

**FINDINGS OF FACT
FLORENCE PLANNING COMMISSION
Exhibit "A"**

Public Hearing Date: September 28, 2021 **Planner:** Henry Hearley

Application: PC 21 22 DR 01

I. PROPOSAL DESCRIPTION

Proposal: A Design Review application for development of Shore Pines, a 71,155 square-foot affordable apartment development with 68 units in two three-story buildings and associated improvements on a 2.45 acres site.

Applicant: DAO Architecture, LLC, represented by David Horsley, AIA

Property Owner: Northwest Housing Alternatives

Location: East of Highway 101, south of the Siuslaw Presbyterian Church and north of B&E Wayside RV Park

Site: Map #18-12-14-33, Tax Lot 00500 (unaddressed)

Comprehensive Plan Map Designation: Highway

Zone Map Classification: Highway District

Surrounding Land Use / Zoning:

Site: Undeveloped / Highway District
North: Church / Highway District
South: Vacant & Single-family residence / Highway District
East: Single-family residences / Low Density Residential
West: Hotel / Highway District

Streets / Classification:

West – Highway 101 / Major Arterial; South – None; North – None; East – None

II. NARRATIVE:

On June 24, 2021 application was received for a design review and two variances. After receiving additional materials, the application was deemed complete on August 27, 2021.

The proposal focuses on affordable workforce housing containing a total of 68 units within two 3-story apartment buildings. Vehicular and pedestrian access is proposed from Highway 101 with additional pedestrian connectivity through the eastern edge of the Siuslaw Presbyterian Church property to the north. The eastern building will consist of 34 three-bedroom units and the western building will consist of 33 1-bedroom units and one three-bedroom unit for the apartment manager.

APPROVED
City of Florence
Community Development
Department

In addition to affordable housing, the proposal also offers indoor common room and meeting spaces, laundry and support rooms in addition to outdoor amenities. These include a playground and walking path and naturalistic outdoor areas. The design review application includes two requests that are outside the scope of an exception or variance process and are to be decided by the Design Review Board/Planning Commission during the process. It is for these two reasons that this application is not a Type 2 and is being processed as a Type 3. These two design decisions include a parking reduction and reduced parking lot lighting. In addition to the Design Review, the application includes two variance requests; one for density and one for building height which will be reviewed under separate findings, (PC 21 23 VAR 02).

III. ISSUES:

Parking concession – the applicant is proposing a total of 82 parking spaces. The applicant is seeking a 10% reduction because there is a transit stop located within ¼ mile of the site. Per FCC standards, the required amount of off-street parking spaces required is 103. When taking into consideration the 10% reduction, this brings the total down to 93. The applicant is proposing 82. The applicant submitted a parking demand analysis with input from the Planning Commission earlier this year. The analysis was completed by a registered Transportation Engineer. The Engineer provides rationale for proposing 82 parking spaces (Exhibit D). A further detailed discussion of this matter is contained in this report. The applicant is looking for Planning Commission's approval of the parking plan as-is.

Loading zone – the applicant is proposing one loading zone space, as required, however staff question the usability, suitability and practicality of the location. The space is located in the northeast corner of the parking lot between the east and west buildings. The location is such that it may be difficult for residents to maneuver a moving truck or other large vehicle intended for moving furniture and other household belongings. Realistically, there may not be a more suitable location for the loading zone, due to other factors the applicant is taking into consideration with respect to internal circulation and fire department access. Staff do not necessarily disagree with the proposed location, just that Planning Commission may want to discuss this particular item. Staff are not aware of alternate location.

Lighting plan – In some areas, the applicant's lighting plan does provide for at least two-foot candles of illumination. Overall, the lighting plan provides for adequate and safe lighting, per the applicant's professional opinion and experience in designing lighting plans for similar developments. A further discussion of the lighting plan is provided for in this report. The Design Review Board must approve parking lot lighting that is less than 2-foot candles.

IV. NOTICES & REFERRALS:

Notice: On September 8, 2021, notice was mailed to surrounding property owners within 300 feet of the property and a sign posted on the property. Notice was published in the Siuslaw News on September 11, 2021.

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

Referrals: Referrals were sent to the Florence Public Works and Building Departments; Central Lincoln PUD; ODOT; Siuslaw Valley Fire and Rescue/Western Lane Ambulance; Central Coast Disposal; County Transfer and Recycling.

At the time of this report, the following referral comments were received:

ODOT

City staff received referral comment by Doug Baumgartner, P.E., below, which speaks to the proposed development. Baumgartner requests that staff direct the applicant to the District Contact to determine permit requirements and obtain application information. Following are the referral comments:

“ODOT has received and is currently reviewing the applicant’s plans for improvements within the ODOT right of way. These plans will be subject to change upon out review to ensure that they meet our current practice and design standards. The applicant has also turned in an application for construction of the waterline connection for the housing complex and an application to relocate and rebuild the highway approach which is currently located along the frontage of lot 600. We have approved the approach application on the condition that the applicant provide proof of an access easement that will be recorded which will allow vehicular access to the new approach from lots 600 and 700.

The current plans show a sidewalk being installed on the applicant’s property beginning at the northern edge of the new driveway and proceeding to the northern property line of lot 500 where an extension to the highway shoulder would be built. The closest sidewalk in this vicinity along the eastern side of US101 begins at the approach located along the frontage of lot 800 to the south but curb extends northward ending close to the existing approach for lot 600. In urban areas along ODOT highways we typically expect sidewalk improvements to follow a standard curb, walk and possible planter strip style, however we do see situations where the surrounding storm water facilities make it infeasible or impractical to construct curb. This may be one of those situations due to the known drainage challenges in the area. ODOT will defer the decision of a curb and walk frontage improvement vs. a walk behind the existing ditch to the city. If it is decided that the sidewalk will be allowed to be constructed behind the ditch on private property we would request a public sidewalk easement be established to cover the sidewalk area as well as transitions back to the roadway shoulder at both property lines along the frontage.”

ODOT

On June 28, 2021, the applicant received conditional approval of #78906, an Application for State Highway Approach (Exhibit F). The conditions are as follows:

- *A copy of the final local jurisdiction’s land use approval, including the approved site plan and project description.*

- *Documentation of cross over access easement(s) recorded between tax lots 500, 600, and 700 which will allow legal access from lots 600 and 700 to the rebuilt approach that will front lot 500.*

IT is important that the plans and project description approval by your local jurisdiction are consistent with the plans submitted to ODOT. IF the approach location on the locally approved plans and project description varies from the plans submitted to ODOT, it may be necessary to reapply to ODOT for the highway approach or request approval of a modified site plan form the local jurisdiction.

Florence Public Works

Public Works Director explains that the City received preliminary development review plans for the project and agrees with Civil West Engineering's assessment of the applicant's Stormwater Plan; that nearly all of the City's stormwater design requirement have been met through their use of the Performance approach in their design.

Below area additional comments, paraphrased here as some of the comments are addressed within the applicable Code sections within these Findings:

Driveway Access:

The developer will need to submit a separate permit application to ODOT for the driveway. This drive will need to meet both City and ODOT standards for construction, including curb returns and ADA accessibility. The property south (a residential use) will now have a connection to the new driveway and the existing driveway removed. Due to the close proximity to the proposed connection to the highway, vegetation control for sight lines and visibility will need to be maintained at all times.

Wastewater:

The developers will need to evaluate if having the sewer run from west to east and then north to 40th St. will be feasible with regards to impacts to the existing 40th St. sewer pump station. The onsite sewer system is considered private and will not be publicly maintained due to the location of the manholes and not being accessible to the City's combination sewer cleaner. The Presbyterian Church property will need to be grant a public utility easement for the off-site sewer line which would connect to the 40th St. ROW. The possibilities of connection are still being evaluated. IF this is not feasible, the development will need to install a private sewer lift station to convey the flow to a gravity sewer line withing Highway 101.

Additionally, the proposal to connect the trash enclosure to the sanitary sewer provides that it be covered and that the addition of a 'P' trap on the line, sewer gases would not escape and enter the enclosure.

Water:

The proposed master domestic meter and separate private fire lines and fire hydrants are acceptable, but the fire hydrant will not be maintained by the City.

Lastly, Miller states, “Due to the nature of this review, Public Works reserves (the) right for additional comment as actual construction plans are developed.

Civil West Engineering Services, Inc.

Sean Lloyd, P.E., representing Civil West, (the City’s Engineer firm of record), asserts that the Stormwater Management Plan is well developed and meets nearly all requirements of the City’s Stormwater Management Design Manual, also noting that the applicant chose the Performance Approach for their design. The following are notes of potential concerns:

1. *Curb heights are not shown or noted.*
2. *No permit number is provided on the cover sheet as required.*

V. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10: Zoning Regulations

(found at <http://www.ci.florence.or.us/council/title-10-zoning-regulations>)

- Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3
- Chapter 3: Off-Street Parking and Loading, Sections 3, 4, 5, 8, 9, 10 and 11
- Chapter 6: Design Review, Sections 3 B.1a.ii, 4, 5-2, 6-4 and 6-5, 8, and 11
- Chapter 7: Special Development Standards, Sections 2, 3, 6, and 7
- Chapter 10: Residential Districts, Section 9
- Chapter 16: Highway District, Sections 2, 4, 5, and 7
- Chapter 34: Landscaping, Sections 3, 4, 5, 6, and 7
- Chapter 35: Access and Circulation, Sections 2-2 through 2-6, 2-9, 2-12 through 2-14, and 3-1 through 3-3 & 4.
- Chapter 36: Public Facilities, Sections 2-1-B, 2-4, 2-5, 2-16 through 2-23, and 3 through 9
- Chapter 37: Lighting, Sections 2 through 6

Florence City Code, Title 9: Utilities

- Chapter 5: Stormwater Management Requirements, Sections 3, 4, and 7

VI. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

- A. **Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- B. **Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures [...]**

[...]

- 3. **Type III (Quasi-Judicial) Procedure (Public Hearing). Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council;...**

D. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. By Ord. No. 30 Series 1990)

At the time of writing the applicant had not submitted evidence less than 30 days from the date of the public hearing scheduled for September 28, 2021. Staff has requested some additional information to evidence compliance with criteria and so expect the information prior to or for the scheduled hearing. This criterion has been met.

10-1-1-5: GENERAL PROVISIONS

- A. **120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)**

The application was deemed complete by the Planning Department as of August 17, 2021. The Planning Commission's public hearing was held with proper notification processes on September 28, 2021. This criterion has been met.

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. **Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

- 5. **New construction requiring Design Review by the Planning Commission.**

FCC 10-6-3-B-ii provides the opportunity for this application to be processed through a Type 2 process. However, the application seeks a parking and lighting reduction and variances from height and density regulations that require decisions by the Planning Commission. For these reasons this project is being processed as a Type III.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**

[...]

2. **Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.**

Notice of the application was provided to property owners within 300 feet of the subject property and posted on the property 20 days prior to the public hearing, on September 28, 2021. A public hearing notice was published in Siuslaw News on September 11, 2021. The 300 feet noticing was performed to accommodate the two variance requests reviewed under separate findings for the same meeting date.

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 contained all the required information listed in FCC 10-1-1-6-3-C. This criterion has been met.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 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.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 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.**

On September 28, 2021, the Planning Commission held a duly-noticed public hearing per the procedures of FCC 2-3 and FCC 2-10 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received.

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.

Following a decision by the Planning Commission, notice of the action and decision will be mailed to the applicant and any party who has testified either in writing or verbally at the public hearing.

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

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

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

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

C. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:

1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:

- a. The proposal is located within a ¼ mile of an existing or planned transit route, and;
- b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

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 Planning Commission for 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 Planning Commission 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 for non-residential uses, plus additional space(s) as needed to meet the minimum accessible parking requirement.

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

C. Commercial and Retail Trade Types:

| | |
|---------------------------------------|------------------------------|
| Multiple-family dwelling | |
| Studio & one bedroom units | 1 space per unit |
| Two-bedroom units | 1 1/2 spaces per unit |
| Three-bedroom units or larger | 2 spaces per unit |

In reviewing the minimum required parking spaces as indicated in Table 10-3-1, the maximum number of required parking spaces totals 104. This figure is derived from the fact that there will be (35) 3-bedroom units and (33) 1-bedroom units.

Although not a requirement for reduced parking requests, all units will be subsidized, with some units being geared towards senior citizens. Per FCC Table 10-3-1, a one-bedroom unit is to provide for one parking space and a three-bedroom unit, two spaces. FCC allows a 10% reduction in the required amount of parking spaces if the proposal is located within ¼ mile of an existing or planned transit route, or other transit-oriented developments. The proposal does contain an existing bus stop near the northeast corner of the site on Spruce St; therefore, the applicant is requesting a 10% reduction, which brings the total minimum number of required parking spaced down to 93, or 11 fewer than initially required.

In addition to the 10% reduction, FCC also allows the Planning Commission to determine the number of parking spaces required through a parking demand analysis. The applicant provided a Parking Demand Analysis dated April 23, 2021 (Exhibit D), after meeting with and receiving guidance on locations and study periods (for example, peak parking dates and times) from the Planning Commission in February and March 2021. After the input was provided, the Analysis compared parking accommodations between 3 Florence area apartments including Munsel Park Apartments located at 2021-2046 E. 12th St, Siuslaw Dunes Apartments at 1750 43rd St., and Oak Terrace Apartments at 2350 Oak St., all which offer subsidized housing.

As stated in the Analysis, the applicant proposes 82 parking spaces, four of which will be ADA accessible and one being a loading space. The 82 parking spaces represents a ratio of one parking space per unit (regardless of bedroom count), plus an additional 17% (14 spaces) for guests and other visitors. The applicant's goal with respect to the parking proposal is to ensure sufficient available parking spaces and to provide tenants with the parking necessary to accommodate resident and guest demand without constructing unnecessary parking, which would add more impervious surfaces to the lot and create an undesirable heat island effect.

According to the Parking Demand Analysis, based on best practices, and based on the analysis activity itself, the proposal is to achieve an occupancy rate of 85% during peak periods. Occupancy rates above 92-93% result in "cruising time" wherein residents are actively driving around the parking lot seeking vacant spaces. An occupancy rate of 55% or less indicates an oversupply of parking. A proposed occupancy rate of 85% creates an efficient supply, according to the Analysis rationale, of parking spaces, but does not

create user difficulty. Further, the Analysis states, an occupancy rate of 85% is attractive to future residents, can respond to routine parking demand fluctuations, and can be managed by the on-site building manager. Of the 82 total spaces provided, it is estimated that a maximum of 70 spaces will be occupied, leaving 12 spaces available for guests and visitors.

While market-rate housing anticipates two parking spaces for each three-bedroom unit, residents of an affordable housing development cannot typically afford more than one car per family.

Staff believes the applicant's parking proposal to be satisfactory. As is often with affordable housing developments, there are extremely thin margins for these developments. A concession on the number of parking spaces is a bonus the City can offer the developer for providing Florence with much needed affordable housing units. The Florence Revitalization Plan 2020 references the need for the City to develop and nurture local and regional affiliations to provide affordable housing and for the City to provide opportunities and conditions to accommodate the development of varying housing types that are affordable. The City of Florence has an excellent opportunity to make strides towards both of those goals with this development.

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;**

Table 10-3-2, below dictates that for a parking proposal with between 76 to 100 parking spaces, four of those spaces must be American with Disabilities Act (ADA) accessible with 60" access aisles or 96" for vans. The applicant is proposing 82 off-street parking spaces, therefore, based on Table 10-3-2, below, the minimum required accessible spaces is four with one required to be van accessible. As seen on Sheet A1.0 (Exhibit B1), the four ADA parking spaces will be van accessible with extra loading space. Pursuant to FCC 10-3-5-E and FCC Table 10-3-2, four (4) ADA spaces shall be constructed and required signage provided per ADA standards. Signage shall be installed during construction and inspected by the Building Official prior to the issuance of certificates of occupancy. **[Condition 4.1]**

- 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;**

As seen on Exhibit B1, the four proposed ADA van accessible spaces are located between the east and west buildings and lead directly into each of the respective building's side entrances. Criterion met.

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

As seen in Exhibit B1, the four proposed ADA van accessible spaces are grouped together. Criterion met.

- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**

Covered parking is not proposed. Criterion not applicable.

- 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.**

This criterion has been conditioned above.

| Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5) | | | |
|---|---|---|---|
| Total Number of Parking Spaces Provided (per lot) | Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*) | Van Accessible Parking Spaces with min. 96" wide access aisle | Accessible Parking Spaces with min. 60" wide access aisle |
| | <i>Column A</i> | | |
| 1 to 25 | 1 | 1 | 0 |
| 26 to 50 | 2 | 1 | 1 |
| 51 to 75 | 3 | 1 | 2 |
| 76 to 100 | 4 | 1 | 3 |
| 101 to 150 | 5 | 1 | 4 |
| 151 to 200 | 6 | 1 | 5 |
| 201 to 300 | 7 | 1 | 6 |
| 301 to 400 | 8 | 1 | 7 |
| 401 to 500 | 9 | 2 | 7 |
| 501 to 1000 | 2% of total parking provided in each lot | 1/8 of Column A** | 7/8 of Column A*** |
| 1001 | 20 plus 1 for each 100 over 1000 | 1/8 of Column A** | 7/8 of Column A*** |
| *vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces | | | |

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

As seen on Exhibit B6, the parking lot area will be completely paved with heavy vehicular pavement, comprising of 2.5" of dense asphaltic concrete with a 6" minimum depth of crushed rock base over geotextile. Additionally, the driveway approach leading into the site from Highway 101 will be paved.

- C. All parking areas except those required in conjunction with a single-family, duet or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.**
- D. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.**

The orientation of the parking stalls are such that headlights will not shine onto adjacent residential uses located to the east. An existing wooden fence is to remain along the eastern property border between the adjacent residential uses. Additionally, landscaping is proposed along the eastern property line, (Exhibit B10).

An existing residence is located south of the subject property that will require screening from vehicle headlights. By viewing the proposed landscape plan, the southern property line will be planted with salal, huckleberry, and nootka rose. All of these plants can reach a height to provide sufficient screening if irrigated and healthy. Staff recommend a condition of approval to ensure sufficient screening along the southern property boundary so to as prevent headlights from shining onto adjacent residential uses. Per FCC 10-3-8 D, the applicant shall maintain the landscape area along the southern boundary adjacent to the residence in a manner that promotes a plant height no less than 4' to ensure the required vehicle headlight screening is provided. [\[Condition 4.2\]](#)

- E. Except for parking areas required in conjunction with a single-family attached or detached, duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, 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 E2 of this subsection.**

The applicant has provided a proposal to meet this criterion in Exhibits B1,B3, B6 & B10.

- 2. Except for places of ingress and egress, a five foot (5') wide landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

The on-site landscaped area adjacent to Highway 101 has been proposed and will be discussed under FCC 10-34 of these Findings.

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

No parking area is proposed to extend to the public right-of-way. Criterion met.

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

Lighting is discussed in review of FCC 10-37.

I. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

Internal parking is proposed, with all backing movement and maneuvering contained to the property. This criterion is met.

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

No parking nor loading spaces are proposed to be located in a required front of side yard. This criterion is met.

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

Planning review for these parking lot construction projects is a part of these design review applications. This criterion is met.

L. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

- 1. Individual parking and loading spaces.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**
- 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**
- 8. Specifications for signs, bumper guards and curbs.**
- 9. Landscaping and lighting.**

Preliminary off-street parking and loading details have been drafted and submitted by the applicant sufficient for staff design review of the proposal. These criteria are met.

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

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

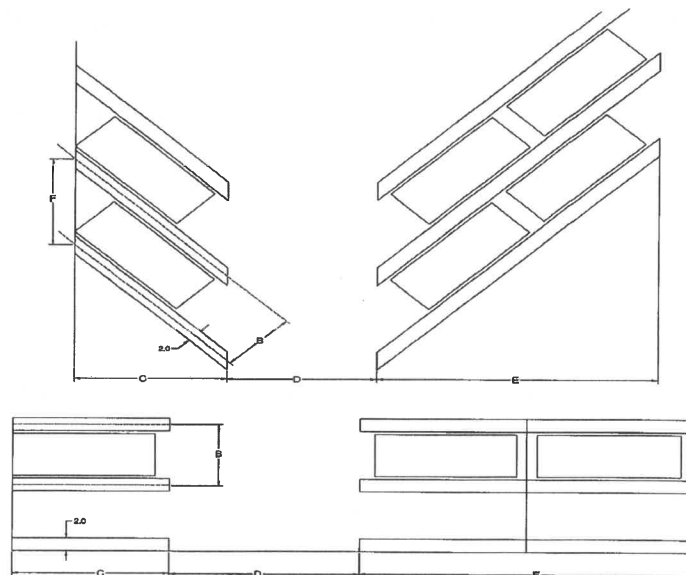


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout

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

Proposed parking spaces meet the requirements of this section, with typical stalls not less than 9.5' by 19', and accessible parking spaces meeting the appropriate ADA requirements. Drive aisles are not less than 23' wide. Criterion met and conditioned earlier to ensure compliance.

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

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

The applicant is providing long-term bicycle storage, but the actual size of the space to be provided is not shown in Exhibit B1 on the applicant's sheets. Per FCC 10-3-10 A, the applicant shall submit a revised plan to the Florence Building Department showing the bicycle parking spaces to be provided measuring at a minimum two feet by six feet. [\[Condition 4.3\]](#)

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.

Short term bicycle parking spaces are not required for residential uses. Criterion not applicable.

C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and residential uses of 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; Tri-plex, Quad-plex, Cluster Housing or Multi-Family = 1 per 3 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms

Long term bicycle parking standards apply to the present proposal. The proposal is for a multi-family development, therefore the ratio that applies is 1 long term bicycle parking space per 3 units. The total units proposed are 68, therefore the total number of long-term bicycle parking spaces required are 23. As seen in Exhibit B1, the applicant proposes 24 bicycle parking spaces in the form of a covered bike enclosure. See Sheet A4.1 for bicycle enclosure details.

- D. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.

Although the proposed bicycle parking enclosure is farther than 50-feet from the main entrance of the building, it is as easily accessible as practical for bicyclists entering the property from the street or multi-use path. Criterion met.

- 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;

The proposed location of the bicycle parking is near and should be as visible as practical from the entrances to both the East and West building. Criterion met.

- F. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.

Lighting within the bicycle enclosure has been provided in the applicant's Lighting Plan and is discussed under FCC 10-37 of these Findings.

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

The applicant's plans do not include signage for areas reserved for bicycle parking areas. Prior to issuance of the final Certificate of Occupancy, the applicant shall submit revised a signage plan for the bicycle storage to the Florence Building Department in compliance with FCC 10-3-10(G). [\[Condition 4.4\]](#)

- 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 Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

The applicant's proposed bicycle parking plan (Exhibit B1) does not demonstrate an impediment nor does it create any pedestrian hazards. Criterion met.

10-3-11: LOADING AREAS:

- A. Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- B. Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

C. Location.

- 3. Vehicles in the berth shall not protrude into a public right of way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.**

The applicant is proposing one loading zone space, as required, however staff questions the usability, suitability and practicality of the location. The space is located in the far NE corner of the parking lot between the east and west buildings. The location is such that it may be difficult for residents to maneuver a moving truck or other large vehicle intended for moving furniture and other household belongings. Realistically, there may not be a more suitable location for the loading zone, due to other factors the applicant is taking into consideration with respect to internal circulation and emergency access. Staff do not necessarily disagree with the proposed location; just that Planning Commission may want to discuss this particular item. Staff are not aware of an alternate location.

D. Number of Loading Spaces.

- 5. Residential buildings. Buildings where all of the floor area is in residential use shall meet the following standards:**
- a. Fewer than fifty (50) dwelling units on a site that abuts a local street: No loading spaces are required.**
 - b. All other buildings: One (1) space.**

The development is for more than 50 dwelling units; therefore, the minimum number of required loading spaces is one which the applicant proposes. Criterion met.

E. Size of Spaces. Required loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

As seen on Exhibit B1, the proposed loading space meets the required length and width. Staff are unable to verify the height clearance at this time but do note the loading space is uncovered and practically speaking, if uncovered, height clearance is not an issue. Criterion met.

F. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

The proposed loading zone is not located within the street right-of-way. The proposed loading zone is located in between the east and west buildings, east from the bicycle enclosure. The proposed loading zone is not expected to obstruct traffic during peak hours or interfere with emergency response services, because it is not located in a street right-of-way and is located at the far NE corner of the parking lot in between the "East" and "West" buildings. The

proposed loading zone will be adjacent to landscaped areas and will include lighting features that are also proposed for the general parking lot area. Exhibit B1 provides plans for the proposed location of the loading zone and the adjacent landscaped features. This criterion is met.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-3: GENERAL APPLICABILITY:**B. The Planning Director or designee shall:**

1. Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:

ii. Multi-family Housing in any zone.

This application is being processed as a Type III due to requests for Planning Commission decision on reductions in parking and lighting.

10-6-5: GENERAL APPROVAL CRITERIA:

10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT: Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.**
- B. Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-Family Dwelling Standards in FCC 10-10-9.**
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.**
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.**
- E. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.**

Per FCC 10-6-5 E, the applicant shall ensure that noise, vibration, smoke, dust, odor, intense lighting, and electrical interferences shall not exceed levels allowed by applicable nuisance codes. [\[Condition 5.1\]](#)

- F. Exterior lighting according to the standards set forth in FCC 10-37 Lighting.**
- G. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.**

These design elements are reviewed under the respective code sections within these Findings of Fact.

10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS: Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS: Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

A. Exterior Building Walls:

- 1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.**
- 2. Brick or stone masonry with a minimum 2 ½" deep solid veneer material.**
- 3. Cement-based stucco.**
- 4. Secondary materials:** Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval. Secondary materials may be used on up to 30% of the façade.

Exhibit B8, shows that exterior siding will be composed of: cementitious composite lap siding exterior cladding (smooth 5/16" thick X4") and cementitious cladding band siding (smooth 12" pre-finished). No metal siding or vinyl siding is proposed. Criterion met.

B. Roofs, Awnings, Gutters, and Visible Roofing Components:

- 1. Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.**
- 2. Standing seam roofing: copper, terne metal or coated metal.**
- 3. Gutters and downspouts: copper, terne metal, or coated metal.**
- 4. Single or multi-ply roofing, where visibly concealed.**
- 5. Glass, steel, wood or canvas fabric awnings.**
- 6. Skylights: metal and wood framed glass and translucent polymer.**

Exhibit B8, the proposed roof is to be comprised of asphaltic shingle or standing beam metal roofing assembly. The roof will contain pre-finished metal gutter and downspouts (stainless steel with high performance coating). The entrance canopy will be composed of metal standing seam roofing assembly. Flashings and fascia to described to be stainless steel with high performance coating. Criterion met.

C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.

A chimney is not proposed as part of the proposal. Criterion not applicable.

D. Windows, Entrances, and Accessories:

1. Wood, vinyl or pre-finished metal frames and sashes.
2. Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.
3. Solid wood or fiberglass shutters.
4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

Exhibit B8, the proposed windows will be high-performance vinyl with insulated, low-e glazing and high-performance fiberglass storefront and door assemblies with insulated, low-e glazing. Criterion met.

E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies

1. Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.
2. Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.
3. Solid wood, painted welded steel or iron trellises.
4. Railings, balustrades, and related components shall be solid wood, painted welded steel or iron

The applicant is proposing a common-space smoking shelter located adjacent to the trash enclosure. The smoking shelter and trash enclosure is proposed to be constructed of brick and concrete that compliments the materials. Exhibit B1.

F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:

1. Brick and stone masonry or precast concrete.
2. Architecturally finished exposed concrete.
3. Cement-based stucco over masonry or concrete substrate.
4. Solid wood pickets, lattice and boards.
5. Painted welded metal or iron.

Exhibit B1, the proposed trash enclosure will be screened with a shelter. The screening along the southern property line adjacent to the existing residence will be provided for in the form of a landscape buffer. The landscape buffer shall not be less than 4' and maintained to ensure property shielding of vehicle headlights onto adjacent properties. [\[Condition 5.2\]](#).

10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:

A. Building Walls:

1. For each building, there shall be one single, clearly dominant exterior wall material and finish.
2. Brick and stone front façades shall return at least 18" around side walls.
3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.
4. Heavier materials, such as stone, shall only be used below lighter materials, such as siding.
5. Siding and shingles shall have a maximum 6" to the weather.
6. 4" minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.
7. Board and batten siding: battens shall be spaced a maximum of 8" on center.

B. Roofs, Awnings, Gutters and Roofing Accessories:

1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.
2. Eaves shall be continuous except at sheds and dormers.
3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.
4. Flat roofs shall be concealed by cornices or parapets.
5. Gutters shall be round or ogee profile. Leaders shall be round or square.
6. All roof-mounted components such as mechanical equipment shall not be visible from streetlevel public rights-of-way.
7. Sloped roof eaves shall overhang exterior wall planes at least 12" and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.

The applicant's sheets and exterior elevations touch on some of the elements listed above, but not in the detail as specified in FCC 6-6-5. Staff does find the applicant's sheets and exterior elevations are sufficient for staff review, however, final plans shall be submitted to the Florence Building Department that expressly show compliance with the standards of 10-6-6-5 A, B & D. [\[Condition 5.3\]](#)

C. Towers:

1. Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.
2. Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.
3. Commercial signage may not be placed on towers.
4. Tower separation shall be minimum of 100 feet.

No towers are proposed as part of the project. Criterion not applicable.

D. Visible Windows, Glazing, and Entrances:

1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.

2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.
3. Bay windows shall have visible bracket support.
4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.
5. Door and window shutters shall be sized to cover the entire window.
6. Exterior shutters shall be solid wood or fiberglass.
7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.
8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.
9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.
10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.

E. Visible Windows, Glazing, and Entrances:

1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.
2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.
3. Bay windows shall have visible bracket support.
4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.
5. Door and window shutters shall be sized to cover the entire window.
6. Exterior shutters shall be solid wood or fiberglass.
7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.
8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.
9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.
10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.

These criteria have been conditioned above.

E. Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.

No decks or balconies are proposed as part of the proposal. Criterion not applicable.

F. Visible Landscape/Retaining Walls and Fences:

1. Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.

3. Metal and iron fencing shall be configured in predominately vertical elements

No landscape retaining walls or fences composed of concrete, masonry, metal or iron are proposed as part of the proposal. Criterion not applicable.

G. Mechanical Equipment:

1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.

There are no building walls as part of the proposal that abuts a public right-of-way, therefore this criterion is not applicable. Furthermore, the West building is setback 100-feet from the centerline Hwy 101 and equipment is proposed to be housed interior (in the attic) of the buildings.

2. Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

These criteria are not applicable as there are not historic inventory properties in this area.

10-6-8: DRAWING SUBMITTAL: In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exits, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.

The applicant has submitted a Site Plan (Exhibit B1), with accompanying sheets, that include the necessary information. Criterion met.

B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.

The applicant's landscape architect has submitted a Landscape Plan that includes the required elements. (Exhibit B10). Criterion met.

- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.**

As seen in Exhibit B8, the applicant submitted the required architectural drawings. The materials and color schemes (greys) are identified on the sheet notes. Criterion met.

- D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.**

The applicant has provided the required material listed in this section. Any missing information is conditioned to be provided in these Findings.

10-6-11: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

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

In accordance with FCC 10-6-11, this Design Review approval will expire on September 29, 2022, one year after Planning Commission approval, unless substantial construction has taken place. [\[Condition 5.4\]](#)

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

- C. "Soils Map", Florence Comprehensive Plan Appendix 7**

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

F. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Amended Ord. 10, Series 2009)

10-7-6: SITE INVESTIGATION REPORTS (SIR):

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property;...

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code.

The site consists of Yaquina soils and requisite wetland areas. The applicant has applied for and received a removal fill permit from the Department of State Lands under application 63332-GP. The wetlands have been delineated and are proposed to be mitigated in accordance with their approval. The applicant has also provided an erosion and sedimentation control plan, grading plan and stormwater master plan for the site (Exhibits B2, B3 and B4). These plans have been reviewed and approved by the Public Works Dept. through their contract engineer. The Site Investigation reporting requirements have been satisfied through the application of required permits and preparation of stormwater plans which took into account soil type, percolation value and proposed and designed their stormwater systems accordingly. These criteria are satisfied.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-9: MULTI-FAMILY DWELLINGS:

A. Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Family Dwellings standards shall apply.

B. Siting and Design Criteria:

1. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') except where buildings are arranged end to end. Except in such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

The distance between the east and west building is approximately 60'; therefore, the criterion for a minimum separation of 30' between buildings is met.

2. Public Facilities: In addition to requirements listed in Section 10-36 of this Title, the developer of a multi-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

The developer will have full financial responsibility for the utilities needed on the building site. The applicant's engineering and utilities draft plans have been submitted and reviewed by the City's engineer of record, however updates to the draft plans will be reviewed once submitted. Florence Public Works Director's referral comments as shown under the Referral section of these Findings states that they reserve the right to provide *"additional comment as actual construction plans are developed."*

3. Open Space: Developments of five (5) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

a. Not less than ten feet (10') in width or depth at any point.

The proposed open spaces are greater than 10' in width or depth at all points. Criterion met.

b. Located on land with less than a five percent (5%) slope.

The site is relatively flat with a 5-foot elevation drop overall as evidenced in page 3, Exhibit E, the Geotechnical Report provided by Branch Engineering. Criterion met.

c. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.

By reviewing the proposed open space areas and the Landscape Plan, staff sees that proposed open spaces will be sufficiently cleared of trees, brush and obstructions so that recreational uses are possible. One such open space will be dedicated to the residents as an outdoor community garden space and another dedicated as a children's play area. The proposal also includes outdoor amenities such as picnic areas and an outdoor designated smoking area/shelter. Criterion met.

d. Not used for temporary or regular parking of automobiles or other vehicles.

The proposed open spaces are not shown on the submitted plans to be used as temporary or regular parking of automobiles or other vehicles. The proposal includes 82 off-street dedicated parking spaces specifically dedicated for the purpose of parking of vehicles. Criterion met.

e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)

For a proposal of 68 dwelling units, the applicant must provide at least 6,800 square feet of open space. As seen on the Site Plan (located in Exhibit B1), the total proposed open space is 7,709 square feet. Criterion met.

f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

The proposal includes an entry plaza to each building, an outdoor play area, picnic and gardening areas and an outdoor smoking shelter. Additionally, the site includes pedestrian walking paths that traverse amongst the landscape features. Indoor amenities include common spaces, laundry facilities and lobby seating areas. Criterion is exceeded.

4. Design Standards: Multi-family buildings must meet all applicable design criteria of FCC 10- 6-6-4 and 10-6-6-5, with the following exceptions:

a. 10-6-6-4. G.

b. 10-6-6-5. F. 2.

c. 10-6-6-5. G. 3.

d. Vinyl siding may be permitted if it meets the following standards:

1. The style emulates lap siding, board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.

3. Panels are a minimum thickness of 0.044 inches.

4. Soffit panels are a minimum thickness of 0.050 inches.

5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.

6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

This review criteria have been discussed in FCC 10-6 of the Findings. The applicant does not propose vinyl siding. These criteria are met.

5. Off-Street Parking: Multi-family development must meet all of the applicable standards outlined in Section 10-3 of this Title.

The discussion around off-street parking requirements and the applicant's proposal for off-street parking is addressed in detail earlier in these Findings under FCC Title 10-3. Staff will briefly reiterate the applicant's off-street parking proposal here: The applicant is seeking a parking concession from the Planning Commission to provide a total of 82 dedicated off-street parking spaces. This equates to one parking space for each dwelling unit, plus an additional 20% for guest or visitors.

6. Fences: Multi-family development must meet all of the applicable standards outlined in Section 10-34-5 of this Title.

Other than a fence for the trash enclosure, staff do not see any other fences proposed on any of the applicant's sheets. The applicant will need to submit any fencing plan to meet the applicable standards of 10-34-5 and 10-6-6-4-F. All fencing plans are to be submitted to the Florence Building Department for review and approval.

TITLE 10: CHAPTER 16: HIGHWAY DISTRICT (H)

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

B. Multiple-family residential, tri-plex and four-plex

A multiple-family development such as the Shore Pines development is a permitted use in the Highway District. The proposed development is a 68-unit apartment complex that will be comprised of two buildings: "East" and "West." The dwelling units will be a mix of one-bedroom and three-bedroom. Criterion met.

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

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

The proposed development is in keeping with adjacent properties. The subject property is adjacent to other residential uses, including the B & E Wayside RV Park and single-family residence to the southeast, residences located to the immediate east, and west of Highway 101. The property immediately to the south (the B & E Wayside RV Park) is already developed and a single-family dwelling also abuts the southern property line. The property immediately to the north is developed with a church. The church board has been involved in the planning

process, at the invitation of the developer. The church board is overall supportive of the project, particularly the transit access to the northwest and the parking concession proposal. This criterion is met.

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

Conditions of approval address the building and site design where needed. The applicant has submitted architectural and design plans, seeking to make the site as attractive as the nature of the use and setting allows through the application of FCC design regulations.

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

The subject property is zoned Highway District, a district which takes into consideration what types of uses and intensities the site can accommodate. A multiple-family use is permitted outright. The site is accessed via Highway 101 and includes internal vehicular circulation that is sufficient for two-way vehicular traffic within the parking lot. Florence's TSP has considered, and appropriately accounted for, the types of development that may occur in this area. As the site is located within ¼ of an existing transit stop, there is likely to be a reduction in the internal vehicular circulation experienced by the subject property. A further parking reduction has been requested and discussed elsewhere in these Findings. The criterion is met.

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

Access and circulation will be further addressed within FCC 10-35 later in this report.

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

Utilities are available and adequate for the proposed use. This criterion is met.

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

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

Parking space and lighting exceptions from City Code have been requested and area addressed in these Findings. The applicant has submitted a variance request to the maximum allowed height and density standards in the Highway District. Both requested variances will be addressed in a separate staff Findings under PC 21 23 VAR 02.

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

These items, if applicable, are addressed within staff review of FCC 10-34.

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

Access and Circulation are addressed under FCC 10-35.

- D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.**

While not officially proposed as of the time of the writing of this staff report, the development may require a small emergency back-up electric generator for a sanitary lift station, if the event the applicant's planned connection to 40th Street turns out not to be feasible. If the generator is needed, it would likely be located near the proposed trash enclosure, along the southern property line. The generator would likely require monthly testing for a short period of time, of which would generate noise/sound. Per the City's noise ordinance, such a noise generating apparatus would likely classify as an exception under Title 6-1-2-3, Unnecessary Noise, subsection D(2). Under subsection D(2), sound caused by emergency work or by the commonly accepted equipment, such as a generator, would be permitted. Other than the possible siting of an emergency electric generator in the event of an emergency situation in which a power outage would disable the sanitary lift station, no nuisance-causing noise, vibration, smoke, dust, odor, lighting, or electrical interference have been proposed and would not be permitted, subject to City nuisance standards. The proposal will involve a back-up emergency generator, as it is a code requirement.

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

Parking was addressed under FCC 10-3 of these Findings.

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

As seen on Exhibit B1, Sheet A1.0, note G17, a monument sign is proposed. The applicant is requesting to have the monument signed reviewed and permitted as part of the building permit process. The path for signage approval has been conditioned elsewhere within these Findings.

- G. Architectural quality and aesthetic appearance.**

The architectural quality of the buildings is sufficient for the use and the district. While necessary conditions of approval have been applied to address minor deficiencies, staff overall finds the architectural quality and aesthetic appearance sufficient.

- H. Public health and safety.**

- I. Security.**

There are no known threats to public safety, health, or security. Agency referrals were sent to emergency service providers who have not provided comment as of the writing of these Findings. These criteria are met.

J. Lot area, dimensions and percent of coverage.

These items are addressed later within this section.

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

These items are addressed in review of FCC 10-36.

10-16-7: DESIGN SPECIFICATIONS:

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

2. Residential: One hundred feet (100').

As seen on Exhibit B1 Sheet A1.0, the setback is 100' from the centerline of Highway 101. Criterion met.

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

As evidenced in Exhibit B1, the proposed West building is located 100' from the Highway 101 centerline, and both buildings 5' from the northern property line. The East building is setback approximately 30' from eastern property line (abutting the adjacent residential uses) whereby treed open space and a walking trail serve to create a buffer. The SE parking lot area is located 5' from the southern property line. The most northern parking lot is also 5' from the northern property line. The proposed setbacks will be adequate from the Highway, (there are no side streets), and abutting properties. Landscaped screening of these areas is planned to prevent headlight glare onto neighboring properties and discussed FCC 10-16-7B below, and under FCC 10-34 (Landscaping) of these Findings.

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

2.. Residential: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

The area between the parking lot and Highway 101 will be landscaped to shield the visibility of the parking lot and vehicles, to the extent possible allowed, while still considering site security and pedestrian accessibility. Direct headlight glare from the spaces themselves are designed to either be shielded from the Highway with the West building serving as a buffer. The native vegetation area located adjacent to Highway 101 is naturally at a lower elevation than the highway. Most plants listed in the applicant's Landscape Plan (Exhibit B10) exceed 6' in height. This creates a vegetated visual buffer between the West building and Highway 101. Criterion met.

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

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

The subject property does not abut a side street. Criterion not applicable.

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

This section has been addressed previously within this report.

H. General Provisions:

1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.
3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

The applicant has not proposed nor will be permitted to have any of the above conditions on the property at any time.

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

As seen on Sheet A1.0, the lot width is 165'. Criterion met.

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

The lot area of the subject property is 2.47 acres, which equates to 107,593.2 square feet. Criterion met.

K. Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings and their associated structures refer to Section 10-10-5 of this Title for requirements.

The applicant is seeking a variance to the maximum building height standards allowed in the Highway District. The maximum building height allowed in the Highway District zone is 35'. The applicant is proposing the east building to be built to a maximum height of 38' and 11"; the West building is proposed to be built to a maximum height of 38' and 0". The variance request is being processed as a separate land use action with separate findings under the file name PC 21 23 VAR 02.

- L. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definitions, and requirements. (Ord. 26, 2008)**

These sections will be addressed within their respective sections of this staff report.

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

As listed in (Exhibit B1), the lot coverage of the proposal is 66.5%, which is approximately 18.5% below the maximum allowed. No Preservation Credit has been requested. Criterion exceeded.

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

Lighting will be addressed as part of staff review of FCC 10-37.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-2-4: Preservation Credit. The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. [...]

The applicant is not requesting a Preservation Credit. The minimum required percent of landscape required is 15%. The applicant proposes a total of 32% of landscaping, exceeding the minimum required.

10-34-3: LANDSCAPING

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

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

{...}

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.

The Landscape Plan shows an existing wooden fence that is to remain on the eastern property boundary. The height of the fence is not indicated on the Plan itself; however, the height of the fence (6") is shown on Exhibit B6.

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

There are no existing terraces, retaining walls, decks, patios, shelters or play areas, as the site is currently vacant and undeveloped.

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

The location, size and species of the new proposed plant materials are provided in Exhibit B10. Criterion met.

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.

The applicant has submitted a tree removal and protection plan, as seen in Exhibit B10, Sheet L0.01. Approximately 91 trees are slated for removal and with approximately 33 trees that are proposed to remain on site. Submitted plans have been drawn to scale by a registered landscape architect. Criterion met.

E. Existing and proposed building and pavement outlines.

The architecture and engineering plans submitted by the applicant include proposed building and pavement outlines. Criterion met.

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

Exhibit B10 include specifications for soil, irrigation and anticipated planting schedule. Criterion met.

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

The applicant's Landscaping Plan contains the required information. Criterion met.

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

The minimum required percent of landscape required is 15%. The applicant proposes a total of 32% of landscaping, exceeding the minimum required. Criterion met.

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

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

The subject lot line adjacent and parallel to Highway 101 measures 165'. This equates to the requirement of 5.5 trees adjacent to Highway 101. As seen on Sheet L1.01, the applicant is leaving two existing trees and planting three new trees. The new species of tree to be planted is *Pinus contorta* (Shore Pine) and will be approximately 5' in height. The FCC standards do not speak to how to handle fractions of trees required and in practice, requirements are usually rounded up. It is noted however, in general, the frontage along Highway 101 is heavily landscaped with smaller shrubs and ground cover. Additionally, of the 33 trees proposed to be retained a preservation credit would easily be met if applied for to cover the balance. Staff believes the current tree proposal meets the intent of this section.

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

As discussed above, there is approximately 165 feet of street frontage. This length divided by 30' and the result multiplied by 6 computes a requirement for 33 shrubs within the front 20' of their respective street-abutting lot line. Exhibit B10 proposes an excess of 33 shrubs proposed to be planted. Criterion met.

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

The proposed landscape design includes plant species with growth characteristics to cover the minimum area required. These include *Frangula purshiana* (Cascara) and (*Pinus contorta* Shore Pine) trees. *Mahonia repens* (Creeping Oregon Grape), *Myrica californica* Pacific Wax Myrtle), *Gaultheria shallon* (Salal), *Ribes sanguineum* (Red Flowering Current), *Rosa nutkana* (Nootka Rose), and *Vaccinium ovatum* (Evergreen Huckleberry) are planned for ornamental shrub plantings. Proposed groundcover plantings include *Arctostaphylos uva-ursi* (Kinickinnic), *Deschampsia cespitosa* (Tufted Hairgrass), *Fragaria chiloensis* Coastal Strawberry), *Miscanthus sinensis* (Little Kitten Maiden Grass), and *Polystichum munitum* (Western Sword Fern). This criterion will be met providing the irrigation (conditioned elsewhere in these Findings) and planting maintenance notes are followed.

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

5. Pocket-planting³ with a soil-compost blend around plants and trees shall be used to ensure healthy growth.

The planned location and placement of landscaping plants and trees are not expected to create problems with vision clearance standards. The *Pinus contorta* trees, which are planned to be 5' in height are located further than 20' from the driveway entrance off of Highway 101. No landscaping is planned within the street rights-of-way. The code requires a buffer along the highway frontage which can be met with native vegetation. The proposal includes approx. 30 feet of preservation depth along the frontage with sufficient shrubs to meet the count requirements. Additionally, the shrub count is better served within the stormwater water system and as screening along the southern property lines. Sheet L1.01, Note 4 indicates the provision of information on planting mediums - Pocket-planting with a soil-compost blend around plants and trees. These criteria are met.

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

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

The applicant's Landscape Plan include grasses, ferns, groundcovers and perennials and grasses intended to serve as ground cover for the site. The proposed planting schedule lists the specific plant to be planted, the quantity and the size and condition. Staff do not see a specific reference to plants that come from a 4-inch or 1–2-gallon pot and their proposed spacing, however. Furthermore, staff are unable to ascertain which shrubs shall be planted from a 3-gallon container, unless otherwise specified in the *Tree and Plant List for the City of Florence*. Prior to issuance of the Certificate of Occupancy, the applicant shall submit an updated Landscape Plan to the Florence Planning Department demonstrating that plants have the required container sizes specified in the *Tree and Plant List for the City of Florence* to ensure that all ground cover plants and shrubs (3-gallon containers) will be planted in accordance with the specifics listed in FCC 10-34-3-4-A-1 & 2. [\[Condition 6.1\]](#)

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).

As seen in the applicant's landscape plan and planting schedule, the two trees proposed to be planted on the site are Shore Pine and Cascara, both of which meet the standards identified above and listed on the City's Tree and Plant list. Criterion met.

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

The proposed landscaping plan indicates that Kinnikinnick will be used as a ground cover throughout the landscape plantings.

In accordance with FCC 10-34-3-4, A.4., planting areas shall be recessed, or curbs raised as needed to confine ground-cover materials. [\[Condition 6.2\]](#)

- C. **Hardscape features,** such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

The applicant is not proposing reductions in required landscaping area.

- D. **Storm Water Facilities.** Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

The applicant's Landscape Plan includes plans showing that the storm water retention areas will be landscaped (bio-swale). Criterion met

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 permanent underground irrigation plan is shown on Exhibit B10. The irrigation system will require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5. [Condition 6.3]

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;**

The applicant is proposing to provide 82 parking spaces, this equates to a required 820 square feet of interior parking lot landscaping. The amount of interior parking lot landscaping is not identified by the applicant.

- 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;**

The single parking island located in the bottom center of the parking lot will be planted with a Shore Pine, listed on the City's *Tree and Plant List for the City of Florence*. Remaining islands will contain existing trees.

- 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;**

Exhibit B6 shows that 10 parking islands are proposed. The total square footage of planting area proposed by the applicant is 3,380, which exceeds the minimum required. All interior landscape parking islands are larger than 30 square feet and have a minimum of 5' on any side. Criterion met.

- D. Irrigation is required for interior parking lot landscaping to ensure plant survival**

Permanent, underground irrigation to ensure plant survival is proposed, including the parking islands. Criterion met.

- 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.**

With the proposed planting schedule and irrigation plan, a minimum of 70% of the required interior parking lot landscaping can be covered within 5 years of planting. The one tree

proposed to be placed on the parking island located at the bottom center of the parking lot will be a 5' Shore Pine, but the landscape notes indicate all trees to be located in the parking lot shall have a 6' clear height to the lowest branches. Criterion met.

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

- A. Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

The area between the parking lot and Highway 101 will be landscaped to shield the visibility of the parking lot and vehicles, to the extent possible allowed, while still considering site security and pedestrian accessibility. The landscaped area located adjacent to Highway 101 is naturally on higher ground than the surrounding area, this acts as a natural visual buffer between the west building and Highway 101. Criterion met.

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

The proposed parking areas are separated from the East and West buildings, respectively, by a raised walkway, plaza and landscaping buffer that is not less than 5' in width. Criterion met.

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).

To ensure compliance with FCC 10-34-3-8, the applicant shall maintain their landscaping and replace any failed planting with an equivalent specimen within six months of their dying or removal. **[Condition 6.4]**

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

Trees are all interior to the project property and are not planned in the street rights-of-way. This section does not apply.

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

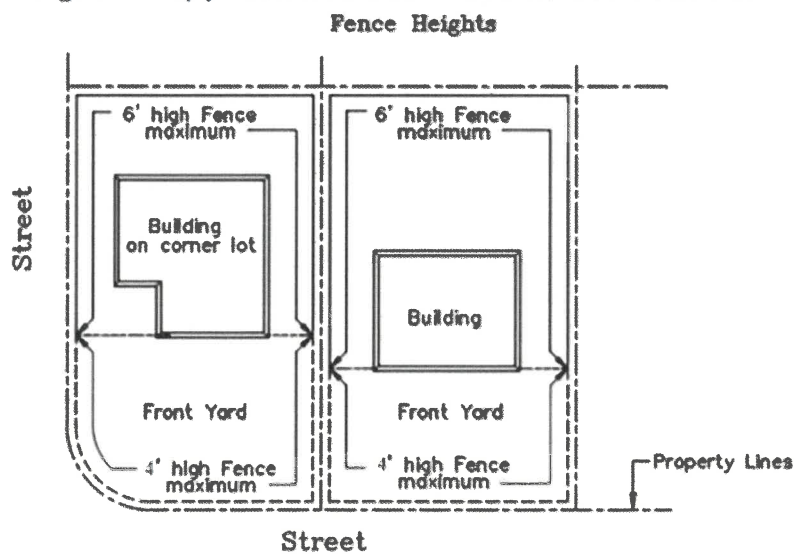
A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval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

B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

Figure 10-34(2): Residential and Commercial Fence Standard

Figure 10-34(2): Residential and Commercial Fence Standard



F. Materials.

- 1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.**
- 2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.**
- 3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.**
- 4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.**

Except for the trash enclosure, no fencing is proposed on the plans submitted. Condition met.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2: VEHICULAR ACCESS AND CIRCULATION

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

10-35-2-3: Access Approval Required: Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

The applicant is proposing to take access to and from the subject property directly off Highway 101, an ODOT owned and maintained facility. The requirements above listed in FCC 10-35-2-3 apply to City owned and maintained facilities, therefore, this criterion does not apply.

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County

upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the “Highway 101 Access Management Plan.” County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

ODOT and the applicant’s team have been working and communicating over the past several years with respect to access for the proposed project. The subject property does not have an existing highway approach to Highway 101, and the property is access controlled. ODOT has indicated to the applicant that Tax Lots 500,600 and 700, and the southern portion of TL 400 share a 45’ wide reservation of access located near mile point 188.44, adjacent to the TL 600 frontage at the southern edge of TL 500. At this location, there is an existing ODOT approach permit for a shared 32’ wide driveway, with an existing paved width of 12’. It is expected access to the subject property will occur within the existing reservation of access. The specific access location and design will be coordinated with both ODOT and the City to meet the applicable agency standards.

Conditions placed by the State upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. The applicant has been conditioned to communicate plans with ODOT with regard to their driveway access point. Criterion sufficiently addressed.

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

Access to Highway 101 from the site continues to be reviewed by ODOT (Exhibit X), the roadway authority who has jurisdiction over the access points. ODOT may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements, development of a frontage street, installation of traffic control devices, or other mitigation as a condition of approval and has indicated the closure of the existing driveway south of the site. The applicant shall obtain a Construction Permit in the Right-of-way to install driveway approaches under the direction of ODOT, for proposed access locations and to remove/close the existing driveway approach to the south of the site. [\[Condition 7.1\]](#)

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

The internal on-site circulation will primarily be via the proposed 82-space parking lot that will take direct access of Highway 101 with a new 24’ wide driveway. The parking lot is large enough to accommodate two-way vehicular traffic for ingress and egress. As seen in the

applicant's TIA-scoping letter, the allowed uses in the Highway District zoning designation have already been contemplated in Florence's Transportation System Plan (TSP). The proposed development does not contribute traffic to the critical westbound left-turn movement at the intersection of Highway 101 and Munsel Lake Road. Overall, specific intersection analysis is not necessary to identify additional transportation impacts.

With respect to pedestrian connection between sites, adjacent sidewalks, trails or paths, the applicant is proposing a pedestrian path to the northeast of the site in order to access the existing bus stop located at the corner of 40th and Spruce Streets. The applicant has been in direct communication with the adjacent property owners (Presbyterian- church Siuslaw) over which the pedestrian path is to be located. The church board has given positive feedback from the applicant's plans for the parking concession and the use of their property to access the bus stop. An easement will be required for future residents of Shore Pines in order for them to cross church property and utilize public transit services. A further discussion of the easement between the applicant and the church to access transit services at the corner of 40th and Spruce Streets will be further discussed in this report. To that end, staff find these criteria sufficiently addressed.

Also, the internal walkway planned to connect pedestrians to Highway 101 will require an easement allowing for public access. The applicant shall provide a 15' recorded public access easement for the North/South walkway connecting to ODOT right-of-way. [\[Condition 7.2\]](#)

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

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

Attention is paid to the above details throughout review of FCC 10-35 and is apparent in the applicant's proposal. Final approval of the driveway approaches will be submitted to the Public Works Director, and in coordination with ODOT, and have been conditioned in these Findings.

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

[...]

2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.

The proposed driveway that is to take direct access off Highway 101 into and out of the subject property is proposed to be 24' feet wide. Criterion met.

3. **Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**

The proposed driveway will provide two-way traffic. The width of the proposed driveway is 24', which exceeds the minimum width by six feet. Criterion met.

4. **One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).**

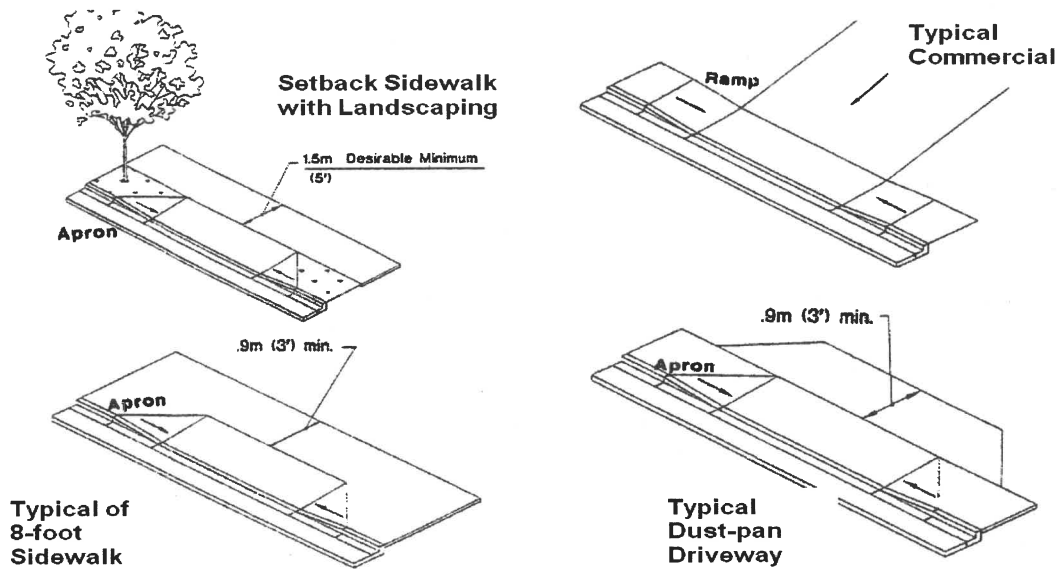
No one-way driveways are proposed, although the applicant has included two hammerhead turn-arounds to address fire and emergency vehicles. Areas for fire and emergency vehicle parking, access or turnaround shall be appropriately marked and signed. [\[Condition 7.3\]](#)

5. **The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.**

The proposed driveway grade may exceed 15 percent. The driveway will take direct access of a portion of Highway 101, which may include a grade change between Highway 101 and the subject property. Final driveway approach plans stamped by a registered geotechnical engineer or civil engineer which have been approved by ODOT shall be submitted to the Public Works Director for final approval prior to construction. [\[Condition 7.4\]](#)

- C. **Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.**

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



The proposal would add a new approach off Highway 101 into the subject property. Since the adjacent right-of-way is an ODOT owned and maintained facility, the specific plans for a driveway approach shall be reviewed and approved by ODOT as conditioned above.

- D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as “No Stopping/No Parking.” See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.**

Two hammerheads to accommodate emergency vehicles have been provided for the project.

10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6” for their entire length and width.

No obstructions below 13'.6” are proposed. This criterion is met.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in “vision clearance areas” on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').**

The proposal does not involve an intersection of (2) streets, therefore this criterion does not apply.

B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

The proposal does involve a driveway intersecting a street (Highway 101). In this case, the minimum vision clearance shall be at least 10'.

C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The proposal does involve one internal driveway intersection; the intersection with the main larger parking lot and the smaller parking lot, which is located in between the west and east buildings. The minimum vision clearance is met. To maintain and ensure visual clearance standards are met, the applicant shall perpetually maintain landscaping so that plants do not grow to obstruct vision clearance areas at internal intersection or intersections with public streets. [\[Informational 1\]](#)

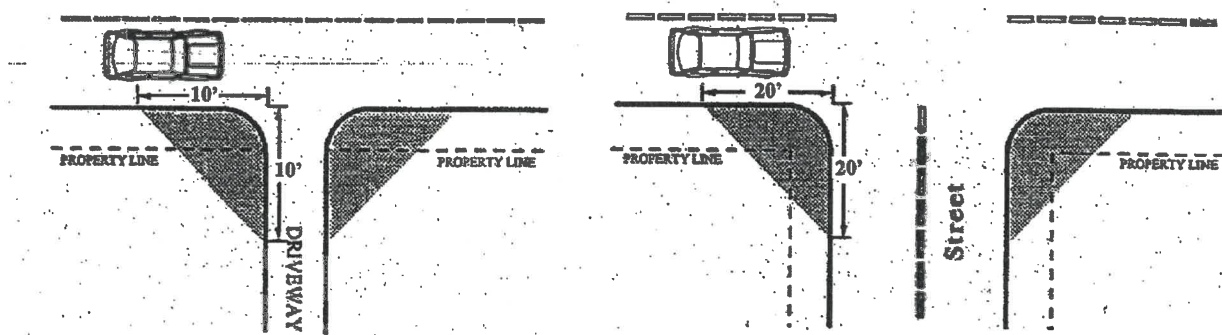


Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)

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

10-35-3-1: Sidewalk Requirements:

A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:

1. Upon any new development of property.
2. Upon any redevelopment of property that expands the building square footage by 25% or more.
3. Upon any change of use that requires more than five additional parking spaces.

The applicant is proposing pedestrian sidewalks adjacent to Highway 101 along the entire width of the property that traverses from the south edge of the driveway north through the landscaped features to the left of the west building. Plans for sidewalks adjacent to an ODOT owned and maintained facility shall be reviewed and approved by ODOT staff. [Condition 7.5]

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

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

Exhibit B1 shows pedestrian paths (or sidewalks) extend throughout the entire site and provide adequate access to the common and open space amenities. The proposal only involves one phase, so extension to further development is not contemplated. Lastly, an important pedestrian connection is proposed to the northeast of the site that will effectively connect residents of Shore Pines to local transit services. The pedestrian path leaves the subject property and enters and continues through the adjacent church property (Tax Lot 400) and ends at the dead-end of 46th Street. The existing bus transit stop is located at the corners of Spruce and 46th Street. The applicant and the church will need to enter into an access easement to allow pedestrian movement through and across their property in order to access the transit services. Prior to issuance of Certificate of Occupancy, the applicant shall secure a recorded pedestrian access easement from the neighboring northern property in order to provide connection to Spruce Street. Continuous accessible pedestrian access meeting FCC 10-35-3-3-C shall be provided from the on-site system to offsite transit stop. [Condition 7.6]

- B. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
3. **"Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings** is the main public entrance to the building. In the

case where no public entrance exists, street connections shall be provided to the main employee entrance.

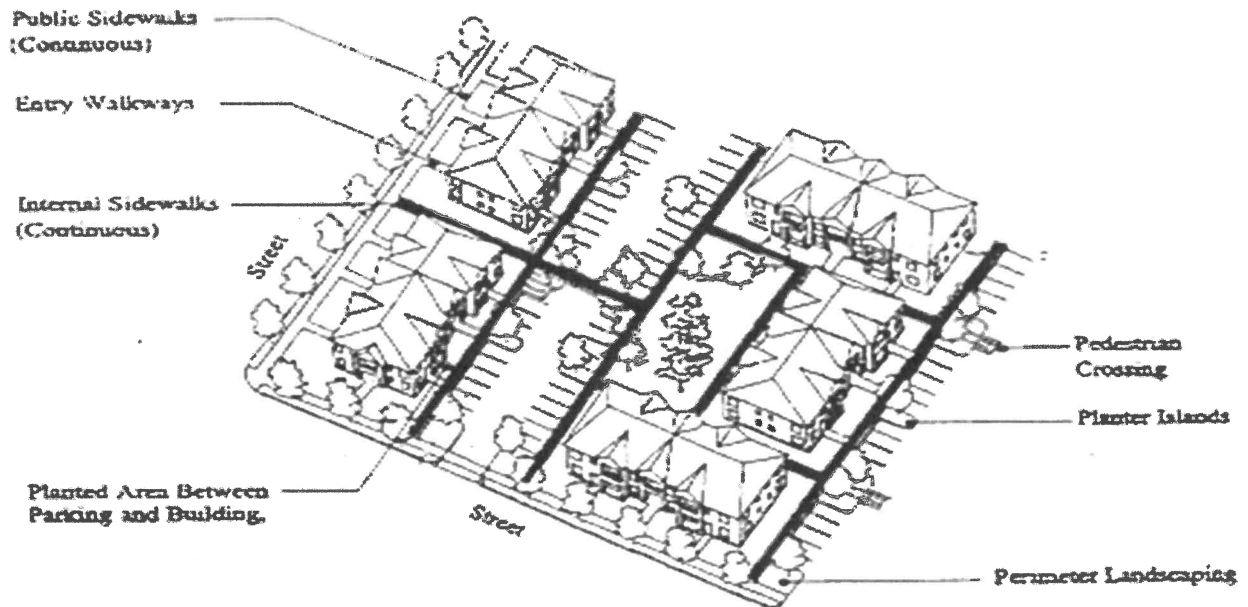
Exhibit B1 demonstrates that the pedestrian walkways within the development do not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users. Overall, the pedestrian walkways are aesthetically designed and placed to bring likely users to interact with the available open space and on-site amenities. The proposed pedestrian walkways allow a user to travel from the far western end of the property to the far eastern end of the property and beyond (to access the transit services) and also travel in a north and southward direction adjacent but not directly against Highway 101. Staff find the proposed pedestrian walkways meet the intent and spirit of these criteria.

C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:

1. **Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);**

The proposed walkways are unobstructed and connect to all building entrances to one another to the best extent possible. Criterion met.

2. **Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and**



As discussed above, the pedestrian walkways provide adequate pedestrian circulation throughout the entire site. Proposed off-site pedestrian access to transit facilities is planned

via a pedestrian pathway that exits the northwest portion of the site and leads to the bus stop at Spruce and 40th Streets. An access easement will be required between the applicant and the northern (church) property and has been appropriately conditioned in this staff report as well as a public access easement for the sidewalk situated north and southward to the east of Highway 101. Criterion met.

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

- A. **Vehicle/Walkway Separation.** Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

Exhibit B4 demonstrates a proposal for, a raised six-inch curb is proposed along the edge of the driveway. Criterion met.

- B. **Pedestrian Crossing.** Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

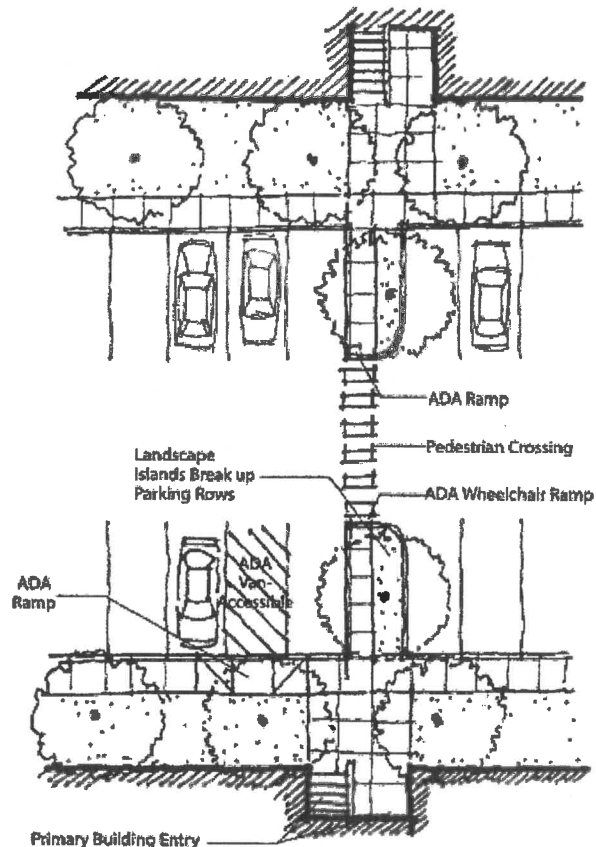
As seen on Exhibits B1, B5 and B6, the proposed pedestrian walkway in between the east and west buildings will be appropriately marked with contrasting paving materials. Criterion met.

- C. **Width and Surface.** Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)

The widths of the proposed onsite pedestrian walkways are greater than 5' in width and constructed of concrete meeting the minimum required. The width and surface of the walkway connecting to the Spruce St. Transit stop are not indicated. Criterion met for onsite walkways. Continuous accessible pedestrian access meeting this criterion shall be provided from the on-site system to off-site transit stop on Spruce as conditioner elsewhere in these Findings.

- D. **Accessible routes.** Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

Figure 10-35(6):
Pedestrian Walkway Detail (Typical)



As seen on Exhibit B6, the on-site walkways can and will be built to ADA standards. The off-site pedestrian access is subject to this criterion as conditioned above. Criterion met.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

- A. If the proposed uses are located on a site within $\frac{1}{4}$ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

There is an existing bus stop located within $\frac{1}{4}$ mile of the site. The applicant is proposing a pedestrian walkway to exit through the northeast corner of the site, through the adjacent church property and then onto the corner of 40th and Spruce Streets to access the bus stop. The applicant has been working and communicating with the church on the pedestrian

walkways plans and intend to obtain an easement. The requirement for an access easement between the applicant and the church has been added as a condition of approval as has a requirement for a surfaced walkway for safe traverse. Criterion sufficiently addressed.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.

Currently, a drainage ditch runs north and southward along the east side of Hwy 101 within the ODOT right-of-way. In staff conversations with ODOT, their staff voiced concerns about the design of the future driveway, some of which will be constructed in ODOT right-of-way and had questions about sidewalk design. City of Florence TSP Project 8 states that sidewalks along US Highway 101 will be filled in where they are missing north to the UGB on both sides. These needs are typically north of 37th St. ODOT has scheduled. The applicants are proposing sidewalks internal to the project that will connect both the north and south edges of the pathway to ODOT right-of-way. It is expected that the public will be using this walkway, too, to avoid the existing drainage ditch. As such, a recorded public easement has been conditioned elsewhere in these findings that the applicant will be providing the Planning Department prior to Certificates of Occupancy.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

As mentioned in this report, the applicant is proposing to access the transit services located at the corners of 40th and Spruce Streets. The pedestrian walkway will exit through the northwest corner of the site and cross through the church property. The applicant and the church have been in communication regarding this proposal and the need for an easement. The church is supportive of the applicant's plans. The need for a new access easement between the church and the applicant has been included as a condition of approval in this report. Additionally, the proposal includes on-site public sidewalks along the western highway frontage. A 15' wide public access easement shall be centered along the highway fronting sidewalk for the entire length of the property has been conditioned earlier.

10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

See Section 2-1-B above.

10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:

- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.**
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.**
- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.**
- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).**
- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.**

The TSP and City Code do not regulate ODOT rights-of-ways. ODOT's access permitting and public improvement permits shall govern the required infrastructure and construction standards along the Hwy 101 corridor except where the City has jurisdiction or standing. A drainage ditch exists along the east side of Highway 101 between the highway pavement and the subject property. The proposed pedestrian walkways on the site will meander around a few existing trees to aide in the preservation of some trees and the beautification of the site. All proposed walkways, sidewalks, and ramps shall be built to ADA standards where applicable [\[Condition 8.1\]](#).

- F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.**

The TSP Project 8 states that sidewalks along US Highway 101 will be filled in where they are missing north to the UGB on both sides. These needs are typically north of 37th St. Any sidewalks proposed along the highway frontage will require ODOT approval prior to their construction. This has been conditioned through Condition 7.5. Criterion sufficiently addressed.

10-36-2-17: Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

No new rights-of-way are planned or necessary. The subject property abuts Highway 101, an ODOT owned and maintained facility. Planned or necessary modifications to the right-of-way within Highway 101 shall be coordinated between the applicant and ODOT as necessary. The applicant has been working with ODOT engineers on a new ODOT approach permit to utilize Highway 101 as the primary ingress and egress point for the subject property. Criterion sufficiently addressed.

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following standards:

- A. Curb exposure shall be per City Standards and Specifications.
- B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.
- C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

The subject property is adjacent to and will take access from an ODOT owned and maintained facility. Driveway approaches to and from Highway 101 shall be reviewed and approved by ODOT as part of the permit approach application the applicant is presently seeking. The applicant proposes two-foot gravel extensions off of the driveway onto Highway 101. City code and City standards and specifications require curbing at driveways. If engineering and site conditions permit it, curbing is required at this curb cut unless ODOT objects to it. [\[Informational 2\]](#)

The applicant has submitted curb plans for the curbs that are to be in the main parking lot area. The curbs in the parking lot area will be at least six inches high.

10-36-2-22: Mail Boxes: Plans for mail boxes shall be approved by the United States Postal Service.

Prior to the issuance of certificates of occupancy, the applicant shall submit evidence to the Florence Planning Director that the local post office authority having jurisdiction over the area has reviewed and approved the plan for mailboxes to serve the future residents of Shore Pines. [\[Condition 8.2\]](#)

10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND FIRE PROTECTION:

- A. **Sewers, Water, and Stormwater Mains Required:** Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the

subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.

The proposal utilizes existing public utilities near Highway 101 and to extend water, sewer and storm lines as appropriate, as shown on Exhibits B3, B4 and B5. An 8" storm drain will be constructed along the northern property line and 10" near the southern portion of the property line (south of the parking lot area). Additionally, the applicant will utilize on-site stormwater treatment with the implementation of a rain garden at the southeast corner of the property and a stormwater conveyance swale near the open space areas in front of the west building. The applicant's sewer, water and stormwater plans have been reviewed and preliminarily approved by the contracted city engineer. Criterion met

- B. Sewer, Water, and Stormwater Plan Approval: Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.**

As discussed, the applicant must secure approval from the Public Works Department. This has been made a condition of approval.

- C. Existing Watercourse: Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.**

There is no existing watercourse, and this criterion does not apply.

- D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.**

As discussed, the applicant must secure approval from the Public Works Department.

- E. Fire Protection: All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.**

As seen on Sheet C4.0, a 4" FDC (Fire Department Connection) water lines will be extended throughout the site to serve both the West and East buildings.

As part of the building permit review process, fire flow analyses, hydrant plans, and water service details shall be subject to review and approval by the Building Official and Fire Marshal. [\[Informational 3\]](#)

- F. Inadequate Facilities:** Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

The proposed water, wastewater, and stormwater systems meet the standards of the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan. The water and sewer capacity in the project area are sufficient for the proposed use. As conditioned the final detail and location of water, sewer and stormwater system design is conditioned upon final review and comment by the Public Works Director. This has already been conditioned elsewhere in this report. Staff find the applicant can feasibly meet the water, sewer, and stormwater requirements as seen in their civil engineering drawings. These criteria are met.

10-36-4: EROSION CONTROL: In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

The subject property is 2.47 acres in size. Nearly the entire site will be disturbed, therefore a National Pollution Discharge Elimination System Permit (NPDES) is required. The applicant shall submit evidence of an approved NPDES permit to the City of Florence Building Department, prior to any development occurs on the subject property. [\[Condition 8.3\]](#)

10-36-5: UTILITIES:

A. Underground Utilities:

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

New utility lines are planned to be located underground. This criterion is met.

10-36-6: EASEMENTS:

- A. Provision:** Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood

damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

- B. Recordation:** As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

Other than easements for pedestrian access, no additional easements are required for this development. These criteria are met.

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

- A. Plan Approval and Permit:** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.
- B. Performance Guarantee:** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

As discussed, the applicant must secure approval from the Public Works Department.

10-36-8: INSTALLATION:

- A. Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards:** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.
- C. Commencement:** Work shall not begin until the City has been notified in advance in writing.

- D. Resumption:** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. City Inspection:** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- F. Engineer's Certification and As-Built Plans:** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.
- G. Acceptance of Public Improvements:** Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.
- H. Warranty of Public Facilities:** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period

This proposal will be subject to the construction standards, inspections, approvals, and bonds and warranties as outlined in these sections and will be reviewed and required as part of the construction facility infrastructure permitting process.

TITLE 10: CHAPTER 37: LIGHTING

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

street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

- A. Resumption of Use -** If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- B. Major Additions or Alterations -** If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
 - 1. Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.**
 - 2. Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.**
 - 3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.**
- C. Amortization -** On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. “Easy fixes” such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

FCC 10-37-2 effectively states that the lighting standards of 10-37-2 apply to the present proposal. The applicant has submitted a lighting plan for staff review. No specific criteria to address here.

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

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

The applicant has submitted a lighting plan “photometric plan,” as seen in Exhibit B11. Included in the plan are spec sheets demonstrating the different light sources - the use of “MAR” circular mounted surface lighting fixtures illustrated in the spec sheets are designed to provide street lighting with performance hidden inside urban form lighting. Also proposed is a JET 57 lighting fixture, Gino 2 downlight for exterior building use, and round downlights generally used for interior lighting. Included in these plans are internal lighting for the exterior

canopy. It appears to staff that this same light fixture is proposed internally to provide lighting for the covered bicycle storage area; but this is not specifically called out in the material.

10-37-4: LIGHTING STANDARDS:

- A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.**

The Lighting Plan (Exhibit B11) and product specifications demonstrate all exterior lighting fixtures are designed to be full cut-off so that direct light emissions are directed downward and would not shed onto adjacent properties or skyward. Criterion met.

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

The applicant concedes that the parking area, in some locations, does not have at least a two-foot-candles of illumination. As the applicant states on the last page of Exhibit B1, it's the designs team's professional experience with projects such as this one that the proposed lighting fixture types and foot-candle intervals will provide an appropriate level of site illumination to meet the site's safety and security needs.

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

The proposed parking light pole fixtures measure 20' per Exhibit B11. Important to note is that staff has been experiencing construction site visits where poles such as these are mounted on bases creating dissonance with approved light plans and with Code sections with



maximum height allowances – the fixtures in those instances are found to be higher than grade level and once installed, are an added expense to the developer to correct. Understandably manufacturers require the bases for the purpose of wind and load bearing and not installing a base voids the manufacturer's warranty. The applicant shall submit a Lighting Plan to the Community Development Department with building permits that demonstrates the 20' height as measured from grade (including the concrete or similar base) in accordance with FCC 10- 37-4 C. **[Condition 9.1]**

D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

The proposal is not for a commercial, institutional or industrial type development. The overall lighting (photometric) plan has been designed with the inclusion of safety and security elements. Criterion not applicable.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

The proposed lighting plan is subject to a thirty-day review beginning with the first day in business using the proposed lighting system. The applicant is not seeking a variance to lighting standards, rather acceptance of the proposed lighting plan. The applicant's design team believes, in their professional opinion, that the overall lighting plan meets the spirit and intent of Florence's lighting standards. If deficiencies are noticed in the proposed lighting plan, the City and the Design Review Board reserve the right to investigate on site and make appropriate recommendations for remediation, without going through a formal variance or exceptions procedure. Staff do find the lighting plan acceptable, given the design's professional opinion and experience in designing other lighting plans for similar types of development, but this is something staff respectfully requests Planning Commission review and consideration, and if necessary, inquire of the applicant further information at the public hearing.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

No externally lit commercial signs are proposed. Criterion not applicable.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

Walkway lighting is proposed to be full-cutoff.

Criteria for signage may be found under FCC 4-7, is reviewed and permitted through the Building Department. Should an "entrance sign" be proposed by the applicant denoting the entrance to Shore Pines, the applicant shall submit the required materials and fee(s) to the

Florence Building Department for review and comment, prior to the issuance of building permits. [\[Informational 4\]](#)

TITLE 9: UTILITIES

TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT REQUIREMENTS

9-5-3: STORMWATER DESIGN CRITERIA:

9-5-3-1: GENERAL:

A. The criteria in Section 9-5-3 shall be used in the design of public and private stormwater drainage and management systems. Stormwater management facilities shall be constructed in accordance with the Stormwater Manual: the 2008 Portland Stormwater Management Manual, as superseded by the December 2010 City of Florence Stormwater Design Manual; and the 2008 City of Portland Erosion and Sediment Control Manual.

The site design's stormwater cannot be retained onsite for the required design storms therefore structural detention systems are included to limit post-development runoff to current levels for the water quality through the flow control storms.

The water quality facilities will consist of one Infiltration Vegetated Swale and one Infiltration Rain Garden. The rain garden is an infiltration facility and is located on the east side of the site with a 5,382 ft² footprint with a maximum 9-inches of storage. The vegetated swale is an infiltration facility and is located south of the east apartment building with a 402 ft² footprint with a maximum 6-inches of storage.

All facilities have a minimum of 2-inches of freeboard, 3:1 maximum side slopes, and an area drain set at the maximum water surface elevation to allow for overflow to the public storm drain. The City of Florence setback requirements are met (5-feet from property lines measured from the facility mid-point and 10-feet from building foundations). the peak water surface elevation in the Water Quality Storm is 0.14 feet in the infiltration swale and 0.03 feet in the rain garden.

The applicant submitted a stormwater report composed by Branch Engineering, which includes flow modeling and other data. The design of the stormwater management facilities and the results of Branch's stormwater analysis are discussed below.

Branch Engineering's report was peer reviewed by Sean Lloyds, P.E. of Civil West Engineering. Mr. Lloyd's comments are as follows:

- "1. Curb heights ae not shown or noted.*
- 2. No permit number is provided on the cover sheet as required."*

The applicant shall provide curb heights in relation to stormwater management and provide a permit number on the cover sheet of the Stormwater Report. [\[Condition 10.1\]](#)

The applicant's Operations and Maintenance Plan includes maintenance procedures for the site's rain gardens, but no maintenance details are provided for the underground storage

basins. Prior to issuance of building permits for the underground stormwater storage basins, the applicant shall provide maintenance details in the Operations and Maintenance Plan for these basins and must be finalized prior to final building inspections. [Condition 10.1]

Prior to final building inspections, the applicant shall submit and obtain City approval of a completed Operations and Maintenance Agreement. The applicant shall bear the costs associated with having the Agreement recorded with Lane County. [Condition 10.2]

9-5-3-2: STORMWATER QUANTITY (FLOW CONTROL):

- A. A 25-year, return period storm shall be used for the design of all private and public stormwater drainage systems.**
- B. Onsite stormwater management facilities shall be required to prevent the post-development runoff rates from a project site from exceeding the pre-development runoff rates from the site, based on a 2 through 25-year storm. Exemptions to this requirement may be approved by the City Manager or his/her designee if it is determined that a more effective solution is available and that downstream capacity will accommodate the increase in flow.**

The applicant's stormwater report models stormwater flow for rainfall up to the 25-year design storm event. The stormwater model was used to evaluate runoff from the site in its current, pre-development state. The report states that an estimated .84 cubic feet per second (cfs) of stormwater flows off the site during rainfall events as large as a 25-year storm.

The report estimates that after development of the site and the addition of the proposed facilities to infiltrate stormwater, most rainwater falling on the development site will be infiltrated in the facilities. During a 25-year storm—the largest storm required to be considered in stormwater management planning—the flow rate from the property's stormwater facilities into the public storm drain system will be .83 cubic feet per second, near the same as the pre-development state.

The facilities are designed to prevent post-development runoff rates from exceeding pre-development rates. This criterion is met.

- C. Each new development project is responsible for mitigating its impacts on the stormwater system. This mitigation requirement can be satisfied through the use of any of the following techniques, subject to the other limitations identified by this Code:**
 - 1. Construction of onsite facilities to limit the flow rate of stormwater runoff leaving the development site, in accordance with the Stormwater Manual.**
 - 2. Enlargement or improvement of the down gradient conveyance system in accordance with the requirements of this Code and the City of Florence Stormwater Management Plan.**

The applicant proposes mitigating the project's impacts via on-site facilities. This criterion is met.

D. The development of any land requiring a Drainage Plan shall address onsite and off-site drainage concerns, both up gradient and down gradient (a minimum of 1/4-mile) of the project, including:

- 1. Modifications to the existing onsite stormwater drainage and management facilities and drainage patterns shall not restrict or redirect flows creating backwater or direct discharge onto off-site property to levels greater than the existing condition unless approved by the affected off-site property owners and the City. Proof of off-site property owners approval shall be provided by having the affected property owner(s) sign an easement identifying the location of the backwater storage or impoundment area. This area shall be clearly shown on the submitted Drainage Plan site sheet(s). The easement shall be in a form approved by the City and recorded with the Lane County Deeds and Records Office.**
- 2. Stormwater facilities shall be designed and constructed to accommodate all flows generated from the project property in accordance with the land use zoning as shown in the most recent approved City Code.**
- 3. Capacity of the downstream drainage system to determine if increases in peak flow rates resulting from the proposed development can be accommodated.**

The applicant's stormwater report indicates that the development will not exacerbate water flow issues onto other properties. The facilities are designed to accommodate flow from the project property as required by this section. The site will only route water to downstream drainage systems during very large storms and only at rates less than or equal to the pre-development condition, meaning there will be no significant increase in peak flow rate to the public stormwater drainage system. These criteria are met.

E. The types of stormwater management controls presented in the Stormwater Manual are available for owners and developers to use in satisfying the pre-developed and post-development runoff requirement. More than one of these types of controls may be needed to satisfy the runoff requirement. In areas where the runoff requirement in Section 9-5-3-2-F are exempt or partially exempt, the City may require improvements to the down gradient conveyance system.

The applicant used a Performance Approach which hinges on providing engineering that proves compliance with Florence City Code and the Stormwater Manual's standards and reduces the assumptions allowed when using the Simplified Approach or Presumptive Approach. The applicant's Stormwater Report demonstrates compliance with stormwater criteria, and peer review from Civil West confirms that the proposal meets City code and the Stormwater Design Manual requirements.

9-5-3-3: STORMWATER QUALITY:

A. Stormwater management facilities to treat stormwater are required for certain types of projects. These water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan and for other projects as required by this section. Stormwater management facilities required for development shall be designed, installed and maintained in accordance with the Stormwater Manual, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Stormwater Manual.

B. Water quality facilities shall be designed and constructed for all projects requiring a Drainage Plan.

D. The water quality design storm shall be based on an intensity of 0.25 inches per hour, or 0.83 inches for a 24-hour SCS Type 1A rainfall return event.

E. Water quality facilities must be designed to prevent damage to the facility for flows exceeding the water quality design storm and to ensure no re-suspension of pollutants, consistent with the Stormwater Manual.

G. The types of stormwater management facilities presented in the Stormwater Manual are available for owners and developers to use in satisfying the stormwater quality requirement. More than one of these types of facilities may be required to satisfy this requirement.

Florence Design Standards require that stormwater runoff from impervious surfaces be treated for rain events up to and including the 2-year water quality design storm, preferably by vegetative means. The proposed development plans to achieve this via two stormwater infiltration systems—a rain garden and a swale. The applicant's Stormwater Report indicates that the water quality design storm would be entirely managed by the proposed systems, and no untreated water would escape from the system. Civil West Engineering provided affirmation that the proposed infiltration systems will meet the requirements to achieve at least 70% removal of total suspended solids from stormwater runoff from the site's impervious surfaces. These criteria are met.

9-5-4: MAINTENANCE RESPONSIBILITY:

A. Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as part of the Drainage Plan. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office. The Stormwater Manual contains the Operations and Maintenance Agreement Form to be used. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. The City may, at its option, inspect the facilities for compliance with the requirements. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required FLORENCE CITY CODE TITLE 9 12 STORMWATER MANAGEMENT UTILITY 9-5 corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be

made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.

- B. The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance Agreement shall be charged the costs of the work performed by the City or its agents.

A draft Operations and Maintenance Agreement was provided. The Operation and Maintenance Agreement has been conditioned to be finalized prior to final building inspections.

VII. CONCLUSION—*Planning Commission decision at the conclusion of the hearing*

The proposed application meets the requirements of City Code subject to conditions.

OR—

The proposed application does not meet the requirements of City Code and is denied.

VIII. EXHIBITS

| | |
|-------|---|
| "A" | Findings of Fact |
| "B1" | Cover Sheet and Site Plan A1 |
| "B2" | Erosion Control Plan C1.1 |
| "B3" | Survey Control Map Sheet C2. |
| "B4" | Storm Drainage Plan Sheet C3 |
| "B5" | Water & Sewer Plans Sheet C4 |
| "B6" | Vehicular Paving Plan Sheet C5 |
| "B7" | Civil & Survey Legend Sheet C6 |
| "B8" | Elevations Sheet A3 |
| "B9" | Floor Plans Sheet A2 |
| "B10" | Retention, Landscape & Irrigation Plans |
| "B11" | Lighting Plans Sheet E1 |
| "C" | TIA Scoping Letter |
| "D" | Parking Demand Analysis |
| "E" | Geotechnical Report |
| "F" | ODOT Hwy Approach Application |
| "G" | Title Report |
| "H" | Stormwater Management Report |
| "I" | Referral Comments |
| "J" | Aerial Map |