



LAND USE PLANNING AND CONSULTING SERVICES

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**WRITTEN STATEMENT: 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 supports applicants revised land use applications for a conditional use permit (CUP) specific to proposed residential use in a commercial zoning district. The applicant seeks approval for residential use and to provide direct access to HWY 126.

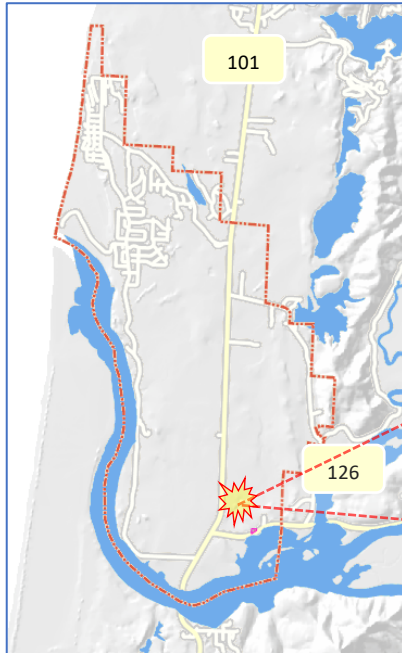
(In a sperate land use application, the property owner will submit a Type II Design Review for the proposed attached single dwelling units.)

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

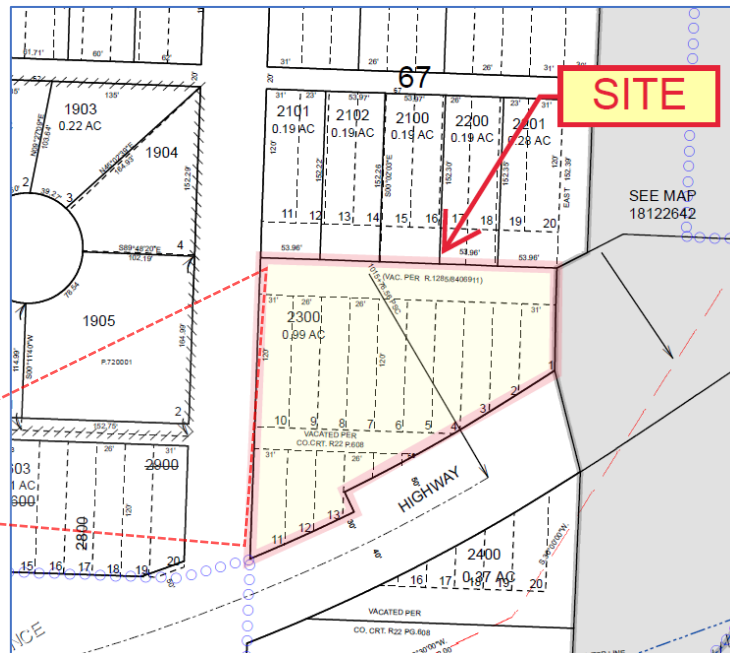
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Proposed Site:

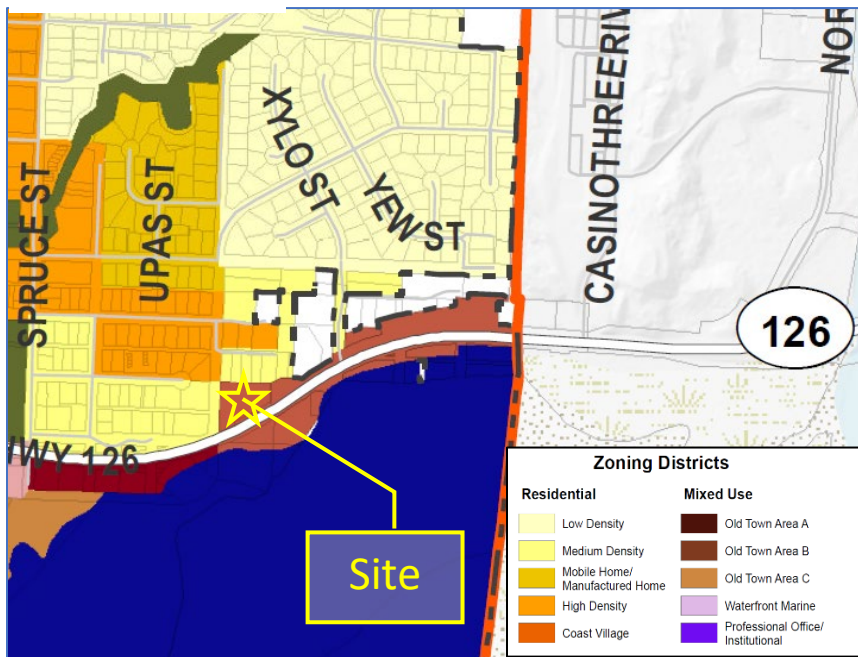
The site is located on Highway 126 near the east city limit line on lot Taxmap 18122631, as illustrated below.



Map 2 – Vicinity Map



Map 1 - LC Taxmap No. 18122631

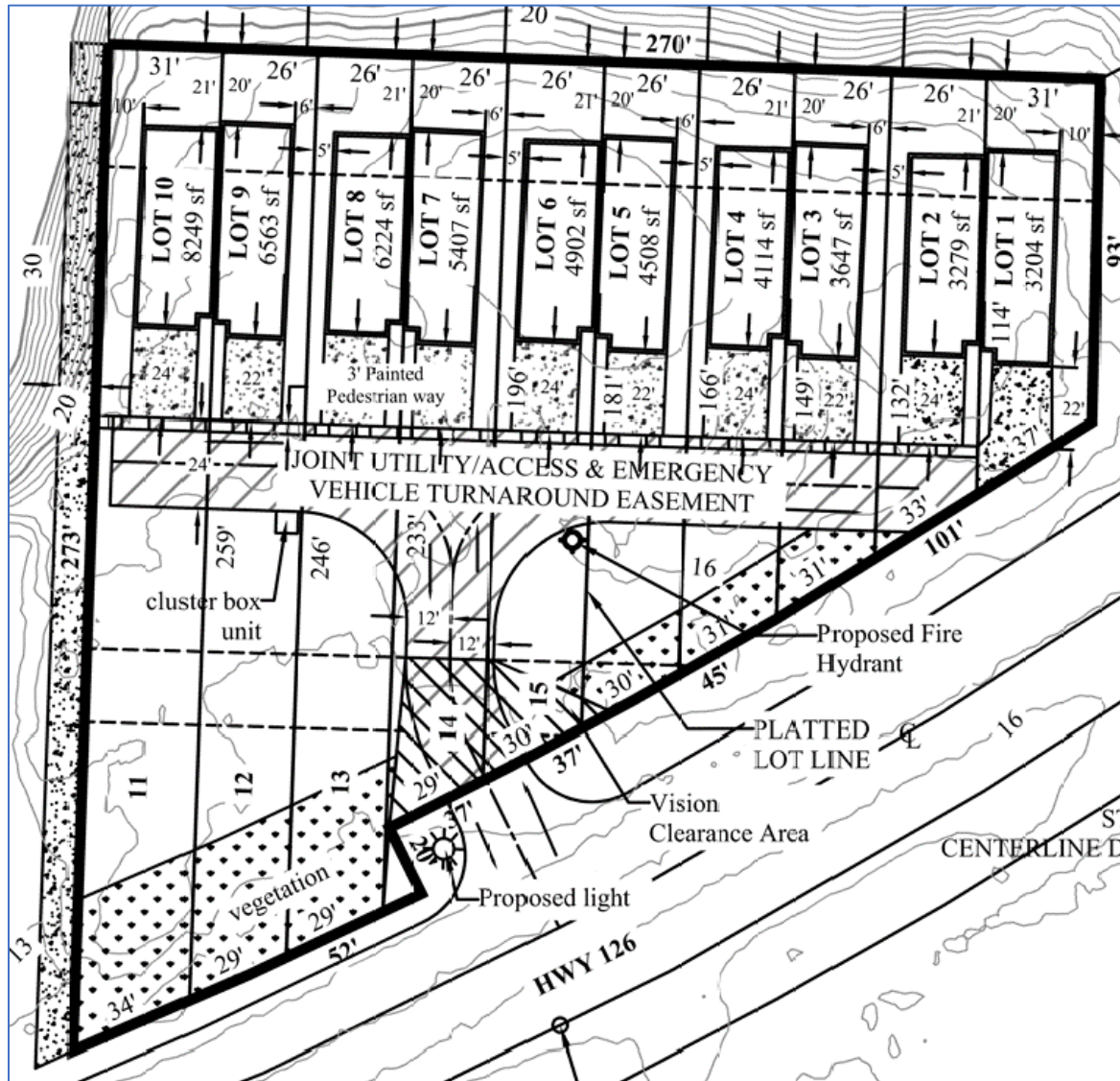


Map 3 - City of Florence Zoning Map, 12/10/21

Site is surrounded by partially developed High Density Residential (HDR) to the northwest; partially developed Medium Density Residential (MDR) to the north; undeveloped Commercial to the east; partially developed Commercial to the south; and mostly developed Medium Density Residential to the west.

Please see snip of City of Florence Zoning Map.

Proposed Site layout:



Map 4 - Current Proposed Future Development (Site Plan and rendering), July 2024.<sup>1</sup>

In the current proposal, applicant requests (5) attached single family tandem style homes for a total of (10) single family dwelling units. Utilizing (15) existing platted lots, applicant proposes (10) areas for residential use and a 24 FT wide joint utility/access/emergency vehicle turnaround easement that connects directly to HWY 126 through the center-southerly portion of the property with vision clearance areas and an approach that is perpendicular to HWY 126. In addition, the applicant proposes a 10 ft wide multi-use path as a mid-block connection in the Vine Street Rights of Way extending from HWY 126 to the north end of the property, a streetlight at the driveway approach, and a fire hydrant near the structures. Applicant seeks an agreement of non-remonstrance concerning sidewalk improvements.<sup>2</sup>

<sup>1</sup> ATTACHMENT: SITE PLAN

<sup>2</sup> ATTACHMENT: NON-REMONSTRANCE AGREEMENT

Please note that for lots 5 through 10, applicant proposes use of (2) legal platted lots to provide frontage as requested by the City. If required applicant will pursue a covenant to ensure street frontage. In addition, please take into consideration that an ODOT Application for State Highway Approach has been filed and that ODOT approval is pending a City of Florence decision on this application.<sup>3</sup>

Please see attached site plan (referenced below) and utility plan<sup>4</sup> for reference and compliance with FCC 10-35-3-3-A requiring a minimum 6-inch curb, as well as City of Florence standard drawings for curb and gutter, sidewalks, cleave vision, fire hydrants, and rain gardens. Please see site plan for notes regarding 10-34-3-5: (Landscape) Irrigation, 10-34-3-3: Landscape Area and Planting Standards, 10-34-5: Fences and Walls, 10-36-2-9.C: Mid-Block Connection/Multi-use Path Standards as well as 10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches with F-208A Streets Driveway and Alley Approaches for Setback and F-203 Streets Curb and Gutter Curb.

### Application History:

On January 25, 2022, the Florence Planning Commission adopted *RESOLUTION PC 21 32 CUP 03<sup>5</sup>, A REQUEST FOR A CONDITIONAL USE PERMIT ALLOWING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE COMMERCIAL DISTRICT AT 5439 HWY 126, ASSESSOR'S MAP 18-12-26-31 TAX LOT 02300*. On April 11, 2023, the Planning commission adopted *RESOLUTION PC 23 02 EAP 01<sup>6</sup> – 5439 HWY 126 - SINGLE FAMILY RESIDENTIAL DEVELOPMENT CONDITIONAL USE PERMIT EXTENSION*.

Other than these changes illustrated above and attached<sup>7</sup>, the overall intent and outcome remain the same as the initial proposal.

Per evidence provided in PC 23 03 EAP 02, the proposal is consistent with the policies set forth in state statutes and administrative rules, and the Florence City Code based (FCC) on the findings provided to staff. As no zoning, land use changes nor zoning codes have changed since the approval of the Conditional Use Permit, and because it would not have served in the best interest to the public to go through the Type III process when nothing has changed, the Planning Commission approve an extension, PC 23 03 EAP 02.

The Commercial District is regulated by Florence City Code Title 10, Chapter 15 and Conditional Uses regulated by FCC Title 10, Chapter 4. The initial resolution was effective for one calendar year.

After initial approval, the applicant responded to this Conditional Use Permit conditions of approval by hiring a surveyor to lay out the property and locate critical items such as utilities and nearby street access points and submitting a Type II administrative tentative subdivision plan application.

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<sup>3</sup> ATTACHMENT: ODOT LETTER 06-20-23 - NOTICE OF SUPPLEMENTAL DOCS REQUIRED

<sup>4</sup> ATTACHMENT: UTILITY PLAN

<sup>5</sup> REFERENCE: RESOLUTION PC 21 32 CUP 03

<sup>6</sup> REFERENCE: RESOLUTION PC 23 03 EAP 02

<sup>7</sup> ATTACHMENT: SITE PLAN

RESOLUTION PC 21 32 CUP 03<sup>8</sup>

1/25/2022

- 1. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.**

Response: Applicant seeks approval by the Planning Commission for proposed changes.

- 2. Regardless of the content of material presented, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.**

Response: Applicant understands and will comply with these requirements.

- 3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.**

Response: Applicant understands and will comply with these requirements.

- 4. The applicant shall either meet the requirements for street improvements per FCC 10-35 and FCC 10-36 as applicable or submit application for a modification from street requirements to be reviewed and approved by the Planning Commission.**

Response: Applicant does not propose street improvements; therefore, these sections of FCC are not relevant.

- 5. A maximum of five (5) residential lots shall be allowed providing they are located on the northern half of the subject property.**

Response: Applicant proposes (10) units located on the norther half of the property for (5) attached single family tandem style homes and seeks Planning Commission approval under a Type III quasi-judicial land use review.

- 6. The maximum height allowed per residential unit shall be thirty (30') feet.**

Response: Applicant proposes residential structures under 30ft in height. Please see attached building plan.<sup>9</sup>

<sup>8</sup> REFERENCE: RESOLUTION PC 21 32 CUP 03

<sup>9</sup> ATTACHMENT: BUILDING PLAN

- 7. The applicant shall apply and obtain approval of a detailed landscaping and irrigation plan prior to issuance of building permits. Such plan shall provide a 10' wide buffer between Highway 126 and the commercial portion of the property.**

Response: Upon approval of site plan, applicant will submit all required plans. As mentioned, and illustrated above, applicant provides a design for a 10ft wide (landscape) buffer between HWY 126 and the commercial portion of the property, to be planted when sidewalks are installed. Please see attached landscape plan.<sup>10</sup>

- 8. The authorization for a Conditional Use Permit shall be void after January 26, 2023 unless a building permit has been issued and substantial construction has taken place.**

Response: Applicant sought and received an extension to the deadline. Please see attached RESOLUTION PC 23 03 EAP 02.<sup>11</sup>

## RESOLUTION PC 23 03 EAP 02 (5439 Highway 126 CUP Extension)

1/25/2023

### **Conditions of Approval:**

[...]

**... change the layout of the property by reducing the number of residential lots and to create an internal street with direct access off Highway 126 instead of Vine Street which will require prior approval by the Oregon Department of Transportation. Staff will require this approval during the next tentative subdivision plan application review process.**

Response: As mentioned above applicant filed an ODOT Application for State Highway Approach<sup>12</sup>. This ODOT application is pending Florence PC approval of developments proposed herein.

[...]

**.... Moving forward, any modification to the CUP outside of what was approved through Resolution PC 21 32 CUP 03 outside of any Building Code change would require an amendment to the CUP, which would require a Type III quasi judicial hearing by the Planning Commission. Additionally, a new Type II administrative process would be required for the future tentative subdivision plan which will reflect any new changes.**

Response: In this submittal, applicant only requests approval of conditional use permit (CUP) specific to proposed residential use in a commercial zoning district. A separated Type II Design Review for the proposed dwelling units will include additional detail, as required by FCC.

[...]

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<sup>10</sup> ATTACHMENT: LANDSCAPE PLAN

<sup>11</sup> REFERENCE: RESOLUTION PC 23 03 EAP 02

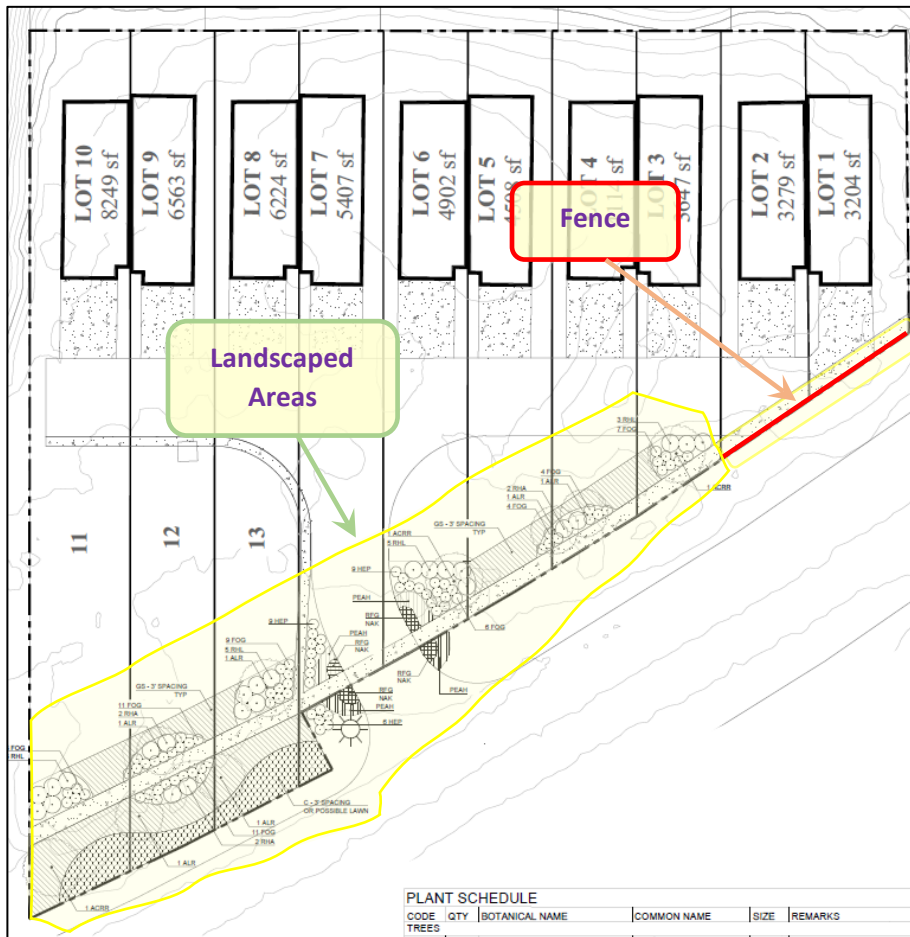
<sup>12</sup> ATTACHMENT: ODOT HIGHWAY APPROACH APPLICATION

.... The applicant shall either meet the requirements for street improvements per FCC 10-35 and FCC 10-36 as applicable or submit application for a modification from street requirements to be reviewed and approved by the Planning Commission.

Response: In this submittal, the applicant is not proposing public street improvements, rather an easement connection to Highway 126 which is being coordinated with ODOT. Please see attached ODOT Highway Approach application, reference below.

[...]

***This new proposal demonstrates that the nearest residential lot is approximately 60 feet from the highway's center line. Approval of this proposal could include a condition whereby a front yard setback could be established to ensure that a further distance would be maintained. Furthermore, the use of a fence or landscaping (or combination of both), could be conditioned. The applicants have provided a linear planter area along the northern edge of the highway. As a side note, any proposal to plant within the ODOT ROW would require approval and coordination with that agency.***



Map 5 - Proposed (future) Landscape improvements (please see attached landscape plan)

**10-34-3: LANDSCAPING SETS STANDARDS FOR AND REQUIRES LANDSCAPING OF ALL DEVELOPMENT SITES. THIS SECTION ALSO REQUIRES BUFFERING FOR PARKING AND MANEUVERING AREAS, AND BETWEEN DIFFERENT LAND USE DISTRICTS.**

**10-34-5: FENCES AND WALLS REGULATE THE DESIGN OF FENCES AND WALLS, INCLUDING ALLOWABLE HEIGHT AND MATERIALS, TO PROMOTE SECURITY, PERSONAL SAFETY, PRIVACY, AND AESTHETICS.**

Response: When sidewalks are improved to city standards (per agreement of non-remonstrance) long frontage with HWY 126, applicant proposes 10-34-3 compliant landscaping (with native vegetation where possible) and fencing compliant with fencing standards set forth in 10-34-5 along shared driveway and residential properties in areas within proximity to the highway, please see site plan<sup>13</sup> and landscape plan<sup>14</sup>. As mentioned above, applicant is coordinating with ODOT for approval.<sup>15</sup>

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

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.

## TITLE 10: CHAPTER 1: ZONING ADMINISTRATION FLORENCE CITY CODE

### ***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:***

Response: Application is being processed as a Type III quasi-judicial review.

### ***B. Notification of Hearing:***

Response: Notification was provided according to 10.1.B (1) and (2) and 10.1.C (1).

***[...]***

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

***[...]***

Response: The Planning Commission held a public hearing on April 11, 2023, which met the standards of FCC 2-3 and FCC 2-10. Staff report deemed that “Planning Commission received all materials” needed and that applicant criteria were met.

## TITLE 10: CHAPTER 4: CONDITIONAL USES FLORENCE CITY CODE

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

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<sup>13</sup> ATTACHMENT: SITE PLAN

<sup>14</sup> ATTACHMENT: LANDSCAPE PLAN

<sup>15</sup> ATTACHMENT: ODOT HIGHWAY APPROACH APPLICATION



Response: Applicant seeks Planning Commission consideration of this site to maximize use of available area based on size of the area (10-4-1(A)), the effects such uses having on adjoining residential land uses (10-4-1(C)), and the effects such uses have on the growth and development of the community as a whole.

Applicant proposes small 1,663 SF attached single family tandem style homes in an area that is surrounded by medium density residential development and nearby commercial. As noted elsewhere in this proposal and as cited in community plans, the city favors affordable housing and encourages mixed residential and commercial development in the Neighborhood Commercial District.

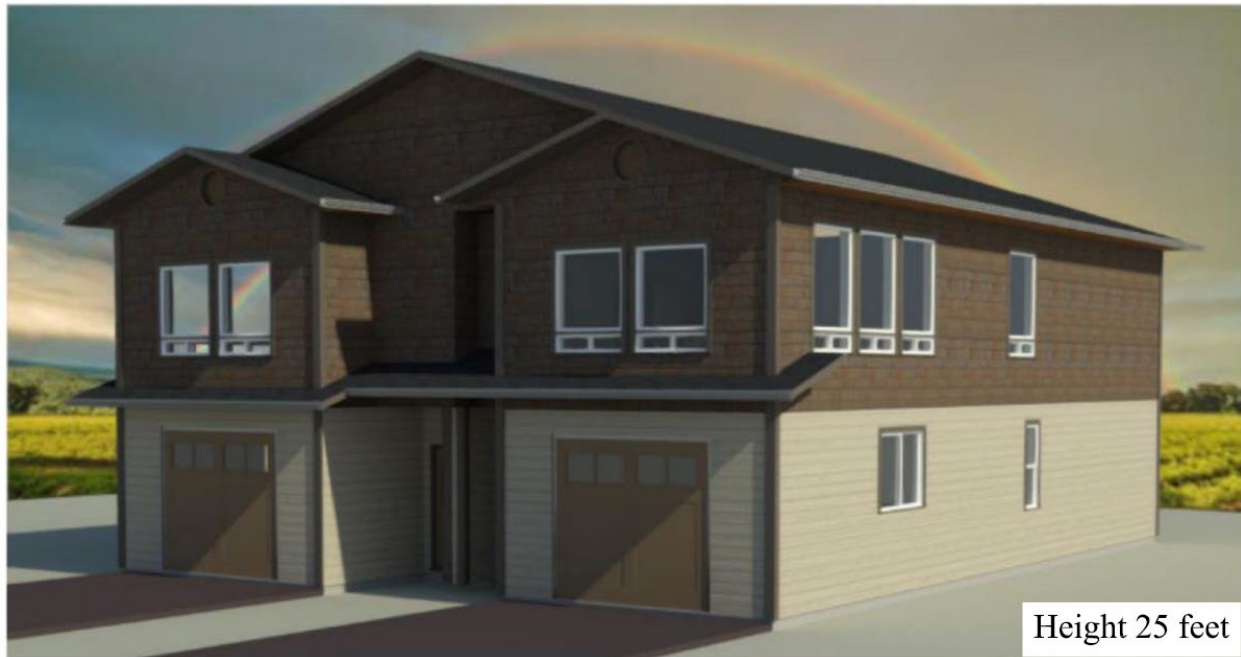


Figure 1 - Proposed attached Single Family Tandem Style Home<sup>16</sup>

**10-4-2: GENERAL APPLICABILITY: Remodels and expansions of up to 25% of the floor area are allowed without a new conditional use permit as long as the remodel or expansion is consistent with the original approval.**

Response: Applicant is not proposing a remodel so 10-4-2 is not applicable.

**10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.**

Response: Applicant understands and has this section of code and has delayed construction for several years while applying for this conditional use. Applicant seeks a permanent conditional use permit.

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<sup>16</sup> ATTACHMENT: BUILDING PLAN

**10-4-4: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:**

Response: Applicant is applying in writing to the planning commission with this proposal and including a site plan with building and elevations according to 10-4-4 (A), existing conditions surrounding the site, existing and proposed utility easements, and other information requested by the city for this CUP approval.

Please note that upon city request, the applicant will apply for a Type II Design Review for the proposed attached single dwelling units, through a subsequent application process.

**10-4-5: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.**

Response: Applicant understands FCC 10-4-5 and has participated in several public hearings regarding conditional use on this site, requests for mixed residential and commercial use.

**10-4-6: ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.**

Response: Applicant understands FCC 10-4-6 and has included herein all requests of the city for information needed to make this decision and can provide any needed information that may have been missed to date.

**10-4-7: EFFECTIVE DATE: A conditional use permit shall become effective at the close of the appeal period.**

Response: Applicant understands the need to wait for closure of the appeal period.

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

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

[...]

Response: According to 10-4-8 (A)(1) and (2) Application was granted (1) year extension as an outcome of PC 23 03 EAP 02 – 5439 Highway 126 CUP Extension.

**3. No material changes of surrounding land uses or zoning has occurred.**

Response: Please see Florence Zoning Map<sup>17</sup> imaged above and attached, no new material changes in surrounding land uses or zoning occurred since the approval of Resolution PC 21 32 CUP 03 or the approval of PC 23 03 EAP 02.

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<sup>17</sup> REFERENCE: CITY OF FLORENCE ZONING MAP, 12-10-2021

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

Response: Applicant understands 10-4-9: Revocation and intends to comply with prescribed requirements of the conditional use permit, does not intend to violate any of the provisions of this Title, as well as items 10-4-9 (C) and 10-4-9 (D) regarding misuse and harm to the public health, safety, general welfare, or as to constitute a nuisance. In fact, the applicant has been in contact with neighbors and has taken their wishes into consideration.

**10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)**

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

Response: Proposal conforms with the Florence Comprehensive Plan residential policies to achieve “a mix of dwelling unit types and densities, and a mix of residential, commercial, and recreational uses, where appropriate.” Furthermore, proposal conforms with Comprehensive Plan commercial policies that recognize “Residential, in the form of second-story apartments over ground floor commercial, is also an appropriate accessory use.” Although no commercial use is currently proposed on this site, by placing two-story residential units toward the rear of the lot, the proposed design neither precludes limited potential future commercial use near the front of the lots nor conflicts with surrounding commercial use. The proposed layout avoids structures that exceed height limits, further buffers residential areas from the highway (and activities related to surrounding commercial activities) and supports the intent of both comprehensive plan policy areas, and the city’s Neighborhood Commercial Gateway vision.

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

[...]

***"The third area designated Commercial are lands north and south of Highway 126 and east of Quince Street. These lands were designated Highway Commercial in the 1988 Comprehensive Plan Map and zoned for commercial use by Lane County. Retail and service commercial professional offices, lodging and restaurant establishments are appropriate for this area. Upper story residences are encouraged where they can be protected from highway impacts."*<sup>18</sup>**

Response: The PC 21 32 CUP 03 staff report finds that this Comprehensive Plan language supports commercial and residential uses with protection from the highway. To protect residences from the highway impacts, applicant proposes placing residential units on the northern most portion of the lots, furthest distance from HWY 126, and buffering with fencing and vegetated areas along the southern portion which runs along HWY 126.

As stated in this narrative and on the attached plans, the applicant propose fencing that is compliant with FCC 10-34-5 which regulates the design of fences and walls, including allowable height and

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<sup>18</sup> REFERENCE: FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, PP. 11-12

materials, to promote security, personal safety, privacy, and aesthetics and between different land use districts.

[...]

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

Response: Based on review of the 2018 Housing Needs Analysis and Economic Opportunity Analysis<sup>19</sup>, the Planning Commission determined that there is an “adequate amount of commercially zoned land for the future planning period,” therefore applicant is not requesting commercial use.

[...]

**“... proposal demonstrates that the nearest residential lot is approximately 60 feet from the highway's center line. Approval of this proposal could include a condition whereby a front yard setback could be established to ensure that a further distance would be maintained. Furthermore, the use of a fence or landscaping (or combination of both), could be conditioned. The applicants have provided a linear planter area along the northern edge of the highway. As a side note, any proposal to plant within the ODOT ROW would require approval and coordination with that agency.”<sup>20</sup>**

Response: As mentioned and illustrated above and in the attached site plan<sup>21</sup> and landscape plan<sup>22</sup>, applicant proposes landscaping and fencing to support 10.4.11(A) and (B) to protect the residential property from HWY 126 and is seeking review and approval by ODOT for a highway connection and proposed site plan.

[...]

**F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).**

Response: Applicant is proposing 24-foot-wide driveway from housing unit parking to the highway, (2) dedicated lanes with lane flow arrows and traffic control at the intersection with HWY126. Although the applicant is not required to meet street improvement requirements per FCC 10- 35 and FCC 10-36, the proposed driveway meets fire apparatus access requirements. No driveway segment exceeds 150 feet, and the proposed driveway width is 24ft.

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<sup>19</sup> REFERENCE: 2018 HOUSING NEEDS ANALYSIS AND ECONOMIC OPPORTUNITY ANALYSIS, VOL 1 SUMMARY REPORT

<sup>20</sup> REFERENCE: RESOLUTION PC 21 32 CUP 03

<sup>21</sup> ATTACHMENT: SITE PLAN

<sup>22</sup> ATTACHMENT: LANDSCAPE PLAN

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

| LENGTH<br>(feet) | WIDTH<br>(feet) | TURNAROUNDS REQUIRED                                                                             |
|------------------|-----------------|--------------------------------------------------------------------------------------------------|
| 0-150            | 20              | None required                                                                                    |
| 151-500          | 20              | 120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1 |
| 501-750          | 26              | 120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1 |
| Over 750         |                 | Special approval required                                                                        |

For SI: 1 foot = 304.8 mm.

*B - 2022 Oregon Fire Code*

**10-4-11: GENERAL CONDITIONS:** *The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Planning Commission. Such conditions may include:*

Response: The applicant has worked diligently over the last few years to address all of the conditions set for by the Planning Commission as summarized in the sections above (RESOLUTION PC 23 03 EAP 02 and RESOLUTION PC 21 32 CUP 03) and in the attachments.<sup>23</sup> Conditions include but are not limited to fenced areas, landscaped areas, building heights, setbacks, building placement at the back of lots, etc. The applicant remains committed to meeting requirements set forth by the Planning Commission and meeting the needs of the community.

**10-4-12: ADDITIONAL CONDITIONS:** *Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:*

Response: The applicant is not proposing places of worship, hospitals, schools, service stations, temporary mobile building space, temporary construction site dwellings, bed and breakfast facilities, waste related industrial use facilities, residential caretaker units, or controlled substance (medical marijuana or liquor) facilities on the site, so 10-4-12 is not applicable.

TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT  
FLORENCE CITY CODE

[...]

<sup>23</sup> ATTACHMENT: RESOLUTION PC 23 03 EAP 02 AND RESOLUTION PC 21 32 CUP 03

**10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:**

**Single-Family, duet, and duplex dwellings**

Response: Proposed construction of single-family subdivision in the Commercial District is only allowed through approval of a conditional use permit. Criteria identified in FCC 10-4-10 were addressed with submittal PC 21 32 CUP 03, approved and then extended with PC 23 02 EAP 01. City of Florence Planning Commission a previous application for mixed-use development which included commercial use. As stated elsewhere herein, this proposal does not include commercial development.

**10-15-4: LOT AND YARD REQUIREMENTS:**

**A. Minimum Lot Dimensions: The minimum lot width shall be twenty-five feet (25').**

Response: The dimensions of the existing property currently meet all minimum lot and yard requirements. As proposed, the minimum lot widths shown in the attached site plan<sup>24</sup> measure more than 25' in width.

Proposed residential use areas have the following width, depth, and area:

|            | Lot Dimension Expressed in Feet |     |     |     |     |     |     |     |     |     |
|------------|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Lot:       | 01                              | 02  | 03  | 04  | 05  | 06  | 07  | 08  | 09  | 10  |
| Width:     | 31                              | 26  | 26  | 26  | 26  | 26  | 26  | 26  | 26  | 31  |
| Min Depth: | 93                              | 114 | 132 | 149 | 166 | 181 | 196 | 233 | 246 | 259 |
| Max Depth: | 114                             | 132 | 149 | 166 | 181 | 196 | 233 | 246 | 259 | 273 |

For lots 5 through 10 applicant proposes use of (2) legal platted lots to provide frontage as requested by the City. Area calculations above (for lots 5-10) assume this use. If required applicant will pursue a covenant to ensure street frontage.

**B. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.**

Response: All proposed residential areas fit the minimum lot area as it relates to the Commercial District. The smallest lot contains 3,204 SF.

**C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**

Response: Please see site plan for specific information illustrating coverage for each residential area. Per FCC 10-4-11A applicant meets minimum lot coverage in the Medium Density Residential District of 75%. A land scaping buffer is being proposed for the commercial areas. Please see table below:

<sup>24</sup> ATTACHMENT: SITE PLAN

| Lot No. | Area Dimensions Expressed in Square Feet |                 |     |               |     |               |              |          |
|---------|------------------------------------------|-----------------|-----|---------------|-----|---------------|--------------|----------|
|         | Lot Area                                 | Impervious Area |     | Building Area |     | Private Drive | Shared Drive | Sidewalk |
| 1       | 3,204                                    | 1,578           | 49% | 1,013         | 32% | 379           | 0            | 186      |
| 2       | 3,279                                    | 2,030           | 62% | 1,013         | 31% | 415           | 435          | 167      |
| 3       | 3,647                                    | 2,152           | 59% | 1,013         | 28% | 358           | 622          | 159      |
| 4       | 4,114                                    | 2,222           | 54% | 1,013         | 25% | 424           | 629          | 156      |
| 5       | 4,508                                    | 2,158           | 48% | 1,013         | 22% | 358           | 631          | 156      |
| 6       | 4,902                                    | 2,591           | 53% | 1,013         | 21% | 424           | 1,057        | 97       |
| 7       | 5,407                                    | 3,886           | 72% | 1,013         | 19% | 369           | 2,253        | 251      |
| 8       | 6,224                                    | 2,476           | 40% | 1,013         | 16% | 433           | 747          | 283      |
| 9       | 6,563                                    | 2,247           | 34% | 1,013         | 15% | 370           | 633          | 231      |
| 10      | 8,249                                    | 2,331           | 28% | 1,013         | 12% | 434           | 628          | 256      |
| Total:  | 50,097                                   | 23,671          | 47% | 10,130        | 20% | 3,964         | 7,635        | 1,942    |

Per FCC 10-10-4-C, the maximum coverage for LDR shall not exceed 50% maximum building coverage and not exceed 75% maximum coverage by all impervious surfaces. The proposed subdivision has a maximum building coverage of approximately 32% and a maximum impervious surface coverage of 72%.

**D. Yard Regulations:**

1. **Front yards are not required except where setbacks have been established for road widening or other purposes.**
2. **Side and rear yards are not required except:**
  - A. **Where setbacks have been established for road widening or other purposes.**
  - B. **Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.**

Response: To accommodate potential future road widening as anticipated with the jog in HWY 126 ROW on the eastern portion of the south edge of the site, applicant proposes driveways in the front of each dwelling unit and small yards behind the units. As discussed above, landscaping and fencing to help buffer residential spaces from the highway. Please see the attached landscape plan for more detail.<sup>25</sup>

**10-15-5: SITE AND DEVELOPMENT PROVISIONS:**

- A. **Building or Structural 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.**

Response: Detailed height information will be provided with the subsequent Type II Design Review for the proposed attached single dwelling units, to be submitted as a separate application. Please see attached building plan for more detail.<sup>26</sup>

<sup>25</sup> ATTACHMENT: LANDSCAPE PLAN

<sup>26</sup> ATTACHMENT: BUILDING PLAN

Email from City Staff - RE: 23-022\_Returno (PC 23 03 EAP 02) – 5439  
Highway 126 CUP Extension<sup>27</sup>

4/22/2023

- ***Don Saxon the previous owner got the final approval for this project. ... Saxon reduced the number of lots and dwellings. The drawing was a CUP for conceptual approval of dwellings. It was not an approved site plan for construction. The current owners after the CUP was approved applied last year for a replat for access & turnaround, establishing the commercial lot, and creating frontage.***

Response: In this submittal, applicant requests amendment to the CUP as a Type III quasi-judicial hearing by the Planning Commission.

- ***The CUP site plan while having a reduced width of paving does indicate a platted street with of 65'+/- width.***

Response: Applicant is not proposing street improvements.

- ***The attached resolution for the Conditional Use Permit that was extended recently limits the number of dwellings to 5 single family units.***

Response: RESOLUTION PC 21 32 CUP 03 is addressed item-by-item below. Regarding this particular issue, the applicant requests review by the Florence Planning Commission as a Type III quasi-judicial hearing, review of the proposed (10) residential areas located on exiting platted lots.

- ***... there is a path to avoid a replat but it will take a series of easements and the lots will be developed differently than shown on the Metro site plan.***

Response: Applicant has addressed all criteria raised by the city and proposes access easements.

- ***The revised plan from Metro shows the driveway entering and exiting onto 126 not just exiting.***

Response: This is correct. The proposed plan shows the driveway entering and exiting onto HWY 126, with flow arrows and lanes to control traffic flow.

- ***The LUCs form does not include the site plan that was going to be provided to ODOT. Was the idea to include the Metro one? If so that is problematic because it is not illustrative of that reviewed by the Planning Commission for the Conditional Use Permit and extended through the recent approval--different access location, different number of units, etc. We can sign the LUCS but indicating that it needs land use review for the new layout and additional units.***

Response: Please see attached site plan, for which the applicant seeks with this proposal Type III Quasi-judicial Land Use Review by the Planning commission.

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<sup>27</sup> ATTACHMENT: EMAIL FROM CITY STAFF – 4/22/2023



- ***We are supportive of the site being developed and will advocate for housing in the project because it is in the public good and can meet code and plan policy. We also ensure the citizens have the opportunity to comment on revised plans. Those who have been following the project last knew that 5 houses were going in not 10. Even though the footprint would not significantly change the amount of traffic etc. does. And, PC did not approve 10.***

Response: Applicant understands that the city must ensure that citizens have an opportunity to comment on the revised plans, even though the footprint has not significantly changed, and the applicant is now seeking approval by the Planning Commission for 10 residential areas.

Email from City Staff - Subject: 23-022\_Returno (PC 23 03 EAP 02) –  
5439 Highway 126 CUP Extension<sup>28</sup>

5/10/2023

***Access: FCC 10-35-2-8 states that new development is to gain access primarily from local streets. That would be Vine St. Arterial and collector access are evaluated based on a list of things. 10-35-2-10 has commentary on shared access...which would be a requirement if proposed from Hwy 126. 10-35-2-11 has maintenance requirements and 10-35-2-12 has design. 10-36-6 has additional commentary on easements.***

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

Response: There is no access to local streets as Vine Street (to the west) is currently unimproved ROW because of natural constraints. Compliance with the FCC 10-35-2-8 is too costly to justify with this size of proposed development, and the development of Vine Street ROW been contested by neighbors (please see comments below).

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<sup>28</sup> ATTACHMENT: EMAIL FROM CITY STAFF - 5/10/2023

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

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

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

By connecting directly to HWY 126 and not developing Vine Street, the proposed development provides a buffer from neighbors and avoids the negative impacts discussed in Exhibit B.<sup>29</sup> For these reasons, the applicant neither proposes to develop Vine Street or is required to develop Vine Street in conformance with FCC 10-35. The applicant proposes a shared driveway, in, connecting to HWY 126.

***10-35-2-10: Joint and Cross Access – Requirement: When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:***

***A. For shared parking areas;***

Response: Each resident will have sufficient parking for (2) vehicles. Please see attached site plans and tale above for additional detail.

***B. For adjacent developments, where access onto an arterial street is limited and access spacing standards cannot otherwise be met;***

Response: As mentioned above, there is currently no access to local streets. The extension of Vine Street (to the west) is not improved and improvements to this ROW have been contested by neighbors. Furthermore, with the size of proposed development, compliance with the FCC 10-35-2-8 is too costly to justify.

***C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:***

- 1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;***

Response: A continuous service drive with driveway separated 12ft lanes and flow arrows are proposed. Please see site plan.<sup>30</sup>

<sup>29</sup> REFERENCE: RESOLUTION PC 23 03 EAP 02, EXHIBIT B

<sup>30</sup> ATTACHMENT: SITE PLAN

- 2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;**

Response: Driveway stubs are provided at the west of the shared driveway should Vine Street be developed in the future. Development at the east end is not anticipated due to the curve in HWY 126 precluding such development.

- 3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.**

Response: As mentioned above, proposed driveways meet fire apparatus access requirements. No driveway segment exceeds 150 feet in length and all driveways exceed 20 feet in width, in accordance with State Fire Code D103.4 Requirements for Dead-end Fire Apparatus Access Roads.

**10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:**

- A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;**

Response: Upon approval of this application an full written description of the proposed easement allowing cross-access will be filed.

- B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**

Response: No remaining access rights or pre-existing driveways are impacted by this proposal. Therefore this 10-35-2-11 (B) is no longer applicable to proposed development.

- C. A joint maintenance agreement defining maintenance responsibilities of property owners.**

Response: Upon approval of this application an easement defining maintenance responsibilities will be filed. Most likely one easement will be filled satisfying both 10-35-2-11 (A) and (C).

**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.**

Response: As mentioned elsewhere herein, applicant is seeking approval of an ODOT Highway Approach Application<sup>31</sup> (rather than Public Works Director approval) for review of design and location of the approach, and the location and spacing of adjacent or opposite driveways connecting to HWY 126, as HWY 126 is an ODOT facility. Completion of ODOT application review is contingent upon City of Florence Planning Commission approval of this application.

**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.**

Response: As mentioned elsewhere herein, applicant will file all required easements in accordance with 13-36-6 (A).

- 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.**

Response: Required easements will be recorded in accordance with 13-36-6 (B).

**Building across platted property lines under parcels with the same ownership - The older parts of the city consist mostly of encyclopedia lots platted in 1890's. When buildings cross lines we have required lot consolidation or deed restriction language so they are not sold separately.**

Response: Applicant has redesigned the proposed development so as not to build across platted property lines. Upon approval of design, applicant will pursue a covenant and/or filling of a public utility easements in accordance with 13-36-6 (B).

**Rules against accessing single or multi-family homes by easement (outside of a PUD) - There are instances where access onto a street is not desirable or possible (topo or classification) and thus an easement more suitable. For this reason the city created access easement criteria--see number 1 above.**

Response: Applicant proposes creating and filing access easements to address this issue.

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<sup>31</sup> ATTACHMENT: ODOT HIGHWAY APPROACH APPLICATION

Email From City Staff – Subject: Leturno - Hwy 126 Questions<sup>32</sup>

12/13/2023

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***“I have snipped each section and outlined red for incomplete, green for complete, and yellow for partially complete.”***

**Clare Kurth (She/Her)**  
**Assistant Planner | City of Florence**  
[clare.kurth@ci.florence.or.us](mailto:clare.kurth@ci.florence.or.us)  
**City of Florence, 250 Hwy 101, Florence, OR 97439**

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***Dimensions of the landscaping area proposed along the Hwy 126 ROW and irrigation plans to determine that Condition 7 from Resolution PC 21 32 CUP 03 will be met. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: The attached site plan shows an area along Highway 126 suitable for landscaping. As a condition of tentative approval we are happy to provide a detailed landscape and irrigation plan prior to building permit approval.

***This is a new CUP and therefore this condition no longer applies. (12/13/23)***

Response: (no response needed)

***Dimensioned site plan that includes dimension of the proposed lots and setbacks from lot lines, driveway widths. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: Site Plan has been revised to address these item and is attached. The lots have been dimensioned to show frontage on Highway 126 should the City require platted lots north and south should be combined to do so. In the alternative these platted lots could be combined to provide that effect.

***I see the lot frontage line on SitePlan\_110723. This is helpful. I am missing where the side yard (unattached side), rear yard, and front yard setbacks are dimensions. Please either include this information or direct me to either I can find this information in the application files***

Response: Dimensions have been added to the site plan to show distances from the buildings to the back property line, to the side property lines and to the easement in the front. This should provide the yard size information you seek. Please see attached site plan.

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<sup>32</sup> ATTACHMENT: EMAIL FROM CITY STAFF - 12/13/2024

**Calculation of the net density of the residential units. (Staff comment, 10/12/2023 Letter of Completeness)**

Response: The site is approximately 50,104 square feet and the driveway area is 7703 square feet. The net (total site minus driveway) is .97 acre. There are 10 proposed units so there are 10 units per net

acre. Applicant is unsure whether density is a criteria in the commercial zone, but regardless this density is in line with low volume residential densities.

**Calculations of the total percentage covered by all impervious surfaces and building coverage. (Staff comment, 10/12/2023 Letter of Completeness)**

Response: each proposed unit has a 1013 sf footprint (so 10 x 1013 = 10130 sf) and the driveway is 7703 sf. Together these are 17833 sf, or @ 36% of the site area.

***This information meets the request of the NOIC. Staff are able to review the amount of building coverage and total coverage of impervious surface for the entire site. While not previously requested in the NOIC, please also provide the building coverage and the total impervious surface coverage for each individual lot so staff can review for individual lot compliance with FCC 10-10-4 site development standards.***

Response: Please see table below that identifies for each lot, total lot area, building area, driveway area, shared Joint Utility/Access & Emergency Vehicle Turnaround (UAEVT) Easement area, and vegetation area. Impervious surface area is called out as well.

| Lot No.       | Area Dimensions Expressed in Square Feet |                 |            |               |            |               |              |              |
|---------------|------------------------------------------|-----------------|------------|---------------|------------|---------------|--------------|--------------|
|               | Lot Area                                 | Impervious Area |            | Building Area |            | Private Drive | Shared Drive | Sidewalk     |
| 1             | 3,204                                    | 1,578           | 49%        | 1,013         | 32%        | 379           | 0            | 186          |
| 2             | 3,279                                    | 2,030           | 62%        | 1,013         | 31%        | 415           | 435          | 167          |
| 3             | 3,647                                    | 2,152           | 59%        | 1,013         | 28%        | 358           | 622          | 159          |
| 4             | 4,114                                    | 2,222           | 54%        | 1,013         | 25%        | 424           | 629          | 156          |
| 5             | 4,508                                    | 2,158           | 48%        | 1,013         | 22%        | 358           | 631          | 156          |
| 6             | 4,902                                    | 2,591           | 53%        | 1,013         | 21%        | 424           | 1,057        | 97           |
| 7             | 5,407                                    | 3,886           | 72%        | 1,013         | 19%        | 369           | 2,253        | 251          |
| 8             | 6,224                                    | 2,476           | 40%        | 1,013         | 16%        | 433           | 747          | 283          |
| 9             | 6,563                                    | 2,247           | 34%        | 1,013         | 15%        | 370           | 633          | 231          |
| 10            | 8,249                                    | 2,331           | 28%        | 1,013         | 12%        | 434           | 628          | 256          |
| <b>Total:</b> | <b>50,097</b>                            | <b>23,671</b>   | <b>47%</b> | <b>10,130</b> | <b>20%</b> | <b>3,964</b>  | <b>7,635</b> | <b>1,942</b> |

Table 1 – Proposed Lot Area Breakdown. Please note that Joint Utility/Access & Emergency Vehicle Turnaround (UAEVT) Easement area for each lot is detailed under the column labeled “Shared Drive” above.

***Provide details of proposed building materials. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: standard single-family type building materials will be used such as stainless steel fasteners, prime cedar or hardy trim, Migard windows and 40 year roofs. A full listing of building materials will be submitted with building permits for each building. A detail of the proposed building is also attached to this submittal.

***Please review FCC 10-10-7-4 that discusses architectural details for attached dwellings. It would be best to have a full list of materials, but at a minimum please provide a statement that the proposed building materials will be in compliance with this section.***

Response: Per recommendation from the city, applicant proposes to submit two revised land use applications. This includes:

- 1) CUP specific to the proposed residential use in a commercial zoning district.
- 2) Type II Design Review for the proposed attached single dwelling units.

Accordingly, additional architectural details requested above will be submitted with Type II Design Review application.

***Provide dimension and additional details for the dwelling entrance that meets criteria of FCC 10-10-7-C-4b. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: the attached detail of the proposed structures now has additional dimensions shown at the entrance. The covered areas are slightly less than that required by the code section above, but that code section applies to residences fronting on a public street. In this case the residences are fronting on an internal private drive and are a distance away from Highway 126, so the applicant is suggesting that this standard does not apply here.

***Thank you for the dimensions. Staff doesn't necessarily agree with this interpretation of the code. This has been satisfied for completeness review.***

Response: (no response needed)

***Additional information is required regarding both on-site vehicle parking and long-term bike parking in accordance with FCC 10-3-8 and FCC 10-3-10. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: Each unit will have a single car garage as well as a parking space in front of the garage for a second vehicle that is clear of the shared driveway. Long term bicycle parking can occur securely within the garage of each unit.

***Please provide width and length dimensions for each garage and driveway so that minimum requirements for parking can meet review.***

Response: Each resident will have sufficient parking for (2) vehicles and when commercial areas are developed shared parking will be provided as needed. Please see attached plans for the location of these parking spaces and table above for area of each space. "Private Drive" is for private parking and "Shared Drive" is for shared access from private space to HWY 126.

***Provide information regarding vision clearance at the Hwy 126 Driveway access in accordance with FCC 10-35-2-14. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: Vision clearance areas are shown on the attached revised site plan.

***Additional vision clearance details were provided. This has been met for completeness review.***

Response: (no response needed)

***Provide information on the required sidewalks along the Hwy 126 frontage. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: There is sufficient area within the site for sidewalks, but there are no sidewalks to connect to east or west of the site. Once adjacent properties are improved on both sides of the site, sidewalks can be added along the HWY 126 frontage . . . an easement for this can be added to the site plan to make

sure landscaping is located outside of the area for future sidewalks should they exist. The applicant can sign an irrevocable petition for these improvements that run with the land. In the alternative the City can require installation of sidewalks now that connect to nothing east or west of the site.

***Sidewalks are required with new development in accordance with FCC 10-35-2 and FCC 10-36-2-16. Please provide a revised plan that indicated the required side walks that meet ODOT standards. This has been double checked and confirmed with the Public Works Director & the Community Development director.***

Response: Please see attached plans for sidewalk information.

Per recommendation from the city, the applicant proposes to submit two revised land use applications. This includes:

- 1) CUP specific to the proposed residential use in a commercial zoning district.
- 2) Type II Design Review for the proposed attached single dwelling units.

Accordingly, the additional sidewalk details requested above will be submitted with Type II Design Review application.



***Provide information on mailbox location(s). (Staff comment, 10/12/2023 Letter of Completeness)***

Response: mailbox location has been added to the revised attached site plan.

***Provided. This is met for completeness review***

Response: (no response needed)

***Stormwater management plans are required for driveway and roof systems. (Staff comment, 10/12/2023 Letter of Completeness)***

Response: Stormwater management and treatment plans can be accounted for as a condition of tentative approval. It doesn't make sense to spend thousands of dollars to generate a stormwater management and treatment plan before the applicant knows whether the project is approved. There is sufficient area within the project boundary towards Highway 126 to locate stormwater treatment and detention/infiltration systems, so ability to manage treatment and runoff is not in question. Further, it makes sense to coordinate these items with public and private improvement construction drawings so that other requirements such as landscape will be compatible with storm and grading plans.

***Stormwater – [Florence Stormwater Design Manual](#). For lots smaller than ½ acre a simplified approach can be used to determine the stormwater requirements. While the whole site is 1.15 acres you can certainly complete a simplified approach form for each individual lot. At a minimum, we will need to see details for stormwater facilities to address water runoff from the shared driveway and required sidewalks on Hwy 126. Please review Appendix 1: Stormwater BMP Detail Drawings to help with any preliminary plans.***

Response: Please see attached utility plan for stormwater information.<sup>33</sup> Plans include City of Florence Standard Drawing SW-140, Appendix I.1 SW-140 referenced in 5.5. Rain Gardens, City of Florence - Stormwater Management Design Manual- Revised September 2011 pp. 28. Upon acceptance applicant will provide additional detailed regarding this item.

Per recommendation from the city, the applicant proposes to submit two revised land use applications. This includes:

- 1) CUP specific to the proposed residential use in a commercial zoning district.
- 2) Type II Design Review for the proposed attached single dwelling units.

Accordingly, the additional Stormwater details requested above will be submitted with Type II Design Review application.

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<sup>33</sup> ATTACHMENT: UTILITY PLAN

## Email from City Staff – Subject: PC 23 27 CUP 04 - Application for CUP for Residential Lots in Commercial Zoning District<sup>34</sup>

12/18/2023

***After discussing options with our team, we find the best path forward is to submit two revised land use applications. The first application will be a CUP that is specific to the proposed residential use on a lot in the commercial zoning district. The second application to be submitted will be for a Type II Design Review for the proposed attached single dwelling units. It's our understanding that you want to first pursue the CUP approval, so we understand that the second land use application for Type II Design Review may come after a decision is granted on the CUP.*** (12/18/2023 EMAIL)

Response: The applicant proposes to submit two revised land use applications.

This includes:

- 1) CUP specific to the proposed residential use in a commercial zoning district.
- 2) Type II Design Review for the proposed attached single dwelling units.

***We find this the best way to proceed because the applications have gotten a little muddled. What we are requesting is that the revised land use application be submitted with all relevant materials for the conditional use permit and that the application specifically state what this CUP is proposing.*** (12/18/2023 EMAIL)

Response: Applicant has updated the application submittal packet accordingly, i.e., with only material for the conditional use permit and statements specifying that submittal is for CUP.

***This is because the initial application state 10 residential units and 5 commercial developments, but the NOIC response states 2 commercial developments. We want to make sure this application is being processed for the correct items and we are reviewing the most recent documents. Please revise the dates on the submitted documents to reflect the revised application and dates.*** (12/18/2023 EMAIL)

Response: Date on this submitted document has been revised.

***The goal is two have two clear and distinct applications for review. When the CUP portion of this application goes to Planning Commission, the goal is to ensure they are very clear on what is being reviewed and what is not. For the CUP portion of the application, please address all code criteria other than the items specific to FCC 10-10-7. Criteria for a CUP can be found in FCC 10-4.*** (12/18/2023 EMAIL)

Response: Applicant has addressed all code criteria FCC 10-4 and applicable code on other areas, other than items specific to FCC 10-10-7.

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<sup>34</sup> ATTACHMENT: EMAIL FROM CITY STAFF - 12/18/2024

***Once we are in receipt of the revised applications, we will review for completeness. Our intention is to mutually work together to get the applications in a place where they are ready for Planning Commission and public review. (12/18/2023 EMAIL)***

Response: (no response needed)

***Please let us know if you have question. (12/18/2023 EMAIL)***

Response: (no response needed)

## Additional Information: Title Report and Regional Land Information:

Please see title report attachments:

1. Plat of Gallaghers<sup>35</sup>
2. ODOT Deed 1991-9113123<sup>36</sup>
3. Lane County Vacation 1984–3789<sup>37</sup>
4. Lane County Vacation 1964-073958<sup>38</sup>
5. Cascade Title Co. Preliminary Title Report 0332907<sup>39</sup>

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<sup>35</sup> ATTACHMENT: GALLAGHERS PLAT

<sup>36</sup> ATTACHMENT: ODOT DEED 1991-9113123

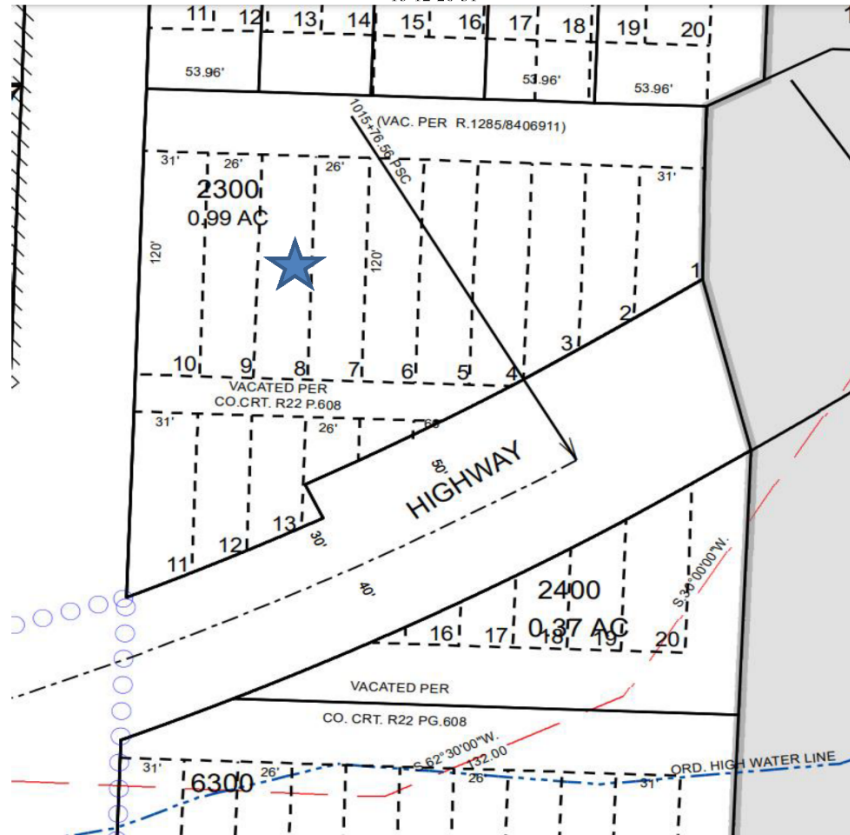
<sup>37</sup> ATTACHMENT: LANE COUNTY VACATION 1984–3789

<sup>38</sup> ATTACHMENT: LANE COUNTY VACATION 1964-073958

<sup>39</sup> ATTACHMENT: CASCADE TITLE CO. PRELIMINARY TITLE REPORT 0332907



MAP NO.  
18-12-26-31



THIS MAP/PLAT IS BEING FURNISHED AS AN AID IN LOCATING THE HEREIN DESCRIBED LAND IN RELATION TO ADJOINING STREETS, NATURAL BOUNDARIES AND OTHER LAND, AND IS NOT A SURVEY OF THE LAND DEPICTED. EXCEPT TO THE EXTENT A POLICY OF TITLE INSURANCE IS EXPRESSLY MODIFIED BY ENDORSEMENT, IF ANY, THE COMPANY DOES NOT INSURE DIMENSIONS, DISTANCES, LOCATION OF EASEMENTS, ACREAGE OR OTHER MATTERS SHOWN THEREON.

Please see Regional Land Information Attachments:

1. Real Property Tax Lot Record<sup>40</sup>
2. Taxmap No. 18122631<sup>41</sup>

<sup>40</sup> ATTACHMENT: REAL PROPERTY TAX LOT RECORD

<sup>41</sup> ATTACHMENT: LC TAXMAP No. 18122631



Map 6- Lane County Taxmap no. 18122631 referenced below.

## 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  |
| ODOT DEED 1991-9113123                                                              | (Previously Submitted)                     |
| ODOT HIGHWAY APPROACH APPLICATION                                                   | (Previously Submitted)                     |
| ODOT LETTER 06-20-23 - NOTICE OF SUPPLEMENTAL DOCS REQUIRED                         | (Previously Submitted)                     |
| CASCADE TITLE CO. PRELIMINARY TITLE REPORT 0332907                                  | (Previously Submitted)                     |
| GALLAGHERS PLAT                                                                     | (Previously Submitted)                     |
| LANE COUNTY VACATION 1964-073958                                                    | (Previously Submitted)                     |
| LANE COUNTY VACATION 1984-3789                                                      | (Previously Submitted)                     |
| LC TAXMAP NO. 18122631                                                              | (Previously Submitted)                     |
| REAL PROPERTY TAX LOT RECORD                                                        | (Previously Submitted)                     |
| CITY OF FLORENCE NOIC (3/1/2024)                                                    | (Previously Submitted)                     |
| EMAIL FROM CITY STAFF - 12/13/2024                                                  | (Previously Submitted)                     |
| EMAIL FROM CITY STAFF - 12/18/2024                                                  | (Previously Submitted)                     |
| EMAIL FROM CITY STAFF - 4/22/2023                                                   | (Previously Submitted)                     |
| EMAIL FROM CITY STAFF - 5/10/2023                                                   | (Previously Submitted)                     |
| 2018 HOUSING NEEDS ANALYSIS AND ECONOMIC OPPORTUNITY ANALYSIS, VOL 1 SUMMARY REPORT | (Previously Submitted)                     |
| FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, PP. 11-12                             | (Previously Submitted)                     |
| CITY OF FLORENCE ZONING MAP, 12-10-2021                                             | (Previously Submitted)                     |
| RESOLUTION PC 21 32 CUP 03                                                          | (Previously Submitted)                     |
| RESOLUTION PC 23 03 EAP 02                                                          | (Previously Submitted)                     |
| RESOLUTION PC 23 03 EAP 02 AND RESOLUTION PC 21 32 CUP 03                           | (Previously Submitted)                     |
| RESOLUTION PC 23 03 EAP 02, EXHIBIT B                                               | (Previously Submitted)                     |

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