

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 15 15 EAP 01**

A REQUEST FOR A TWO-YEAR EXTENSION FOR THE APPROVED CONDITIONAL USE PERMIT FOR THE CLPUD TEMPORARY BUILDING LOCATED AT 966 HIGHWAY 101, MAP 18-12-26-32 TAXLOTS 05400, 05500, 05600, 05700.

**WHEREAS**, application was submitted by Gary Wenzel, representing Central Lincoln People's Utility District (CLPUD), for an extension to the approved CLPUD Temporary Building Conditional Use Permit, Resolution PC 12 03 CUP 02, as required by FCC 10-1-1-5, and FCC 10-4-8; and

**WHEREAS**, the Planning Commission/Design Review Board met in a duly-advertised public hearing on July 28, 2015 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received; and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-4-8, after review of the application, testimony and evidence in the record, that the application meets the criteria; and

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

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record, that the request for a two-year extension to the approved CLPUD Temporary Building, meets the applicable criteria of the Florence City Code.

The Planning Commission approves the request for a two-year extension of PC 12 03 CUP 02.

1. Approval shall be shown on:

"A" *Findings of Fact*

"B" Application for Extension

"C" Previous Resolutions PC 12 03 CUP 02

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

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees

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

3. The applicant shall abide by the Conditions of Approval of Resolution PC 12 03 CUP 02.
4. The Conditional Use Permit deadline with this extension shall be July 28, 2017.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 28<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
CURT MUILENBURG, Chairperson  
**Florence Planning Commission**

\_\_\_\_\_  
DATE

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

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<b>Public Hearing Date:</b>	July 28, 2015	<b>Planner:</b>
<b>Date of Report:</b>	July 21, 2015	Glen Southerland
<b>Application:</b>	PC 15 15 EAP 01	

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a two-year extension, ending July 28, 2017, for the approved conditional use permit for the CLPUD Temporary Break Room Building originally approved through Resolution PC 12 03 CUP 02.

**Applicant:** Gary Wenzel, representative for Central Lincoln People's Utility District (CLPUD)

**Property Owner:** 18-12-26-32 TL 05400: CLPUD  
18-12-26-32 TL 05500: CLPUD  
18-12-26-32 TL 05600: CLPUD  
18-12-26-32 TL 05700: CLPUD

**Location:** Northwest of Highway 126/Highway 101 intersection, south of 10<sup>th</sup> Street  
966 Highway 101  
Map 18-12-26-32 Taxlots 5400, 5500, 5600, and 5700

**Comprehensive Plan Map Designation:** Downtown District

**Zone Map Classification:** Mainstreet Area A (MSA)

**Surrounding Land Use / Zoning:**

**Site:** Central Lincoln PUD Office/Utility Yard / Mainstreet Area A (MSA)  
**North:** Le Chateau Motel/Edward Jones Investments / Commercial District  
**South:** True Value Hardware/Commercial / MSA  
**East:** Park Place/Commercial / MSA  
**West:** Shell Gas Station/Villa West Motel / MSA

**Streets / Classification:**

East – Quince Street / Local; North – 10<sup>th</sup> Street / Local; West – Highway 101 / Major Arterial Highway; South – Highway 126 / Major Arterial Highway

**II. NARRATIVE:**

The Central Lincoln PUD building at 966 Highway 101 was originally constructed prior to 1962, which is the date of the earliest City record regarding the building. The site received City sewer services in 1962. Several alterations and additions have

been completed at the site since 1980, namely the addition of a repository in 1980, an alteration of the building in 1981, an alteration of the storage building roof in 1984, and an addition in 1991 to the building which received a design review.

In 2011, CLPUD installed a trailer on the site on a temporary basis. An application for a conditional use permit was submitted on November 22, 2011 and deemed complete on March 23, 2012. Hearings were held regarding the application on April 24, 2012, May 8, 2012, and June 12, 2012. Approval for the building was issued by the Planning Commission on June 12, 2012.

The previous file number was PC 12 03 CUP 02, attached as reference.

As part of the 2012 approval, the building was granted temporary status as a crew office and was not required to meet the design review standards of the Mainstreet Zoning District because of its temporary status. The application was granted a three year temporary status and the ability to apply for a two-year extension prior to the expiration of the previous approval. At the end of the possible five year period, the applicant was required to remove the temporary building or bring the building into compliance with current code as a permanent structure.

The current application, PC 15 15 EAP 01 was received on June 10, 2015, prior to the expiration of the previous approval.

### III. NOTICES & REFERRALS:

**Notice:** On July 6, 2015 notice was mailed to surrounding property owners within 300 feet of the site. Notice was posted on the site on July 6, 2015. Notice was published in the Siuslaw News on July 22, 2015.

At the time of this report, the City had received written comments on the application from Mr. Joe Zelinski (Exhibit D).

Mr. Zelinski opposed the extension due to the location of the temporary structure in the Highway 126 Gateway area. He stated that if CLPUD needed a building on a permanent basis, a permanent structure should be built. He asked that the Planning Commission not allow the structure an open-ended exception to City Code.

**Referrals:** On July 6, 2015 referrals were sent to the Florence Police Department, Florence Public Works, Siuslaw Valley Fire & Rescue, and the Oregon Department of Transportation.

### IV. APPLICABLE REVIEW CRITERIA

**Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-5

Chapter 4: Conditional Uses, Section 8

**V. PROPOSED FINDINGS**

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**FLORENCE CITY CODE**

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

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

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**
- B. Notification of Hearing:**
  - 1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
  - 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

As an extension of approval period for a conditional use permit, the item is a quasi-judicial land use matter requiring a public hearing. Notification of the quasi-judicial land use hearing for this application was mailed on July 7, 2015, 22 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 22, 2015. The notification procedures meet the requirements of FCC 10-1-1-5.

- C. Notice Mailed to Surrounding Property Owners - Information provided:**
  - 1. The notice shall:**
    - a. Explain the nature of the application and the proposed use or uses which could be authorized;**
    - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
    - c. Set forth the street address or other easily understood geographical reference to the subject property;**
    - d. State the date, time and location of the hearing;**

- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
- f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; the street address of the property; the date, time and location of the meeting; the need to "raise it or waive it" appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

**D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.**

The Planning Commission will meet and decide upon the application in accordance with FCC 2-10.

**E. Action by the Planning Commission:**

- 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.
- 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive

**Plan was complied with and whether the requirements of the State law were met.**

- 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

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

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

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

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

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

- A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.**

**The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:**

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

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

The applicant has requested an extension for the 2012 Conditional Use Permit approval for the CLPUD temporary crew building. The applicant requested this extension on June 10, 2015, two days prior to the expiration of the original approval.

The applicant has requested this extension because plans for a new building location have been put on hold indefinitely. Central Lincoln PUD would like to exercise their remaining temporary approval period in order to explore alternatives.

Surrounding land uses have not changed since the original approval of the project. Some zoning has changed due to the implementation of Dark Sky Lighting code, however, this change is not significant enough to warrant denial of this extension of approval period.

The applicant has proposed a two-year extension of the Conditional Use Permit approval, ending July 28, 2017.

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## **VI. ALTERNATIVES**

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

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## **VII. CONCLUSIONS AND RECOMMENDATIONS**

Staff finds that the proposed application meets the requirements of City Code with the conditions of approval outlined below, and recommends that the Planning Commission approve the extension of granted approval.

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## **VIII. CONDITIONS OF APPROVAL**

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



1. Approval shall be shown on:

"A" Findings of Fact

"B" Application for Extension

"C" Previous Resolution PC 12 03 CUP 02

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

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. The applicant shall abide by the Conditions of Approval of Resolution PC 12 03 CUP 02.
4. The Conditional Use Permit deadline with this extension shall be July 28, 2017.

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## IX. EXHIBITS

"A" Findings of Fact
"B" Application for Extension
"C" Previous Resolution PC 12 03 CUP 02
"D" Zelinski Testimony Received July 20, 2015



RECEIVED  
City of Florence  
JUN 10 2015  
BY: VMPW

# CITY OF FLORENCE

Community Development Department, 250 Highway 101, Florence, OR 97439  
Phone (541)997-8237 Fax (541)997-4109

## APPLICATION FOR AN EXTENSION OF TIME

- Conditional Use
- Minor Design Review
- Major Design Review
- Change of Use
- Planned Unit Development
- Subdivision
- Minor Plat

Resolution Number: PC 12 03 CUP 02 Original Expiration Date: June 12, 2015  
 PC Approval Date: June 12, 2012 Revised Expiration Date: June 12, 2017

## APPLICANT INFORMATION

Applicant: Central Lincoln PUD Phone: 541-997-5619  
 Address: 966 Hwy 101 Florence, OR  
 Agent: Gary Wenzel Phone: 541-997-5619  
 Address: 966 Hwy 101 Florence, OR  
 Property Owner: Central Lincoln PUD Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_

## PROPERTY DESCRIPTION

Property Location (address, description of properties located directly north, south east and west):  
North/East Corner of Hwy 101 and Hwy 126 intersection  
To the North of property is 10<sup>th</sup> st., to the East is Quince st.

Map Number: 18-12-36-32 Lot Size: 5400 = 20,909 sq ft, 5600 = 24,394 sq ft, 5500 = 6,970 sq ft, 5700 = 6,534 sq ft  
 Tax Lot: 5400, 5500, 5600, 5700 Zoning Designation: Main Street Area A

## REQUEST DESCRIPTION

Basis for extension request (please be specific):  
Plans for new building location have been put on hold indefinitely  
looking at alternatives

## DECISION

Approved / Denied

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Community Services Director



**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 12 03 CUP 02**

A REQUEST FOR A TEMPORARY CONDITIONAL USE PERMIT, AND DESIGN REVIEW, to keep a temporary mobile building on site for three years, 966 Highway 101, Map Reference 18-12-36-32 Tax Lots 5400, 5500, 5600, and 5700, as applied for by the Central Lincoln PUD

**WHEREAS**, application was made by Gary Wenzel, Operations Supervisor, Central Lincoln PUD for a Temporary Conditional Use Permit and Design Review, as required by FCC 10-1-1-4, and FCC 10-4-3, and

**WHEREAS**, notice of the public hearing was to the surrounding property owners and posted onsite on April 4, as per FCC 10-1-1-4, and

**WHEREAS**, the Planning Commission/Design Review Board opened the public hearing on April 24, 2012 and the Planning Commission/Design Review Board continued the public hearing on May 8, 2012 to allow for notice of the hearing to be published in the Siuslaw News on May 2, 2012

**WHEREAS**, the Planning Commission/Design Review Board continued the public hearing to June 12, 2012 after the applicant agreed to waive the 120 day requirement per ORS 227.178, and as outlined in Florence City Code, to consider the application, evidence in the record, and testimony received, and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-4-10, and FCC 10-4-11 after review of the application, testimony and evidence in the record, shown in the Findings of Fact (Exhibit A) that the application complies with the Comprehensive Plan with certain Conditions of Approval; and

**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 evidence in record that:

The Conditional Use Permit request for a temporary building space for a government agency is allowed by City code. The temporary building does not fully comply with the city's code requirements, but the temporary placement will not have any detrimental impacts on the community. The community will benefit from the added landscaping outside the fence within the highway right-of-way. Allowing the temporary building complies with Comprehensive Plan with the conditions listed below:

**Furthermore, the Conditional Use Permit is granted for three years. The property owner may apply for a two year extension within 120 days prior to the expiration of the conditional use permit. The Planning Commission will review the extension**

application based criteria listed in FCC 10-4-7. Once the conditional use permit expires, Central Lincoln PUD shall remove the temporary building.

**Conditions of Approval:**

**Failure to meet the conditions of approval within the time frame listed, the City will start the revocation process of the Conditional Use Permit.**

1. Approval shall be shown on:

"A" Findings of Fact
"B" Site Plan, and Floor Plan
"C" Applicant's Narrative
"D" Vision Clearance Area of Violation
"P" Landscaping Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior or ADA access which are regulated by 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 application, including text and exhibits, staff reports, testimony and/or discussions, the property owners agree 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 property owner shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permit.

3. The property owner shall apply for a building permit for the temporary building and deck.

4. Within 60 days of the Planning Commission's approval, the applicant, property owner or representative shall notify staff once the slats are removed which are within the vision clearance areas. This also may include moving a spool of wire as well.

5. General maintenance of the property is required by City Code. If the property owner, applicant and/or representative choose to resurface the parking lot, prior to work, the contactor shall obtain a building permit and submit a required parking plan per FCC 10-3-8-K.

6. Within 60 days of the Planning Commission's approval, any open sands on the property or within the right-of-way along the property line shall be covered with ground cover and/or wood chips as required by FCC 4-1-15-3.

7. Within 60 days of the Planning Commission's approval, the applicant shall provide the City with a written statement from the landscaper that the landscaping will cover 70 percent of the landscaped areas within the next 5 years.

8. The applicant shall ensure that the ground cover plants are spaced at a minimum of 18 inches on center for 4 inch pots and 1-2 gallon size plants be planted with a minimum of three feet on center. Furthermore, the applicant shall ensure all the Austrian Pines to be a minimum of five feet tall (Nursery Grade 5/6) at the time of planting.

9. Within 60 days of the Planning Commission's approval, the applicant, property owner and/ or representative shall install the additional landscaping as outlined in Condition 8 and the approved landscaping plan. The applicant or representative shall contact the Planning Department directly for inspection of landscaping at (541) 997-8237.

**OTHER REQUIREMENTS:**

10. If it is determined that this building is to become a permanent structure on this site or if/when additional improvements are proposed, then the existing sidewalks in the public right of way should be brought into ADA compliance in proportion to the scope of the improvements.

11. If Central Lincoln decides to keep the modular building permanently on site, a design review approval is required. The application shall be submitted 120 days prior to the expiration of the Conditional Use Permit. The building will be reviewed with the applicable criteria which exist at the time of application submittal.

12. The property owner is responsible for maintenance of the landscaping. If any of the plants do not survive, the plant shall be replaced with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 12<sup>th</sup> day of June, 2012.**

  
\_\_\_\_\_  
JAN NIEIBERLEIN, Chairperson  
Florence Planning Commission

06-14-12  
DATE

**EXHIBIT A: FINDINGS OF FACT  
FLORENCE PLANNING COMMISSION**



**Hearing Date:** April 24, 2012  
**Application:** PC 12 03 CUP 02

**Planner:** Michelle Pezley

**I. PROPOSAL DESCRIPTION**

**Proposal:** An application for a temporary conditional use permit for the temporary building located south of Central Lincoln Public Utility District office building.

**Applicant/ Property Owner Representative** Gary Wenzel, Central Lincoln Public Utility District (PUD)

**Location and Site:** 966 Highway 101, entire block within Highway 101, Highway 126, Quince Street and 10<sup>th</sup> Street.  
Map and Tax lot # 18-12-26-32- 5400, 5700, 5600, 5500

**Comprehensive Plan Map Designation:** Downtown

**Zone Map Classification:** Main Street Area A

**Surrounding Land Use/Zoning**

**Site:** Central Lincoln PUD office and storage/ Main Street  
**North:** Edward D. Jones/ Commercial  
**South:** Dune Village Shopping Center (True Value, Subway, Florence Liquor Store, Dunes Café, Florence Dry Cleaners, a laundry mat, and vacant space)/ Main Street  
**East:** former county building in misc. commercial use/ Main Street  
**West:** Villa West Motel and Shell Gas station/ Main Street

**Streets/ Classification:**

Highway 101 and Highway 126 – Major Arterial Facilities  
Quince Street- Collector Street  
10<sup>th</sup> Street- Local Street

**II. NARRATIVE**

Background:

According to the City records, the Central Lincoln Public Utility District (PUD) main office and storage building were built on the site prior to 1962. In 1962, the site was connected to City sewer. In 1991, the City approved a design review for an addition to Central Lincoln PUD Office building.

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Department of Land Conservation and Development.



Project Description:

On October 11, 2011 Planning Commission meeting, Planning Commissioner Hoile pointed out that Central Lincoln PUD had added a trailer to be used as a temporary building and had added a cover for the building. Staff did not noticed the building and said they would follow up on the observation. The city's response to a land use violation is to work with the property owner to gain compliance. Staff contacted Central Lincoln PUD and a representative dropped off an application for the building on November 22, 2011. Staff worked with the PUD in identifying additional information needed (see Exhibit G) and the PUD completed the application on March 23, 2012.

Central Lincoln PUD has applied for a conditional use permit for the temporary building that is used as a crew office. The former crew office is being used to hold inventory. The applicant stated that the building is intended to be there for three years with the possible extension of two year lease.

Prior to the temporary building, the area south of the PUD office consisted of landscaping. The property owner removed 2,800 square feet of landscaping or 3.9% of the site. The site is now non-conforming to the landscaping requirements. In reviewing the application during the May 8<sup>th</sup> public hearing, the Planning Commission was concerned that the property was over the lot coverage required in the Main Street Zoning District. During the hearing, the applicant agreed to add landscaping to the area around the temporary building. The Planning Commission continued the public hearing to June 12, 2012, allow the applicant to submit a new landscaping plan to increase the percentage of landscaping. The applicant also agreed to add additional landscaping in the right-of-way to improve the visual entrance into the community. The applicant's landscaping plan increases the lot coverage to 10.4%, which meets the landscaping coverage requirement by Main Street Zoning District.

Since the building is proposed to be temporary, the architectural design guidelines are waived as well as the other design review criteria. If the building is proposed to become permanent, Central Lincoln PUD will be required to apply for design review for the modular building and be required to meet the codes at the time of application.

### **III. REFERRALS/ NOTICES**

**Referrals:**

Referrals were sent to Florence Public Works, Building, and Police Departments; Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw; and Siuslaw Valley Fire and Rescue on April 4, 2012.

On April 2, 2012 Building Official Carl Dependahl sent Mr. Wenzel the following comment:

"While the approval of the trailer at the PUD yard is being contemplated, I must point out that for the (semi) permanent status of the trailer; it is required to provide an "accessible path" into the space per ADA and OSSC 1103/1109. If this were just a temporary "job-shack" type trailer, the space may be exempt, but it appears that this is a "common area" (break room/office space?) for workers at the PUD. Therefore accessibility is required. The ADA regulation requires a compliant ramp and access into the trailer."

However, on June 5, 2012, Mr. Dependahl stated, "After review of the trailer floor plan and discussion with the applicant, I have determined that the space is a workstation for PUD line staff and is not a break or lunch room for "common use" by all employees or the public. As a workstation, the space may be considered exempt from accessibility requirements that apply to common-use areas."

On April 4, 2012, Sean Barrett, Fire Marshal for Siuslaw Valley Fire and Rescue responded by stating that the fire district approves the project.

On April 16, 2012, Dan Graber, City Engineer had the following comments:

"There are significant ADA deficiencies in the sidewalks surrounding the site. If it is determined that this building is to become a permanent structure on this site or if/when additional improvements are proposed then the existing sidewalks in the public right of way should be brought into ADA compliance in proportion to the scope of the improvements. Currently there is a mailbox proposed on 10<sup>th</sup> Street that will require reconstruction of the sidewalk path around the mailbox being placed near the curb. There are trip hazards in the sidewalk panels and adverse grades in the driveway apron adjacent to this mailbox/sidewalk modification. The repair of at least the hazard portion is proportional to (within the vicinity and impact of) the improvement and may be considered necessary to maintain the equal opportunity employer status of the business. Without the corrections to the hazards the mailbox location could be difficult to access by employees with disabilities." **(Condition 9)**

Additional referrals were sent to Central Coast Disposal and County Transfer on May 7, 2012.

On May 11, Dan Webb Manager of County Transfer and Recycling responded that County Transfer likes to work with their clients in finding a location of the trash enclosures. He points out enclosures which require the hauler to turn or push the container increases the risk of injuries to the haulers. (see Exhibit O)

**Notices:**

On April 4, 2012, notice was mailed to property owners within 300 feet of the sites and a notice of land use decision pending sign was posted in front of the temporary building. The notice was also published in the *Siuslaw News* on May 2, 2012.

No comments were received.

#### IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 3: Off-Street Parking and Loading- Sections 3, 4, 5, 8, 9, 10

Chapter 4: Conditional Uses- Sections 7, 9, 10, and 11-E-1-b

Chapter 6: Design Review- Section 5

Chapter 27: Main Street District- Sections 2-6

Chapter 34: Landscaping- Sections 2-5

Chapter 35: Access and Circulation- Sections 2-8 and 3

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement: Policy 4 and 6

Chapter 2: Land Use section Commercial: Policy 1, 3, 4, and 6

#### V. FINDINGS

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

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#### TITLE 10, CHAPTER 4: CONDITIONAL USE PERMIT

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##### **FCC 10-4-11-E: Temporary Mobile Building Space:**

**1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:**

**a. Temporary offices accessible to the general public for use during construction or remodeling.**

**b. Temporary building space for education, nonprofit and government agencies.**

PUD is proposing a temporary building to be used for its crew for up to five years. A public utility district is considered a governmental agency because people vote representatives to the board.

Due to the fact that the building will only be in the proposed location for a few years staff recommends that the applicant does not meet full compliance for all the code requirements, such as lot coverage, landscaping, design criteria, and sidewalks.

The code allows a temporary building as a conditional use permit as listed in FCC 10-4-11-E and FCC 10-4-2. The City approved other temporary buildings within the last 10 years with waving a few of the development requirements because of the temporary nature of the buildings.

Two examples:

The Church on the Rock at 1750 18<sup>th</sup> Street was approved to have a temporary modular building to add a classroom for three years in 2003. The City did not require the church to add additional parking or landscaping. In 2007, Peace Harbor Hospital received a conditional use permit for a temporary modular which was attached to the rear of the

main hospital building for three years with a possible extension of three years. The City waived the design review criteria and paved parking requirements.

**Conclusion:**

The applicant is proposing the modular building to be a temporary building for three years with an option of a two year renewal. The request is consistent with other approvals for a temporary conditional use permit. Furthermore, although the temporary building does not meet city code in terms of design standards, there will be an overall benefit to the community with the added landscaping outside the fence within the ODOT right-of-way.

**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 overall project complies with the Comprehensive Plan as indicated in the Comprehensive Plan section below.

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

Please refer to section FCC 10-4-10 for the outline of general conditions for a conditional use permit.

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

The applicant proposes a temporary building on a site where the use is allowed. The building is proposed to be on the site for three years with a possible two year lease renewal. FCC 10-4-11-E allows the City to approve a temporary building for education, nonprofit, and government agencies. A public utility district is considered a governmental agency because people vote representatives to the board. The temporary building is not taking adequate land for permitted uses but is adding infill to land already for 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.**

As mentioned above in the design review section, since the building is proposed to be temporary and only be in location for no more than five years the design criteria are not

necessary. If Central Lincoln PUD decides to keep the building for longer than what is approved, the PUD will have to apply for a design review and may have to make modifications to the building.

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

The temporary building is not connected to water or sewer. The building is smaller than 500 square feet and will not need to submit a stormwater drainage plan directed in FCC 9-5-2-4-B. Stormwater runs off the building and goes into the gravel area around the building. The public facilities, public services and utilities within the area are adequate to support the project.

**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).**

There are no concerns from Siuslaw Valley Fire and Rescue and the Police Department did not respond to the referral request. If the larger trucks do not have problems with access to the site, then smaller vehicles should not have problems. Therefore, the site has adequate access for vehicles. Dan Graber stated in Exhibit J, that the site does not have adequate ADA accessibility to the site as the sidewalks are not in conformance with the ADA requirements. If it is determined that this building is to become a permanent structure on this site or if/when additional improvements are proposed then the existing sidewalks in the public right of way should be brought into ADA compliance in proportion to the scope of the improvements. **(Condition 10)**

**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.**
- B. Requiring fences, walls, screens and landscaping plus their maintenance.**
- C. Regulation and control of points of vehicular ingress and egress.**
- D. Regulation of noise, vibration, odors, and sightliness.**
- E. Requiring surfacing of parking areas.**
- F. Requiring rehabilitation plans.**
- G. Regulation of hours of operation and duration of use or operation.**
- H. Requiring a time period within which the proposed use shall be developed.**
- I. Requiring bonds to insure performance of special conditions.**
- J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.**

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

There are no additional conditions proposed.

**10-4-7: EXPIRATION OF CONDITIONAL USE PERMIT:** Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

**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.**

FCC 10-4-2 states, **"10-4-2: USE PERMIT PREREQUISITE TO CONSTRUCTION:** When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent."

The code is in conflict in regards to allowing temporary conditional use. The applicant is proposing a temporary use which is allowed in FCC 10-4-2 and FCC 10-4-11-E. The applicant already added the temporary building on-site. To gain compliance to the City Code, the applicant applied for a temporary conditional use permit. The applicant will be required to apply for a building permit (**Condition 3**). The temporary building is on blocks with the tongue and hitch still attached to the building. The Planning Commission agreed that the building will not be placed on a permanent foundation, but a temporary foundation which will be approved by the Building Official.

The intent with defining substantial construction was to provide a benchmark in which to determine of the expiration of approval. The intent was to have the benchmark be greater than requiring the issuance of a building permit. The building permit process is allowed to last as long as needed as long as there is an inspection every six months.

In this situation, the building is already in place and therefore, once the Building Official approves the temporary foundation, the applicant will meet the benchmark of substantial construction.

The applicant proposes the temporary building will be at the existing location for three years. If the applicant, property owner or representative chooses to have the building

for another two years, the applicant shall apply for an extension to include findings on how the application meets the criteria for an extension which exists at the time of application submittal prior to 120 days of the approval expiration date. (as listed in approval)

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## **CHAPTER 27: MAIN STREET DISTRICT, AREA A**

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**10-27-1 Purpose.** The Mainstreet District is intended to provide an area for small and medium sized commercial uses that are appropriate in a traditional, historic downtown. It is also intended to encourage revitalization of the downtown area, and to maintain adequate traffic flows on Highway 101, while providing a pedestrian friendly environment.

The Central Lincoln PUD is a medium sized commercial use. The proximity to Highway 101 and 126 make it easy for customers to find the office as it has been in that location for many years.

### **10-27-2 Permitted Buildings and Uses**

**n. building maintenance services**

**aaa. Offices for the following:**

- General administration
- Offices similar to the above but not specifically listed

**ppp. public buildings and uses similar to buildings and uses listed in this section**

Central Lincoln has its general administration office which allows customers to drop off payments or ask questions. The building also contains a conference room. Central Lincoln also has a storage building and storage of equipment within a gated fence. The storage areas are a similar use to a building maintenance service area. Therefore, the existing uses are allowed within the district.

### **10-27-4 Lot and Yard Dimensions**

**A. Minimum Lot dimensions: The minimum lot width shall be 25'.**

The site has streets on each side of the lot. According to FCC 10-1-4, the front is considered the shortest side of a corner lot. The shortest side is along Highway 101, which is 120 feet wide. The site meets the minimum dimension requirement.

**B. Minimum Lot Area: The minimum lot area shall be 2500 square feet.**

The site meets the minimum square footage. The site consists of five tax lots which equals to 58,381 square feet or 1.3 acres.

**C. Lot coverage: The Design Review Board may allow up to a maximum of 90% lot coverage by buildings and other impervious surfaces.**

During the 1991 review for Central Lincoln PUD, the lot coverage was 100% for building and impervious surfaces. The City was more concerned with the landscaping along the right-of-way at the time. However, during the Design Review in 1991, Central Lincoln PUD did propose lawn where the temporary building is located. According to the site map in Exhibit B, the site consists of 94% lot coverage by buildings (including new building) and other impervious surfaces. Landscaping was removed to add the temporary building. During the public hearing on May 8, 2012, the applicant agreed to add additional landscaping around the temporary building and provide the landscaping plan to the June 12<sup>th</sup> hearing. The landscaping plan as shown in Exhibit P decreases the lot coverage of non-landscaped areas to 89.6% of the site; therefore, the applicant meets the lot coverage.

#### **D. Yard Regulations:**

##### **Area "A":**

- 1. Front yards: Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.**
- 2. Side and rear yards: Buildings may be zero lot line, provided that all Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen foot (15') buffer may be required.**

The applicant indicated that the chain link fence is on the property line. The temporary building is one foot from the property line. The temporary building will need a building permit and therefore, the building code requirements will be reviewed at that time. The temporary building is in compliance with the setback requirements.

#### **10-27-5 Site and Development Provisions**

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

##### **Area "A":**

**Buildings shall be a minimum of 20' in height. This measurement may include a building façade as opposed to a total building height of 20'. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38' for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:**

- 1. The building or structure has an approved fire extinguishing system.**
- 2. The building or structure is in scale with and/or complements surrounding structures.**
- 3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.**



4. The building will contain mixed uses with retail at the street level.
5. The site has physical constraints/opportunities which are best addressed by a taller building.
6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.

The building height is 13 feet measuring from the highest point to the ground. The temporary building does not meet the height requirement. Since the applicant is proposing the building to be placed on site temporarily, a condition to meet the height requirement is not necessary at this time. If the applicant proposes the building to remain on the site longer than approved, the building will need a building façade to meet the height requirement. **(see Condition 11)**

**Area "A":**

**A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors. Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.**

**Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.**

With the removal of approximately 2,800 square feet of landscaping in order to place the temporary building on the site, the site consists of 6% landscaping or 3,470 square feet. The 6% includes the window box that is under the roof line and the six trees in the right-of-way.

Prior to the removal of the landscaping, 10.7% of site was covered in landscaping. With the removal of the vegetation to add the temporary building, the lot is currently not in conformance with the landscaping coverage requirement. The applicant agreed to add more landscaping to bring conformance with the lot coverage. The applicant provided a new landscaping plan, as shown in Exhibit P which increases the landscaping of the entire site to be 6,091 square feet or 10.4% of the site.

**C. Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.**

The applicant does not propose changes to the access. The building is temporary in nature and the applicant and the access and circulation for vehicles and pedestrians will be reviewed for ADA compliance if the property owner chooses to keep the modular building permanently on site. **(see Condition 10)**

**1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.**

The site has no access on to Highway 101. Furthermore, the Access Management Plan for Highway 101 in Downtown Florence does not go north of 9<sup>th</sup> Street. Therefore, this requirement does not apply.

**2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.**

**a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6' in width with 6' of clear walkway if there is no on-street parking on that side of the street.**

**3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.**

The existing sidewalks located around the site are not in compliance with the eight foot wide sidewalk and ADA requirements with the exception of the majority of the sidewalk along Quince Street. The temporary building will be 400 square feet. Due to the fact that the small building is temporary; modifications to the sidewalks will not be required. However, the applicant proposes the building to remain on the site longer than approved, improvements to the sidewalks may be required.

#### **D. Parking and Loading Spaces**

##### **Area "A":**

**Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant's lot is located, or in a shared lot in another block. Business/property owners are strongly encouraged to cooperate in proposing joint parking agreement areas as part of development or redevelopment proposals. Parking will not be permitted in front yards. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site shared parking lot is planned and approved, but not yet constructed, and/or may require the applicant or owner to sign a non-remonstrance agreement for parking improvements. Parking standards in Chapter 3 of this Title shall be used as a guideline for determining parking need. Bicycle racks shall be provided either in the interior parking lot, or by an entrance if located outside the required minimum 6' pedestrian walkway.**

The site plan shows 28 parking spaces and the former approval indicates that there are 12 interior bay parking spaces for company vehicles. There is no on street parking along Highway 101 or Highway 126. There is a bike rack located under the roof line

next to the walkway to the main entrance. The bike rack can hold up to 4 bicycles. Please refer to the parking section below for determining parking need.

#### E. Vision Clearance.

Refer to Section 10-1-4 and 10-35-2-13 of this Title for definitions and requirements.

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.

The site has two existing driveways off of 10<sup>th</sup> Street, which require vision clearance areas that are ten feet by ten feet on each side of the driveway. The site also has a vision clearance area at the corner of 10<sup>th</sup> and Quince Streets which is 20 feet by 20 feet on each side of the intersection. The chain link fence with slats is within the vision clearance area within the driveway to the west and within the corner of 10<sup>th</sup> and Quince Streets.

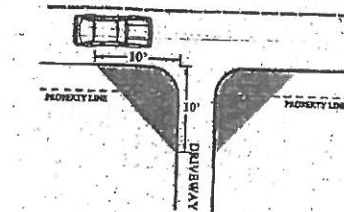
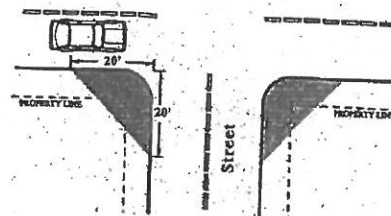


Figure 10-35(4)



Within 60 days of the Planning Commission's decision, the property owner, applicant and/or representative shall notify staff once the slats are removed from the vision clearance area to be similar to the Pro Lumber's fence on the corner of 2<sup>nd</sup> and Maple Streets. **(Condition 4)**

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

No new signs are proposed for the temporary building; therefore, criterion does not apply.

**G. Lighting.**

**Street lighting and lighting of interior parking lots and walkways shall conform to the following lighting standards:**

- 1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.**
- 2. Lighting shall be pedestrian scaled.**
- 3. Light fixtures shall be placed to allow adequate illumination for safe pedestrian and vehicular movement. Lighting plans shall show illumination fields for each fixture.**
- 4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.**

As shown in the pictures of the temporary building, the building has one light located on the building next to the entry way. The main building has two light fixtures to light the southern area. The lighting is adequate for safe pedestrian and small motor vehicular movement around the temporary building. The small motor vehicles that are able to be south of the main building are fork lifts. The electricity to the building is located underground and the communication (phone/internet) cable is located overhead. The applicant meets the lighting requirements.

**H. Design Review.**

**All uses except single family and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility.**

The building is temporary in nature and not proposed to be on the site more than five years. The Downtown Architectural Guidelines will not be imposed at this time, but will be reviewed if the property owner wishes to keep the building longer than the conditional use approval.

**I. Trash Enclosures.**

**All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least 6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.**

The site has recycling and trash receptacles on the eastern side of the main building. The Planning Commission found that the trash receptacles are screened by the chain link fence around the perimeter of the site that adequately screens the trash receptacles.

**J. General Provisions.**

1. **Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.**
2. **Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet 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.**

Central Lincoln PUD does have outdoor storage of parts and wires. The outdoor storage is screened from pedestrian and vehicle traffic with a chain link fence with slats. The outdoor storage has been on the site since Central Lincoln PUD has been on the site.

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

The applicant is not proposing to add water or sewer to the temporary building. The applicant is not proposing to improve sidewalks or streets. Therefore, the criteria in Title 10, Chapter 36 do not apply.

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

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**10-6-5: GENERAL CRITERIA:** The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

Majority of the criteria for design review are reviewed in the Main Street District criteria. The applicant proposes the building to be temporary and at this time, the design of the building is not necessary. Design review will be required for the building if the applicant chooses to keep the building longer than approved. **(Condition 11)**

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**FCC 10-3: OFF STREET PARKING AND LOADING**

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**10-3-3: MINIMUM STANDARDS BY USE:** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1, or alternatively, through a separate parking demand analysis prepared by the applicant and approved by the Design Review Board. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.

**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.

**-Meeting rooms, private clubs and lodges:** 10 spaces plus 1 space per each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.

**-Public and semi-public buildings** 1 for every 400 square feet of floor area. Special review may be given by the Design Review Board.

The PUD building has a 696 square foot meeting room which requires 10 parking spaces. The parking spaces may be located on the street within non-residential areas within 800 feet of the building. There are 12 spaces (six on 10<sup>th</sup> Street and six on Quince Street) which were approved for the PUD in 1991. The building is considered a public or semi-public building and requires 26 spaces (excluding the meeting room) and the new temporary building requires one space. The site plan shows 28 parking spaces. The proposal meets the parking requirements.

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

**A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;**

**B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**

**C. Accessible spaces shall be grouped in pairs where possible;**

- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Minimum of Accessible Parking Spaces with min. 96" wide access aisle	Van Accessible Parking Spaces with min. 96" wide access aisle
1 to 25	Column A	1	0
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

The site has one ADA van accessible parking space, and one ADA accessible parking space. The two ADA spaces are the two spaces closest to the main door. The proposal meets the criteria.

**10-3-8-D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:**

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.

There is a six inch curb around the parking lot; therefore, the applicant meets this criterion.

**10-3-8-J. Building permits are required for all parking lot construction or resurfacing.**

At any time the property owner chooses to resurface the parking lot, a building permit is required and the applicant shall submit the required parking plan as outlined in FCC 10-3-8-K. **(Condition 5)**

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

**A. Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.

**B. Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

**C. Long Term Parking.** Long term bicycle parking requirements are only for group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.

**D. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less.

**E. Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

**F. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.

**G. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

**H. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board may waive the bicycle parking requirements.

The site consists of 28 parking spaces; therefore, three bicycle parking spaces are required. Central Lincoln PUD has one bicycle rack which has room to lock up four bikes. The bike rack is located under the breezeway out of the pedestrian walkway. The breezeway has lighting which provides security for the bike parking as well. Central Lincoln PUD meets the bicycle requirements.

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## **10-34: LANDSCAPING**

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



**A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)**

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

The Planning Commission found two violations to the City Code with the applicant adding a building prior to approval and removing landscaping that was needed to meet the 10% lot coverage. During the public hearing on May 8<sup>th</sup>, applicant agreed to add landscaping around the building and within the right-of-way. The Planning Commission approved the landscaping plan and found that the proposed landscaping plan by Laurel Bay Gardens meets the landscaping coverage.

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

**A. The location and height of existing and proposed fences and walls, buffering or screening materials.**

**B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.**

**C. The location, size, and species of the new proposed plant materials (at time of planting).**

**D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.**

**E. Existing and proposed building and pavement outlines.**

**F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.**

**G. Other information as deemed appropriate by the City Planning Official.**

As shown in Exhibit P, the applicant submitted a landscaping plan which shows the location, size and species of the plants. The applicant proposes many different plants, mostly shrubs and ground cover plants. The applicant proposes to expand the existing drip irrigation to add in the growth of the new plants. The applicant also proposes pocket-planting with a soil compost blend around plants and trees at the time of planting.

**10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.**

Central Lincoln PUD removed approximately 2,800 square feet of landscaping in order to place the temporary building on the site. Prior to the removal of the landscaping, 10.7% of site was covered in landscaping. Because of the landscaping removal, the Planning Commission required a landscaping plan prior to approval of the Conditional

Use Permit. The applicant proposes to add 2,621 square feet of landscaping to bring the lot coverage to 10%. The proposal meets this criterion.

Furthermore, the applicant also proposes to add landscaping within the right-of-way to improve the visual view of entering into the City from Highway 126. The applicant stated that CLPUD received ODOT's permission from Louis Bernhardt to plant within the right-of-way. (See Exhibit P)

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

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

The property has 954 feet of street frontage. The area which was cleared is 100 feet of street frontage. As shown in Exhibit P, applicant proposing 12 trees, 50 shrubs, and 124 ground cover plants. The code requires four trees and 30 shrubs to be planted on the site along the 100 feet of street frontage so the proposed landscaping exceeds minimum requirements for this portion of the site. There are a few spots of open sand along the street frontage. Those spots are required to be covered with ground cover and/or wood chips prior to final occupancy of the temporary building as required under FCC 4-1-15-3. **(Condition 6)**

- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.**

Landscaping shall cover a minimum of 70 percent in five years. Prior to final inspection, the applicant shall provide a written statement from the landscaper that the landscaping will cover 70 percent of the landscaped areas within the next 5 years. **(Condition 7)**

- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.**

The applicant proposes the landscaping within the first 20 feet of the southwest and southeast property lines. The proposal meets this criterion.

- 5. Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

The applicant meets this criterion. The applicant proposes the trees and plants to be planted with a soil compost blend.

**B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.**

No noxious weeds are proposed and not known on the site; therefore, the proposal meets this criterion.

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

**A. Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, consistent with the purpose of this Chapter. A suggested Tree and Plant List for the City of Florence and the Sunset Western Garden Book are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. **Ground Cover.** Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a minimum of 18 inches on center, and 1-2 gallon size plants shall be spaced a minimum of 3 feet on center.

2. **Shrubs.** Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.

3. **Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

5. **Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

The proposed plants as shown in Exhibit P are listed in the *Tree and Plant List for the City of Florence* or *Sunset Western Garden Book*. The ground cover landscaping shall comply with the spacing requirements as listed above at the time of planting which is 4-inch pots shall be spaced a minimum of 18 inches on center, and 1-2 gallon size plants shall be spaced a minimum of 3 feet on center. **(Condition 8)** Evergreen trees, such as the Austrian Pine are required to be a minimum of five feet tall. **(Condition 8)** Within

60 days of the land use approval, the applicant or representative shall call the Planning Department for inspection of landscaping at (541) 997-8237. The landscaping shall be planted in accordance with Exhibit P and Condition 8. **(Condition 9)**

**B. Existing Native Vegetation. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.**

The existing native vegetation is planted within the right-of-way and will not qualify for the preservation credits.

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

The applicant's landscaping plan indicates that the existing drip irrigation will be expanded to water the proposed plants.

**10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:**

- A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;**
- B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the Tree and Plant List for the City of Florence installed per island;**
- C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;**
- D. Irrigation is required for interior parking lot landscaping to ensure plant survival;**
- E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and**
- F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.**

There is no landscaping within the existing parking lot; therefore, the site is not in conformance with the parking lot landscaping requirements. Due to the fact that the

building is pre-existing, no additional landscaping will be required within the parking lot at this time.

**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.)

**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.

The existing site does have outdoor screening. The applicant is proposing to add landscaping along the Highway 126 right-of-way to add in screening PUD's outdoor storage.

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

The property owner is responsible for maintenance of the landscaping. If any of the plants do not survive, the plant shall be replaced with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. **(Condition 12)**

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **Chapter 1: Citizen Involvement**

**Policy 4: Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

The Planning Commission agenda will be posted on the City's website and emailed to those who asked to receive the meeting agendas by the Friday before the hearing.

## **Chapter 2: Land Use section Commercial Policies**

**1. The City shall maintain an adequate inventory of commercial lands for the planning period to accommodate a sustainable level of commercial goods, services and trade to Florence and surrounding area residents, tourists, and to a limited extent, regional markets.**

The City meets this policy. There are six different commercial zoning districts where commercial goods, services (such as Central Lincoln PUD) and trades that serve residents, tourists, and the regional market are allowed. Furthermore, the temporary building is proposed on an existing site and does not affect the buildable land inventory.

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

Infill is an efficient use of available lands. As mentioned in the Main Street section of this report, Central Lincoln PUD is an allowed use within the Main Street District. The conditional use process reviews the available lands designed for commercial uses to encourage non-commercial uses to be located in the other zoning districts.

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

The City encourages commercial developments to enhance their surrounding properties by maintenance of landscaping, buildings, access, and signs. The applicant proposes the modular building to be located at the site for three years with a possible two year extension. Because the building is proposed temporarily, the site will not have to gain compliance for all the City regulations that apply to new structures. The applicant proposes to add landscaping within the ODOT right-of-way to enhance the entrance into the City of Florence.

**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.**

Redevelopment, reuse, or if the development changes use, the design review and conditional use process is considered. The applicant is proposing a temporary building. The temporary building is already in place. PUD removed landscaping to add the temporary building which made the site non-conforming to the landscaping requirements. The applicant is required to replant landscaping to be in conformance with the landscaping requirements within 60 days of the land use approval.

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Conclusion:

The Conditional Use Permit request for a temporary building space for a government agency is allowed by code. The temporary building does not fully comply with the city's code requirements, but the temporary placement will not have any detrimental impacts on the community. The community will benefit from the added landscaping outside the fence within the highway right-of-way. Allowing the temporary building complies with Comprehensive Plan.

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**VI. EXHIBITS**

- A. *Findings of Fact*
- B. Site plan and floor plan
- C. Applicant's narrative
- D. Vision Clearance area of Violation
- E. Site pictures
- F. 1991 approval and site plan
- G. Letter dated December 14, 2011 regarding more information needed and email dated March 7, 2012 to Mr. Wenzel
- H. Email from Carl Dependahl, Florence Building Official, dated April 2, 2012
- I. Email from Sean Barrett, Siuslaw Valley Fire and Rescue dated April 4, 2012
- J. Email from Dan Graber, City Engineer, dated April 16, 2012
- K. Surrounding properties
- L. Air photo
- M. Replanting Landscaping Plan
- N. Planning Commission Approved Minutes from May 5, 2012
- O. Email from Dan Webb, County Transfer and Recycling dated May 11, 2012.
- P. Landscaping Plan



966 Highway 101 • P.O. Box 370 • Florence, OR 97439 • 541-997-3414 • fax: 541-997-5633

To: Florence Planning Dept.

First of all I would like to apologize for what appears to be an attempt to circumvent the city's rules and regulations concerning the installation of this temporary trailer. It was an assumption I made, being a temporary situation and on private property, that permits were not necessary.

The reason for the temporary crew office is the need for space as inventory is growing.

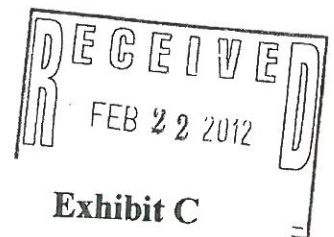
The new crew office is a 10' x 40' (400 square feet) modular office unit with no interior walls, water or sewer facilities. Only electrical and communication supplies are needed, both of which are served from the main office building. The electrical is an underground service, the communication an overhead. We moved 9 employees to this office trailer, 4 from the main office building and 5 from the old crew room. A deck with roof has been added. The deck measures 6' wide by 31' long. Two sets of stairs access the deck, both measuring 3' wide, have 4 steps each and include hand rails. The height of the deck is approximately 3' at the highest point.

The trailer is positioned 1' from the fence on the south side of the property, the fence being about 10' inside the property line.

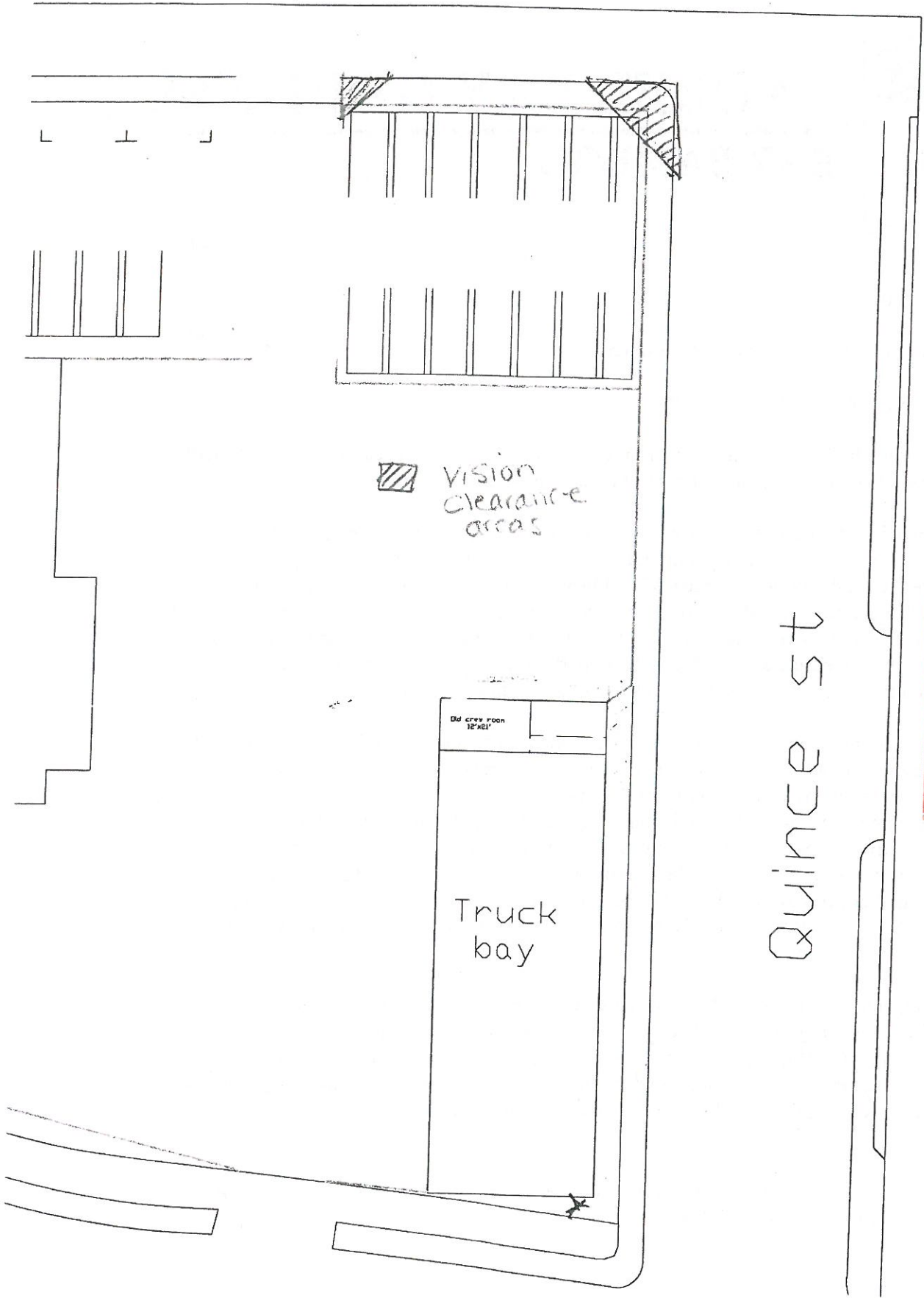
The old crew room is part of the truck bay building. It measures 12' x 21' (252 square feet) and will be used for tool and inventory storage. The space vacated in the main office building is needed for file cabinets.

The intended duration of this unit is 3 years with the possibility of an extension of 2 years totaling 5 years.

Gary Wenzel  
Operations Supervisor, Florence  
541-997-5619







**APPROVED**  
Florence Planning Commission  
Design Review Board  
Exhibit D Resolution Number PC 12 03 4002



# LAUREL BAY GARDENS

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## BAY BAMBOO

June 29, 2012

To: City of Florence Planning Department

Re: Central Lincoln PUD Landscape



Central Lincoln PUD has hired our firm to design and install landscaping to comply with Florence city codes in the installation of a modular structure inside the PUD fence.

As some of the CLPUD's property is outside the fence and ODOT has agreed to allow CLPUD to enhance the landscaping in the right of way, we see this as an opportunity to enhance the south entrance of the CLPUD headquarters and the east entrance to Florence. The total square footage of the area to be landscaped and enhanced is approximately 6320 square feet. Of the total square footage, the area inside the fence surrounding the modular is 1565 square feet, the area on CLPUD property outside the fence is 2540 square feet, with the remainder of 2215 square feet on ODOT right of way property.

The landscaping goals are to enhance the presentation of the south part of the property by screening the views of the CLPUD fence and the new modular. Four evergreen trees will be added to the interior and exterior of the fence to visually screen the modular. The existing native area along the south and southwest CLPUD will be pruned to enhance the existing native vegetation, removing dead and diseased trees. New native plants will be planted back in to fill gaps in the landscape and add wildlife habitat. Toward the sidewalk area, ground cover and low plants will be used after removal of the weeds to provide eventual cover of the open ODOT area, while keeping visibility a priority for traffic moving north to Hwy 101.

The south entrance to the CLPUD lot will have a hedge installed to aid in the screening of the fence, keeping the plants back away from the entrance so that truck egress is not visually impaired. With that goal in mind, the existing vegetation on the southeast corner of the CLPUD area will have additional bushes added to create a visual landscape against the building leaving the beds toward the street open to aid in traffic and pedestrian visibility.

The east bed of the CLPUD property will have additional plants added to the existing native to create a fuller planting schematic.

Exhibit P

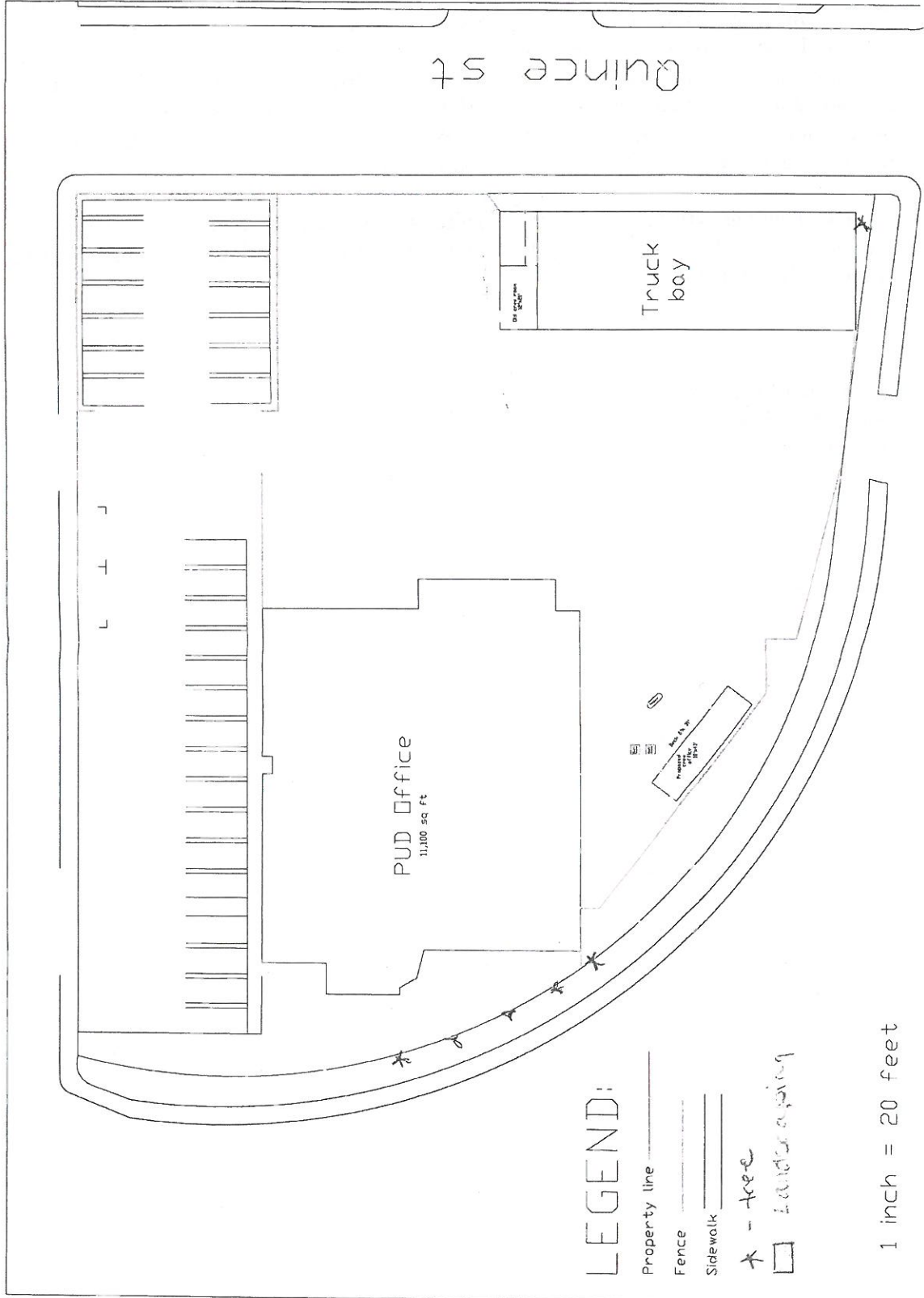
Landscaping of the interior around the module will be primarily ground cover to enable the modular to be removed from its temporary location without damaging the landscape. The southeast and northwest areas have shrubs and trees that will not be impacted by the building being moved. The plants that will be scheduled to be replanted in the modular area when it is removed, approximately 580 square feet, are two evergreen trees (Austrian pine), 12 shrubs (rhododendrons, evergreen huckleberry, shrub cotoneaster, and red twig dogwood), and 22 ground cover (kinnikinnick).

All new plantings will be added to the existing drip irrigation systems to aid in growth and viability. Medium fir bark mulch will be added to all exposed areas upon completion of the landscaping and irrigation work.

Lisa Walter Sedlacek  
Laurel Bay Gardens  
LCB #6718

APPROVED  
 Florence Planning Commission  
 Design Review Board  
 Exhibit PC 12 05 00 M 02  
 Resolution Number

Exhibit B

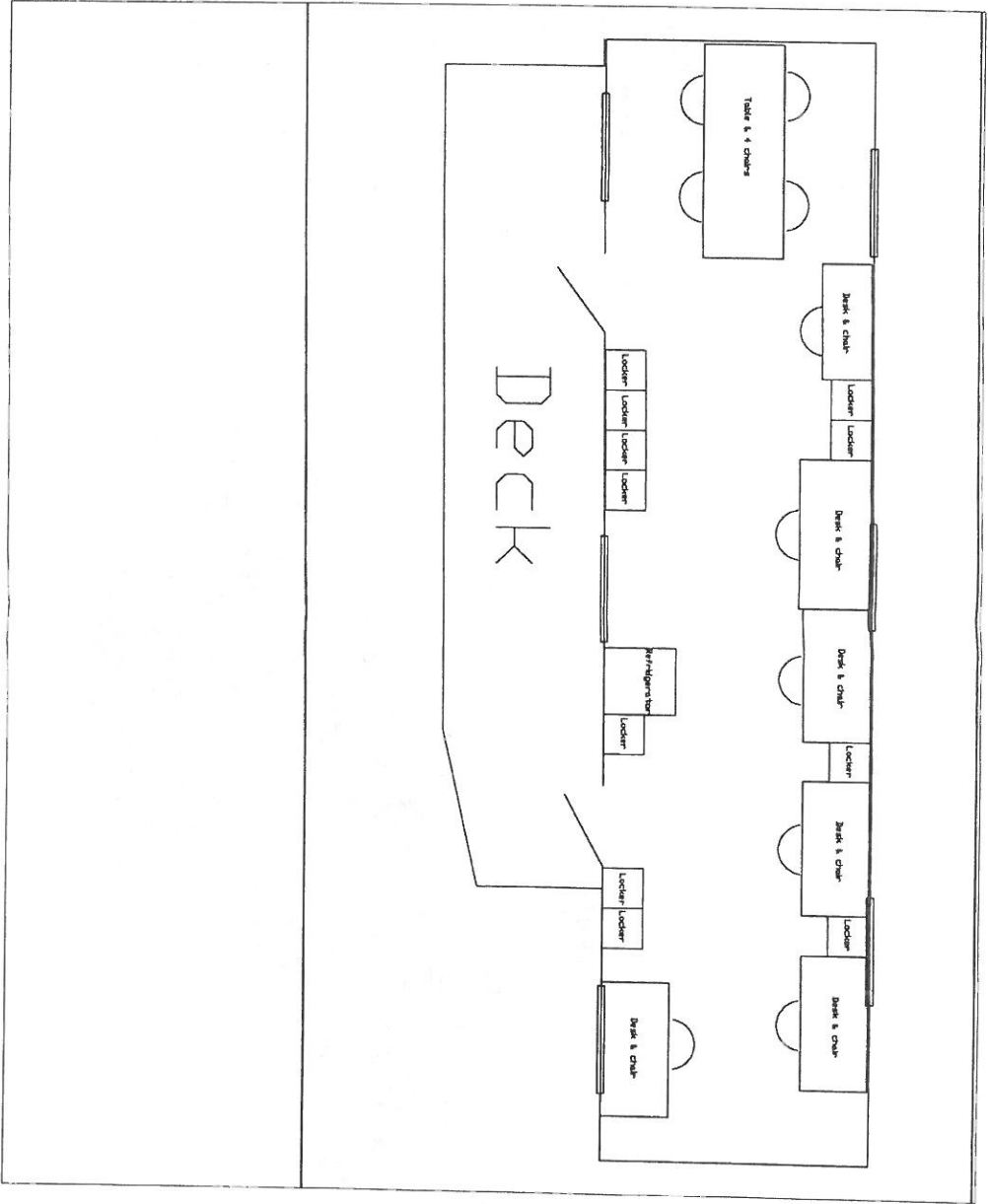


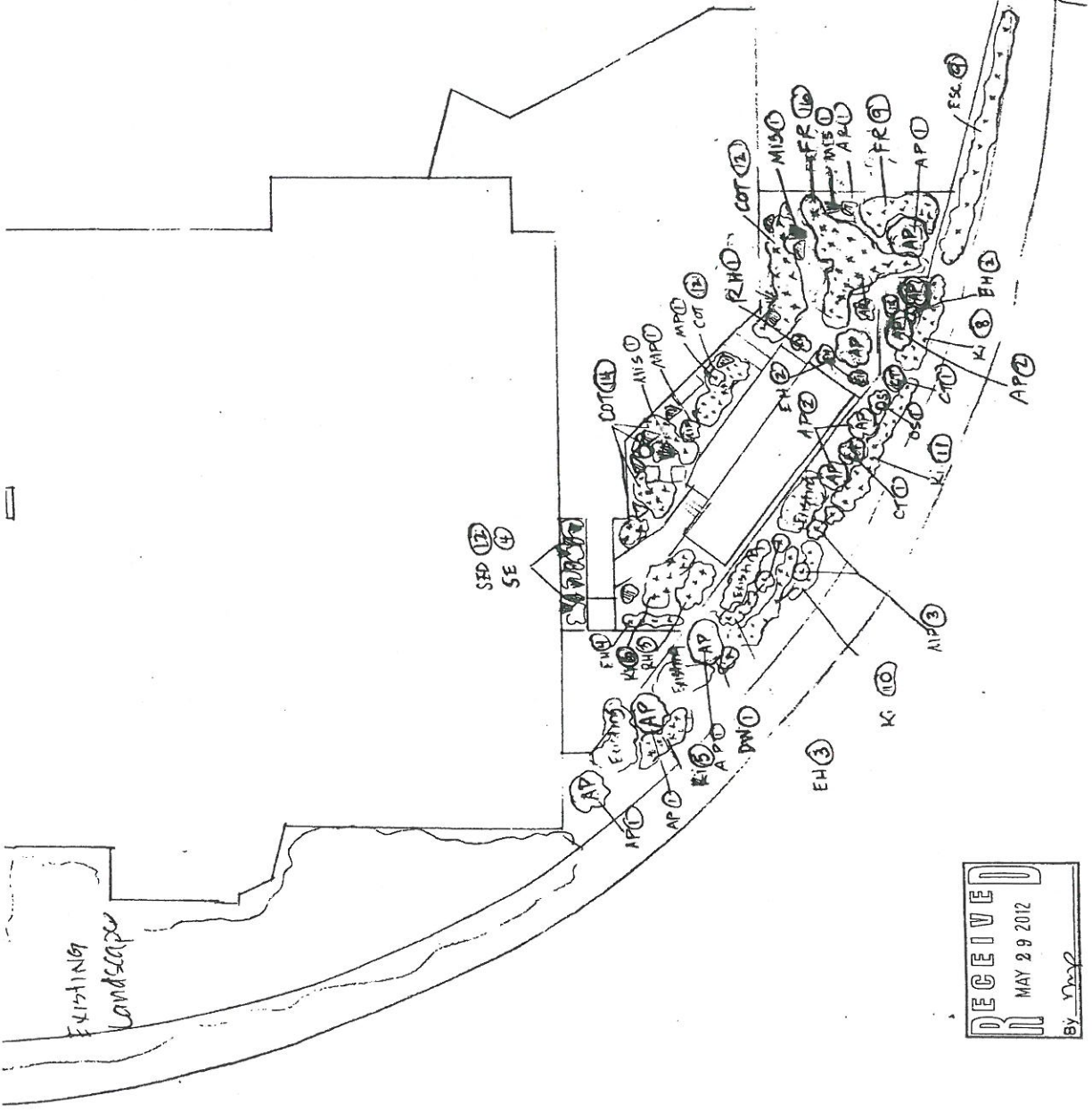
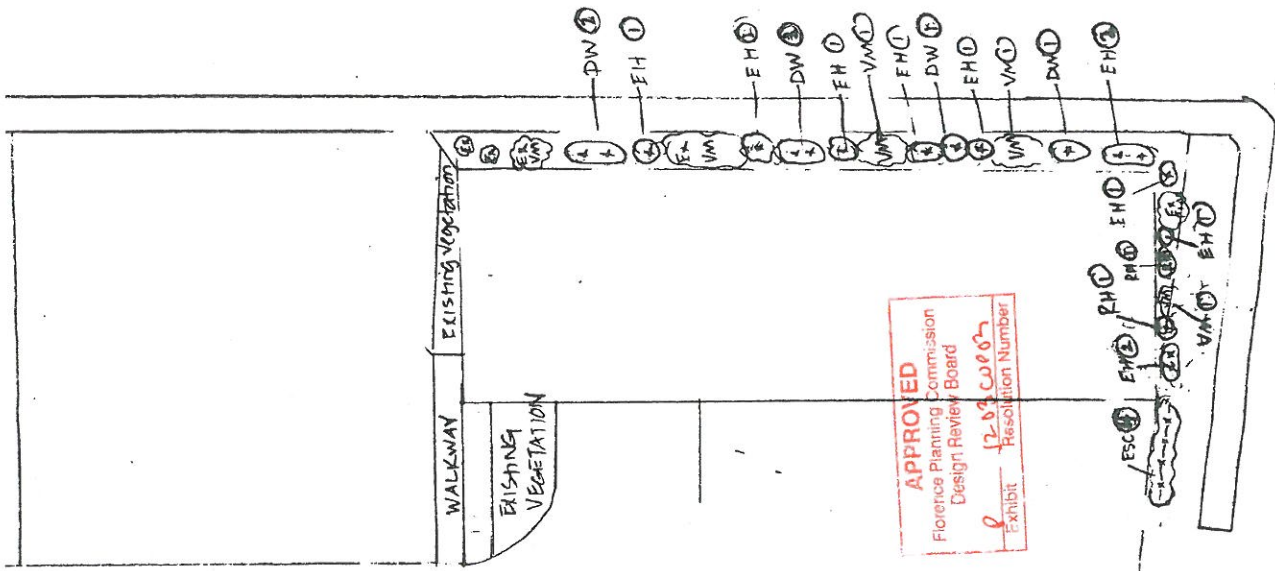
Quince st

LEGEND:

- Property line \_\_\_\_\_
- Fence - - - - -
- Sidewalk = = = = =
- \* - tree
- Landscaping

1 inch = 20 feet





RECEIVED  
 MAY 29 2012  
 BY [Signature]







## Glen Southerland

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**From:** Joe Zelinski <joez@harborside.com>  
**Sent:** Monday, July 20, 2015 8:37 AM  
**To:** Glen Southerland  
**Subject:** Land Use Decision - CLPUD Temporary Building

To the Members of the Planning Commission,

I am writing to express my DISAPPROVAL of an extension to the conditional use permit for the Central Lincoln PUD Break Building.

Central Lincoln prides itself as a publicly-owned, PEOPLE'S Utility District. Accordingly, the PEOPLE'S Utility District should be among the first entities to abide by the building codes established by the very same PEOPLE of Florence— and this includes abiding by the limits we have established for temporary structures.

The people of Florence have already granted a conditional use permit once, and this is long enough. A well-run organization such as Central Lincoln, ought to be able to make permanent plans in the amount of time they have already been granted by the original permit.

The current temporary structure is among one of the first things seen by visitors to our area who drive into Florence from the East on Hwy 126.

The people of our community put forth great effort to keep the area of the 126/101 intersection visually attractive and welcoming.

The temporary structure on the PUD lot near this area detracts from this effort. (The city's own picture on the Notice of Public Hearing shows how close the temporary structure is to the roadway.)

Further, I question why a TEMPORARY structure is needed for what has apparently become a long-term (or perhaps permanent) need?

If the existence of a "break room" is important to the PUD for this long, then it seems to me that the PUD ought to be incorporating this functionality into their existing building at the same site— whether that means renovating existing space, building an addition, or build some other permanent structure.

If the need is permanent, a permanent structure should be built.

Florence residents are expected to abide by our codes relating to temporary structures. Central Lincoln PUD— OUR public utility— was given a temporary reprieve from those codes ONCE. But this should NOT be an open-ended exception. I urge the Planning Commission to DENY the request for extension.

Sincerely,

Joe Zelinski  
1214 Yew Ct.  
Florence, OR 97439

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For more information please visit <http://www.symanteccloud.com>

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