

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 16 08 CUP 02**

A REQUEST FOR A CONDITIONAL USE PERMIT WITH DESIGN REVIEW TO APPROVE A PREVIOUSLY PLACED STORAGE CONTAINER (TEMPORARY MOBILE BUILDING SPACE) AND PARKED TRAILER IN EXISTING PARKING SPACES.

**WHEREAS**, application was made by Joy Murphy of Goodwill Industries of Lane and South Coast Counties for a Conditional Use Permit as required by FCC 10-1-1-4, FCC 10-4-4, and FCC 10-4-12; and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on August 9, 2016, and continued the hearing to October 25, 2016, and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on October 25, 2016 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received, and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-4-10, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

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

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

The request for a Conditional Use Permit to approve the placement of temporary mobile building space and conversion of parking spaces to trailer parking in the Commercial zoning district meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

**Conditions of Approval:**

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

"A" Findings of Fact

"B" Land Use Application & Supplemental Information

"C" Site Plan

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. Parking**

- 3.1. The parking spaces remaining (27 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.
- 3.2. The applicant shall mark the ADA accessible parking spaces with a sign 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 identified through signage.
- 3.3. Three bicycle parking spaces meeting the requirements of FCC 10-3-10 shall be provided.

### **4. Conditional Use Permit**

- 4.1. Authorization of a conditional use permit shall be void one (1) year after the date of approval, October 25, 2017, unless the use commences by this date if no building permits are necessary.
- 4.2. As the retail thrift store use is existing, no time period will be required for the development, however, the applicant shall have six months from the date of approval (April 25, 2017) to complete the required conditions of approval.
- 4.3. Approval for the temporary mobile building space shall expire three years from the date of approval, October 25, 2019. The applicant shall remove the shipping container on or before this date. Approval to use the area for the trailer shall expire upon discontinuance of the use.
- 4.4. The approval for Design Review of the facility not proposed as temporary mobile building space shall expire on October 25, 2017.

5. If the applicant or property owner chooses to change the building color of site built buildings, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.

## **6. Fencing**

- 6.1. The converted parking spaces shall be separated from the existing parking lot in order to remove confusion that those parking spaces are for use by customers or employees and prevent the creation of a hazardous situation posed by the sharing of space between customers and an active storage area by screening the area with a fence six feet in height (please also see staff review of FCC 10-34).
- 6.2. The applicant may fence in their outdoor temporary mobile building space and trailer area with any of the materials listed above, except that the fencing must achieve the desired effect of screening the facility from view through construction from solid materials or, in the case of chain link fencing, slatting.
- 6.3. Staff recommends that barbed wire not be permitted with this application, however, if security issues continue to plague the applicant's business, the option for approval of the barbed wire through administrative review for this site be established by the Planning Commission.

## **7. Landscaping**

- 7.1. The applicant has not provided a landscaping plan with the location of existing and needed fencing, trees, and shrubs. The applicant shall submit a landscaping plan showing the required changes per the conditions of approval prior to October 9, 2016.
- 7.2. The applicant shall plant 4 trees ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \approx 3.07 \rightarrow 4$ ). The applicant shall also plant 19 shrubs ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \times 6 \text{ (shrubs)} \approx 18.41 \rightarrow 19$ ). Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
- 7.3. Trees and shrubs should be primarily located in planters on the property within 20 feet of an abutting right-of-way where possible. Required trees may be located along the building within the right-of-way. Required shrubs may also be located within the right-of-way since the site has little remaining area without coverage by building or impervious surface. Trees located in the right-of-way shall conform to the standards of FCC 10-34-4.
- 7.4. The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.
- 7.5. New 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. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent.

- 7.6. The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.
8. The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.

**Informational**

1. If the applicant chooses to install fencing over seven feet in height, they will need to obtain building permits.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 25<sup>th</sup> day of October, 2016.

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CURT MUILENBURG, Chairperson  
**Florence Planning Commission**

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DATE

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

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**Public Hearing Date:** August 9, 2016                      **Planner:** Glen Southerland  
**Date of Report:** August 2, 2016  
**Application:** PC 16 08 CUP 02

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a conditional use permit with design review to approve a previously placed storage container (temporary mobile building space) and parked trailer in existing parking spaces as well as add barbed wire/a 8-foot fence surrounding an existing trash enclosure.

**Applicant:** Joy Murphy for Goodwill Industries of Lane and South Coast Counties

**Property Owners:** Goodwill Industries of Lane and South Coast Counties

**Location:** 1665 Highway 101

General Location: North side of 16th Street, between Pine Street and Highway 101

**Site:** Map # 18-12-27-44 Taxlots 11000, 11100, and 11200

**Comprehensive Plan Map Designation:** Commercial

**Zone Map Classification:** Commercial

**Surrounding Land Use / Zoning:**

Site: Retail / Commercial  
North: Single Family Residences/Daycare / Commercial  
South: Single Family Residences / Commercial  
East: Church/Convenience Store/Restaurant / Commercial  
West: Single Family Residences / Commercial

**Streets / Classification:**

East – Highway 101 / Major Arterial; North – Alley & 17<sup>th</sup> Street / Local; West – Pine Street / Local; South – 16<sup>th</sup> Street / Local

**II. NARRATIVE**

The building at 1665 Highway 101 was originally constructed in 1965. The retail store is currently located on three taxlots: the retail location on taxlot 11000, the donation storage building on taxlot 11100, and the remainder of the parking lot east

and southeast of the donation storage building on taxlot 11200. These taxlots are comprised of Lots 11-20 of Block 19 of Plat of Gallagher's Part of the City of Florence. The area of taxlot 11000, where the addition has been proposed, is 8,276 square feet.

Prior to Goodwill opening a retail establishment on the site in July 2009, there were a number of businesses located on the site. At various points since the 1980s, the building was home to a pawnshop, Animal Hearts Grooming, Buffalo Trading Post, Wake and Bake Coffee and Cake, Florence Carpet, Foodtown Market, Oregon \$1 Store, Highway 101 Garage Sales, The Oak Warehouse, the Florence Fun Center, and other businesses. Some of these businesses were located in the retail portion of the Goodwill building and some were located in what is now the donation storage building to the northeast.

On July 7, 2010, Nagao/Hansen Architects applied for an administrative review to add a 720 square foot addition to the northeast corner of the main building. The application was approved on November 15, 2010. Building permits for the addition were obtained in December 2010 and work completed in August 2011.

The applicant applied for and received approval for a break area cover at the northwest corner of the property on February 17, 2015.

This application was received following code enforcement contact by staff on February 24-26, 2016 and a meeting with Dave Robison, Goodwill Industries Regional Manager, on April 5, 2016. This application for conditional use permit approval was received on June 8, 2016.

### **III. NOTICES & REFERRALS**

**Notice:** On July 19, 2016 notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on July 19, 2016. Notice was published in the Siuslaw News on August 3, 2016.

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

**Referrals:** On July 19, 2016 referrals were sent to the Florence Building Department, Florence Police Department, Florence Public Works, Siuslaw Valley Fire and Rescue, and Oregon Department of Transportation.

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

### **IV. APPLICABLE REVIEW CRITERIA**

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

Chapter 1: Zoning Administration, Section 1-5

Chapter 3: Off Street Parking & Loading, Sections 3 through 6, 10 and 11

Chapter 4: Conditional Uses, Sections 3, 5 through 8, 10, 11 and 12E Temporary Mobile Building Space  
Chapter 15: Commercial District, Section 2, 4, 5 and 6 A & C  
Chapter 34: Landscaping, Sections 3-3 through 3-8 and 5  
Chapter 35: Access and Circulation, Section 2-14 and 3-2

## **V. PROPOSED FINDINGS**

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

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### **FLORENCE CITY CODE**

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

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##### **10-1-1-5: LAND USE HEARINGS:**

**A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a 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.**
- 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this application was mailed on July 19, 2016, 22 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on August 3, 2016. The notification procedures meet the requirements of FCC 10-1-1-5.

**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 quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 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 consolidated required approvals in order to provide faster service to the applicant. The criteria in this staff report address both Design Review and Conditional Uses.

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

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### **10-3-2: GENERAL PROVISIONS:**

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

The proposed site includes parking spaces which will be used for the placement of a trailer and temporary mobile building space. The applicant was required to provide, as part of review of the applicant's request for an addition in 2010, 24 parking spaces. The applicant provides 39 marked parking spaces. The applicant has proposed to use 12 parking spaces for the uses proposed above, leaving 27 parking spaces available.

- 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 provided parking spaces meet current City Code. This criterion is met.

- 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.**

The parking spaces that will be used by the temporary building were previously shared with the Blue Hen restaurant previously located to the north of the Goodwill parking lot. The restaurant has since closed and become Bright Beginnings Daycare. These parking spaces are no longer needed and no formal easement was ever recorded.

No new parking spaces are proposed by the applicant. The 27 remaining parking spaces will not be used for storage.

The parking spaces remaining (27 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 3.1)**

The converted parking spaces shall be separated from the existing parking lot in order to remove confusion that those parking spaces are for use by customers or

employees and prevent the creation of a hazardous situation posed by the sharing of space between customers and an active storage area by screening the area with a fence six feet in height (please also see staff review of FCC 10-34). **(Condition 6.1)**

**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.

**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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The applicant is proposing a retail establishment providing 27 parking spaces. The area of the structure at 1665 Highway 101 is 8,208 square feet. Not counted in the total square footage is storage space (donation acceptance building) and employee break space. At the time of department and Planning Commission approval of the donation storage area, the parking code excluded storage from the area calculation for determining parking.

The number of parking spaces required, rounded down to the next lower whole space, for this size retail structure is 24 ( $8,208 \div 333 = 24.65 \approx 24$ ). The parking that has been proposed meets this criteria.

#### **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.**

<b>Table 10-3-2 – Minimum Number of Accessible Parking Spaces</b> Source: ADA Standards for Accessible Design 4.1.2(5)			
<b>Total Number of Parking Spaces Provided (per lot)</b>	<b>Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)</b>	<b>Van Accessible Parking Spaces with min. 96" wide access aisle</b>	<b>Accessible Parking Spaces with min. 60" wide access aisle</b>
<b>26 to 50</b>	<b>2</b>	<b>1</b>	<b>1</b>

The applicant currently provides two accessible parking spaces with two adjacent 96" access aisles. The spaces, however, are not signed, and are only identifiable through pavement markings.

The applicant shall mark the ADA accessible parking spaces with a sign 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 identified through signage. **(Condition 3.2)**

**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. It is unknown if storm water is currently drained over public sidewalks. There do not appear to be catch basins within the parking area connected to a storm sewer. 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 applicant is not proposing changes to other areas of the parking lot that may be affected by this code criterion.

- 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.

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

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 at the rear of the building. The proposal meets this criterion.

- J. Building permits are 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. No modifications of the parking lot or driveways will be required, hence, no plan will be required demonstrating the above details.

**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.

The applicant has submitted a parking plan with the details required. These criteria are met.

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

- A. Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- D. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- 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 has not stated whether or not bicycle parking is provided. Staff performed a site visit and did not observe bicycle parking. If not provided, the applicant shall provide bicycle parking.

Three bicycle parking spaces meeting the requirements of FCC 10-3-10 shall be provided. **(Condition 3.3)**

**10-3-11: LOADING AREAS:**

- A. Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

- B. Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

The combined floor area of the store, storage, and other areas is less than 20,000 square feet. Per 10-3-11-B, although proposed, loading areas are not required and FCC 10-3-11 is not applicable.

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

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

**10-4-4: 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 August 9, 2016 regarding the proposed temporary mobile building space, trailer, and use of existing parking spaces. 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, August 9, 2017, unless the use commences by this date if no building permits are necessary. **(Condition 4.1)**

The expiration of the conditional use permit and required discontinuance of the use are addressed below as part of review for FCC 10-4-11 and 10-4-12.

**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 required 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.**
- 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. 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.**

The proposed temporary storage container meets all of the criteria of FCC 10-4-10 which apply. Site conditions are adequate for the requirements of FCC 10-4-10-E and 10-4-10-F.

- 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.**

As a temporary structure, the container is not subject to architectural Design Review, however, the remainder of the proposed changes are subject to Design Review. 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 temporary storage container can be adequately served by public facilities, services, and utilities. The container is not proposed to hook up to any utilities.

**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 temporary container can be accessed by vehicles and pedestrians, as well as fire, police, and other vehicles necessary to protect public health and safety.

**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-E. No special regulations of yard setbacks, coverage, or height will be required, however.

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

Landscaping and other screening will be required and 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.

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

No regulation of the hours of operation of the facility will be required, however, the duration of the use will be regulated as temporary for the shipping container, and addressed below as part of staff review of FCC 10-4-12.

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

As the retail thrift store use is existing, no time period will be required for the development, however, the applicant shall have six months from the date of approval (February 9, 2017) to complete the required conditions of approval. **(Condition 4.2)**

The applicant did not indicate a timeline for which they anticipate needing the container. Historically, Planning Commission has approved temporary mobile building space for two to five years depending on the circumstances surrounding the agency or non-profit's request and their ability to expand their facility to meet their needs in the future. Staff recommends that the container be permitted for placement for no more than 3 years from the date of approval: August 9, 2019.

Approval for the temporary mobile building space shall expire three years from the date of approval, **August 9, 2019**. The applicant shall remove the shipping container on or before this date. Approval to use the area for the trailer shall expire upon discontinuance of the use. **(Condition 4.3)**

**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.

**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.**

This conditional use permit approval is temporary, expiring at the end of three years. At that time, a permanent solution that meets City policy, goals & vision is required. Therefore, 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:**

**E. Temporary Mobile Building Space:**

- 1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:**
  - b. Temporary building space for education, nonprofit and government agencies.**

The applicant is a non-profit agency that requires extra space for donated materials before they can be processed for sale on-site in their retail store or sent to other facilities elsewhere. In addition, the applicant requires space for cardboard bales, pallets, and a trailer to be loaded/unloaded as time allows, since the facility does not have a truck dock for that purpose. These criteria are met.

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**TITLE 10: CHAPTER 6: DESIGN REVIEW**

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**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 location and design of access and egress points for vehicles and pedestrians likely could not be reasonably modified in accordance with the change proposed. No modification of the existing conditions will be required.

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

The facility will be free of noise, vibration, smoke, dust, odor, light intensity and electrical interference.

**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.**

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

The temporary mobile building is a shipping container, to be used temporarily. It cannot meet architectural quality or appearance standards. This criterion is not applicable.

**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. If the applicant or property owner chooses to change the building color of site built buildings, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department. **(Condition 5)**

**I. Exterior lighting and security.**

No exterior lighting changes are proposed.

**J. Public health, safety and general welfare.**

The applicant has proposed that an existing fence trash enclosure be topped with barbed wire in order to prevent vandalism of the facility and break-ins into the trash enclosure. This item will be reviewed further with staff review of FCC 6-1-7-14.

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

The applicant has not proposed that the temporary mobile building space needs connection to public facilities. 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 (February 9, 2017), concurrent with operation of the facility, to be completed. (Condition 4.3)

**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)

The approval for Design Review of the facility not proposed as temporary mobile building space shall expire on August 9, 2017. **(Condition 4.4)**

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## **TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT**

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**10-15-2: PERMITTED BUILDINGS AND USES:** The following uses shall be permitted only upon affirmative findings by the Planned Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

**Secondhand stores, if conducted within a wholly enclosed building**

The proposed use is consistent with the permitted use. A conditional use permit is available temporarily to non-profit uses for temporary mobile building space.

### **10-15-4 Lot and Yard Dimensions**

- 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.**

- C. Lot coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**
- 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 lot and structures are pre-existing and meet the requirements for minimum lot dimensions and minimum lot area. The width of the lot is greater than 25 feet and the lot area is 30,927 square feet. No side yard setback is required. These criteria are met.

FCC 10-34-3-7-D will be addressed below. The lot coverage is over 85% and very near 100% coverage, however, this coverage is pre-existing, non-conforming.

#### **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').**
- B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.**
- C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)**

The applicant has not indicated the height of their pre-existing building, but it is no taller than the maximum building height. Fences, hedges, walls, and landscaping will be addressed as part of review of FCC 10-34. Parking and loading spaces have been addressed as part of review of FCC 10-3.

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

The applicant has not proposed any new signage for the facility.

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

Access and circulation will be addressed as part of review of FCC 10-35.



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

The applicant has not proposed any additional lighting.

**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.**

The applicant has been using parking spaces for storage of materials for sale, scrap and salvage (pallets and other refuse). No outdoor storage is allowed in this zone per the allowed uses of the Commercial zone. The proposed temporary mobile building space will alleviate the current issues. Per Condition 6.1, the applicant shall be required to screen these areas from public view.

**C. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance. (Ord. 625, 6-30-80)**

No unreasonable odor, dust, smoke, noise, vibration, or appearance is proposed.

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**TITLE 10: CHAPTER 34: LANDSCAPING**

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**10-34-3: LANDSCAPING**

**10-34-3-1: Applicability.** Except for single-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 not proposed any changes to their landscaping. The addition of temporary mobile building space and trailer proposed reflect an increase of approximately 1,800 square feet (18.9% of 9,517 square feet of existing building space). Although the applicant is proposing in part a temporary use, several of the changes proposed have the potential for being permanent. As such, and since the site does not provide near the amount currently required by landscaping code, the applicant shall increase their compliance with current City Code in the same proportion.

**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 not provided a landscaping plan with the location of existing and needed fencing, trees, and shrubs. The applicant shall submit a landscaping plan showing the required changes per the conditions of approval prior to October 9, 2016. (Condition 7.1)

**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. The total site area under consideration is 3,000 square feet. The lot coverage is approximately 95%. The lot is pre-existing, non-conforming.

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

The site has 487 lineal feet of street frontage. Using the requirements from code above, the applicant shall install 18.9% of the required plantings.

The applicant shall plant 4 trees ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \approx 3.07 \rightarrow 4$ ). The applicant shall also plant 19 shrubs ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \times 6 \text{ (shrubs)} \approx 18.41 \rightarrow 19$ ). Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting. **(Condition 7.2)**

Trees and shrubs should be primarily located in planters on the property within 20 feet of an abutting right-of-way where possible. Required trees may be located along the building within the right-of-way. Required shrubs may also be located within the right-of-way since the site has little remaining area without coverage by building or impervious surface. Trees located in the right-of-way shall conform to the standards of FCC 10-34-4. **(Condition 7.3)**

**10-34-3-4: Landscape Materials.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

- A. **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested Tree and Plant List for the City of Florence and the Sunset Western Garden Book are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.
  1. **Ground Cover.** Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.
  2. **Shrubs.** Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.

3. **Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).
4. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings. **(Condition 7.4)**

**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.

New 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. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent. **(Condition 7.5)**

- 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.

Because of the pre-existing layout of the site, the parking/maneuvering areas adjacent to the building need not be separated from the building by a 5-foot buffer.

**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 7.6)**

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

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

The applicant, per FCC 10-34-5, will be required to install a fence surrounding their temporary mobile building space and semi-trailer.

**B. Dimensions.**

**2. Commercial and Industrial Zones:** Except as provided below, the height of fences and walls in any required front yard shall not exceed three (3) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

This facility in the Commercial District does not have a required front yard.

The applicant may choose to screen their temporary mobile building space and trailer with a fence up to eight feet in height with proper building permits. **(Condition 6.1)**

**C. The following exceptions may be allowed through Design Review or Administrative Review.**

**5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.**

A fence of eight feet in height is allowed for commercial zones. No higher fence will be permitted.

**D. Specific Requirements**

**1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-6.**

**2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-13.**

3. **Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than six (6) feet in height require a building permit**

The applicant's site is pre-existing, non-conforming with regard to buffers from residential uses. The fencing required will be required for screening, not buffering, which would require an additional space for landscaping.

The vision clearance area will be addressed as part of review of FCC 10-35-2-14.

Since adoption of this landscaping code, Oregon Structural Specialty Code has been amended to allow fencing up to seven feet in height without a building permit. If the applicant chooses to install fencing over seven feet in height, they will need to obtain building permits. **(Informational 1)**

#### **F. Materials.**

1. **Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.**

The applicant may fence in their outdoor temporary mobile building space and trailer area with any of the materials listed above, except that the fencing must achieve the desired effect of screening the facility from view through construction from solid materials or, in the case of chain link fencing, slatting. **(Condition 6.2)**

4. **Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-6-14.**

The applicant has requested barbed wire or a taller fence surrounding their trash enclosure. A fence up to eight feet in height will be permitted through Condition 6.1 with proper building permits. Barbed wire and criteria listed in FCC 6-1-7-14 will be reviewed below.

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

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

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

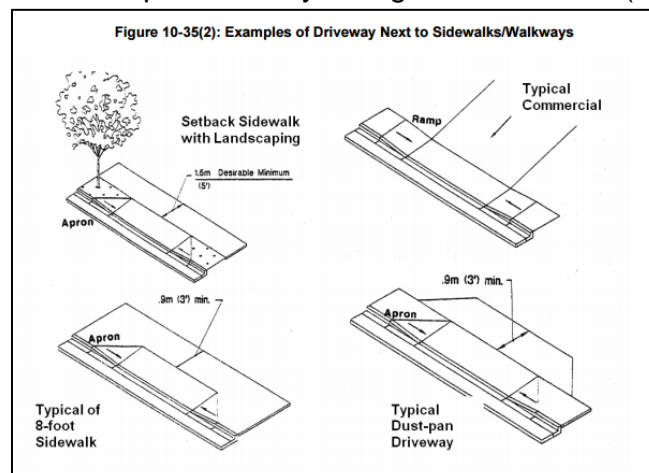
**B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:**

- 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.**
- 3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**
- 5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.**

Driveways on the site are pre-existing. It is unknown whether or not these driveways conform to code. No modification of the driveways is being proposed.

**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.**

It is unknown if the driveway aprons meet current code and if they conform to ADA requirements for sidewalks and walkways. No modifications are required for this proposal. Sidewalks are present only along the east side (Highway 101) of the property.



**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.

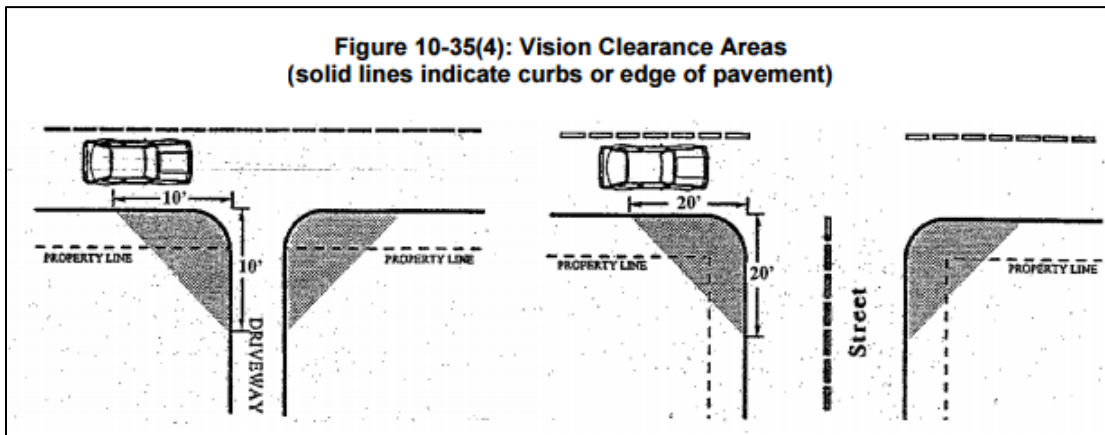
The applicant has not proposed any structures that would have less than the minimum vertical clearance within the driveway area.

**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 8)**



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

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



- A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:**
- 1. Upon any new development of property.**
  - 2. Upon any redevelopment of property that expands the building square footage by 25% or more.**
  - 3. Upon any change of use that requires more than five additional parking spaces**

The applicant will not be required to install sidewalks, as one of the uses for which they are requesting approval is temporary and does not generate additional pedestrian traffic. The redevelopment of the property also does not meet the 25% criterion.

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## **TITLE 6: CHAPTER 1: GENERAL OFFENSES**

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### **6-1-7-14: FENCES:**

- A. Electric or razor wire fences are not permitted on any property within city boundaries. No owner or person in charge of residential property shall construct or maintain an electric or barbed wire fence, or permit any such fence on property under his or her control. Barbed wire fencing may be permitted on commercial, industrial, or public property at the discretion of the Planning Commission/Design Review Board only if the following criteria are met: (Ord. 591, 9-26-77) (Amend. Ord. 12, 2002)**
- 1. Additional security is warranted for health and safety reasons that cannot be addressed by standard fencing or other security measures.**
  - 2. The fencing is constructed in a way to cause the least hazard to employees and citizens in its non-deterrent mode.**
  - 3. The potential risk of injury from the fencing is less than the risk contained within the business site.**
  - 4. There is no other feasible alternative.**

The applicant has reported issues of property damage and trespassing because of an ineffectively secured trash enclosure. The Planning Commission may determine that barbed wire is an effective means of access control to the trash enclosure.

Staff recommends that a taller fence with a locking gate or opening may be a more effective, more feasible, and safer method to securing the trash enclosure than

barbed wire. The location is adjacent to a day care, Highway 101, and high-traffic sidewalks. Therefore, staff recommends that barbed wire not be permitted with this application, however, if security issues continue to plague the applicant's business, the option for approval of the barbed wire through administrative review for this site be established by the Planning Commission. **(Condition 6.3)**

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## **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.**
- 

## **VII. 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.

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## **VIII. 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 & Supplemental Information*
  - "C" Site Plan*

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. Parking**

- 3.1.** The parking spaces remaining (27 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.
- 3.2.** The applicant shall mark the ADA accessible parking spaces with a sign 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 identified through signage.
- 3.3.** Three bicycle parking spaces meeting the requirements of FCC 10-3-10 shall be provided.

### **4. Conditional Use Permit**

- 4.1.** Authorization of a conditional use permit shall be void one (1) year after the date of approval, August 9, 2017, unless the use commences by this date if no building permits are necessary.
- 4.2.** As the retail thrift store use is existing, no time period will be required for the development, however, the applicant shall have six months from the date of approval (February 9, 2017) to complete the required conditions of approval.
- 4.3.** Approval for the temporary mobile building space shall expire three years from the date of approval, August 9, 2019. The applicant shall remove the shipping container on or before this date. Approval to use the area for the trailer shall expire upon discontinuance of the use.
- 4.4.** The approval for Design Review of the facility not proposed as temporary mobile building space shall expire on August 9, 2017.
- 5.** If the applicant or property owner chooses to change the building color of site built buildings, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.

### **6. Fencing**

- 6.1.** The converted parking spaces shall be separated from the existing parking lot in order to remove confusion that those parking spaces are for use by customers or employees and prevent the creation of a hazardous situation posed by the sharing of space between customers and an active storage area

by screening the area with a fence six feet in height (please also see staff review of FCC 10-34).

- 6.2. The applicant may fence in their outdoor temporary mobile building space and trailer area with any of the materials listed above, except that the fencing must achieve the desired effect of screening the facility from view through construction from solid materials or, in the case of chain link fencing, slatting.
- 6.3. Staff recommends that barbed wire not be permitted with this application, however, if security issues continue to plague the applicant's business, the option for approval of the barbed wire through administrative review for this site be established by the Planning Commission.

## **7. Landscaping**

- 7.1. The applicant has not provided a landscaping plan with the location of existing and needed fencing, trees, and shrubs. The applicant shall submit a landscaping plan showing the required changes per the conditions of approval prior to October 9, 2016.
- 7.2. The applicant shall plant 4 trees ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \approx 3.07 \rightarrow 4$ ). The applicant shall also plant 19 shrubs ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \times 6 \text{ (shrubs)} \approx 18.41 \rightarrow 19$ ). Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
- 7.3. Trees and shrubs should be primarily located in planters on the property within 20 feet of an abutting right-of-way where possible. Required trees may be located along the building within the right-of-way. Required shrubs may also be located within the right-of-way since the site has little remaining area without coverage by building or impervious surface. Trees located in the right-of-way shall conform to the standards of FCC 10-34-4.
- 7.4. The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.
- 7.5. New 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. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent.
- 7.6. The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.
- 8. The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.

## **Informational**

1. If the applicant chooses to install fencing over seven feet in height, they will need to obtain building permits.

## **IX. EXHIBITS**

"A" Findings of Fact
"B" Land Use Application & Supplemental Information
"C" Site Plan



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

### Type of Request

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

### Applicant Information

Name: Goodwill Industries / Jay Murphy Phone 1: [REDACTED]  
E-mail Address: [REDACTED] Phone 2: [REDACTED]  
Address: [REDACTED]  
Signature: [REDACTED] Date: 03.23.2016  
Applicant's Representative (if any): [REDACTED]

### Property Owner Information

Name: Goodwill Industries Phone 1: [REDACTED]  
E-mail Address: [REDACTED] Phone 2: [REDACTED]  
Address: [REDACTED]  
Signature: [REDACTED] Date: [REDACTED]  
Applicant's Representative (if any): [REDACTED]

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

Exh. for

**Property Description**

Site Address: 1665 Hwy 101 Florence, OR 97439

General Description: The Goodwill store in Florence is a non-profit, second-hand thrift store and donation center.  
Our mission is to provide vocational opportunities to individuals with barriers to employment.

Assessor's Map No.: 18 - 12 - 26 - 22 Tax lot(s): 110000, 111000, 112000

Zoning District: Commercial

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: 1824 sq ft Square feet of existing: \_\_\_\_\_

Hours of operation: 9 AM to 7 PM daily Existing parking spaces: \_\_\_\_\_

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

Timetable of proposed improvements: Immediate.

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

If yes, please describe: Our proposed project would add a trailer and a small container in our parking lot for outdoor storage. We would also like to add fencing around our dumpster to deter theft.

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

Please see attached proposal.

**For Office Use Only:**

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

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

### Other Information Required

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

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

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

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

☐ A title report from a title company showing:

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

☐ Utility Plan:

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

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

Water Supply: \_\_\_\_\_ - 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 10-37.

☐ Access Permits:

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



☐ Proposed:

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

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

Are utility upgrades or extensions planned or needed?

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

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.

4/6/16

Goodwill Retail Store  
1665 Hwy 101  
Florence, OR 97439

To whom it may concern:

Goodwill Industries of Lane and South Coast Counties is proposing the use of a small (20' x 8') container and Goodwill-branded trailer in our parking lot for outside storage. The container and the trailer would be situated along the west edge of the parking lot and would effectively take up the 12 parking spaces in that area of the lot (approximately 1824 sq ft). We would still have more than the minimum number of parking spaces required for our business.

Our objective in this project is to provide some additional storage space for incoming donations in the container. It helps keep larger items (furniture, for example) out of the elements until they can be brought inside the store.

The trailer is used to bring items to the store from our main distribution center in Eugene. This trailer is parked and gradually unloaded by the Florence store staff as they need this product, and then reloaded with outgoing items (recycling, salvage materials, etc.). When it is full it is picked up and taken back to Eugene. The trailer in particular is very important to the way we do business in Florence; we simply do not have the room inside the building for everything we need to operate.

We are seeking permission to keep the container and trailer in the lot.

We would also like to ask to (add barbed wire to) (increase the height of) the chain link fence around our dumpster. We are experiencing a large number of break-ins and would like to deter these as much as possible.

Please feel free to contact me with any questions.

Thank you for your consideration.

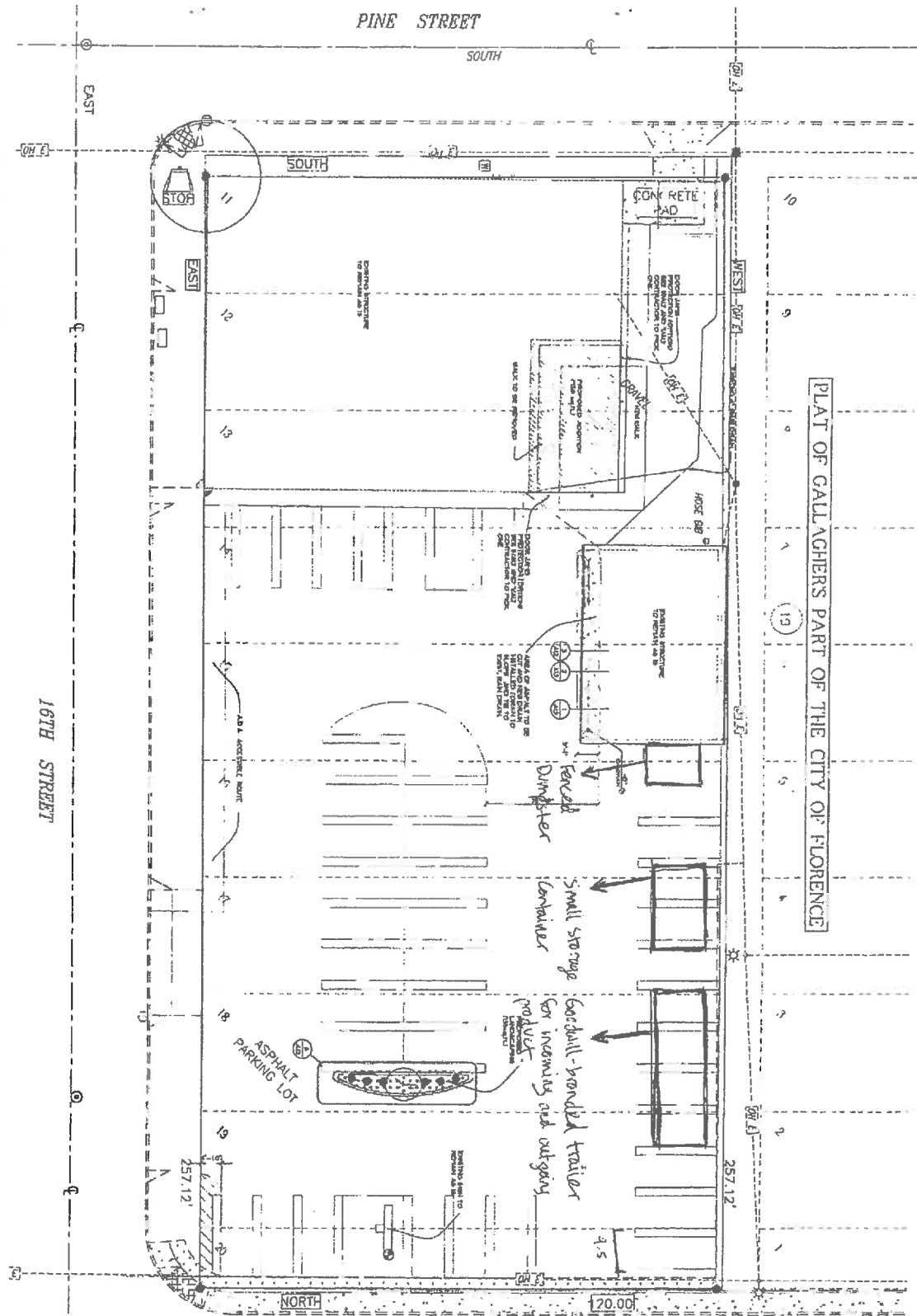
Dave Robison  
Regional Manager  
Goodwill Industries of Lane and South Coast Counties  
1010 Green Acres Rd Ste C  
Eugene, OR 97408

ARCHITECTURAL SITE PLAN

16TH STREET

PINE STREET

PLAT OF CALLAGHERS PART OF THE CITY OF FLORENCE



TITLE	ARCHITECTURAL
DATE	10/1/01
BY	ARCH
CHECKED	ARCH
DATE	10/1/01
SCALE	1/4" = 1'

BUILDING ADDITION  
**GOODWILL INDUSTRIES**  
 1605 HAY 101  
 FLORENCE, OR 97435

**Nagao/Hansen Architects**  
 An Architectural Professional Corporation  
 1600 Pearl Street Eugene, Oregon 97401  
 Phone: 541/687-9400  
 Fax: 541/687-6143  
 E-MAIL: [nagao-hansenarchitects@peak.org](mailto:nagao-hansenarchitects@peak.org)

