

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 11 10 CUP 02

An application for Conditional Use Permit and Design Review to place an animal clinic in an existing building. The site is located east of Highway 101, north of Thornton's Cafe and south of the Department of Human Services, 3120 Highway 101, (Map No. 18-12-23-23 TL 3400)

WHEREAS, application was made by John Bachmann, DVM on behalf of the Ward Beck for a Conditional Use Permit and Design Review, for an animal clinic as required by Florence City Code (FCC) 10-1-1-4, FCC 10-6-6, and FCC 10-4-3; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on August 23, 2011 as outlined in FCC 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 10-4-9 and FCC 10-1-1-5-E, after review of the application, testimony and evidence in the record, as per FCC 10-6-7, FCC 10-4-4, and FCC 10-4-5, 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 with modifications and conditions of approval 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 application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

APPROVAL INCLUDES:

The animal clinic CUP and DR approvals remain effective for one year with the possibility for additional one year extension subject to the extension approval conditions as outlined in FCC 10-4-7-M and FCC 10-6-5-M.

1. Approval shall be shown on:

"A" Findings of Fact

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 within 30 days of the mailing of the notice of decision.
3. Sound: The applicant shall submit a signed statement from an acoustic engineer which provides the volume level of sound in the building and outside the building measured at the rear property line. The sound level measured on eastern property line shall not exceed the required sounds allowed at night, 50 dBa, as outlined by FCC 10-6-1-2-3-C-1-a. The applicant shall make every attempt to notify staff when the sound test will be conducted. The written statement shall be submitted before issuance of a business license.
4. ODOT Permit: The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision. If the applicant and/or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin.
5. Health Maintenance Plan: Prior to applying for a business license, the applicant shall submit a health maintenance plan which explains how the animal waste will be addressed on the property and along the right-of-ways.
6. Visual Barrier: The applicant and/or property owner shall screen the glare from parked vehicles onto the highway with additional landscaping or a fence which is located outside the Highway 101 right-of-way which meets the requirements outlined in FCC 10-34 and FCC 10-16-7-C. The applicant and/or property owner shall secure necessary highway permits with Oregon Department of Transportation, if the fencing and/or landscaping is within the Highway's right-of-way.
7. Signs: All signs shall comply with Title 4, Chapter 7. The property owner and/or applicant shall apply for a sign permit for any new signs as required.
8. Fenced Area: The applicant and/or property owner shall install a fenced area to protect the dogs from running onto adjacent properties or onto the highway. The fenced area shall not be closer than 15 feet with a new fence along the Redwood right-of-way or 35 feet without the fence. The fence shall meet the requirements outlined in FCC 10-34-3-7-C.
9. Noxious weeds: All noxious weeds within the site shall be removed. The applicant and/or property owner shall provide a statement that the noxious weeds have been removed within 120 days. Any area where noxious weeds that were removed within the rear buffer area (as outlined in condition 10) shall be replanted with plants listed on the City's Plant and Tree list.
10. Rear Buffer: The applicant and/or property owner shall preserve the non-noxious vegetation that is growing in the rear of the property. The property owner and/or applicant shall either install a fence along the eastern property line and keep at least 15 feet of vegetation or keep a 35 feet vegetation buffer without installing a fence.

11. Parking Lot Striping: Prior to issuance of business license, the property owner and/or applicant shall repaint the parking lot strips as outlined in FCC 10-3-9.

12. Access Permit: The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision to the Community Development Department. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin.

13. Joint Access Agreement: The applicant and/or property owner shall provide the Community Development Department a recorded a joint and cross access agreement within one year of the notice of decision. If the agreement is not recorded by the one year, the business license will not be issued or if it has been issued it will be revoked.

OTHER REQUIREMENTS:

14: Building Buffer: The applicant and/or property owner shall maintain a three feet cleared area around the building at all times to provide movement for firefighters as required by Oregon Fire Code.

APPROVED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 23rd day of August 2011.

JAN NIEBERLEIN, Chairperson
Florence Planning Commission

DATE

**STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission**

Hearing Date: August 23, 2011 **Planner:** Michelle Pezley
Date of Report: August 16, 2011
Application: PC 11 10 CUP 02

I. PROPOSAL DESCRIPTION

Proposal: An application for Conditional Use Permit and Design Review to place a animal clinic in an existing building.

Applicant/ John Bachmann, DVM

Property Owner: Ward Beck

Location: East of Highway 101, north of Thornton's Cafe and south of the Department of Human Services, 3120 Highway 101 (Map No. 18-12-23-23 TL 3400)

Site: Map No. 18-12-23-23 TL 3400, 31,200 square feet

Comprehensive Plan Map Designation: Highway (H)

Zone Map Classification: Highway

Surrounding Land Use/Zoning:

Site: Vacant building, former Coastal Hearth and Home/ H

North: Department of Human Services/ H

South: Thornton's Café and Single Family Residence/ H

East: Single Family Residences/ Single Family Residential (SFR)

West: Vacant/ H

Streets/ Classification:

Highway 101/ Major Arterial

II. NARRATIVE

According to the address file, the City approved a Design Review in 1985 for construction of a ceramic shop. In 1986, the City approved a Conditional Use Permit for a temporary mobile warehouse. In 1991, the Planning Commission approved a design review to allow a manufactured home as additional storage for the ceramic shop. The manufactured home was removed from the property and the business changed by the time the property owner applied for a change of use in 1996. The Planning Commission approved a change of use from a general store to car sales. The building remained some type of retail through

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the years. Coastal Hearth and Home was the last business located at 3120 Highway 101. Since Coastal Hearth and Home moved to another location over a year ago, the building has sat empty.

John Bachmann, DVM as applied for a conditional use permit to start an animal clinic at the location. According to the applicant, he will not have a boarding service with the animal clinic; however, the Florence City Code 10-1-4, defines a "Clinic, Small Animal" as "a business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed." The conditional use permit will be for the animal clinic and overnight boarding.

The applicant and property owner do not propose any changes to the exterior of the building or the site.

III. NOTICES & REFERRALS

Notice: Notice was sent to surrounding property owners within 300 feet of the property and a sign was posted on the property on August 3, 2011. Notice will be published in the Siuslaw News on August 17, 2011. As of this writing, the city received no comments.

Referrals: Referrals were sent to Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Oregon Department of Transportation (ODOT), Florence Building Department, Florence Police Department, Siuslaw Valley Fire and Rescue, and Florence Public Works.

On August 3, 2011, Carl Dependahl, the Florence Building Official, pointed out since there are no changes proposed to the building, there will be no specific requirements which will need to be addressed by the applicant. However, there may be general requirements such Oregon Fire Code, general occupant safety, and accessibility requirements that apply. (See Exhibit D)

On August 12, 2011, Gerry Juster, ODOT Development Review Coordinator, commented that he could not find a road approach permit (see Exhibit E). The applicant and/or property owner shall provide evidence of an existing permit or will need to submit an Application for State Highway Approach for the existing connection to US-101. **(See Condition 12)** He also stated that ODOT recommends that the City of Florence establish a condition of approval that the applicant and/or property owner record an access easement between properties 18-12-23-23 TL 3300 and 3400. **(See Condition 13)**

On August 16, 2011, Siuslaw Valley Fire and Rescue Fire Marshal, Sean Barrett, commented that there needs to be three feet of clear area around the building as required by Oregon Fire Code (see Exhibit G). **(Condition 14)**

IV. ISSUES:

Landscaping:

The application is a joint effort between the applicant and the property owner. The property owner supplied the information on the site and the applicant supplied the information on the business. As mentioned in the narrative, the subject property has been reviewed a few times. The last review was in 1996, for a Change of Use (COU) for an automobile dealership. The Planning Commission approved the COU with the requirement that the applicant return to the Planning Commission with a revised landscaping plan. The revised landscaping plan (Exhibit B) shows that there were existing low evergreens in the highway right-of-way (re-submitted for this review). Since then, the low evergreens have been removed and replaced with grass. The property owner has no intentions to change the landscaping on the site. FCC 10-16-7-C-1 requires a 30 inch visual barrier between a commercial use and Highway 101. Furthermore, FCC 10-34-3-7-A requires a landscaped buffer between a street and a parking lot. The Highway District allows for a fence up to four feet high or landscaping to meet the visual barrier. Staff recommends requiring screening between the parking lot and the highway to reduce the effects of headlights casting onto the highway. The existing landscaping around the building does not meet the current landscaping spacing criterion. Staff is not recommending that the landscaping be added at this time.

FCC 10-34-3-7-D requires a buffer which can consists of either 15 feet of vegetation with a solid wood fence or block wall or keeping 35 feet of vegetation without the solid wood fence or block wall. The rear of the property along the unimproved Redwood right-of-way has vegetation growing but some of the plants are noxious vegetation. FCC 6-1-6-13 requires removal of noxious vegetation. *The findings of fact are written to support the visual barrier, rear buffer and removal of noxious weeds.*

Noise:

Generally, people do not enjoy hearing dogs bark (which also goes for their own dogs). There are numerous complaints made to the code enforcement officer. The applicant has chosen a location for his animal clinic which has residential housing to the east. FCC 10-6-1-2-3-C states,

“Prohibitions. It shall be unlawful for any person to produce or permit to be produced, with a sound producing device, sound which:

1. When measured at or within the boundary of the property on which a noise sensitive unit which is not the source of the sound is located, or, within a noise sensitive unit which is not the source of the sound, exceeds:
 - a. 50 dBA between the hours of 10 P.M. and 7 A.M.
 - b. 60 dBA between the hours of 7 A.M. and 10P.M., or
2. Is plainly audible between the hours of 10 P.M. and 7 A.M. within a noise sensitive unit which is not the source of the sound.”

Staff recognizes that barking dogs may be a problem. The applicant is working with an architect who specializes in animal clinics. The applicant is planning to remodel the

building to reduce the amount of noise from the building. Staff interpreted the sound to be measured from the property line. Assistant Planner, Michelle Pezley had a phone conversation with the architect, Jeff Clark, on August 11, 2011 (also see Exhibit F). Mr. Clark recommended a condition of approval which would require a sound test signed by an acoustic engineer which guarantees that the sound does not exceed the sound standards. *The findings of fact are to require a support the applicant to submit a statement that a sound test was conducted and includes the volume level of sound in the building and at the rear property line. The statement shall be signed by an acoustic engineer and given to the Community Development Department prior to issuance of the business license.*

V. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC) Title

- Title 10-1: Zoning Administration
- Title 10-3: Off Street Parking
- Title 10-4: Conditional Uses
- Title 10-6: Design Review
- Title 10-16: Highway District
- Title 10-34: Landscaping
- Title 10-35: Access and Circulation

Florence Realization 2020 Comprehensive Plan Chapter 2

VI. PROPOSED FINDINGS AND CONCLUSION

The criteria are listed in bold followed by the findings of fact.

FCC TITLE 10: CHAPTER 16: HIGHWAY

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

A. All uses permitted outright or conditionally in the Limited Industrial District.

10-20-2: PERMITTED BUILDINGS AND USES: For the purpose of this Title, terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions". If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required

to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Commercial Uses:

-Animal Clinic or Grooming Facility

The applicant proposes an animal clinic which meets the definition of "Clinic, Small Animal" which is permitted within the Limited Industrial Zoning District and therefore permitted conditionally within the Highway District.

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

A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.

B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.

The applicant is proposing to move into an existing building. The building has sat empty for over a year after Coastal Hearth and Home moved to a different location. The operating characteristics and intensity of an animal clinic is similar to an office use. The property to the north is an office (Oregon Department of Human Services) and the property to the south is a restaurant. The restaurant has greater average trips per day than the proposed animal clinic. The properties to the east and west are vacant and staff does not predict an adverse affect on the development potential for the commercial property. The animal clinic has the potential to create noise from barking dogs that would upset the adjacent residences to the east. The applicant has indicated to staff, that he has an architect designing modifications to the building interior to insure that the sound of barking dogs would not be heard by the neighbors. The applicant shall notify staff when the sound test will be preformed. Prior to issuance of a business license, the applicant shall submit a signed statement from a qualified acoustical engineer that the sound does not exceed 50 dBa, as outlined by FCC 10-6-1-2-3-C-1-a measured from the eastern property line.
(Condition 2)

C. The location of the site can accommodate energy efficient traffic circulation routes.

The site shares a 32 foot wide driveway with Oregon Department of Human Services. The driveway is centered over a platted alley. There has not been a problem with the traffic circulation in the past. The animal clinic will have similar traffic volumes as the uses in the past and will utilize the existing traffic pattern. The site can accommodate energy efficient traffic routes.

D. The vehicle and pedestrian access to the site can be safely and efficiently provided.

The existing driveway provides a safe and efficient access for vehicle traffic. In the referral process, Gerry Juster, ODOT Development Review Coordinator, found that there is not a valid permit for 3120 and 3180 Highway 101. ODOT is requiring the property owner to coordinate with the property owner to the north, Koning Family LLC, to apply for an access permit. The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision to Community Development Department. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin. **(Condition 3)**

There is no designated pedestrian access to the site. There is a five foot sidewalk in front of the building within the Highway 101 right-of-way. Currently, pedestrians have a choice to walk into the grass from the sidewalk or walk along the driveway to get to the building. The animal clinic will not increase pedestrian traffic to the site. Therefore, there is no additional pedestrian access required at this time.

E. The necessary utility systems and public facilities are available with sufficient capacity.

The necessary utility systems and public facilities are existing and operational. There has not been a complaint from the property owner that the utility system and public facilities are not adequate for the building. Public Works has not cited any problems with the utility system and public facilities. Therefore, it is determined that the necessary utility systems and public facilities are connected to the site.

F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.

Animal clinics are conditionally allowed within the Highway District since the use is allowed within the Limited Industrial Zoning District; however an animal clinic is classified as a commercial use.

There is no smoke, use of outdoor space for materials' storage, and general exterior finish proposed.

Noise is a possible concern to the residential properties to the east. Random barking dogs are a common sound within residential neighborhoods; however, a concentration of barking dogs is not a common sound. As mentioned in the narrative, the applicant is working with an architect to modify the building to keep the sounds contained inside. **(See Condition 3)**

Odor may also be a concern if the animal waste is not properly maintained on a daily basis. The applicant shall submit a health maintenance plan prior to applying for a

business license to explain how the animal waste disposal will be addressed on the property and along the right-of-ways. **(Condition 5)**

Glare onto the highway from headlights is possible at night. The parking lot does not have screening to reduce the glare from headlights to vehicles on the highway. The applicant and/or property owner shall install screening along the highway (outside the right-of-way) with additional landscaping or a fence which meets the requirements outlined in FCC 10-34 and FCC 10-16. **(Condition 6)**

10-16-6: REHABILITATION OF EXISTING BUILDINGS AND USES: The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter. In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

The building is 26 years old and is not considered a substandard or nonconforming building; therefore, this criterion does not apply.

10-16-7: DESIGN SPECIFICATIONS:

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

- 1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.**
- 2. Multiple Residential: One hundred feet (100').**
- 3. Light Industrial: One hundred feet (100').**
- 4. All Other Uses: As determined by the City.**

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

The proposed use is considered a commercial use and the building may be 70 feet from the center of the highway right-of-way. The existing building is 85 feet from the center of Highway 101 right-of-way, and therefore meets the front setback criterion. The building is 10 feet from the unimproved 31st Street and 70 feet from the northern property line. No rear setback is required; however, the building is 135 feet from the eastern property line. The proposal meets the setback criteria.

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

1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.

In the 1996 review, the approved landscaping plan shows short evergreen shrubs within the ODOT right-of-way which met the visual barrier requirements. Since the approval in 1996, the evergreen shrubs were removed and replaced with grass. The applicant and/or property owner shall provide a barrier between the parking lot and the highway right-of-way which shields the headlights from the highway and meets this requirement. **(See Condition 6).**

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

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

The curb cut was completed with the construction of the building. As mentioned before, ODOT did not find a valid access permit for the driveway **(See Condition 4)**. No changes are proposed for the existing shared curb cut. The proposed use does not generate additional traffic to warrant access off of 31st Street.

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

Parking is reviewed below in the Chapter 3: Parking section of this report.

F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code.

No signs are proposed at this time. All signs shall comply with Title 4, Chapter 7. The property owner and/or applicant shall apply for a sign permit for any new signs as required. **(Condition 7)**

G. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

Any party who testified either in writing or verbally at the hearing has the right to appeal to City Council. Furthermore, FCC 10-1-1-7: APPEALS states,

Under this Title, any quasi-judicial decision of the Planning Commission or Design Review Board may be appealed to the City Council in accordance with the following procedure:

- A. A notice of intent to appeal must be filed by an affected party, which includes persons mailed notice of the hearing and persons testifying orally or in written form at the hearing held on the matter.**
- B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The**

person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12th day after the notice of decision is mailed, the decision shall be final.

H. General Provisions:

- 1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.**
- 2. Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.**
- 3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.**

Storage, display or sale of used building materials, scrap or salvage, manufacturing, compounding, processing or treating of products for wholesales are not proposed. No change producing dust, smoke, vibration or appearance is proposed.

Noise is a possible concern to the properties to the east. Random barking dogs are a common sound within residential neighborhoods; however, a concentration of barking dogs is not a common sound. As mentioned in the narrative, the applicant is working with an architect to modify the building to keep the sounds contained inside. **(See Condition 3)**

Odor may also be a concern if the animal waste is not properly maintained on a daily basis. The applicant shall submit a health maintenance plan prior to applying for a business license to explain how the animal waste will be addressed on the property and along the right-of-ways. **(Condition 5)**

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

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

The lot is 120 feet wide and is 31,200 square feet. The property exceeds the 50 foot lot dimension and the 6,000 square foot minimum lot area.

K. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

The existing building is 16 feet tall and meets the height criterion.

L. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definitions, and requirements. (Ord. 26, 2008)

FCC 10-1-4 defines vision clearance as, “a triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one half feet (2 1/2') above the street grade to a height of eight feet (8)'”.

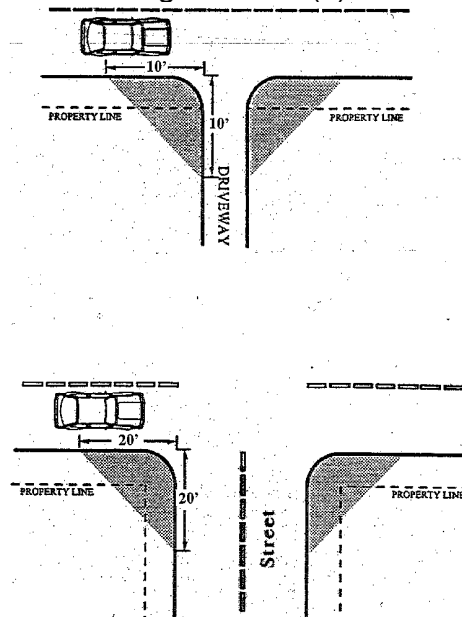
FCC 10-35-2-13 states,

Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 1/2') and eight (8) feet in height in “vision clearance areas” on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
- B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').
- C. At the intersection of internal driveways, 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.

Figure 10-35(4)



The applicant proposes using the existing driveway off Highway 101, which will require vision clearance areas that are ten feet by ten feet on each side of the driveway. The vision clearance areas are free of visual obstructions; therefore, the proposal meets the criterion.

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

The lot is 31,200 square feet. There is vegetation located in the rear of the property covering 5,700 square feet. The landscaping that is along the building is 171 square feet. The site consists of 18.8% of vegetated area and 81.2% of non-vegetated area thereby meeting the criteria.

N. Open Space is required for multi-family housing developments of 4 or more units as follows:

- 1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designed and permanently reserved as common open space.**
- 2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g. trees or bank vegetation preserved), play fields , outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.**
- 3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').**
- 4. Any common areas shall be owned as common property and maintained by a homeowners associations or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.**

The applicant is not proposing multi-family at the site; therefore these criteria do not apply.

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

A. Setbacks, yards, height, density and similar design features.

As mentioned above, the existing building meets the setbacks, yards, height, density and similar design features in the Highway District.

B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.

The applicant shall add a visual buffer to screen headlights from entering Highway 101. All landscaping or fences shall meet the requirements of FCC 10-34 and FCC 10-16 as mentioned above **(See Condition 4)**.

C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.

Please see the Access and Circulation section of this report below.

D. Noise, vibration, smoke, dust, odor, light intensity and electrical interference.

Noise, vibration, smoke, dust, and odor have been discussed above **(See Condition 3 and 5)**. The conditional use permit will not affect light intensity or electrical interference.

E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.

Please refer to the Chapter 3, Parking section of this report.

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

As mentioned above, no signs are proposed at this time. All signs shall comply with Title 4, Chapter 7. The property owner and/or applicant shall apply for a sign permit for any new signs as required. **(Condition 7)**

G. Architectural quality and aesthetic appearance.

The existing gray building has a multi-gable roof with varying roof heights. The front consists of two windows and a door with burgundy trim. PC Resolution 96-1-23-1 Exhibit A described the building as having a rustic appearance.

H. Public health and safety.

The new animal clinic will help public health by taking care of people's pets. It is standard for animal clinics to provide a space to allow animals outside to do their business. The property owner or applicant shall install a fenced area for animals to prevent conflicts from right-of-ways and neighboring properties. The fenced area shall not be closer than 35 feet from the any property line or 15 feet with a solid wood or brick wall to preserve the rear buffer as required by FCC 10-34-3-7-D **(Condition 8)**.

The City has received many complaints that there is animal waste along the public right-of-way near animal clinics. It seems that pet owners will take their animal to the outdoor bathroom before the pet's appointment. The animal waste in the right-of-way if not maintained will eventually go into Munsel Creek. The applicant shall also make sure that the Highway 101 and 31 Street right-of-ways are cleaned on a regular basis. The

applicant shall submit a health maintenance plan prior to applying for a business license to explain how the animal waste will be maintained on the property and along the right-of-ways. **(Condition 5)**

Furthermore, FCC 6-1-6-13 requires all noxious vegetation to be removed. The property owner and/or applicant shall provide a statement of completeness once the noxious vegetation is removed within 120 days of the notice of decision. If the site is found after removing noxious weeds to not meet the screening requirement, the applicant and/or property owner is responsible to replant the 15 foot with fence or 35 foot buffer with plants listed from the City's Plant and Tree List. **(Condition 9)**

I. Security.

There are no security concerns with the proposal.

J. Lot area, dimensions and percent of coverage.

Lot area, dimensions, and percent of coverage are addressed above.

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

No changes are needed in the public facilities or infrastructure; therefore, the Public Facilities criteria do not apply.

REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN

Chapter 2: Commercial Policy 6: All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment.

The applicant is proposing to redevelop an existing building. Due to the nature of the proposed business, a Highway 101 visual buffer, fenced area, and a buffer along the eastern property line are required.

FCC TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-1: DESCRIPTION AND PURPOSE: Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things:

A. The size of the area required for development of such uses;

The size of the development is consistent with its use. The animal clinic is not proposing to expand the existing building.

B. The effect such uses have on the public utility systems;

As mentioned above, the animal clinic will not change the public utility systems that are currently installed.

C. The nature of traffic problems incidental to operation of the use;

There are no known or cited traffic problems at the site.

D. The effect such uses have on any adjoining land uses; and

There may be effects of the animal clinic as mentioned above; however, the conditions of approval will help minimize the effects the animal clinic may have on the adjacent residents.

E. The effect such uses have on the growth and development of the community as a whole. All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this Title. The authority for the location and operation of certain uses shall be subject to review by the Planning Commission and issuance of a conditional use permit. 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. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82).

The request for a new animal clinic is timely. The Oceanside Animal Clinic closed its doors and currently, there is one other animal clinic in town. An additional animal clinic is a positive effect on the growth and development on the community as many community members have pets.

10-4-9: 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.

The Florence Realization 2020 Comprehensive Plan policies are reviewed in the Comprehensive Plan section of this report above. In summary, the proposal conforms to the Florence Realization 2020 Comprehensive Plan.

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

The purpose of the Conditional Use Permit is explained in the beginning of this section of the report. No special conditions are recommended.

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.

There are many other sites within the Highway District that are still vacant for the permitted outright uses such as the property on the west of the site and the property east of Coastal Fitness. Staff finds that adequate developable land is available in the Highway District for outright permitted uses.

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

The design criteria are addressed below in section FCC 10-6 of this report.

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

As discussed in the Highway Zoning District section of this report, the use will not require additional city 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).

As listed above, there is no designated pedestrian access to the site. No pedestrian access is required at this time since the change of use will not increase the pedestrian traffic to the site. Vehicle access is also addressed in the Highway District section of this report.

10-4-10: 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.

As mentioned in the Highway District sections of this review, the project meets the lot coverage, setbacks, and height criteria. The proposed use is permitted conditionally and

therefore certain conditions of approval have been proposed related to noise and odor. The City finds the proposal is adequate for the site, height, and use.

B. Requiring fences, walls, screens and landscaping plus their maintenance. Fencing is required when wholesaling, warehousing and storing of outdoor sales.

The applicant is not proposing wholesaling, warehousing, or storage of outdoor sales. The applicant and/or property owner is required to provide a visual barrier to reduce the glare of headlights onto Highway 101 **(see Condition 3)**. Additionally, a 15 foot buffer is required on the east side of the lot to address any potential conflicts with adjoining residential uses. No additional regulation is needed.

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

Vehicular ingress and egress was discussed above and meets the criterion.

D. Regulation of signs.

Signs are not proposed for the site. Any new signs shall apply to the sign code as outlined in FCC Title 4, Chapter 7. **(See Condition 7)**

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

No vibration is projected with the proposal. As mentioned above, noise and odor might be a concern and are addressed in conditions. Also mentioned above, the City has received many complaints that there is animal waste along the public right-of-way near animal clinics. It seems that pet owners will take their animal to the outdoor bathroom before the pet's appointment. The animal waste in the right-of-way if not maintained will eventually go into Munsel Creek and it is an unwelcoming sight along the street. The applicant shall also make sure that the right-of-way (Highway 101 and 31 Street be cleaned on a regular basis. The applicant shall submit a health maintenance plan prior to applying for a business license to explain how the animal waste will be addressed on the property and along the right-of-ways. **(Condition 5)**

F. Requiring surfacing of parking areas.

The required parking spaces are paved; therefore, the site meets this criterion.

G. Requiring rehabilitation plans. The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter. In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of

debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

The applicant proposed to remodel the interior of the building. No buildings have been cited as safety problem or substandard or non-conforming on the site or property.

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

The applicant seeks a permanent conditional use permit for the animal clinic use. At this point, the applicant proposes to have set office hours and does not propose boarding of animals at night; however, approving the conditional use permit allows the applicant to board pets as well.

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

Since the proposal consists of reusing an existing building, FCC 10-6-9 and FCC 10-4-7 gives the applicant a year to open their business. If the business moves, another veterinarian may occupy the space within six months of Dr. Bachmann's business ending.

J. Requiring bonds to insure performance of special conditions.

No special conditions or city infrastructure improvements are recommended or required; therefore, no bonds are required.

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

A visual buffer is required on the western property line and a buffer between the residential and business is required for the eastern property line. **(See Condition 3)**

L. 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.

No special conditions are needed to meet the intent and purpose of the Florence Comprehensive Plan.

FCC: TITLE 10, CHAPTER 6: DESIGN REVIEW

10-6-1: PURPOSE: The design review process is intended to:

- A. Create an attractive appearance that will enhance the City and promote the general welfare of its citizens.**
- B. Provide property owner the means to protect and conserve the architectural tone of their neighborhood.**
- C. Recognize areas of existing or potential scenic value.**

D. Protect and preserve buildings and sites that are of significant architectural or historic merit. (Ord. 625, 6- 30-80)

10-6-5: GENERAL CRITERIA: The 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.

Setbacks and height are discussed above in the Conditional Use Permit section and Highway District section of this report.

B. Lot area, dimensions and percentage of coverage according to underlying zoning district.

The lot area, dimensions, and percentage of coverage are discussed in the Highway District section of this report.

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.

As mentioned above, a visual barrier along Highway 101 and a rear buffer are required. **Please see Conditions 3, 8, and 10.**

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 the ingress and egress points are discussed above in the conditional use section of this report. Please also refer to Access and Circulation section of this report below.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

As mentioned in the conditional use section and the Highway section of this report, noise and odor are concerns. Vibration, smoke, light intensity and electrical interference are not

concerns.

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.

No new parking spaces are required. Please also refer to the Parking section below.

G. Signs according to standards set forth in FCC 10-26 Sign Regulations and Matrix.

Signs are discussed above in the conditional use section and Highway District section.

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

As mentioned above in the Highway District section of this report, the existing building has a rustic appearance. The design of the building is a simple one with a gable roof. The building design is compatible with the building to the north.

I. 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 Downtown Implementation Plan does not apply to the Highway District. The building is gray with burgundy trim. The building meets the coastal theme which the city encourages.

J. Exterior lighting and security.

The property owner and applicant do not propose to change the exterior lighting. The Building Official will require lighting as regulated under State Building Codes.

K. Public health, safety and general welfare.

The new animal clinic is beneficial to the pet owners in Florence as it helps keep their pets health. It is standard for animal clinics to provide a space to allow animals outside to do their business. The property owner or applicant shall install a fenced area for animals to avoid conflicts with right-of-ways and neighboring properties. The fenced area shall not be closer than 35 feet from the eastern property line or 15 feet with a solid wood or brick wall to preserve the rear buffer as required by FCC 10-34-3-7-D **(Condition 8)**.

The City has received many complaints that there is animal waste along the public right-of-way near animal clinics. It seems that pet owners will take their animal to the outdoor bathroom before the pet's appointment. The animal waste in the right-of-way if not removed will eventually go into Munsel Creek. The applicant shall also make sure that the right-of-way (Highway 101 and 31 Street be cleaned on a regular basis. The applicant

shall submit a health maintenance plan prior to applying for a business license to explain how the animal waste will be addressed on the property and along the right-of-ways. **(Condition 5)**

Furthermore, FCC 6-1-6-13 requires all noxious vegetation to be removed. The property owner and/or applicant shall provide a statement of completeness once the noxious vegetation is removed within 120 days of the notice of decision. If the site is found after removing noxious weeds to not meet the screening requirement, the applicant and/or property owner is responsible to replant the 15 foot with fence or 35 foot buffer with plants listed from the City's Plant and Tree List. **(Condition 9)**

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

As discussed in the Highway district section of this report, the existing public facilities and infrastructure are adequate to serve the building and the animal clinic.

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

Title 10, Chapter 4, Section 7 states,

Authorization of a conditional use permit shall be valid 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:

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 conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008).

The design review is also valid for one year with the same criteria as listed for the conditional use permit. The applicant has one year from the notice of decision to open his business.

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

There are no special conditions required with the proposed development; therefore bonds to insure performance are not necessary. No public infrastructure improvements are required for this project; therefore, no performance agreement, petition or bond for improvements shall be required.

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

No special conditions are proposed or required at this time.

TITLE 10, CHAPTER 34: LANDSCAPING

10-34-1: PURPOSE: The purpose of Chapter 34 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Landscaping plants and materials are intended to conserve, enhance and be compatible with the coastal village character of Florence, with liberal use of evergreens and native species.

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.

A. For new developments, all landscaping shall meet current code requirements.

B. For modifications or additions to existing developments, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size.

The application meets criterion B above. As mentioned previously vegetation covers 18.8% of the site. Due to the use and location next to residential district, the only landscaping required is the visual barrier along Highway 101 (if they choose or a fence) and the applicant and/or property owner shall maintain a buffer between the residential uses and animal clinic. If the noxious vegetation is removed, the residential buffer shall meet the width through the addition of plant materials. **(See Condition 9)**

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

A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall

be established between street and driveway or parking area. See also FCC 10-3-8-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

The applicant and/or property owner shall provide a visual barrier or buffer or screen between the parking lot and the highway. The applicant and/or property owner may choose to add plants within the landscaping strip in front of the property or add a fence as allowed by FCC 10-16. The applicant and/or property owner shall secure necessary Highway permits with Oregon Department of Transportation, if the fencing and/or landscaping is within the Highway's right-of-way. **(Condition 3)**

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.

There is an existing buffer between the parking lot and the building with a three foot landscaping area surrounded by railroad ties. The proposal meets the intent of the buffer requirement between the parking/maneuvering areas adjacent to the building. No changes to the parking lot are proposed or required and additional separation width would reduce the travel lane in the front parking lot to an unacceptable width.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

None of the uses above are proposed. However, staff recommends requiring a screened area for dogs to run. This area shall follow the screening methods above. **(See Condition 8)**

D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential

property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Adjoining Land Use / Zoning	Landscaped Buffer and/or Fence or Wall
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

The properties to the east are zoning Single Family Residential. The site has existing vegetation growing in the rear of the lot. The applicant and/or property owner shall maintain a minimum of 15 feet of vegetation with a solid wood fence or block wall or choose to keep 35 feet of vegetation without the solid wood fence or block wall. The property owner and/or applicant shall replace noxious vegetation with planting to meet screening requirements as needed. **(Condition 10)**

TITLE 10, CHAPTER 3: PARKING

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:
Animal hospitals and clinics: 1 space per each 400 square feet of floor area.

The animal clinic building is 3,200 square feet; therefore, the animal clinic is required to have eight parking spaces. The site has nine parking spaces and one of those spaces is an accessible handicap space. The proposal meets the parking requirement.

L. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

- 1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.**
- 2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)**

The striping of the parking lot is faded and requires repainting prior to issuance of business license as required by FCC 10-3-9. **(Condition 11)**

TITLE 10, CHAPTER 35: ACCESS AND CIRCULATION

10-35-2-4: State and County Access Permits. ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the “Highway 101 Access Management Plan.” County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

ODOT created an inventory of access permits along Highway 101 for the City. In reviewing the inventory, it showed that there was an access permit for the shared access between 3120 and 3180 Highway 101. Therefore, staff did not require the applicant and/or property owner to submit a copy of the access permit. In the referral process, Gerry Juster, Oregon Department of Transportation Development Review Coordinator, found that the permit which was referred to on the inventory was not for 3120 and 3180 Highway 101 but for 1544 Highway 101. ODOT is requiring the property owner to coordinate with the property owner to the north, Koning Family LLC, to apply for an access permit. The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision to the Community Development Department. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin. **(Condition 12)**

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

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

The applicant and/or property owner shall provide the Community Development Department a recorded a joint and cross access agreement within one year. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin. **(Condition 13)**

Conclusion:

The Conditional Use and Design Review requests are consistent with the applicable criteria in Florence City Code Title and the Florence Realization 2020 Comprehensive Plan.

VI. OPTIONS FOR THE PLANNING COMMISSION:

1. Approve the design review and conditional use request, based on the proposed findings of fact in this staff report, with the proposed Conditions of Approval.
2. Modify the proposed findings of fact, Conditions of Approval, or both, and approve the request as modified.
3. Continue the hearing to a date certain or leave the record open in order to allow more time for additional information to be submitted.
4. Deny the application based on findings of fact.

VII. STAFF RECOMMENDATION, AND PROPOSED CONDITIONS OF APPROVAL

Staff recommendation for Design Review and Conditional Use Permit is to approve the request for approval of the design review, and conditional use, provided that the following Conditions of Approval are met.

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 shall be shown on:

"A" Findings of Fact

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 within 30 days of the mailing of the notice of decision.

3. Sound: The applicant shall submit a signed statement from an acoustic engineer which provides the volume level of sound in the building and outside the building measured at the rear property line. The sound level measured on eastern property line shall not exceed the required sounds allowed at night, 50 dBa, as outlined by FCC 10-6-1-2-3-C-1-a. The applicant shall make every attempt to notify staff when the sound test will be conducted. The written statement shall be submitted before issuance of a business license.

4. ODOT Permit: The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin.

5. Health Maintenance Plan: Prior to applying for a business license, the applicant shall submit a health maintenance plan which explains how the animal waste will be addressed on the property and along the right-of-ways.

6. Visual Barrier: The applicant and/or property owner shall screen the glare from parked vehicles onto the highway with additional landscaping or a fence which is located outside the Highway 101 right-of-way which meets the requirements outlined in FCC 10-34 and FCC 10-16-7-C. The applicant and/or property owner shall secure necessary highway permits with Oregon Department of Transportation, if the fencing and/or landscaping is within the Highway's right-of-way.

7. Signs: All signs shall comply with Title 4, Chapter 7. The property owner and/or applicant shall apply for a sign permit for any new signs as required.

8. Fenced Area: The applicant and/property owner shall install a fenced area to protect the dogs from running onto adjacent properties or onto the highway. The fenced area shall not be closer than 15 feet with a new fence along the Redwood right-of-way or 35 feet without the fence. The fence shall meet the requirements outlined in FCC 10-34-3-7-C.

9. Noxious weeds: All noxious weeds within the site shall be removed. The applicant and/or property owner shall provide a statement that the noxious weeds have been removed within 120 days. Any area where noxious weeds that were removed within the rear buffer area (as outlined in condition 10) shall be replanted with plants listed on the City's Plant and Tree list.

10. Rear Buffer: The applicant and/or property owner shall preserve the non-noxious vegetation that is growing in the rear of the property. The property owner and/or applicant shall either install a fence along the eastern property line and keep at least 15 feet of vegetation or keep a 35 feet vegetation buffer without installing a fence.

11. Parking Lot Striping: Prior to issuance of business license, the property owner and/or applicant shall repaint the parking lot strips as outlined in FCC 10-3-9.

12. Access Permit: The applicant and/or property owner shall submit an approved ODOT access permit within one year of the notice of decision to the Community Development Department. If the applicant and/ or property owner fail to meet this deadline, the process of revoking the conditional use permit shall begin.

13. Joint Access Agreement: The applicant and/or property owner shall provide the Community Development Department a recorded a joint and cross access agreement within one year of the notice of decision. If the agreement is not recorded by the one year, the business license will not be issued or if it has been issued it will be revoked.

OTHER REQUIREMENTS:

14: Building Buffer: The applicant and/or property owner shall maintain a three feet cleared area around the building at all times to provide movement for firefighters as required by Oregon Fire Code.

VIII. EXHIBITS

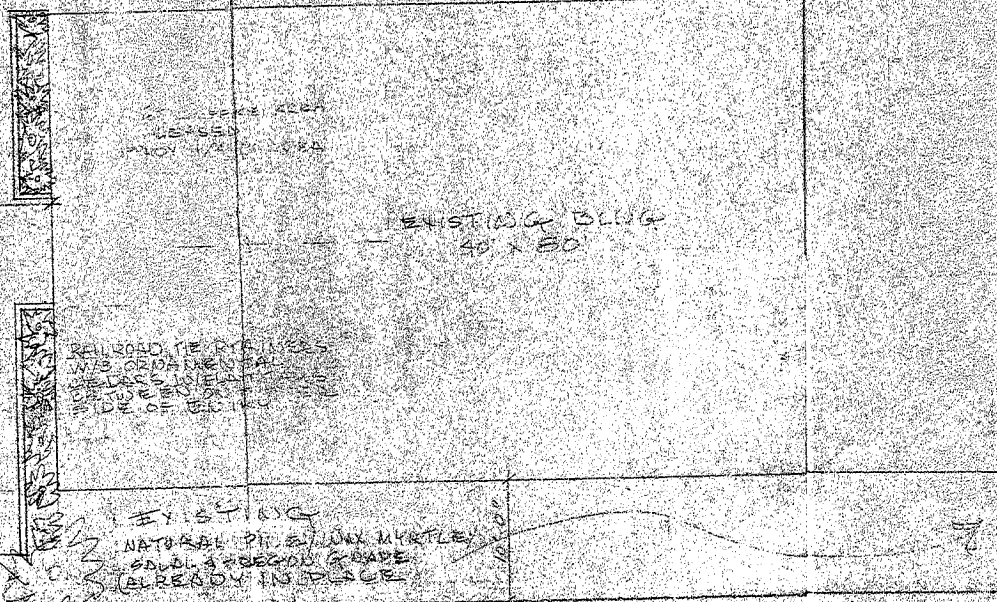
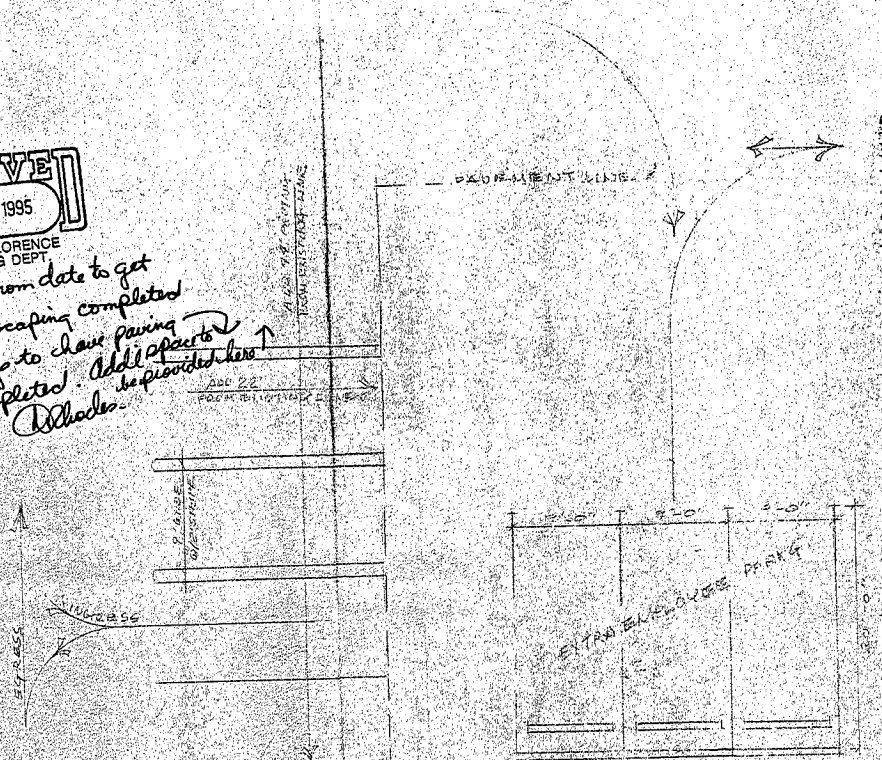
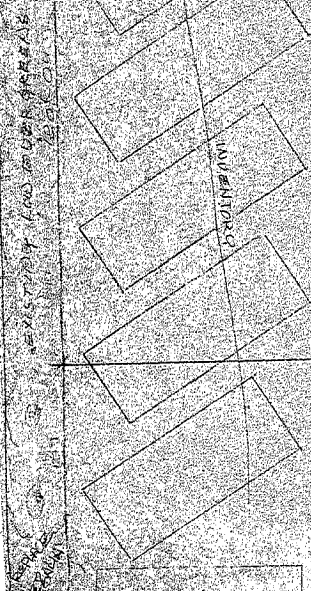
- A. Finding of Fact
- B. Site Plan/ Landscaping Plan (1996) (Larger scale drawing available at City Hall for viewing)
- C. PC Resolution 96-1-23-1 and 96-2-13-2
- D. Email dated August 3, 2011 from Carl Dependahl, Florence Building Official
- E. Letter dated August 12, 2011 from Gerry Guster, Oregon Department of Transportation Development Review Coordinator
- F. Letter dated August 12, 2011 from Jeff Clark, Architect
- G. Email dated August 16, 2011 from Siuslaw Valley Fire and Rescue Fire Marshal, Sean Barrett.

REVISIONS SHARED

270'-0"

APPROVED
JAN 13 1995
CITY OF FLORENCE
PLANNING DEPT

30 days from date to get
landscaping completed
90 days to have paving
Completed. Addl aspects
Completed. As provided here
Attached.

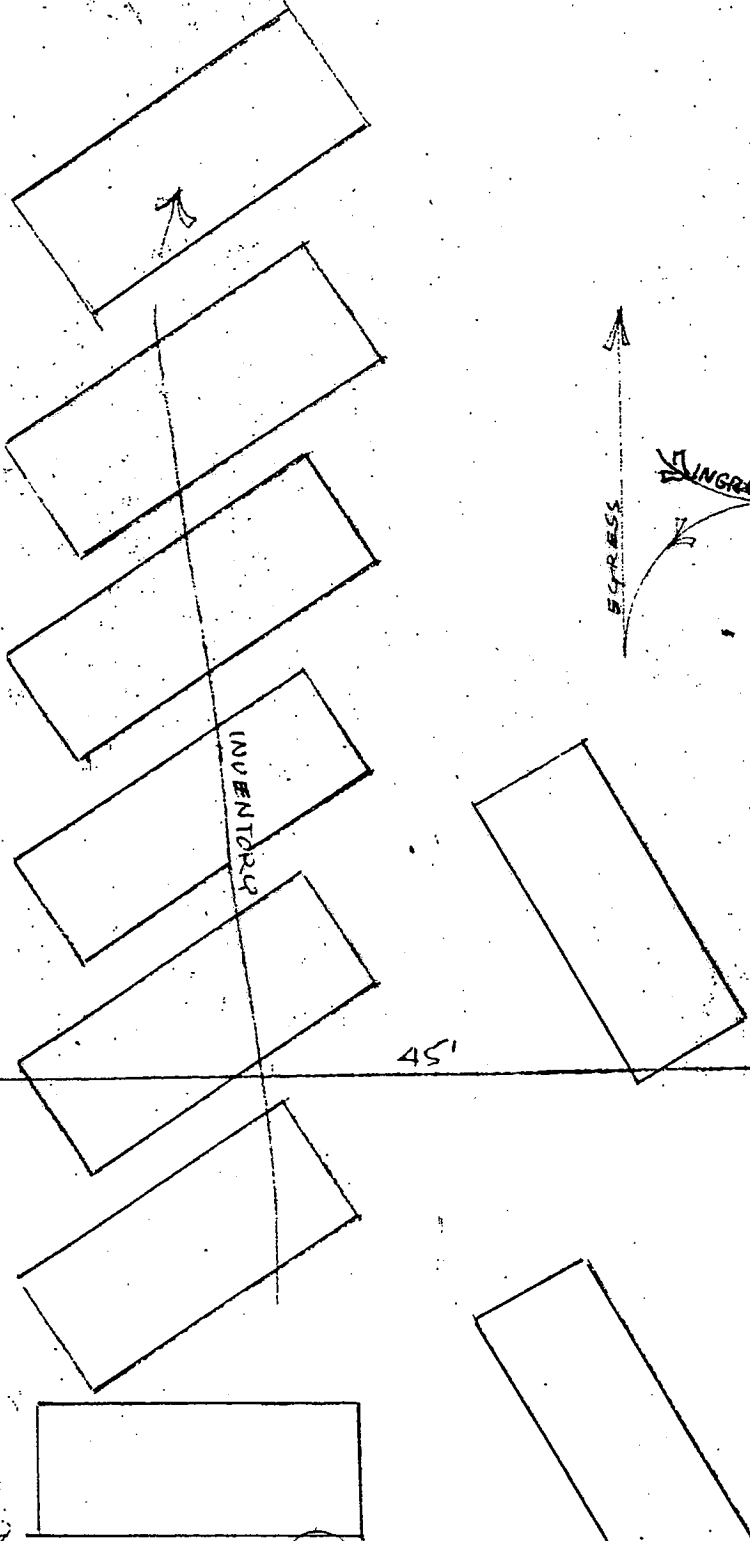


THIS AREA DOT WE AGREE
APPLICANTS

270'-0"

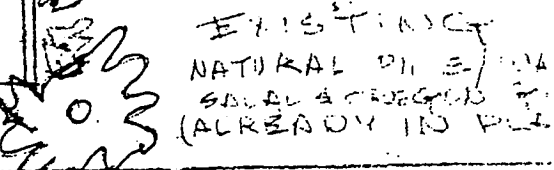
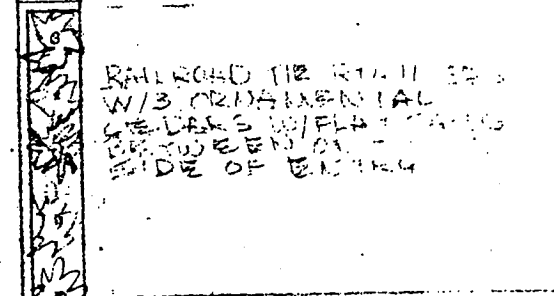
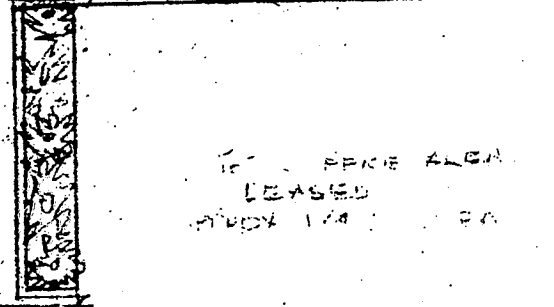
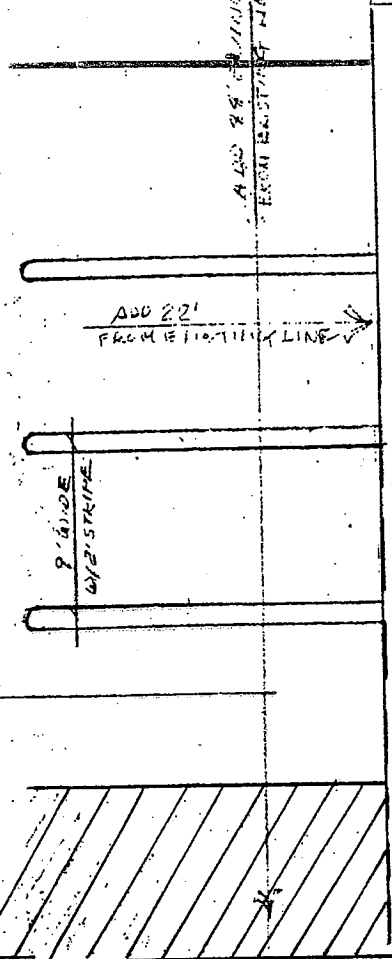
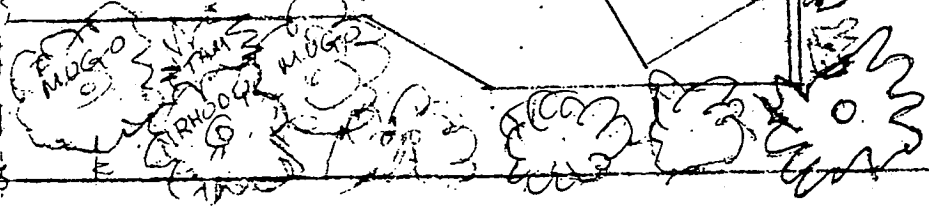
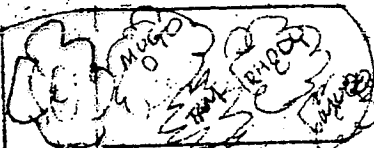
5' SIDE WALK

EXISTING LOW RISE GREENHOUSE



REPLACE W/ERLOW

REMOVE W/ERLOW



2-6-96

TOTAL OFFICE AREA
LEASED
APPROX 1/4 OF AREA

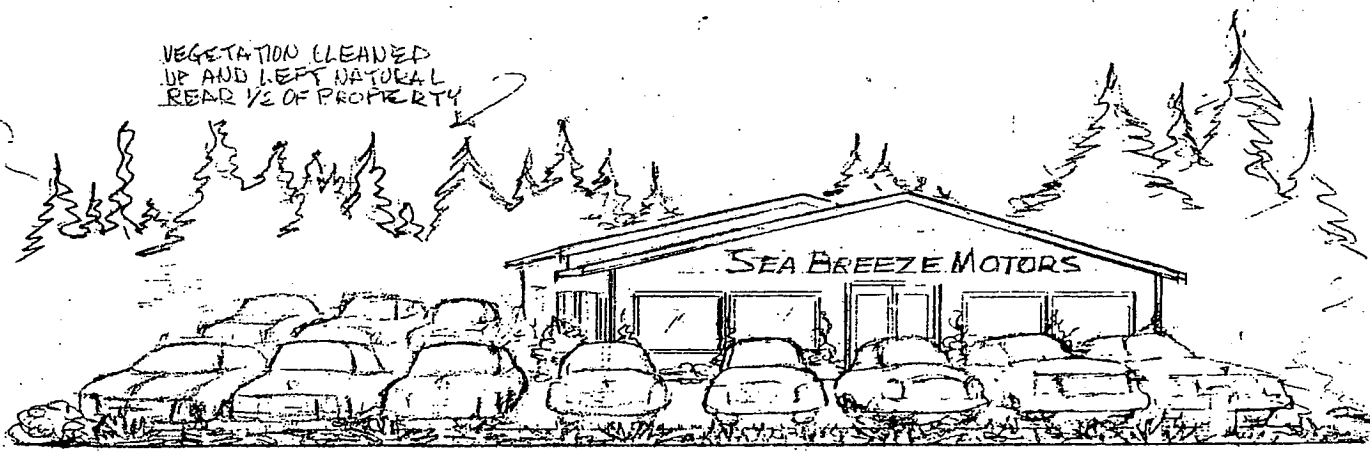
EXISTING BLDG
40' x 50'

EXISTING
NATURAL PINE / WAX MYRTLE /
SALAL & OREGON GRAPE

10'-0"
10'-0"

240'-0"

VEGETATION CLEARED
UP AND LEFT NATURAL
REAR 1/2 OF PROPERTY



SHARED W/ WELFARE

30' STREET
(DO NOT THROUGH)

120'-0"
HIWAY 101

PLANNING COMMISSION
DESIGN REVIEW BOARD
RESOLUTION NO.96-1-23-1

IN THE MATTER OF CHANGE OF USE/DESIGN REVIEW FROM GENERAL RETAIL
USE TO USED CAR SALES IN THE HIGHWAY DISTRICT

WHEREAS, application was made by Willis Watkins to change the use of an existing building/lot to used car sales at 3120 Highway 101, Map 18-12-23-23 TL 3400, in Highway District, and

WHEREAS, such application requires review by the City of Florence Planning Commission as a Design Review Board, City Code Section 10-6, and 10-16, and

WHEREAS, the Planning Commission/Design Review Board met in public meeting on January 23, 1996 to consider the application, and after consideration of evidence in the record and testimony presented, determined that approval of the request should be granted,

THE PLANNING COMMISSION/DESIGN REVIEW BOARD finds, based on the attached Findings of Fact and staff recommendation that granting this approval shall be with the following conditions:

1. *Outdoor lighting is limited to building-mounted only, and shall be directed away from the highway and from adjacent residential uses.*
2. *All parking spaces shall be hard surfaced, and all required parking spaces shall be double line striped, 2' wide on center. At least one handicapped space, subject to ADA requirements shall be provided.*
3. *Signage shall be limited to the wall sign shown by the applicant on the Design Review Drawing dated 1-12-96, and shall be subject to permit approval.*
4. *Auto's displayed for sale on-site shall be "operable" and maintained in a neat and clean manner. No auto repair shall be conducted on site.*
5. *The total number of employees on site at any one time shall be two (2).*
6. *Prior to issuance of a City Business License, site improvements as shown on the Design Review Drawings dated 1-12-96, and all conditions of approval, except landscaping, shall be satisfied.*

7. Applicant shall bring a landscaping plan reflecting the changes discussed by the Planning Commission/Design Review Board meeting of 1-23-96 to the next regularly scheduled meeting, February 13, 1996 for review and approval.

NOW, THEREFORE, BE IT RESOLVED, that the proposal is approved and that the Findings of Fact attached as Exhibit "A" are hereby incorporated by reference and adopted in support of this decision.

PASSED BY THE FLORENCE PLANNING COMMISSION/SIGN REVIEW BOARD, this 23RD day of JANUARY, 1996.



Robert Sneddon, CHAIRMAN
FLORENCE PLANNING COMMISSION

EXHIBIT "A"
FINDINGS OF FACT

I. PROPOSAL DESCRIPTION:

- A. Proposal: Change of Use/Design Review from general retail to used car sales
- B. Applicant: Willis Watkins
- C. Location: 3120 Highway 101 (Map 18-12-23-23 TL 3400)
- D. Surrounding Land Uses/Zoning:
- | | |
|--------|-----------------------------|
| Site: | Old Gingersnap Station - HD |
| North: | State Welfare Office - HD |
| South: | Fitness Center - HD |
| East: | Residential - RS |
| West: | Vacant - HD |
- E. Referrals/Correspondence:
- None

II. NARRATIVE:

Applicant proposes to change the use of this parcel from general retail to used car sales. Only a portion of the existing building which was the Gingersnap Station, and has been vacant for some time will be used for the office, while the front parking area will be used for sales display area.

The total lot area is 28,880 sq.ft. . The area proposed for use is 10,745 sq.ft. of lot area and 800 sq. ft of the 3,200 sq. ft. building area. Based on the area to be used, 12 cars are the number estimated to be displayed/sold.

III. APPLICABLE CODE CRITERIA:

1. Code Section 10-16-1 Highway District Purpose:

- G. To recognize the pre-existing development pattern of highway property and to insure it has continued use and value whenever possible and consistent with other concerns.

The applicant has proposed this use for an existing building which is currently vacant.

2. Code Section 10-16-2 Highway District permitted buildings and uses:

- A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, and single-family residential PUD's.

Automobile sales, new and used are permitted conditionally in the Commercial District. Therefore, this proposed use is permitted outright in the Highway District.

3. Code Section 10-16-4 Highway District General Criteria: Before a building or use is established within the Highway District, the petitioner must demonstrate to the City that the proposed development will meet the following criteria:

- A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.

The proposed use will be compatible with, and will not adversely affect, the development potential of adjacent properties. Directly adjacent to the north is the existing State of Oregon Human Resources building, while directly to the south is the 31st Street Right-Of-Way. There are vacant parcels to the west, and since only a portion of the parcel is being leased, it will not affect the properties to the east.

- B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.

The applicant is leasing only 800' of the 3200 sq.ft. building and only a portion of the parcel. The land area includes the area directly in front of the building and along the north side approximately 100' east of the Highway 101 ROW. The existing fence will be removed and the leased portion cleaned up. At this point in time the only change to the building will be the sign on the front wall.

- C. The location of the site can accommodate energy efficient traffic circulation routes.

Although staff would prefer access from 31st Street to discourage direct access to Highway 101, it is not improved beyond its entrance at Highway 101. Therefore, traffic will enter from a common driveway shared with the welfare office directly into the parking area. The area in front of the office will be for display of the cars for sale.

- D. The vehicle and pedestrian access to the site can be safely and efficiently provided.

There is an existing sidewalk along the front of the parcel with a shared 40' driveway with the welfare office from Highway 101.

- E. The necessary utility systems and public facilities are available with sufficient capacity.

Utilities are existing.

- 4. Code Section 10-6-5 General Criteria, Design Review and Code Section 10-16-5 Development Standards, Highway District. The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:

- A. Visual buffers, setbacks, yards, coverage, height density and similar design features.
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping.

The Florence Visual Management Plan and Site Design Policies state on Highway 101 and Highway 126 where frontage lots exist which are more than 100' deep, landscaping should be an average of 15 to 20' deep and 10% of the lot must be landscaped. The front landscape area is currently only 5' deep with an area in front of and adjacent to the building of 3'. These areas contain low growing evergreens and weeds. The applicant proposes to tear up existing pavement, establish a solid 12' landscaping area, and maintain a 3' landscape planter along the building wall. Since this building is existing, staff feels that some flexibility in this 15'-20' average depth may be appropriate. Sufficient room needs to exist for vehicle maneuvering in the outdoor display area. The existing planting area will be cleaned up and underground irrigation will be installed for all planting areas.

The applicant's landscape plan calls for Rhododendron's, mugo pines, evergreen tams, and bark. Because the Florence Comprehensive Plan encourages planting trees along streets in the commercial area staff recommends that several street trees (Kwanson Cherry) also be planted in the area directly adjacent to the sidewalk.

- C. The location and design of access points for vehicles and pedestrians.

See above

- D. Noise, vibration, smoke, dust, odor, light intensity and electrical interference.

There will be no excess noise, vibration, smoke, dust, odor, light intensity or electrical interference. Outdoor lighting is proposed by the applicant to be building mounted only, and must be directed away from the highway and from residentially zoned property to the east.

E. Parking areas and on site traffic circulation.

The proposed use requires 2 spaces per employee. The applicant states there will be 2 employees at a time, which will require 4 parking spaces. There are 6 spaces shown on the site plan, 1 of which is handicap accessible. All parking spaces must be hard surfaced and all required parking spaces shall be double line striped, 2' wide on center.

F. Signs.

The only sign proposed is on the face of the building. The sign will be white-faced letters with red-painted sides 28 sq.ft. This does not exceed the 6% allowed for wall signs. A permit is required for this wall sign.

G. Architectural quality and aesthetic appearance.

The building is existing and is of rustic appearance. There have been no changes to the building submitted at this time, and as previously stated, the applicant is only leasing 800 sq.ft. of the 3200 sq.ft. building.

IV. RECOMMENDATION

Staff recommends approval of the proposed use as shown on the Design Review Drawing dated January 12, 1996, subject to the following conditions:

1. The landscaped area behind the sidewalk shall be increased to a minimum of 12' in width, measured from the Highway 101 right-of-way line, and planted as shown on the applicant's revised Design Review Drawing.
2. At least three (3) street trees (Kwanson Cherries or other suitable flowering tree) shall be planted in the 12' wide landscape area.
3. Underground, automatic irrigation be installed in all landscaped areas. A permit be applied for and acquired for the irrigation system prior to installing.
4. Outdoor lighting is limited to building-mounted only, and shall be directed away from the highway and from adjacent residential uses.
5. All parking spaces shall be hard surfaced, and all required parking spaces shall be double line striped, 2' wide on center. At least one handicapped space, subject to ADA requirements shall be provided.

6. Signage shall be limited to the wall sign shown by the applicant on the Design Review Drawing dated 1-12-96, and shall be subject to permit approval.
7. Auto's displayed for sale on-site shall be "operable" and maintained in a neat and clean manner. The total number of auto's for display/sale shall not exceed twelve (12) at any one time. No auto repair shall be conducted on site.
8. The total number of employees on site at any one time shall be two (2).
9. Prior to issuance of a City Business License, all landscaping and site improvements as shown on the Design Review Drawings dated 1-12-96, and all conditions of approval shall be satisfied.

APPROVED BY THE FLORENCE PLANNING COMMISSION, this 23RD day of JANUARY, 1996.

___ without modifications

XX with the following modifications

Conditions #1, 2, and 3 are eliminated.

Condition #7 is modified removing the sentence "the total number of auto's for display/sale shall not exceed twelve (12) at any one time.

Condition #9 is modified to read "Prior to issuance of a City Business License all site improvements as shown on the Design Review Drawings dated 1-12-96, and all conditions of approval except landscaping shall be satisfied".

Condition #10 is added to read "Applicant shall bring a landscape plan, reflecting the changes discussed by the Planning Commission/Design Review Board at the 1-23-96 meeting, to the next regularly scheduled meeting, February 13, 1996".

Re-number conditions appropriately.

PLANNING COMMISSION
DESIGN REVIEW BOARD
RESOLUTION NO.96-2-13-2

IN THE MATTER OF AMENDMENT TO PARKING LOT DESIGN AND FOR APPROVAL
OF LANDSCAPE PLAN IN THE HIGHWAY DISTRICT

WHEREAS, application was made by Willis Watkins to amend the parking lot and to approve the landscape plan for used car sales at 3120 Highway 101, Map 18-12-23-23 TL 3400, in Highway District, and

WHEREAS, such application requires review by the City of Florence Planning Commission as a Design Review Board, City Code Section 10-6, and 10-16, and

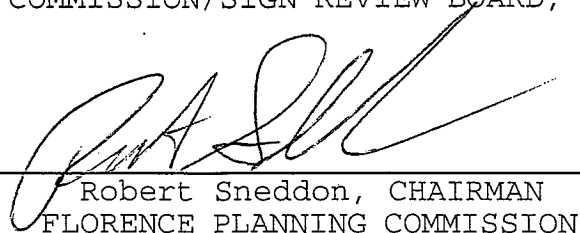
WHEREAS, the Planning Commission/Design Review Board met in public meeting on February 13, 1996 to consider the application, and after consideration of evidence in the record and testimony presented, determined that approval of the request should be granted,

THE PLANNING COMMISSION/DESIGN REVIEW BOARD finds, based on the attached Findings of Fact and staff recommendation that granting this approval shall be with the following conditions:

1. The landscaped area shall include at least three (3) street trees (Kwanson Cherry), be planted in the area at the entrance, along the sidewalk in front, and in the area to the south property line, the Rhododendrons be a minimum of 24" to 30" , the Kwanson Cherries be a minimum of 1 1/2" caliper, the Mugo Pines be 5 gallon and the evergreen Tams be 3 gallon size. Also that all landscaping be completed within 30 days of this approval.
2. Underground, automatic irrigation be installed in all landscaped areas. A permit be applied for and acquired for the irrigation system prior to installing.
3. All required parking spaces, four spaces (4), shall be hard surfaced, and shall be double line striped, 2' wide on center. At least one handicapped space, subject to ADA requirements shall be provided. All paving and striping for required parkings shall be completed within 90 days of this date (February 13, 1996).

NOW, THEREFORE, BE IT RESOLVED, that the proposal is approved and that the Findings of Fact attached as Exhibit "A" are hereby incorporated by reference and adopted in support of this decision.

PASSED BY THE FLORENCE PLANNING COMMISSION/SIGN REVIEW BOARD, this 13th day of February, 1996.



Robert Sneddon, CHAIRMAN
FLORENCE PLANNING COMMISSION

EXHIBIT "A"
SUPPLEMENTAL FINDINGS OF FACT

I. PROPOSAL DESCRIPTION:

- A. Proposal: Amendment to parking lot and landscape plan
- B. Applicant: Willis Watkins
- C. Location: 3120 Highway 101 (Map 18-12-23-23 TL 3400)
- D. Surrounding Land Uses/Zoning:
- | | |
|--------|-----------------------------|
| Site: | Old Gingersnap Station - HD |
| North: | State Welfare Office - HD |
| South: | Fitness Center - HD |
| East: | Residential - RS |
| West: | Vacant - HD |
- E. Referrals/Correspondence:
- None

II. NARRATIVE:

Applicant received Design Review Approval on January 23, 1996 for a change of use from general retail to used car sales at the above location. He was instructed at that time to return at the February 13, 1996 meeting of the Design Review Board to have his landscape plan reviewed and approved.

Applicant has now brought a new landscape plan showing the changes as suggested by the Design Review Board.

In addition, applicant has requested relief from Design Review condition #2, that all parking areas be paved, due to the extremely high cost. He is asking that we permit only the required parking to be paved.

III. APPLICABLE CODE CRITERIA:

1. Code Section 10-6-5 General Criteria, Design Review and Code Section 10-16-5 Development Standards, Highway District. The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping.

The landscape planter along the front property line will be 5' in depth with an area along the entrance 6' x 19' and another area at the south property line 9' x 28'.

The applicant's landscape plan calls for Rhododendron's, mugo pines, evergreen tams, and bark. Because the Florence Comprehensive Plan encourages planting trees along streets in the commercial area staff recommends that at least three street trees (Kwanson Cherry) also be planted in the area at the entrance, along the sidewalk in front, and in the area to the south property line.

Staff recommends the Rhododendrons be a minimum of 24" to 30" , the Kwanson Cherries be a minimum of 1 1/2" caliper, the Mugo Pines be a minimum of 5 gallon and the evergreen Tams a 3 gallon size. Also that all landscaping be completed within 30 days of this approval.

E. Parking areas and on site traffic circulation.

The proposed use requires 2 spaces per employee. The applicant states there will be 2 employees at a time, which will require 4 parking spaces. There are 3 spaces shown on the site plan, 1 of which is handicap accessible. One more parking space is required and can be accommodated in the same area as other parking is shown. All required parking spaces must be hard surfaced and shall be double line striped, 2' wide on center.

IV. RECOMMENDATION

Staff recommends approval of the proposed landscape plan as shown on the drawing dated February 6, 1996, subject to the following conditions, in addition to the Design Review Conditions of January 23, 1996:

1. The landscaped area shall include at least three (3) street trees (Kwanson Cherry), be planted in the area at the entrance, along the sidewalk in front, and in the area to the south property line, the Rhododendrons be a minimum of 24" to 30" , the Kwanson Cherries be a minimum of 1 1/2" caliper, the Mugo Pines be 5 gallon and the evergreen Tams be 3 gallon size. Also that all landscaping be completed within 30 days of this approval.
2. Underground, automatic irrigation be installed in all landscaped areas. A permit be applied for and acquired for the irrigation system prior to installing.
3. All required parking spaces, four spaces (4), shall be hard surfaced, and shall be double line striped, 2' wide on center. At least one handicapped space, subject to ADA requirements shall be provided. All parking lot improvements shall be completed prior to issuance of a business license.

APPROVED BY THE FLORENCE PLANNING COMMISSION, this 13th day of February, 1996.

 without modifications

XX with the following modifications

Condition #3 is modified to remove the last sentence and replace it with "All paving and striping for required parking shall be completed within 90 days of this date (February 13, 1996)."

Michelle Pezley

From: Carl Dependahl
Sent: Wednesday, August 03, 2011 5:50 PM
To: Michelle Pezley
Subject: RE: PC 11 10 CUP 02 Vet Clinic
Follow Up Flag: Follow up
Flag Status: Red

Michelle,
If no change is proposed to the building there are no specific requirements. However general requirements such as "exits", Oregon Fire Code, general occupant safety, and accesibility requirements may apply. Consider this as the Building Department referral response.

Carl Dependahl
Certified Building Official
City of Florence, Oregon
541.997.2141
carl.dependahl@ci.florence.or.us

From: Michelle Pezley
Sent: Wednesday, August 03, 2011 5:04 PM
To: Carl Dependahl; Eric Rines; ODOTR2PLANMGR@ODOT.STATE.OR.US; Ray Gutierrez; Maurice Sanders; Mike Miller; Frank Dietz; Dan Graber; ACastronuevo@ctclusi.org
Subject: PC 11 10 CUP 02 Vet Clinic

Hello All,

John Bachmann, DVM applied for a conditional use permit to place a veterinarian clinic in an existing building at 3120 Highway 101. There are no changes proposed to the site or to the building. Attached is the referral which provides the criteria for a decision. Please respond by August 12, 2011 to make sure your comments are incorporated into the staff report. The last day for comments is August 23, 2011 at 5:00.

Thank you,

Michelle
Michelle K. Pezley
Assistant Planner
250 Highway 101
Florence, OR 97439
Phone (541) 997-8237
Fax (541) 997-4109
michelle.pezley@ci.florence.or.us



Oregon

John Kitzhaber, Governor

Department of Transportation

Region 2

455 Airport Road SE, Bldg. B

Salem, Oregon 97301-5395

FILE CODE: 9-34
DRS Case No. 5008

August 12, 2011

Michelle Pezley
City of Florence
250 Highway 101
Florence, Oregon 97439

SUBJECT: ODOT Comments for Land Use File No. PC 11 10 CUP 02
APPLICANTS NAME John Bachmann, DVM
Assessor's Map Number, T18S, R12W, Section 23, Tax Lot 3400
Oregon Coast Highway, No. 9, US-101 at Mile Point 188.88
Lane County

Dear Michelle,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the conditional use permit application. This letter is submitted for inclusion in the public hearing record and ODOT should be considered a party to the land use action. Please provide a copy of the land use decision, notice of any time extensions or continuances, to ODOT at the address provided below, or you may provide notice to ODOT via e-mail. Electronic format is preferred.

Planning and Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE, Building B
Salem, OR 97301-5395

Electronic documents can be directed to:

ODOTR2PLANMGR@ODOT.STATE.OR.US

ODOT staff has completed a review of the submitted application and has the following comments.

The property abuts the Oregon Coast Highway, No. 9, Route No. US-101, and is subject to state laws administered by the Oregon Department of Transportation. These laws may

Exhibit E

require the applicant to obtain one or more state permits to carry out the intended use of the property, or to otherwise comply with state law without need for a permit.

The current property is accessed from US-101 by a single road approach (driveway). This driveway is shared by two properties; tax lots 3300 and 3400 as indicated on assessor's map 18-12-23-23. ODOT supports shared access for multiple properties and uses and would recommend the current access location be retained for both properties.

ODOT has reviewed its records and has determined the existing driveway does not have a road approach permit. The applicant can provide evidence of an existing permit or will need to submit An Application for State Highway Approach¹ for the existing connection to US-101. The road approach permit application is subject to review and compliance with approval criteria identified in Oregon Administrative Rule, specifically OAR 734-051. Additionally, highway improvements may be necessary to accommodate the road approach connection to the highway. The applicant should contact April Jones, Permit Specialist at the ODOT District 5 Maintenance Office at 541.726.2577 to obtain an application.

Furthermore, ODOT is recommending the City of Florence establish a condition of approval that the applicant record an access easement for the property on tax lot 3300 as indicated on assessor's map 18-12-23-23. ODOT can assist the applicant with this item during the road approach permit application process.

If you have any questions please feel free to contact me at 503.986.2732.

Sincerely,



Development Review Coordinator

cc: Electronic copies provided to:
Savannah Crawford, ODOT
Jeff Lange, ODOT
April Jones, ODOT
David Knitowski, PE, ODOT

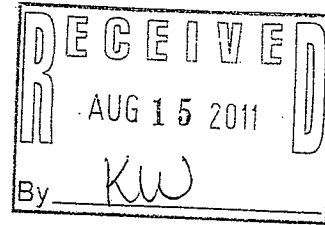
¹ Application information:
http://www.oregon.gov/ODOT/HWY/ACCESSMGT/docs/ODOT_Approach_App_0808_fillable.pdf



ARCHITECTURAL WERKS INC

12020 113th AVE NE
SUITE 210
KIRKLAND, WA 98034-6919

August 12, 2011



Michelle Pezley, Assistant Planner
City of Florence
City Hall, 250 Highway 101
Florence, OR 97439

RE: Conditional Use Permit Review for a new Veterinary Clinic: Dr. John Bachmann

Dear Ms. Pezley,

I appreciate the opportunity to speak with you yesterday in regards to the City's concerns about controlling sound from the proposed veterinary clinic noted above. As I noted when we spoke, we specialize in the design of these types of facilities and have been able to successfully work through similar concerns in other jurisdictions with the assistance of an acoustical engineer.

As you can imagine noise issue concerns in veterinary facilities are typically centered on the structure that contains the canine holding kennels. As such it is a fairly minor part of the overall facility and can usually be easily addressed to accommodate any reasonable measures for sound control that are required.

As long as we know the city's prescribed requirements, which according to our conversation, the city of Florence enumerates in decibel levels and time of day, we can engage a qualified acoustical engineer to determine and specify suitable construction techniques and materials necessary to meet those requirements. Along with our final drawings and permit application materials we would typically submit the acoustical engineers report and calculations supporting the drawings and details we submit so that you have a reasonable assurance that the facility, when completed, will be in compliance with the currently adopted ordinances and standards within the City of Florence. Please keep in mind that it is in the doctors' best interest that any measures specified work as planned and that the neighbors become partners in the success of his practice.

Dr. Bachmann would be agreeable to similar language being adopted in the final conditions of approval for this project if it is agreeable to the City of Florence.

I ask that you please call me with any further questions you may have.

Sincerely,
Architectural Werks, Inc.

Jeff Clark, President

Cc: John Bachmann, DVM
File 1143-4d

Exhibit F

Michelle Pezley

From: Sean Barrett [sean_svfr@hotmail.com]
Sent: Tuesday, August 16, 2011 4:32 PM
To: Michelle Pezley
Subject: vet clinic

I made it just in time. here is the code exert to allow me to require the brush clearing around the building:

OFC 504.1 "Required access. Exterior doors and openings required by this code or the international building code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official."

OFC 304.1.2 "Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises."

I am requiring a minimum three foot path around the building.

Sean Barrett
Fire Marshal
Siuslaw Valley Fire and Rescue
Florence OR, 97439
(541) 997-3212
(541) 997-9116 Fax
sean@svfr.org

Exhibit G