

MEMO: CONDITIONAL USE PERMIT (CUP) - FOR LETURNO-HWY 126



LAND USE PLANNING AND CONSULTING SERVICES

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| AGENCY FILE NO.: | PC 24 01 CUP 01 (PC 23 27 CUP 04) |
| AGENCY CONTACT: | WENDY FARLEYCAMPBELL, AICP, COMMUNITY DEVELOPMENT DIRECTOR, CITY OF FLORENCE WENDY.FARLEYCAMPBELL@CI.FLORENCE.OR.US |
| DATE OF THIS DOCUMENT: | 10-11-2024 |
| PROPERTY OWNER/APPLICANT: | DUMAN INC AND L & B DEVELOPMENT LLC |
| TAX ACCOUNT NO.: | PO BOX 2740, FLORENCE, OR 97439 |
| SITE ADDRESS: | 0793883 |
| ASSESSOR'S MAP: | 5439 Hwy 126, FLORENCE OR |
| TAX LOT: | 18-12-26-31 |
| MAP ACRES: | 2300 |
| PROPERTY CLASS: | 1.15 AC |
| FLORENCE ZONING: | COMMERCIAL VACANT |
| ZONING DISTRICT: | COMMERCIAL |
| APPLICANT FILE NO.: | COMMERCIAL |
| APPLICANT'S REP: | 23-022 LETURNO HWY126 |
| | JED TRUETT, AICP |
| | METRO PLANNING, INC. |
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| | TEL (541) 302-9830 |

The subject property is 1.15 vacant acres zoned commercial located on Highway 126 in the south easter aera of Florence along the Siuslaw River. The applicant seeks a Conditional Use Permit to allow residential development of 10 attached single unit dwellings in the Commercial District as regulated by Florence City Code Title 10, Chapter 15, located at 5439 Hwy 126 as shown on Assessor's Map # 18-12-26-31, Tax Lot 02300.

This narrative addresses August 27, 2024, draft Findings of Fact Notice, Exhibit "A", September 12, 2024, PC 24 01 CUP – Siuslaw Bay View Zoom Meeting, October 7, 2024, email and attached notes from October 4, 2024, meeting with city staff and DLCD, and related correspondence. Combined with previous submittals, the applicant has addressed all questions raised by city staff and Florence City Code related to this site.

(In a sperate land use application, the property owner will submit a Type II Design Review for the proposed attached single dwelling units.)

Please see Florence City Code (FCC) and staff comments in ***bold italics*** and applicant response in plain text below and see a list of attachments on the last page.

ORGANIZATION OF THIS MEMO

Responses are organized accordingly:

1. FCC TITLE 4-4 - Flood Damage Prevention) (pp. 4)
2. FCC TITLE 10-4 – Conditional Uses (pp. 10)
3. FCC TITLE 10-6 – Design Review (pp.14)
4. FCC TITLE 10-7 – Special Development Standards (pp.15)
5. FCC TITLE 10-15 – Commercial District and Uses (pp. 13)
6. FCC TITLE 10-19 – Estuary, Shorelands, and Beaches and Dunes (pp. 19)
7. FCC TITLE 10-34 – Landscaping (pp. 24)
8. FCC TITLE 10-35 – Access and Circulation (pp. 25)

STAFF QUESTIONS ADDRESSED IN THIS MEMO

This narrative addresses the following issues raised by staff in the August 27, 2024, draft Findings of Fact Notice, Exhibit “A”, specifically¹:

1. Is there adequate vacant commercial land in the City Limits and UGB to warrant exclusive residential use in the Commercial Zoning District?

Addressed below under section FCC 10-4-C.

2. Shall the requested non-remonstrance for the sidewalks along the Hwy 126 Street frontage be approved?

Addressed below in previously submitted material, please see narrative under FCC 10-35-3-1 below.

3. Is there enough information submitted for the Planning Commission to make a decision on the application? If not, what specific additional information is the Planning Commission requesting of the applicant and their representatives?

The applicant has addressed all requests for additional information from staff and will provide information required by the Planning Commission.

4. Staff is seeking an interpretation on whether the Natural Resource Conservation Shoreland Management Unit overlay development standards be

¹ Attachment: Draft FOF Notice, Exhibit “A” (8-27-24)

applied to the entire site, or just the portion indicated on the Shoreland and Estuary MU map?

Address below under FCC 10-19-10.

5. Has the applicant adequately demonstrated that development of Vine Street is not feasible?

6. If not, then is the abutting Vine Street required to be developed with this development in accordance with FCC 10-35?

Addressed below under FCC 10-35.

Is the applicant required to take access from Vine St, or is the shared driveway, as proposed, an acceptable alternative to the lower classification street?

Addressed below under FCC 10-36-10-25.

7. Driveway width is proposed at 24 feet, however maximum residential driveway width is 20 feet.

7.a. Shall the shared driveway be required to meet City requirements of 20 feet to be in compliance with City Code and avoid an attractive nuisance of parking on the shared driveway and blocking the fire access lane, or

7.b. Increased width may provide an opportunity for parking but would likely increase maximum impervious coverage of lot 7 and potentially others.

The applicant has decreased driveway width to 20 FT. Please see attached site plan.² Also addressed under FCC 10-35-2-12 below.

8. FCC 10-35-3-2 requires continuous on-site walkways within a development to connect to off-site adjacent uses to the extent practical. Is the site required to have direct pedestrian access to Hwy 126 via the shared driveway or is the proposed connection via the proposed pedestrian pathway on Vine St adequate?

Addressed below under FCC 10-36-3-2.

9. Does the landscaping plan as proposed provide adequate buffering for the residential units from Hwy 126?

Addressed below under FCC 10-34 and 10-4-11.

² Attachment: Site Plan (11-15-24)

10. Timeline for site improvements including the shared driveway access, streetlight, and stormwater facility.

10. a. May site improvements begin with approval of the CUP or shall they be postponed approval of the Type II Design Review for the SUDs?

Applicant would like to begin work as soon as possible.

APPLICIANT RESPONSES IN ORDER OF FLORENCE CITY CODE (FCC)

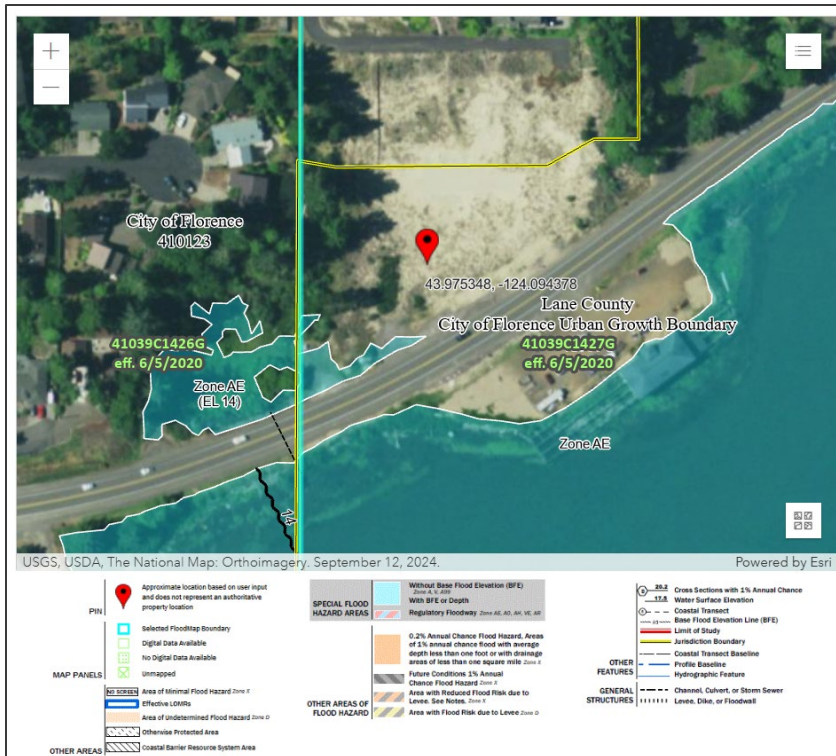
1. FCC TITLE 4 – Building Regulations

4-4 FLOOD DAMAGE PREVENTION

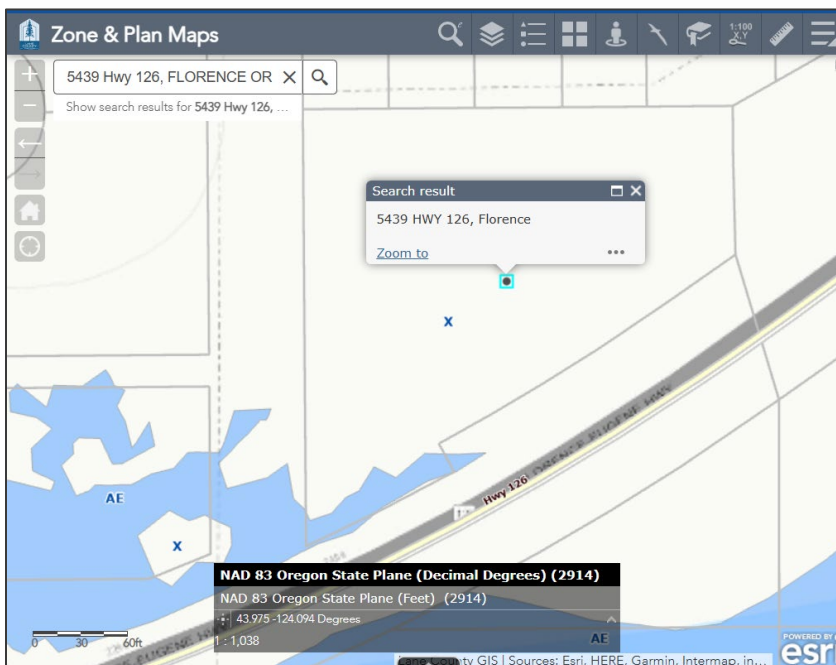
4-4-4-1: LANDS TO WHICH THIS CHAPTER APPLIES: This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Florence, hereinafter known as the City.

4-4-4-2: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Florence", dated May 17, 1982, Panel No. 4101230001 B with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of their regulations. The Flood Insurance Study is on file with the Floodplain Manager, Florence City Hall, 250 Highway 101, Florence, Oregon.

Response: A portion of the site is within the FEMA Flood Hazard Zone AE, please see maps below from FEMA and the Lane County geographic system.



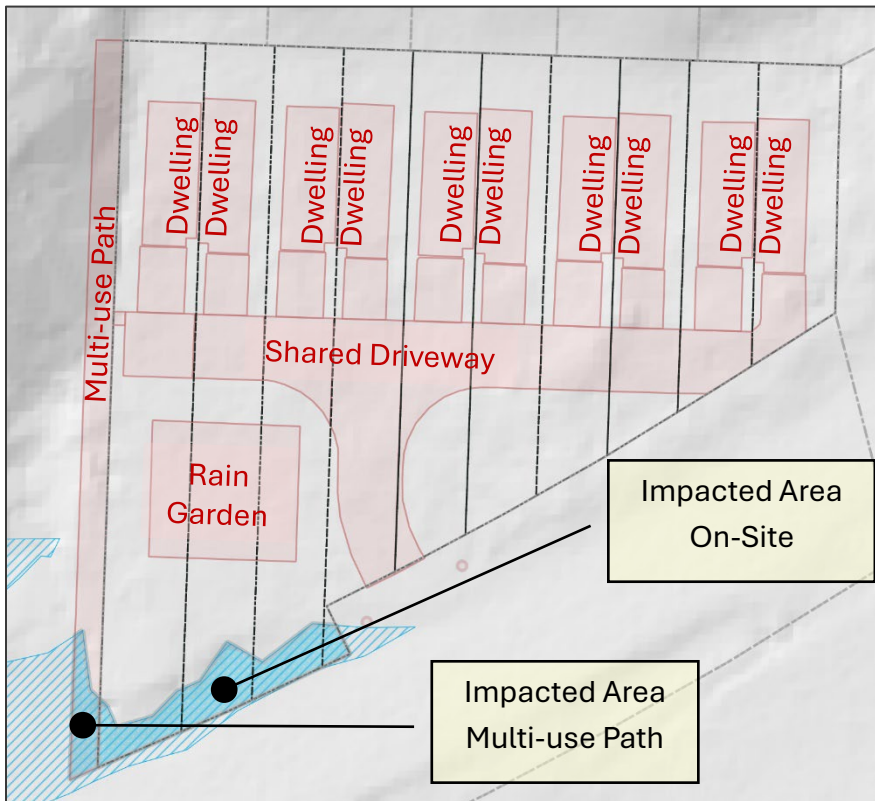
Map 1 -FEMA Flood Map Service Center Application³



Map 2 – Lane County C Zone & Planning Application⁴

³ Reference: <https://msc.fema.gov/portal/search>

⁴ Reference: <https://lcmmaps.lanecounty.org/LaneCountyMaps/ZoneAndPlanMapsApp/index.html>



Map 3 - Proposed Development Areas Impacted by Flood Hazard AE

4-4-4-3: COMPLIANCE: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be prosecuted as set forth in section 6-1-1B in this code. Nothing herein contained shall prevent the City of Florence from taking such other lawful action as is necessary to prevent or remedy any violation.

Response: As shown above, proposed development impacted by Flood Hazard AE includes .03 AC of the total site 1.15 AC area, or approximately 2.9% of the site. The southern portion of the multi-use path (approximately 416 SF) and areas where the shared driveway intersects HWY 126 are impacted. No dwelling units or new water and electric facilities are proposed in this area. Connections to existing facilities and future landscaping are

proposed in flood zone AE. Please see responses below addressing compliance with applicable regulations.

4-4-4-4: ABROGATION AND GREATER RESTRICTIONS:

Response: Applicant does not seek to repeal, abrogate or impair any existing easements, covenants or deed restrictions in this area.

[...]

4-4-5-1: ESTABLISHMENT OF DEVELOPMENT PERMIT:

Response: Applicant shall apply for and obtain all required development permits per FCC 4-4-5-1 prior to construction or development. Please see attached plans drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing (of which there are none) and proposed structures and facilities⁵ as well as materials details.⁶

Per FCC 4-4-5-1-A. and FCC 4-4-5-1-A. applicant provides elevation in relation to mean sea level on the attached site plan⁷ and survey⁸ on the attached plans.

Applicant proposes no alteration or relocation of watercourses in this proposal.

4-4-5-3: DUTIES AND RESPONSIBILITIES:

Response: Applicant will coordinate and communicate with the Floodplain Manager and the Building Official as required to comply with this section.

4-4-5-4: VARIANCE PROCEDURE:

Response: Application will work with the city and address any items needing appeal, technical evaluation, additional information or further consideration with the Planning Commission as required during the building permitting process.

Applicant proposes new construction of residential structures that are less than one-half acre each, that are above the base flood level. The few proposed structures in the Flood Hazard AE area are below ground connections to existing facilities and small areas of above ground paving that do not block flow of surface water.

4-4-6-1: PROVISIONS FOR FLOOD HAZARD PROTECTION GENERAL STANDARDS:

⁵ Attachment: Detail Plan (11-15-24)

⁶ Attachment: Utility Plan (11-15-24)

⁷ Attachment: Site Plan (11-15-24)

⁸ Attachment: Survey

Response: Application is not currently proposing new construction or substantial improvements in the flood hazard zone (other than small areas of pavement and connections to existing underground facilities. Should conditions change and anchoring be required, applicant will comply with FCC 4-4-6-1-A.

For any new construction in the AE zone, applicant will use materials and methods required by FCC 4-4-6-1-B.

For all utilities, new and replaced, in the AE zone, applicant will minimize or eliminate infiltration of potential flood waters to water supply systems, construct sewer, gas, electric and water systems to minimize flood damage, and place facilities to the greatest extent possible, outside of the AE zone. Please see attached plans for the current proposed placement.

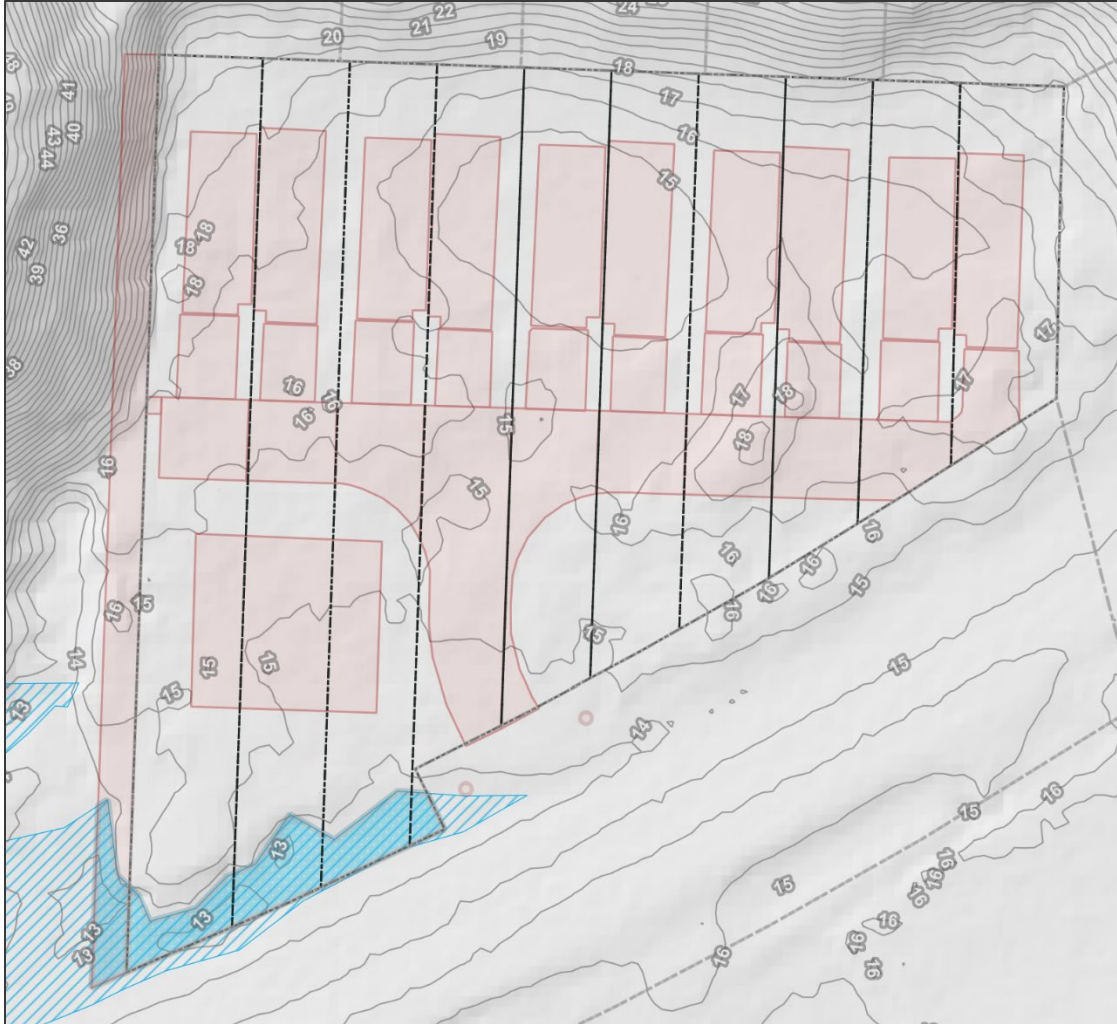
Given the size of proposed subdivision, which contain less than fifty (50) lots and is less than five (5) acres, and that FEMA Flood Hazard delineation 41039C1427G (effective 2020 as referenced on the city's 2020 FEMA Coastal Floodplain Map Update page⁹) are provided herein applicant. Please see maps below and attached.¹⁰

Should the city require additional elevation information during the build permit review process, the applicant will have this generated. And should discrepancies be found that require modifications to proposed design, the applicant can make required adjustment.

Please see map below that shows FEMA zone AE, DOGAMI elevations and proposed structures to visualize how applicant has placed structures to avoid the Flood Hazard.

⁹ Reference: <https://www.ci.florence.or.us/planning/2020-fema-coastal-floodplain-map-update>

¹⁰ Attachments: Utility Plan, Site Plan, Building Plan, Detail Plan



Map 4 - 2020 FEMA Flood Hazard (AE) in blue hatch, 2009 DOGAMI Elevation Data as shaded relief and contours, and proposed structures outlined in red. – Per FEMA map 41039C1427G Base Flood Elevation (BFE) is 14-Feet.

The only proposed construction in the AE zone is 1) a small section of multi-use path to provide and evacuation route and mid-block connection from HWY 126 to the north end of the site, 2) a small section of pavement where the shared driveway connects to HWY126, and short (2) section of underground facilities connecting to existing facilities.

4-4-6-2: SPECIFIC STANDARDS:

A. RESIDENTIAL CONSTRUCTION.

Response: Proposed residential construction has lowest floor elevated greater than 2 FT above the BFE of 14FT and no fully enclosed lowest floors are in the AE zone. (Ord. 20 Series 1994)

Applicant proposes no fully enclosed residential structure areas under 14FT.

B. NONRESIDENTIAL CONSTRUCTION.

Response: No nonresidential construction is proposed on the site.

C. MANUFACTURED HOMES.

Response: No manufacturing homes are proposed.

[...]

E. FLOODWAYS:

Response: No Floodways exist on the site.

4-4-6-3: ENCROACHMENTS:

Response: The cumulative effect of proposed development does not increase the water surface elevation of the base flood as nearly all development occurs outside of the AE zone.

4-4-6-4: STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Response: No AO zones exist on the site.

2. FCC TITLE 10 – Zoning Regulations

10-4 CONDITIONAL USES

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STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

***The purpose of review shall be to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of this Title shall be served.***

RESPONSE TO STAFF COMMENTS:

As provided in previously submitted written statement, site is surrounded by partially developed High Density Residential (HDR) to the northwest; partially developed Medium Density Residential (MDR) to the north; undeveloped Commercial to the east; partially developed Commercial to the south; and mostly developed Medium Density Residential to the west. Furthermore, the size of the area supports proposed conditional use. The effect of the proposed use has minimal impacts on public utility systems, does not significantly impact traffic, and provides additional housing to support growth and development of

larger community. Proposed conditional use is compatible with surrounding areas and constitutes a reasonable use that serves the basic purpose of FCC 10-4.

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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.
- F. Other information and format as required by FCC 10-1-1-4.

Response: This application for conditional use was made in writing to the Planning Commission, per FCC 10-4-4, and included a site plan with contours and proposed buildings, a utility plan with proposed utility lines, easements and construction detail; and a building plan with an architectural rendering. Other information requested by the Planning Commission and as required by FCC 10-1-1-4 has been submitted over the duration of the conditional use review process. Please see attached site plan, utility plan and building plan for more detail.¹¹

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STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

***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 [mistake] of this Title.***

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<sup>11</sup> Attachments: Site Plan (11-15-24), Utility Plan (11-15-24), Building Plan (11-15-24) and Detail Plan (11-15-24)

Response: This section may include an incorrect reference to Section 10-4-9, which states:

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

APPLICANT RESPONSE TO STAFF QUESTION:

Approval or denial must be based on Section 10-4-10, below.

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COMMENTS FROM STAFF FROM DRAFT WRITTEN STATEMENT:

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)

SR Question 3. Is there enough information submitted for the Planning Commission to make a decision on the application? If not, what specific additional information is the Planning Commission requesting of the applicant and their representatives?

APPLICANT RESPONSE TO STAFF QUESTION:

This question is the purpose of City review. This application is a Type III quasi-judicial Conditional-use permit (CUP) application pursuant to ORS 227.173 Basis for decision on permit application or expedited land division. It must be based on identified criteria and findings of fact. The standard of review is “preponderance of evidence.” The criteria that are applicable are the criteria noted in the code, which are FCC 10-4-10. Review is limited to whether the applicant/proposal:

1. Identified and addressed applicable criteria
2. Provides evidence in support of each criterion sufficient to carry the burden of “preponderance of evidence.”

The applicant addressed each approval criterion and provided evidence in support. The applicant asks:

- 1) If staff believes that the applicant has either (1) failed to address applicable criteria, or (2) provided insufficient evidence, please explain.
- 2) Instead of asking questions, that staff explain why or why not, in staff’s opinion, the criteria have been met.

10-4-10: 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.

STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

1. Is there adequate vacant commercial land in the City Limits and UGB to warrant exclusive residential use in the Commercial Zoning District?

APPLICANT RESPONSE TO STAFF QUESTION:

Exclusive Residential Use is a zone. The application is not requesting a new zone. The applicant is requesting residential use of Commercial land, which is allowed under FCC 10.15.3.

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:

[...]

Single-unit, and duplex dwellings.

In 2018, the city adopted the Housing Needs Analysis and Economic Opportunities Analysis¹². The purpose of this report, which includes a buildable Lands Inventory, is to identify land needs over the 20-year planning cycle. The adopted report identifies existing and needed land for residential and commercial activities. The forecast is for the 20-year planning period, which would end in 2018. The following findings support that there is sufficient land in the City for Commercial uses,

“Policy 4 Allow workforce housing development within all industrial, commercial and mixed-use zones.” (page 12)

[...]

¹² Reference:

https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/7781/housing_needs_analysis_volume_1_summary_report.pdf

“After accounting for the level of expected growth and redevelopment activity, the amount of vacant land demand in the Florence UGB for employment uses over the next 20-years is expected to range from 39.3 acres (Scenario A) to 54.9 acres (Scenario B). The analysis provided below generally indicates that all of the job growth and employment land need projected over the next 20 years can occur within the existing Florence City limits.” City of Florence Housing Needs Analysis and Economic Opportunities Analysis: Volume 2: Technical Report (Page 38)¹³

[...]

“As indicated in Exhibit VI.4, Scenario B would require approximately 17.4 buildable acres of vacant land for retail, food service and lodging uses over the next 20 years. This amount of demand should be accommodated within the current vacant buildable office land supply (58.3 acres) inside the Florence city limits.” Housing Needs Analysis and Economic Opportunities Analysis: Volume 2: Technical Report (Page 40)¹⁴

10-4-10: 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.

Response: The applicant currently seeks review of requested conditional use, i.e., residential use within a commercial district for single family, attached units. Should this the city approve the conditional use the applicant will address remaining Design Review elements required under Code section 10-6-3.

10-4-10: E. Adequacy of public facilities, public services and utilities to service the proposed development.

Response: Please see attached utility plans that detail connections to existing wastewater, existing electric and existing water distribution services.¹⁵

¹³ Reference:

https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/7781/hna_volume_2_technical_report.pdf

¹⁴ Reference:

https://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/9001/ord._16_2018_with_exhibits.pdf

¹⁵ Attachment: Utility Plan (11-15-24) and Detail Plan (11-15-24)

10-4-10: 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).

Response: As stated elsewhere, applicant requests a non-remonstrance agreement for the sidewalks along the Hwy 126 Street frontage as there are no sidewalk connection points at either edge of the site. When adjacent properties are developed the agreement would require the construction of sidewalks and landscaping.

Please see FCC 10-35-2-8: Access Standards below for narrative addressing the feasibility of Vine Street improvements.

3. FCC TITLE 10 – Zoning Regulations

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

A. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:

- 1. Reduce loss of life;***
- 2. Reduce damage to private and public property;***
- 3. Reduce social, emotional, and economic disruptions; and***
- 4. Increase the ability of the community to respond and recover.***

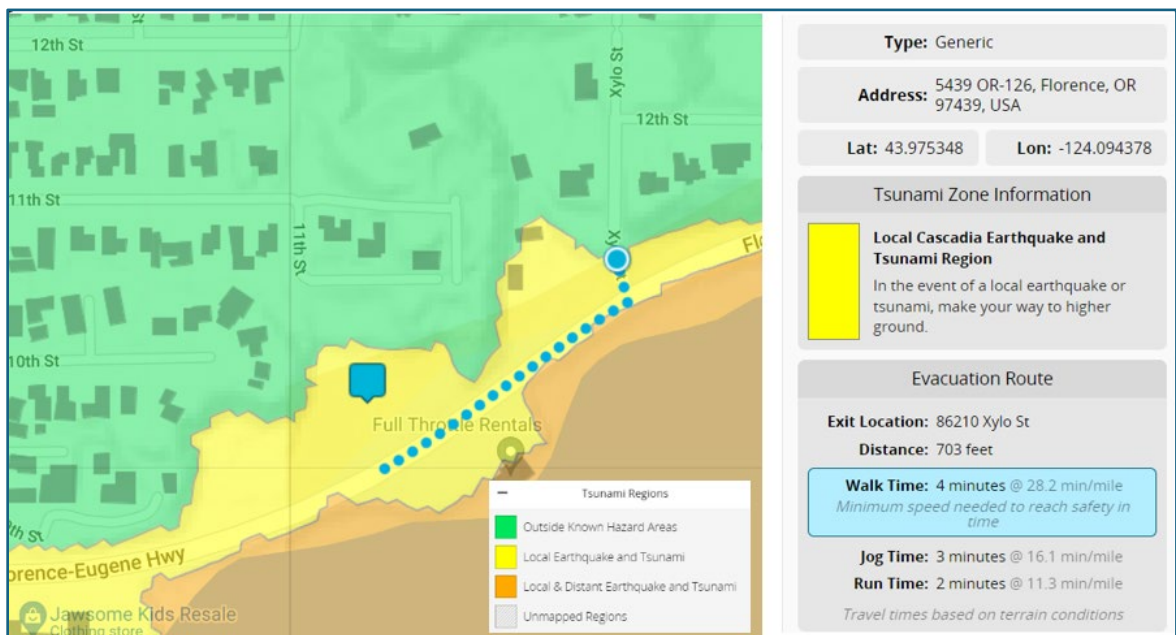
Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

Response: Applicant proposes a multi-use path connecting on-site sidewalk and HWY 126 to the north end of the property (way from the river shoreline) the entire length of the site to evacuate residents and control exposure to tsunami risk.

[...]

C. Applicability of Tsunami Hazard Overlay Zone. All lands identified as subject to inundation from the Extra Extra Large (XXL) magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

Response: According to the Northwest Association of Networked Ocean Observing Systems' NVS Tsunami Evacuation Zones application, the site is in the Local Cascadia Earthquake and Tsunami Region.



Map 5 - <https://nvs.nanoos.org/TsunamiEvac>

According to the Tsunami Evacuation application the exit location is 86210 Xylo St. 703 feet from the site, a walking time of 4 minutes, 3-minute jog time or 2-minute run time. As noted above, the applicant is proposing a multi-use path along the west edge of the site as well.

D. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in FCC 10— 5-E, all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

Response: Applicant seeks uses pursuant to the provisions of the underlying zone and conditional uses identified as such under the base zone designation.

E. Prohibited Uses. Unless authorized in accordance with FCC 10-7-5-G, the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

Response: Applicant does not propose prohibited uses as detail below under FCC 10-5-E, i.e., proposes no medical facilities, no public safety facilities, no communication centers, no buildings with a capacity greater than 250, no collages or adult learning centers, and no detention facilities identified under areas subject to inundation from the Extra Extra Large (XXL), as identified in FCC 10-7-5:E.1.

Applicant proposes no structures containing water or fire suppression materials/equipment, no emergency vehicle shelters, no standby power generating equipment for essential facilities, no covered structures for public assemble with a capacity of greater than 300 persons, no medical facilities, no residential uses exceeding 10 units per acre, and no hotels or motels as identified under areas subject to inundation from the Medium (M) magnitude local source tsunami event, as identified in FCC 10-7-5:E.2.

[...]

F. Use Exceptions. A use listed in FCC 10-7-5-E may be permitted upon authorization of a Use Exception in accordance with the following requirements:

Response: No exceptions to FCC 10-7-5-E are requested.

G. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Evacuation Route Plan. Such measures shall include:

Response: Applicant understands and will incorporate required design elements to accommodate evacuation route improvement requirements.

1. On-site improvements:

a. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions.

Response: Applicant proposes a paved 5-foot sidewalk along the frontage of all units connected to private walks to each unit.

b. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.

Response: Applicant understands and will meet requirements.

c. Where identified in the Evacuation Route Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.

Response: Applicant understands and will meet requirements.

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

Response: Applicant proposes a 10-foot-wide multi-use path along the west edge of the site for evacuation from HWY 126 to the back of the site, where the tsunami zone terminates. This path connects to the 5-foot sidewalk as well.

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

Response: Applicant understands and will meet evacuation route signage requirements consistent with FCC 10-7-5:G.3.

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

a. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure conditions;

Response: Applicant proposes all weather (concrete) surfaces for sidewalks and multi-use path according to FCC 10-35-3-3 and FCC 8-2. Please see attached plans.

b. Improved streets and paths shall provide and maintain horizontal pedestrian access to designated evacuation routes in all lighting clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and

Response: Applicant proposes driveway, walks and paths that will be detailed, during design review, and designed to meet these criteria.

c. Such other improvements and measures identified in the Evacuation Route Plan.

Response: Applicant will work closely with the city during design review to assure that improvements and measures required by the Evacuation Route Plan are accommodated.

5. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be in accordance with FCC 8-5-1.

Response: Applicant understands this requirement.

4. FCC TITLE 10 – Zoning Regulations

10-19 ESTUARY, SHORELANDS, AND BEACHES AND DUNES

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STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

##### **A. Conformity with the Florence Comprehensive Plan.**

**Question 4: Staff is seeking an interpretation on whether the Natural Resource Conservation Shoreland Management Unit overlay development standards be applied to the entire site, or just the portion indicated on the Shoreland and Estuary MU map?**

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STAFF COMMENTS FROM MEETING WITH DLC:

(APPLICANT WAS NOT INVITED TO PARTICIPATE)

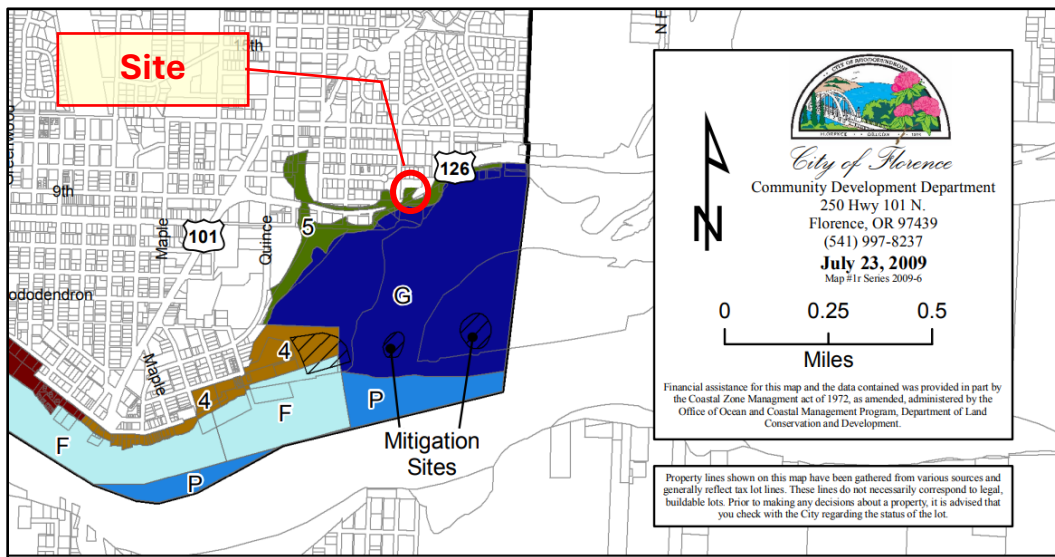
“Floodplain/Floodway - The project site is outside of the regulatory flood plain”

“Estuary and Shoreland Management Unit Overlays - Both the Natural Estuary (NE) and the Natural Conservation (NRC.) Shoreland management units apply to the portion of the project site that is within the NRC per FCC 10-19-10-A. ... Per the Comprehensive Plan this is “a 50-foot wide strip of land measured from the mean high tide line .” This is measured from the base flood elevation of 14 feet as seen on the 2020 survey.”

APPLICIANT RESPONSE TO STAFF QUESTION:

I. The Natural Resource Conservation (NRC) zone and required buffer

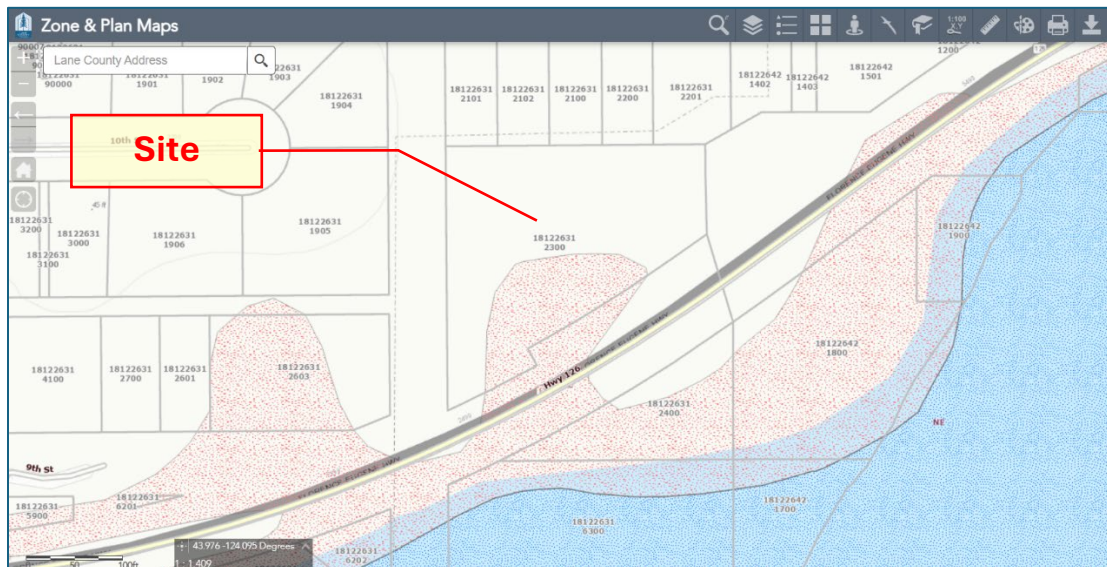
The /NRC zone is governed by FDC 10-19-10. The general location of the /NRC boundary is displayed on Map 17-1: Estuary & Coastal Shorelands Management Units in the Florence UGB.¹⁶ Map17-1 is an adopted Comprehensive Plan document that shows the general location of all estuaries and coastal shoreland management units in the Florence UGB. Please see snip below from Map 17-1, highlighting the site.



The Lane County geographic mapping system (GIS) includes this general location information as a map layer, and in doing so makes it accessible at a ‘zoom’ scale that far exceeds the adopted map scale. The adopted map (Map17-1) scale as illustrated above is

¹⁶ Reference: <https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/639/map17-1.pdf>

one-inch equals one-quarter mile (1:15,840). The map below from the GIS displays features at an inappropriate scale (1:1,409).



Map 7 - Lane County Coastal Overlay Layers - NRC and NE

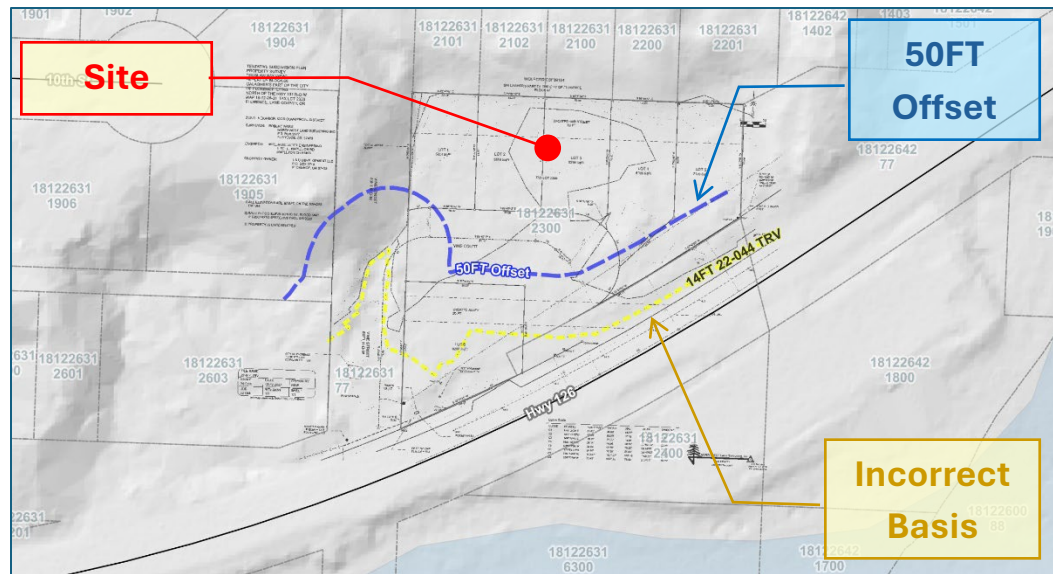
To address this issue and determine the exact location of the /NRC boundary, the following methods are provided under FCC 10-19-10:G.1,

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

Attempting to follow FCC 10-19-10: G.1, the city provided a 2022 survey (22-044-TRV) of the 14' base flood elevation (BFE)¹⁷ from which a 50ft buffer was proposed to determine the location of the /NRC zone. The survey boundary and the related setback are shown in the map below, where proposed /NRC extent is displayed in blue and the 14FT base flood elevation in yellow.

Please note the difference in shape and location compared to the LC GIS layer and Map17-1. The city initially used the incorrect basis for the 50ft buffer and as a result this is an incorrect application of /NRC zone FCC 10-19-10: G.1.

¹⁷ Comment: This 14-foot elevation represents the 100-year flood boundary not “mean high tide”.



However, the 14ft BFE is not the “mean high tide.” Therefore, the setback shown in the map above is incorrect. The applicant reached out to NOAA for guidance and data on the location of the “mean high tide.” NOAA clarified that “mean high tide” and “mean high water” are the same,

"The "official term" for this tidal datum is Mean High Water (MHW). This tidal datum is often referred to as "Mean High Tide"; which was the historical term for this tidal datum used until the 1950's / 1960's." (NOAA, Thu, Oct 10, 7:57 AM, Todd Ehret, Oceanographer, NOAA's Center for Operational Oceanographic Products and Services)

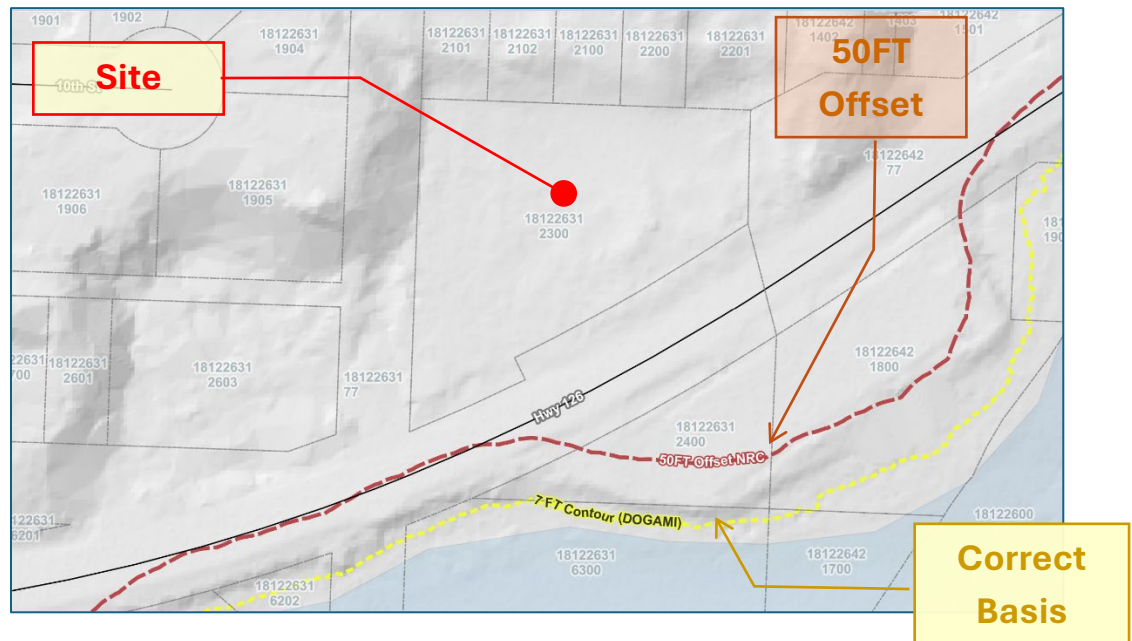
See email from NOAA, attached. Based on the data provided by NOAA¹⁸, the “mean high tide” is located as shown in the map below. This is the boundary from which the 50’ buffer must be measured to comply with the Code.

NOAA clarified that the correct elevation for the MHW (line:

*“Using these two data points, you can calculate that
MLLW is 0.062m (0.2 feet) below NAVD88
MHW is 2.001m (6.56 feet) above NAVD88”
(NOAA, Thu, Oct 10, 5:51 AM, Todd Ehret. Oceanographer, NOAA's Center for
Operational Oceanographic Products and Services)¹⁹*

¹⁸Attachment: NOAA Email 02 "MHW is 2.001m (6.56 feet) above NAVD88"

¹⁹Attachment: NOAA Email 01 "Mean High Tide" is "Mean High Water (MHW)"



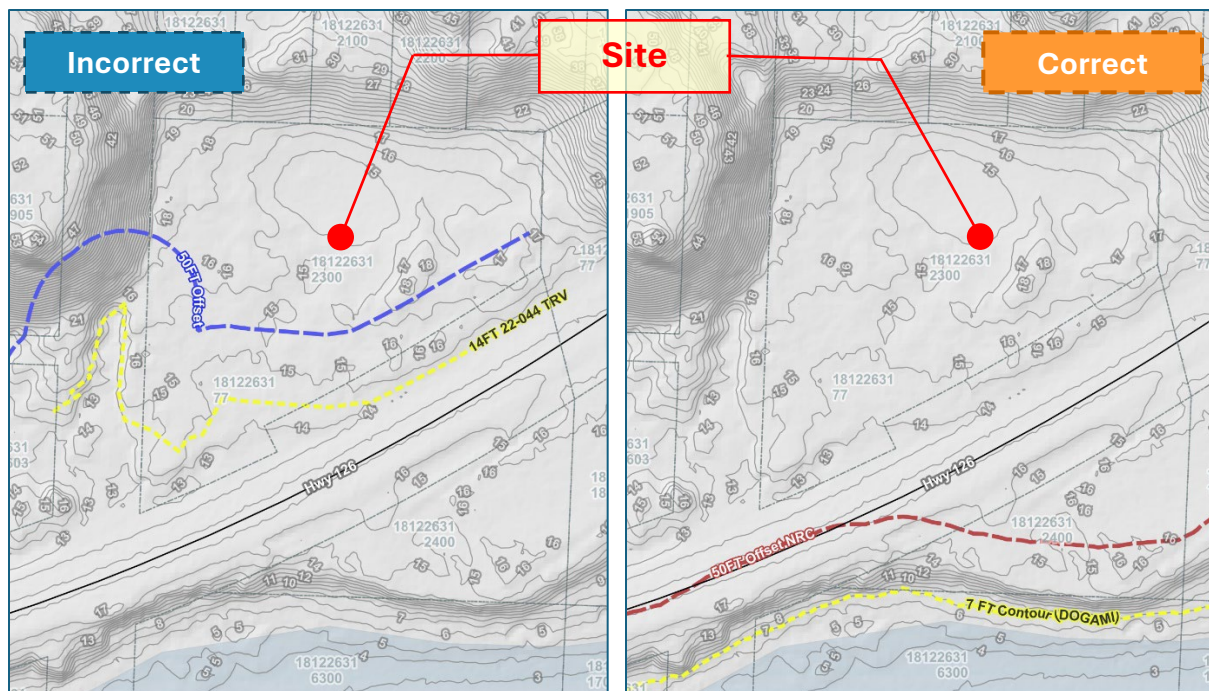
Map 9 - MHW (6.56ft rounded up to 7ft) elevation from DOGAMI lidar and 50FT buffer

Based on the map above, the /NRC overlay zone applies to no portion of the property. Therefore, no additional coastal zones adjacent to the /NRC apply either. In short, neither the Natural Conservation (/NRC) nor the Natural Estuary (NE) coastal overlay zones apply to the site.

Below, please see side-by-side comparison of the two delineations, below, where:

- FEMA 14 FT Base Flood Elevation with 50 FT - **incorrectly** identifies /NRC
- NOAA 6.56 FT²⁰ Mean High Water (Mean High Tide) with 50 FT - **correctly** identifies /NRC

²⁰ Comment: Applicant has used the DOGAMI 7 FT contour to represent the NOAA 6.65 FT elevation line.



Map 10.A - Incorrect /NRC Buffer from 14FT BFE

Map 9.B – Correct /NRC Buffer from MHW (Mean High Tide)

~~~~~

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

Response: The applicant understands and will meet related requirements.

**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.**

Response: Please see narrative above, under 10-4-10: C., where applicant addresses adequate available land inventories and cites the city's adopted the 2018 Housing Needs Analysis and Economic Opportunities Analysis, Volume 2: Technical Report pp. 4, 38, and 40.

## 5. FCC TITLE 10 – Zoning Regulations

### 34 - Landscaping



~~~~~

STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

SR Question 9: Does the landscaping plan as proposed provide adequate buffering for the residential units from Hwy 126?

~~~~~

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

~~~~~

Response: When sidewalks are improved to city standards (per agreement of non-remonstrance) long frontage with HWY 126, applicant proposes FCC 10-34-3 compliant landscaping (with native vegetation where possible) and fencing compliant with fencing standards set forth in 10-34-5 along shared driveway and residential properties in areas within proximity to the highway, please see site plan²¹ and landscape plan²². As mentioned above, applicant is coordinating with ODOT for approval.²³

Furthermore, with ODOT approval the applicant will address fence/sidewalk alignment, ODOT requirements for sidewalks, such as sidewalk width, as well as FCC requirements for irrigation, planting and fences and identified above and as stated in the site and utility plans. At that time the applicant can submit more details as required by the city.

6. FCC TITLE 10 – Zoning Regulations

35 - Access and Circulation

~~~~~

STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

**SR Questions 5 and 6. Has the applicant adequately demonstrated that development of Vine Street is not feasible? If not, then is the abutting Vine**

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<sup>21</sup> Attachment: Site Plan

<sup>22</sup> Attachment: Landscape Plan

<sup>23</sup> Attachment: ODOT Permit Application and ODOT Permit Received Notice

**Street required to be developed with this development in accordance with FCC 10-35?**

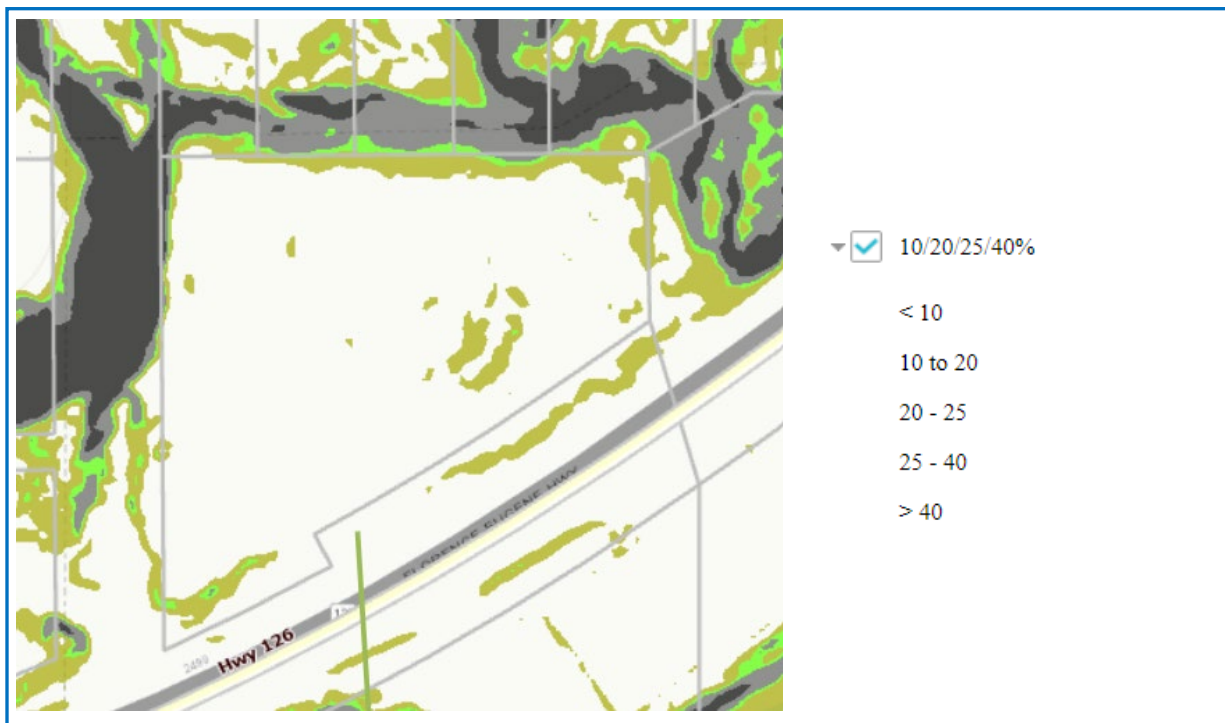
~~~~~

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

~~~~~

Response: As previously stated in narrative provided July of 2024 (pp.17 of submitted Written Statement), the site has no access to local streets as Vine Street (to the west) is currently unimproved ROW and Xylo Street is over 430-feet to the east, beyond several parcels with unimproved frontage.

Development of Vine Street (along west side of property) faces significant natural constraints such as slope and soil. Compliance with the FCC 10-35-2-8 is too costly to justify with this size of proposed development. Please see letter from A&O Engineering



addressing related topographic challenges, slope issues, vertical curves, ROW width and additional safety issues.<sup>24</sup>

Furthermore, Oregon ODOT's design standards<sup>25</sup> for connections between local streets (such as Vine Street) and highways (such as HWY 126) aim to ensure safety and efficiency for expected traffic volumes with these key aspects include:

1. Alignment and Geometry: Connections should have adequate horizontal and vertical alignment to facilitate safe vehicle movement and visibility.
2. Lane Configurations: Design must include appropriate lane widths, turn lanes, and other features that accommodate the anticipated traffic volume, including potential turning movements.
3. Sight Distance: Ensuring sufficient sight distance for drivers at the intersection is critical for safe decision-making and to avoid collisions.
4. Pedestrian and Bicycle Facilities: The design should consider the inclusion of safe pedestrian crossings and adequate facilities for cyclists to promote multi-modal transportation.
5. Drainage and Maintenance: Proper drainage design is essential to prevent water accumulation and maintain the integrity of the road infrastructure.
6. Traffic Control Devices: Appropriate signage, signals, and markings must be included to guide driver behavior and ensure safety at the connection points.

Overall, ODOT design standards are focused on maintaining safe and efficient traffic flow while accommodating the needs of various road users. The topographic and geologic constraints identified by A&O engineering (attached and referenced below) are inconsistent with key aspects of Oregon ODOT's design standards for connections between local streets and highways.

Development in Vine Street ROW has been contested by neighbors as well, please see comments below.

---

<sup>24</sup> Attachment: Engineering Report - Vine Street Constraints

<sup>25</sup> Reference: [https://www.oregon.gov/odot/Engineering/Documents\\_RoadwayEng/HDM-0500.pdf](https://www.oregon.gov/odot/Engineering/Documents_RoadwayEng/HDM-0500.pdf)

We am writing about concerns for the proposed changes to Vine St. to accommodate the proposed Butter Clam Court development.

Continuing the street between 11<sup>th</sup> Street and the proposed development would require a great deal of work that will have a very negative impact on the stability of our home and the one next to us. Our home is at the east end of 10<sup>th</sup> Street. The new road would be built at the base of the dune that our home is built on. Since we bought the house we have fought with erosion of the dune, much of which was caused years ago when a duplex was built next door and the dune was partially cut back. In addition to spending \$30,000 for Terra Firma to stabilize the foundation of our home, we have planted many large shrubs and trees to create root systems to help shore up the side of the dune. But we really depend on the health and root systems of many existing trees. These trees would be in danger if a road was to be built at the base of the dune. Not only do the big and medium size trees serve as structural support for the dune, but they are also windbreaks and greenbelts for the neighborhood. Many, if not most, of these trees will be in harms way if a road is built in this area.

C – PC 23 03 EPA 02 - Exhibit B (Mike and Deb Shaw)

[...]

~~~~~

STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

SR Question 7. Driveway width is proposed at 24 feet, however maximum residential driveway width is 20 feet. Shall the shared driveway be required to meet City requirements of 20 feet to be in compliance with City Code and avoid an attractive nuisance of parking on the shared driveway and blocking the fire access lane, or Increased width may provide an opportunity for parking but would likely increase maximum impervious coverage of lot 7 and potentially others.

~~~~~

#### **FCC 10-35-2-12: Driveway Design:**

**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.**

Response: Applicant has reduced Driveway to 20-feet.

[...]

~~~~~

STAFF COMMENTS FROM DRAFT WRITTEN STATEMENT:

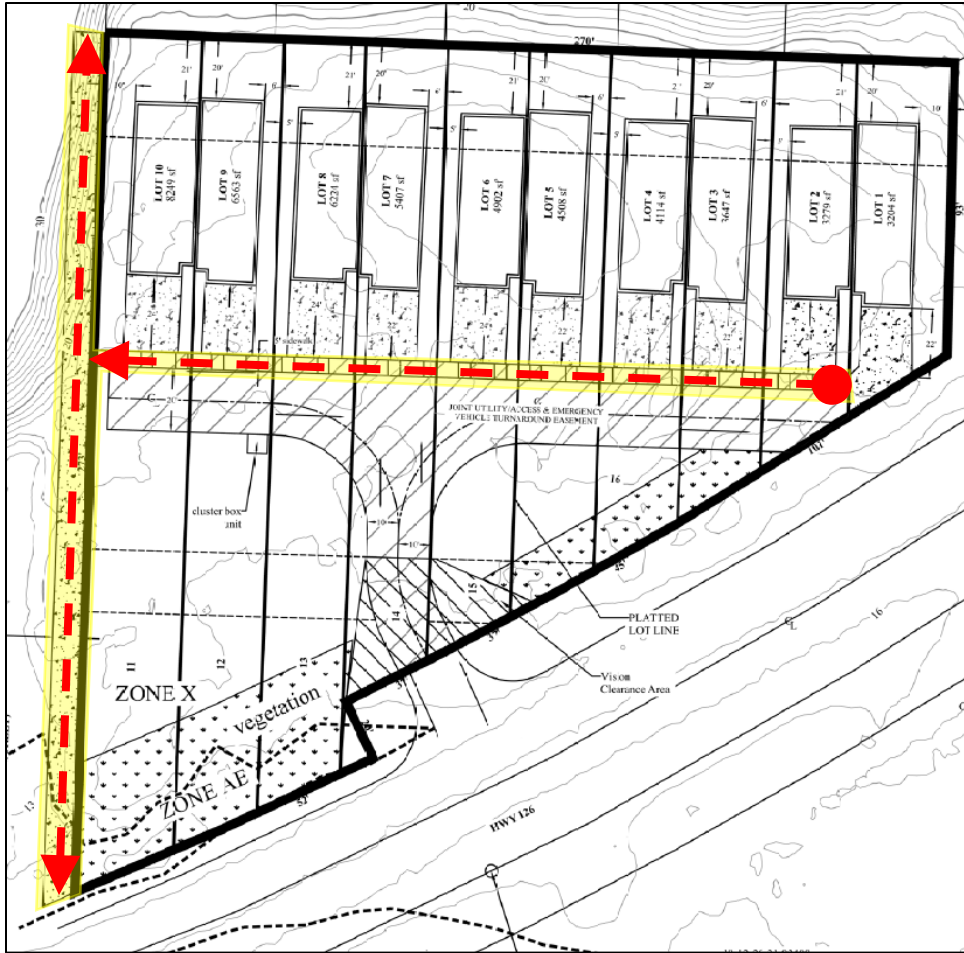
SR Question 8. FCC 10-35-3-2 requires continuous on-site walkways within a development to connect to off-site adjacent uses to the extent practical. Is the site required to have direct pedestrian access to Hwy 126 via the shared driveway or is the proposed connection via the proposed pedestrian pathway on Vine St adequate?

~~~~~

**10-35-3-2: Site Layout and Design:**

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

Response: Applicant proposes a 5-foot paved sidewalk that runs along the frontage of all dwelling units, that continues east/west the extent of the site, and that connects to a proposed north/south multi-use path connecting HWY 126 at south end to the norther extent of the site.



<sup>26</sup> Attachment: Site Plan

## Attachments:

| Attachment Reference (from footer)           | Document Name (PDF)                                   |
|----------------------------------------------|-------------------------------------------------------|
| (this memo)                                  | 23-022_Leturno_Memo_01_11-15-2024                     |
| Site Plan (11-15-24)                         | 23-022_Leturno_SitePlan_11-12-2024                    |
| Utility Plan (11-15-24)                      | 23-022_Leturno_UtilityPlan_11-12-2024                 |
| Detail Plan (11-15-24)                       | 23-022_Leturno_Details_10-16-2024                     |
| Building Plan (11-15-24)                     | 23-022_Leturno_BldgElev-Plan_10-16-2024               |
| Landscape Plan                               | 23-022_LETURNO_CUP_PLN_Landscape_04-17-2024           |
| Engineering Report - Vine Street Constraints | 23-022_Leturno_Report-AO_10-10-2024                   |
| Email NOAA 01                                | 23-022_Leturno_NOAA Email 01 (MHW-6.56FT)_10-10-2024  |
| Email NOAA 02                                | 23-022_Leturno_NOAA Email 02 (MHW-Meaning)_10-10-2024 |
| Draft FOF Notice, Exhibit "A" (8-27-24)      | 23-022_Leturno_FOF-Ex-A_shared_08-20-24               |
| Previously Submitted WS                      | 23-022_LETURNO_CUP_WS_07-24-2024                      |
| Survey                                       | 23-022_Leturno_TRV-Survey_2022                        |
| ODOT Permit Application                      | 23-022_Leturno_ODOT-HWY-Approach_05-31-2023           |
| ODOT Permit Received Notice                  | 23-022_Leturno_ODOT-Recieved-Letter_06-02-2023        |
| Letter from A&O – Vine Street Constraints    | (please see city records)                             |

Google Link to PDF files:

[https://drive.google.com/drive/folders/1Eq43NfkXv5NvAC6jMwpo5Ou4sYKu-qf?usp=drive\\_link](https://drive.google.com/drive/folders/1Eq43NfkXv5NvAC6jMwpo5Ou4sYKu-qf?usp=drive_link)

Please let brandt@metroplanning.com know if you have any issues accessing the files.



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET  
 SPRINGFIELD, OREGON 97477  
 (541) 302-9830  
 WWW.METROPLANNING.COM

## MEMO: CONDITIONAL USE PERMIT (CUP) FOR LETURNO-HWY 126

|                           |                                                                                                                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AGENCY FILE NO.:          | PC 24 01 CUP 01 (PC 23 27 CUP 04)                                                                                                                                                       |
| AGENCY CONTACT:           | WENDY FARLEYCAMPBELL, AICP,<br>COMMUNITY DEVELOPMENT DIRECTOR<br>CITY OF FLORENCE<br><a href="mailto:WENDY.FARLEYCAMPBELL@CI.FLORENCE.OR.US">WENDY.FARLEYCAMPBELL@CI.FLORENCE.OR.US</a> |
| DATE OF THIS DOCUMENT:    | 07/24/2024                                                                                                                                                                              |
| PROPERTY OWNER/APPLICANT: | DUMAN INC AND L & B DEVELOPMENT LLC<br>PO BOX 2740, FLORENCE, OR 97439                                                                                                                  |
| TAX ACCOUNT NO.:          | 0793883                                                                                                                                                                                 |
| ASSESSOR'S MAP:           | 18-12-26-31                                                                                                                                                                             |
| TAX LOT:                  | 2300                                                                                                                                                                                    |
| MAP ACRES:                | 1.15 AC                                                                                                                                                                                 |
| PROPERTY CLASS:           | COMMERCIAL VACANT                                                                                                                                                                       |
| FLORENCE ZONING:          | COMMERCIAL                                                                                                                                                                              |
| ZONING DISTRICT:          | COMMERCIAL                                                                                                                                                                              |
| APPLICANT FILE NO.:       | 23-022 LETURNO HWY126                                                                                                                                                                   |
| APPLICANT'S REP:          | JED TRUETT, AICP<br>METRO PLANNING, INC.<br><a href="mailto:JED@METROPLANNING.COM">JED@METROPLANNING.COM</a><br>TEL (541) 302-9830                                                      |

This narrative addresses March 1, 2024, Notice of Incompleteness (NOIC), June 7, 2024 meeting with Florence planning staff, and city staff comments received prior to the meeting regarding Land Use Application PC 24 01 CUP 01 a request for a Conditional Use Permit to allow the development of 10 attached single unit dwellings, and within the Commercial District as regulated by Florence City Code Title 10, Chapter 15. This site is located at 5439 Hwy 126 as shown on Assessor's Map # 18-12-26-31, Tax Lot 02300.

(In a sperate land use application, the property owner will submit a Type II Design Review for the proposed attached single dwelling units.)

Please see Florence City Code (FCC) and staff comments in ***bold italics*** and applicant response in plain text below and see a list of attachments on the last page.

~~~~~


FCC 10-4-4: Applications:

A. Site and building plans and elevations.

A site plan has been submitted as part of this application for the location of the residential lots and shared driveway access. In accordance with this section, please submit the exterior elevation of the buildings. This is to meet this code requirement, not for design review per previous communication between the applicant and the City.

(Staff comment - This item was received.)

Response: (No response needed.)

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.

Response: (This item was addressed in previously submitted narrative. No response needed.)

C. Existing and proposed utility lines and easements.

Providing the location of existing and proposed easements and utility lines is required as part of this application submittal. Pg. 19 of the narrative states "applicant will file all required easements." This statement does not replace the requirement to submit the location of required easements as part of this conditional use permit application. Provide information for all proposed and existing utility lines and easement locations, their purpose, and sizes.

- *FCC 10-36-2-4: Creation of an Access Easement will be required for the proposed easements for access to each site for use of the shared driveway for CUP or design review.*
- *Any existing or proposed utility easements are required to be submitted as part of this application.*
- *FCC 10-10-7-C-1-a requires a recorded maintenance easement for attached dwelling units. This is not being required at the time of the CUP completeness review, but will be required at time of design review application submittal of the proposed attached single unit dwellings.*

Response: (This item was addressed in previously submitted narrative. No response needed.)

D. Operational data explaining how the buildings and uses will function. Operational data is required for the proposed development. Prior to deeming this application complete clarification is required for where commercial use is proposed or the mention of "future commercial development" should be removed from this application submittal for clarity.

- *Clarify where the proposed commercial businesses will be located, or*
- *Revise the application to include only the proposed attached single unit dwelling lots.*

- ***Commercial use on site is inconsistent in the written statement. Mention of the commercial use on site is mentioned on pages 9 and 10***

Response: Pages 9 and 10 of the attached written statement have been revised and reference to commercial use has been removed. This application does not propose commercial use.

- E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development. F. Other information and format as required by FCC 10-1-1-4.***

(Staff Comment: These items have been submitted and received. They have not been fully reviewed for code compliance.)

Response: (no response needed.)

FCC 10-36-2-10: Block Length and Block Perimeter

A mid-block connection is required with this proposed development. This is required for both commercial and residential developments:

- A. Residential Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter***

[...]

- C. General Commercial, North Commercial and Highway Commercial Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter***

The request to access the site from HWY 126 rather than developing the abutting Vine Street ROW to the west of the subject site has been made due to the cost, topography constraints, and obstructions within this ROW. Minimum and maximum block lengths still apply to this site. In accordance with FCC 10-36-2-10 development of this site requires access to connect to public streets and accessways. Mid-block connection / multi-use path will be required that meet the standards in FCC 10-36-2-9-C. This also includes an access easement through applicable lots or improvements within Vine Street.

- ***Provide the legal language and location of this easement***

Response: Applicant has provided proposed easement alignment on the site plan¹ and requests that the easement legal description/document be a condition of approval, i.e., submitted after city has approved alignment. Applicant will file in accordance with Florence City Code.

- ***Provide plans for the mid-block connection.***
- ***The proposed pedestrian walkway does not meet the requirements of the mid-block connection and street connectivity in FCC 10-36-2-9. The intent of the connection is***

¹ Attachment: Site Plan

to connect nearby streets, not provide access only to the site. Please review this code section and submit revised plans.

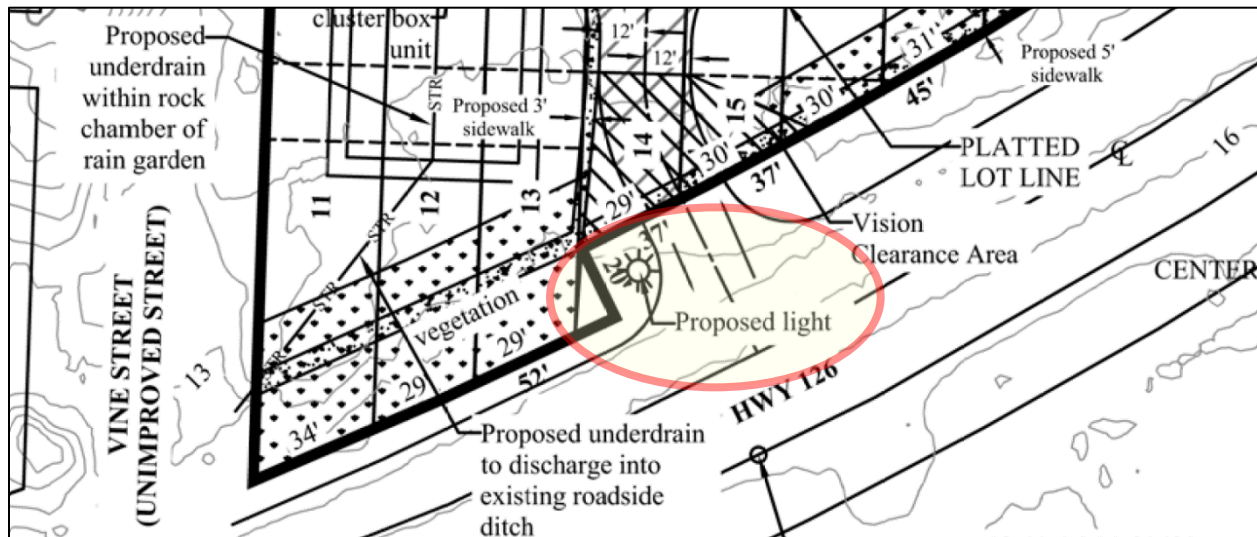
Response: In this submittal applicant proposes a multi-use path extending from HWY 126 to the north end of the site. Please see attached Written Statement, site map² and utility map³. Applicant will construct in compliance with FCC 10-36-2-9.

FCC 10-36-2-23: Street Light Standards

Street lights are required in all developments within the City for public safety. A street light where the shared driveway intersect the Hwy 126 ROW will be required.

- **Provide the street light proposed location**

Response: Applicant proposes a streetlight at the entry to the as illustrated in the utility plans. Please see attached plans and snip below.



Map 1 - Snip from attached Utility Plan showing location of proposed Street Light

FCC 10-10-4-C: Maximum lot coverage

- **Provide comments on maximum lot coverage that includes the proposed shared driveway access and any required pedestrian walkway systems.**

Response: Please see narrative and tables in the attached written statement, page 14.⁴

² Attachment: Site Plan

³ Attachment: Utility Plan

⁴ Attachment: Written Statement

FCC 10-35-2-12: Driveway Design

- ***Additional details of the driveway design, will be required to ensure compliance with City design standards and ADA accessibility.***
 - ***Additional details include width, materials, ADA accessibility and connection to the required sidewalk along street frontage, etc.***
 - ***City of Florence Standard Drawings may be used and can be found at <https://www.ci.florence.or.us/publicworks/city-florence-standard-drawings>***

Response: Applicant seeks an agreement of non-remonstrance concerning sidewalk improvements⁵ and provides a landscape plan⁶ for proposed design.

FCC 10-35-3: Pedestrian Access and Circulation:

- ***New developments require a sidewalk along the street frontage. A sidewalk along the Hwy 126 frontage will be required to be installed per ODOT requirements and FCC 10-36-2-5 for right of way street cross sections. Design plans for the sidewalks should include plans for management of stormwater.***
- ***This site is required to include a continuous walkway for pedestrians accessing the site and onsite circulation. Provide details of a proposed pedestrian walkway or path from Hwy 126 to the residential units, the residential units to the cluster mailbox, and the residential units to the mid-block connection.***

Response: Applicant seeks an agreement of non-remonstrance concerning sidewalk improvements and provides a landscape plan. In addition, the site plan and utility plan have been modified to include a multi-use path extending from HWY 129 to the north end of site, as requested by the city. Please see referenced attachments below.

FCC 9-5: Stormwater Management:

- ***Additional details are required for stormwater management for this site that are consistent with the City of Florence Stormwater Design Manual.***
- ***Include stormwater easements as required for management.***
- ***Please submit the proposed rain garden typical to be used for the on site facility. Please provide additional information on the proposed rain garden plantings, schedule for planting the required plantings, irrigation for the rain garden to ensure the plantings survival, and additional details on the party/parties responsible for the facilities maintenance.***

⁵ Attachment: NON-REMONSTRANCE AGREEMENT

⁶ Attachment: Landscape Plan

Response: Applicant sought services from professional engineers (A & O Engineering LLC), updated the utility plan to provided additional details for stormwater management, consistent with the City of Florence Stormwater Design Manual. Applicant has provided additional detail for

Applicant requests that easement legal description be conditions of approval and submitted after approval of proposed design. Please see attached utility plan.⁷

The applicant submits the proposed rain garden typical to be used for the on-site facility and shall be constructed according to Appendix I.1 SW-140 referenced in 5.5. Rain Gardens, City of Florence - Stormwater Management Design Manual- Revised September 2011 pp. 28.

⁷ Attachment: Utility Plan

Attachment Cross Reference

This table cross references attachment names found in the written statement's page footers to files names found in the electronic submittal package posted to Google Drive (referenced below).

| Reference Name (Footnote) | File Name (*.PDF) |
|---|--|
| APPLICANT MEMORANDUM (REVISED 7/24/2024) | 23-022_LETURNO_CUP_MEMO_07-24-2024 |
| APPLICANT WRITTEN STATEMENT (REVISED 7/24/2024) | 23-022_LETURNO_CUP_WS_07-24-2024 |
| NON-REMONSTRANCE AGREEMENT | 23-022_LETURNO_CUP_Remonstrance_07-xx-2024 |
| BUILDING PLAN | 23-022_LETURNO_CUP_PLN_BldgElev_043024 |
| LANDSCAPE PLAN | 23-022_LETURNO_CUP_PLN_Landscape_041724 |
| SITE PLAN | 23-022_LETURNO_CUP_PLN_SitePlan_071724 |
| UTILITY PLAN | 23-022_LETURNO_CUP_PLN_UtilityPlan_071724 |

Link: https://drive.google.com/drive/folders/1yaAMkOGgJ9mIp2tegVG7fctzr7UveRza?usp=drive_link

Please let brandt@metroplanning.com know if you have any issues accessing the files.