



LAND USE PLANNING AND CONSULTING SERVICES

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

AGENCY FILE NO.: PC 24 01 CUP 01 (PC 23 27 CUP 04)
AGENCY CONTACT: WENDY FARLEYCAMPBELL, AICP,
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF FLORENCE
WENDY.FARLEYCAMPBELL@CI.FLORENCE.OR.US

DATE OF THIS DOCUMENT: 07/24/2024

PROPERTY OWNER/APPLICANT: DUMAN INC AND L & B DEVELOPMENT LLC
PO BOX 2740, FLORENCE, OR 97439

TAX ACCOUNT NO.: 0793883
ASSESSOR'S MAP: 18-12-26-31
TAX LOT: 2300
MAP ACRES: 1.15 AC

PROPERTY CLASS: COMMERCIAL VACANT
FLORENCE ZONING: COMMERCIAL
ZONING DISTRICT: COMMERCIAL

APPLICANT FILE NO.: 23-022 LETURNO HWY126
APPLICANT'S REP: JED TRUETT, AICP
METRO PLANNING, INC.
JED@METROPLANNING.COM
TEL (541) 302-9830

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

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

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

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## FCC 10-4-4: Applications:

### **A. Site and building plans and elevations.**

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

***(Staff comment - This item was received.)***

Response: (No response needed.)

### **B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.**

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

### **C. Existing and proposed utility lines and easements.**

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

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

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

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

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

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

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

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

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

Response: (no response needed.)

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

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

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

[...]

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

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

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

Response: Applicant has provided proposed easement alignment on the site plan<sup>1</sup> and requests that the easement legal description/document be a condition of approval, i.e., submitted after city has approved alignment. Applicant will file in accordance with Florence City Code.

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

<sup>1</sup> Attachment: Site Plan

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

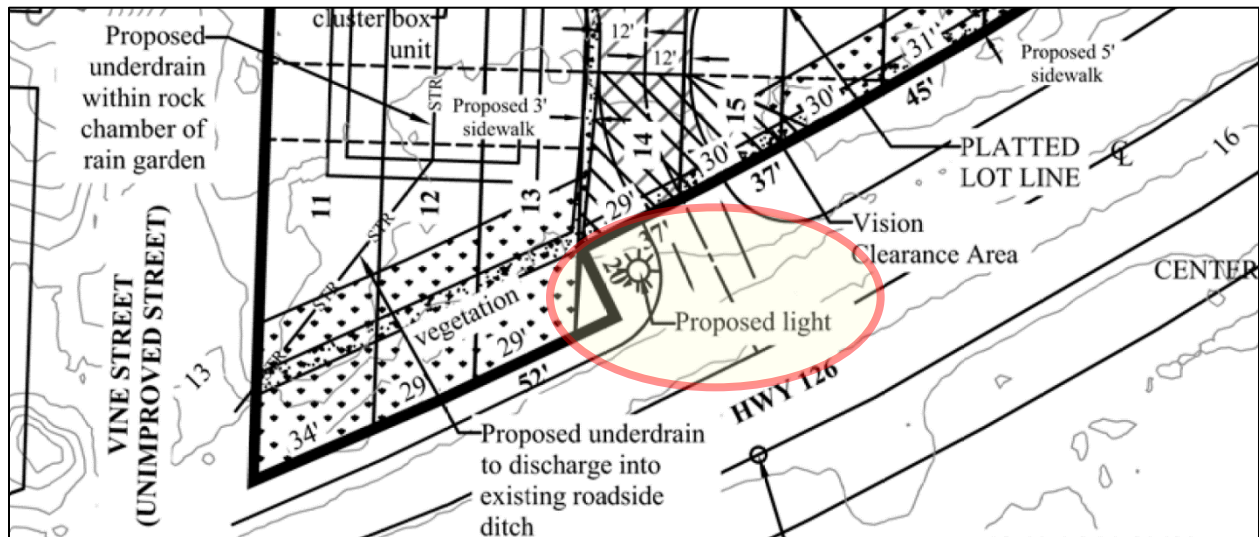
Response: In this submittal applicant proposes a multi-use path extending from HWY 126 to the north end of the site. Please see attached Written Statement, site map<sup>2</sup> and utility map<sup>3</sup>. Applicant will construct in compliance with FCC 10-36-2-9.

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

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

- **Provide the street light proposed location**

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



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

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

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

Response: Please see narrative and tables in the attached written statement, page 14.<sup>4</sup>

<sup>2</sup> Attachment: Site Plan

<sup>3</sup> Attachment: Utility Plan

<sup>4</sup> Attachment: Written Statement

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

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

Response: Applicant seeks an agreement of non-remonstrance concerning sidewalk improvements<sup>5</sup> and provides a landscape plan<sup>6</sup> for proposed design.

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

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

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

## FCC 9-5: Stormwater Management:

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

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<sup>5</sup> Attachment: NON-REMONSTRANCE AGREEMENT

<sup>6</sup> Attachment: Landscape Plan

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

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

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

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<sup>7</sup> Attachment: Utility Plan

## Attachment Cross Reference

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

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

Link: [https://drive.google.com/drive/folders/1yaAMkOGgJ9mIp2tegVG7fctzr7UveRza?usp=drive\\_link](https://drive.google.com/drive/folders/1yaAMkOGgJ9mIp2tegVG7fctzr7UveRza?usp=drive_link)

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