYPE IV
EFFICIENCY: 52.2%



VISUAL PHOTOMETRIC TOOL 1.2.46 COPYRIGHT 2016, ACUITY BRANDS LIGHTING.

THIS PHOTOMETRIC REPORT HAS BEEN GENERATED USING METHODS RECOMMENDED BY THE IESNA. CALCULATIONS ARE BASED ON PHOTOMETRIC DATA PROVIDED BY THE MANUFACTURER, AND THE ACCURACY OF THIS PHOTOMETRIC REPORT IS DEPENDENT ON THE ACCURACY OF THE DATA PROVIDED. END-USER ENVIRONMENT AND APPLICATION (INCLUDING, BUT NOT LIMITED TO, VOLTAGE VARIATION AND DIRT ACCUMULATION) CAN CAUSE ACTUAL PHOTOMETRIC PERFORMANCE TO DIFFER FROM THE PERFORMANCE CALCULATED USING THE DATA PROVIDED BY THE MANUFACTURER. THIS REPORT IS PROVIDED WITHOUT WARRANTY AS TO ACCURACY, COMPLETENESS, RELIABILITY OR OTHERWISE. IN NO EVENT WILL ACUITY BRANDS LIGHTING BE RESPONSIBLE FOR ANY LOSS RESULTING FROM ANY USE OF THIS REPORT.

ZONAL LUMEN SUMMARY

ZONE	LUMENS	% LAMP	% LUMINAIRE
0-30	2,519.9	7.9%	15.1%
0-40	4,395.9	13.7%	26.3%
0-60	9,372.7	29.3%	56.1%
60-90	7,327.3	22.9%	43.9%
70-100	3,525.3	11%	21.1%
90-120	0.000	0%	0%
0-90	16,700.0	52.2%	100%
90-180	0.000	0%	0%
0-180	16,700.0	52.2%	100%

LUMENS PER ZONE

ZONE	LUMENS	% TOTAL	ZONE	LUMENS	% TOTAL
0-10	258.5	1.5%	90-100	0.000	0%
10-20	834.3	5.0%	100-110	0.000	0%
20-30	1,427.1	8.5%	110-120	0.000	0%
30-40	1,876.0	11.2%	120-130	0.000	0%
40-50	2,166.2	13.0%	130-140	0.000	0%
50-60	2,810.6	16.8%	140-150	0.000	0%
60-70	3,801.9	22.8%	150-160	0.000	0%
70-80	3,220.8	19.3%	160-170	0.000	0%
80-90	304.5	1.8%	170-180	0.000	0%

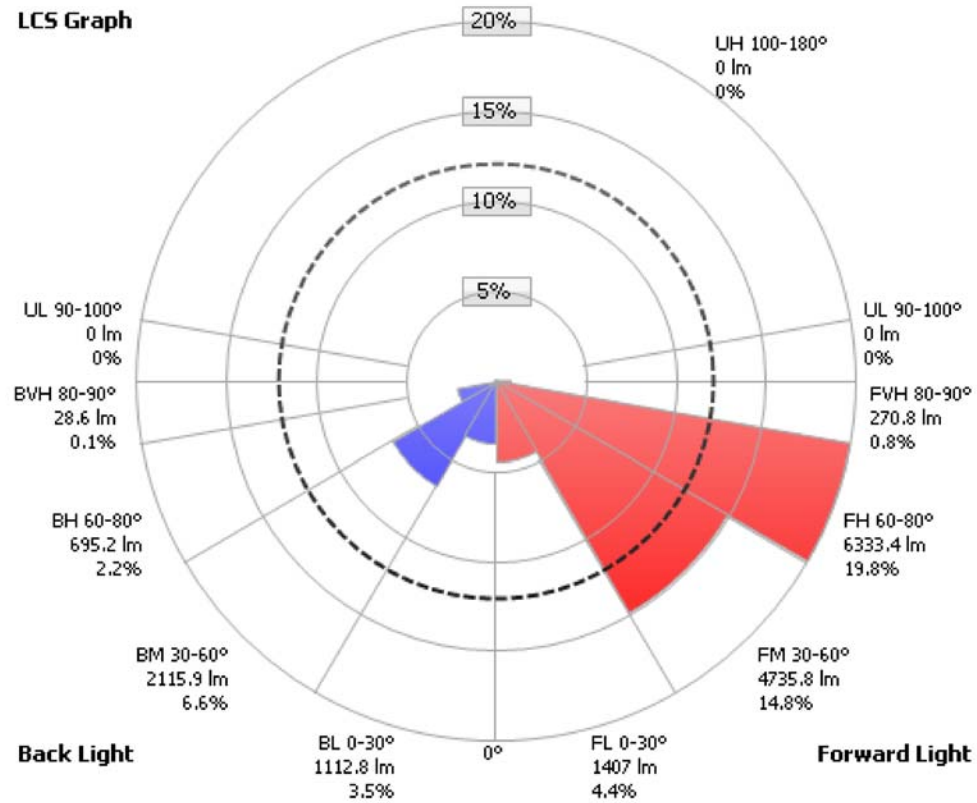
ROADWAY SUMMARY

CUTOFF CLASSIFICATION:	SEMICUTOFF	
DISTRIBUTION:	TYPE IV, MEDIUM	
MAX CD, 90 DEG VERT:	0.000	
MAX CD, 80 TO <90 DEG:	5,996.0	
	LUMENS	% LAMP
DOWNWARD STREET SIDE:	12,747.0	39.8%
DOWNWARD HOUSE SIDE:	3,952.5	12.4%
DOWNWARD TOTAL:	16,699.5	52.2%
UPWARD STREET SIDE:	0.000	0%
UPWARD HOUSE SIDE:	0.000	0%
UPWARD TOTAL:	0.000	0%
TOTAL LUMENS:	16,699.5	52.2%

LCS TABLE

BUG RATING	B3 - U0 - G3	
FORWARD LIGHT	LUMENS	LUMENS %
LOW(0-30):	1,407.0	4.4%
MEDIUM(30-60):	4,735.8	14.8%
HIGH(60-80):	6,333.4	19.8%
VERY HIGH(80-90):	270.8	0.8%
BACK LIGHT		
LOW(0-30):	1,112.8	3.5%
MEDIUM(30-60):	2,115.9	6.6%
HIGH(60-80):	695.2	2.2%
VERY HIGH(80-90):	28.6	0.1%
UPLIGHT		
LOW(90-100):	0.000	0%
HIGH(100-180):	0.000	0%
TRAPPED LIGHT:	15,300.5	47.8%

LCS Graph



Scale = Max LCS %

Trapped Light: 15300.5lm, 47.8%

CANDELA TABLE - TYPE C

	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180
0	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664	2664
5	2854	2910	2876	2852	2797	2787	2741	2694	2680	2560	2633	2604	2581	2580	2537	2569	2569	2564	2553
10	2976	3082	3097	3052	2957	2947	2941	2775	2717	2616	2636	2586	2600	2587	2554	2593	2606	2627	2653
15	3324	3421	3404	3355	3185	3135	2989	2851	2777	2673	2645	2616	2632	2694	2921	2999	2886	2821	2752
20	3695	3823	3744	3634	3466	3302	3030	2966	2953	2841	2835	2771	2899	3104	2818	2603	2494	2451	2391
25	3642	3683	3528	3868	4031	3728	3369	3214	3222	3185	3168	2997	3010	2711	2424	2313	2249	2198	2154
30	3393	3251	3377	4165	4136	4243	3845	3520	3498	3412	3318	2945	2678	2430	2170	2049	1900	1820	1744
35	2775	2887	3374	3936	4056	4227	4015	3833	3686	3733	3601	2900	2610	2293	1968	1765	1614	1513	1438
40	2620	2844	3329	3655	4128	3766	3786	3832	3761	3772	3559	2952	2494	2077	1729	1507	1286	1178	1107
45	2733	3045	3156	3969	3983	4084	3559	3469	3727	3957	3649	2973	2413	1842	1425	1159	916	776	675
50	3060	3571	4097	4451	4562	4311	3623	3455	4032	4588	4053	2741	2070	1542	980	653	444	339	279
55	3450	3807	4643	5922	5525	5316	4097	3624	4209	4951	4019	2473	1748	1078	520	284	210	189	182
60	5606	6179	7111	7334	8280	7170	5233	4119	4651	4720	3915	2103	1430	529	318	176	154	147	128
65	6348	7640	7609	8275	8421	10207	5864	7002	6427	4357	2925	1699	712	325	227	132	115	108	94
70	4300	5926	3663	5262	7450	5776	5025	5009	4674	3848	2051	1003	454	597	322	89	78	72	61
75	3219	5910	3697	7350	8443	9303	10571	8591	5883	2187	860	797	478	591	203	80	71	73	59
80	1230	2327	1875	3953	5996	5112	2946	1020	737	403	209	181	152	149	72	54	50	48	36
85	210	178	83	120	137	119	83	83	67	93	55	51	47	52	42	44	39	37	34
90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Glen Southerland

From: Sean Barrett <sean@svfr.org>
Sent: Friday, January 06, 2017 9:52 AM
To: Vevie McPherren; Mike Miller; Eric Rines; Tom Turner; Jim Langborg; Dave Mortier; jason@thebldgdept.com; Doug Baumgartner; paul.rosenow@oregon.gov
Cc: Wendy Farley-Campbell; Glen Southerland
Subject: RE: Referral PC 16 28 CUP 09 - Beryl Recreational Marijuana Retail Facility

Fire has no concerns with this project. We do need to make sure, due to the size of the building that there will be a secondary egress. We also need to see the security plans for emergency access. Sean

From: Vevie McPherren [mailto:vevie.mcpherren@ci.florence.or.us]
Sent: Thursday, January 05, 2017 5:12 PM
To: Mike Miller; Eric Rines; Tom Turner; Jim Langborg; Sean Barrett; Dave Mortier; jason@thebldgdept.com; Doug Baumgartner; paul.rosenow@oregon.gov
Cc: Wendy Farley-Campbell; Glen Southerland
Subject: Referral PC 16 28 CUP 09 - Beryl Recreational Marijuana Retail Facility

Good afternoon!

The purpose of this notice is to acquaint you with the proposed development, to gather information you may have about the project, and provide an opportunity to comment and express concerns prior to the city's decision to approve or deny the proposal.

RESOLUTION PC 16 28 CUP 09 – Beryl Recreational Marijuana Retail Facility: An application from Shawn Fleming, on behalf of Beryl Industries, LLC requesting approval of a Conditional Use Permit to open and operate a retail recreational marijuana facility, a conditional use in the Commercial District regulated by FCC Title 10 Chapter 15. The building is located at 1541 Highway 101, on the southwest corner of Highway 101 and 16th Street, Assessor's Map no. 18-12-26-23, Tax Lot 00700. The applicant is currently also seeking State approval for their facility.

Please contact the Planning Department with any questions or concerns.

Thank you kindly,

Vevie "Viva"
LiveHappy!
Vevie M. McPherren
Planning Administrative Assistant
vevie.mcpherren@ci.florence.or.us
541-997-8237

City of Florence
250 Hwy 101
Florence, OR 97439

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Glen Southerland

From: Douglas.G.Baumgartner@odot.state.or.us
Sent: Wednesday, January 18, 2017 5:15 PM
To: Glen Southerland; April.C.JONES@odot.state.or.us
Subject: [Suspected SPAM] ODOT Case # 7538 Shawn Fleming
Attachments: 07538_08354_RESPCFORM.docx

Importance: Low

Good afternoon Glen,

Please find attached the ODOT comments for land use Resolution PC 16 28 CUP 09 - Beryl Recreational Marijuana Retail Facility. Please feel free to contact me if you have any questions regarding these comments.

Thank you for providing ODOT with the opportunity to comment on this land use case.

Doug

Douglas Baumgartner, P.E.
Region 2 Development Review Coordinator
Oregon Department of Transportation
455 Airport Rd SE, Bldg. B| Salem, OR 97301
Office: 503.986.5806 | Cell: 503.798.5793



Oregon

Kate Brown, Governor

Department of Transportation

Region 2 Headquarters
455 Airport Rd SE, Bldg. B
Salem, Oregon 97301
(503) 986.2751
FAX (503) 986.2630

January 18, 2017

ODOT #7538

ODOT Response

Project Name: Beryl Recreational Marijuana Facility	Applicant: Shawn Fleming
Jurisdiction: City of Florence	Jurisdiction Case #: PC16-28CUP09
Site Address: 1541 Highway 101, Florence, OR 97439	Legal Description: 18S 12W 2623 Tax Lot(s): 00700
State Highway: US 101	Mileposts: 189.81

The site of this proposed land use action is adjacent to Oregon Coast Highway, US101. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

COMMENTS/FINDINGS

Tax Lot 700 does not have an existing access to US101 and the proposed site plan for the Beryl Recreational Marijuana Facility in Florence does not show a proposed access to US101. In the absence of an access to US101 for this land use proposal ODOT's comments are limited to work to be performed in ODOT right of way. An ODOT Miscellaneous Permit must be obtained from the ODOT District 5 Maintenance Office for any work that is performed in ODOT right of way and a Miscellaneous Permit is also required for connection to state highway drainage facilities. If the proposed development will be making a new connection to or increasing stormwater flow to an ODOT drainage facility then the applicant must contact ODOT District 5 to determine whether a Miscellaneous Permit will be required.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 2 Planning and Development
Development Review
455 Airport Rd SE, Bldg. B
Salem, OR 97301

ODOTR2PLANMGR@odot.state.or.us

Development Review Planner: Douglas Baumgartner, P.E.	503.986.5806, Douglas.G.Baumgartner@odot.state.or.us
District Contact: April Jones	541-726-2577