AGENDA ITEM SUMMARY / STAFF REPORT FLORENCE PLANNING COMMISSION

ITEM NO: 5 Meeting Date: May 28, 2024

ITEM TITLE: PC 24 13 CUP 09 – 1732 Laurel Way Caretaker's Unit CUP

OVERVIEW:

<u>Application:</u> A request was received for a Conditional Use Permit (CUP) to allow a caretaker's unit within an existing 5,924 sq. ft. warehouse building containing five units. The use is conditionally permitted through Planning Commission approval in the Limited Industrial District. A change of use is associated with this application as the proposal includes replacing the upstairs space of Unit B which contains two unpermitted offices and a storage area.

The CUP request is a call by the applicants to address safety concerns of the subject property which has experienced suspicious activities numerous times as evidenced in the Florence Police reports attached to the land use application in Exhibit B. A trail connecting to Miller Park and the dog park at the NE corner of Kingwood and Airport Road is located east of the subject property, which adds to the accessibility of the subject property.

Currently, three businesses operate out of the subject warehouse under valid business licenses. These include Shawn Fleming Construction, Inc., TF Fitness, and Rekindled Restorations. Parking requirements are met for all uses as shown in the Findings under FCC 10-3, Off Street Parking and Loading Requirements.

<u>Background:</u> The applicant for this project purchased the property in 2019. Exhibit D includes Resolution PC 95 1 10 4 DR, a Design Review approved in 1995 and applied for by Heceta Dev. (Vaccaro). The City's criteria and standards were different in the 1990's. They used a document titled, "Site Design Policies and Standards". It included quantifiable standards for parking and setbacks. The PC granted a 22' wide parking aisle, 3' less than the 25' required width (current standards are 23'). A sidewalk along Laurel Way and interior crosswalk from the ADA parking space to the building and street were not required. The plans show the driveway is 15' wide, less than the current 18' wide code standard for two-way traffic. It appears to be wider than the plans show. In constructing the project, it appears a complete landscape plan was not submitted as conditioned through the Design Review. And, many items in the warehouse did not receive final inspections and approval by the Building Department. In reviewing the land use records it was found that the required Change of Use land use applications were not submitted for the non-warehouse uses within the building. Some of the site design elements are subject to rereview because of the current application and thus are proposed to be addressed through the conditions in the Findings and Resolution drafts.

<u>Process and Review:</u> The conditional use for the caretaker's unit request is a Type III land use application requiring a quasi-judicial public hearing. The change of use will be processed concurrently. The Florence Planning Commission is the review body as set out in <u>Florence City Code Title 10</u> <u>Chapter 4</u>. The resolution, findings of fact and application materials are attached to this AIS. Additionally, testimony and at times parts of the application are included as separate attachments and are not included as part of the resolution exhibits. The applicable criteria are listed in the "Applicable

Criteria" section of the findings. Only the code sections, comprehensive plan policies and appendices, are the policy considerations that may be applied in the decision-making process. Application materials, public testimony and agency referrals that speak to the criteria may also be considered.

The Findings include a review of the application against the applicable criteria and incorporate public testimony and agency referral comments or concerns where applicable. Where project changes were needed or it was found necessary to ensure the code is met, conditions of approval are included. Additionally, informational items are listed within the resolution and findings to ensure information is conveyed that is applicable but not necessarily a condition of approval.

ALTERNATIVES:	 Approve the Conditional Use Permit with conditions of approval and findings of fact as written; Make changes to the Conditional Use Permit findings and approve as amended; Continue the Public Hearing to a date certain if more information is required; or Do not approve the request, revising the findings and drafting a resolution stating how the application does not meet the criteria. 						
RECOMMENDATION:	The evidence in the record demonstrates that the proposed Conditional Use request for PC 24 13 CUP 09 is consistent with the policies set forth in state statutes and administrative rules, and Florence City Code based on the findings. Staff recommends that Planning Commission approve the Conditional Use Permit request for PC 24 13 CUP 09 as shown in Alternative 1, above.						
AIS PREPARED BY:	Roxanne Johnston, Contract Planner, CFM						
ATTACHMENTS:							

Attachment 1 - Resolution PC 24 13 CUP 09

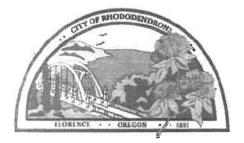
- Exhibit A Findings of Fact
 - Exhibit B Application and Police Reports
- Exhibit C Site Plan

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- Exhibit D Resolution PC 95 1 10 4 DRC Packet
- Exihbit E Permits

COTTOF RHODODENDROAS	Exhibit B 250 Highway 101 Florence, OR 97439 Phone: (541) 997 - 8237 Fax: (541) 997 - 4109 www.ci.florence.or.us						
Type of Request							
THIS SECTION FOR OFFICE USE ONLY Type II Type III Type IV Proposal:	-						
Applicant Information							
Name: DAPHNE CONNOR SHAWN FLEMING Phone 1							
Name: Diff fire CONSNER Stimun Therming Prone 1 E-mail Address: Woodworking927@gmail.com Phone 2 Address: 1732 LAVREL-WAY SUITE A FLORENCE OR 97439 Signature: Date: 3/12/24 Applicant's Representative (if any): CD-OWNER							
Property Øwner Information							
Name: SHAWN FLEMING CONSTRUCTION IN GHODE 1:							
Name: SHAWING I (COMITAL CONSTRUCTION of the phone 1: E-mail Address Phone Address: 132 LANREL WAY SUITE A, FLORENCE OR 97439 Signature: Date: 312 24 Applicant's Representative (if any): CO-OWNER							
NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission anto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.							
For Office Use Only:							
RECERVED City of Florence MAR 1 2 2024 By: Both Browned	Exhibit						

Property Description					
Site Address: 1732 LAVREL WAY SUITE B					
General Description: CARETAKERS QUARTERS					
(URENTLY 2 OFFICES AND STORAGE					
Assessor's Map No.:18-12-27-10 Tax lot(s): 00410					
Zoning District:					
Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of					
the site that is less than an acre OR add this information to the off-site conditions map					
(FCC 10-1-1-4-B-3):					
Project Description					
Square feet of new: Square feet of existing:					
Hours of operation: 5Am - 6:30 Pm - 5AT 7-4 Existing parking spaces: 12					
Is any project phasing anticipated? (Check One): Yes 🗆 No 🖄					
Timetable of proposed improvements: 60 DAYS MAX					
Will there be impacts such as noise, dust, or outdoor storage? Yes 🖉 No 🗌					
If yes, please describe: STANDARD CONSTRUCTION NOISE DURING PROTECT					
Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary) MODIFY EXISTING OFFICE SPACES UPSTAIRS INTO CARGTAKER GNARTERS, BY ADDING RESTROOM, STAIRS, LANDINGS AND LESS THAN IOD EXTRA SQUARE FEET. THIS FROTECT WILL PROVIDE A CARETAKER QUARTERS FOR A FULL TIME PERSON TO ACT AS QN SITE SECURITY, AND THWART BURGLARLY ATTEMPTS THAT HAVE OCCURRED					
For Office Use Only:					
Date Submitted: Fee: Paid Received by:					



FLORENCE POLICE DEPARTMENT

	Distributi	on:			
No	DH	No	OSP	No	
No	M.E.	No	MISC	No	
No	DMV	No			
No	LCSO	No			
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900 GREENWOOD ST Florence, OR 97439 Business: (541) 997-3515

Incident Report: F202312690

				(Current As Of:		3/11/2024	3:40:19 PM	
Officer 57280 CASE, Steven Grid: 51	BeginDate/ DispTime EndDate/ArvdTime ClrdTime	12/29/2023 Disclose:	4:30 4:34 4:43	AM Location: AM CityState:	1732 LAURE Florence		VEH/PERSON AY	Offense2: Offense3: Offense4: Offense5: Offense6:	
People Involv	ed: Name / Address			Sex / Race Phone/ Cell Phone	DOB/ AGE		Citation/Charge/Off	ènse	Date Officer
Complainant	CONNOR, Daphne LYNN 1986 37TH ST Florence, OR	4	iliana.	F W 541-999-2639 541-999-2639	6/23/1970	53			12/29/2023 CASE
Firm/Busines	REKINDLED, Restoration 1732 Laurel PI Suite A Florence, OR	ו		541-999-2639					12/29/2023 CASE

Incident Report: F202312690

Current As Of:

3/11/2024 3:40:19 PM

Continuation Report Officer: CASE, Steven

Summary

SUSP COND/VEH/PERSON/dispatch notes

Mentioned

CONNOR, Daphne LYNN - COMPLAINANT 1986 37TH ST Florence OR 97439-8805 Phone: 541-999-2639 Cell Phone: 541-999-2639 DOB: 6/23/1970 Employer: Emp Phone:

REKINDLED, Restoration - FIRM/BUSINESS 1732 Laurel PI Suite A Florence OR 97439 Phone: 541-999-2639 Cell Phone: DOB: Employer: Emp Phone:

Action Taken

12/29 04:32:57...OBSERVED SUBJECT ON VIEO CAMERA, CAN HEAR NOISES ON THE CAMERA BUT CAN NO LONGER SEE ANYONE RP ENR WHT CARGO VAN W/ COMPANY LOGO...61043 12/29 04:33:01...915 ENR...61043 12/29 04:33:30 ...915 Added ... 12/29 04:34:27 ...OUT...61043 12/29 04:43:19...APPEARS C4 NO SGNS FORCED ENTRY...61043 12/29...Arrived on scene, did not observe anyone in front or back of property. Did not observe any signs of forced entry, all appeared code 4. RP who arrived on scene stated all appeared code 4 as well....915

Statements

Evidence/Property

Action Recommended

Done

Date/ ID: 12/29/2023 57280

CASE, Steven

/en

Incident: F202312690

Officer: CASE

Incident Report: F202312690

Current As Of:

3/11/2024 3:40:19 PM

Officer's Signature:

Date:

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FLORENCE POLICE DEPARTMENT

DA	No	DH	No	OSP	No	
MUNI COUR	No	M.E.	No	MISC	No	
CITY PRO	No	DMV	No			
JUV	No	LCSO	No			

900 GREENWOOD ST Florence, OR 97439 Business: (541) 997-3515

Incident Report: F202400411

	02201	11827	Evidence	Body C	am footage up	oaded to evid	ence		tals>	
Tag#	ID 62261		Category	Descr				Locat	ion	Loss / Recovered Am
Property Invol		E 1.4	.						_	
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	2099 45T	H ST								FANNING
involved/Cont	FLEMING	i, Shawn WiL	LIAM		M W	12/5/1973	50			1/16/2024
	Florence,	OR			541-999-2639					
oomplandin	1986 37T	•			541-999-2639	0/23/19/0	55			FANNING
Complainant	CONNOR	, Daphne LY	NN	Reserves and the	FW	6/23/1970	53	oution		1/16/2024
People Involv	ed: Name / A	ddress			Sex / Race Phone/ Cell Phone	DOB/ AGE		Citation/Charge/Off	ense	Date Officer
Grid: 51			Disclo	se: Yes	Dispatcher	62854			Offense6:	
FANNING, Tha	d	CirdTime		10:30	PM				Offense5:	
Officer 62261	-	e/ DispTime te/ArvdTime			PM Location: PM CityState:	1732 LAUR Florence	ELW	IAY	Offense3: Offense4:	
	-	/ RcvdTime	1/16/2024		PM Offense:		_	VEH/PERSON	Offense2:	
				a sea à que		Current As Of		3/11/2024	3:44:02 PM	

Incident Report: F202400411

Current As Of:

3/11/2024 3:44:02 PM

Continuation Report Officer: FANNING, Thad

Summary

Susp Conditions / Dispatch Notes

Mentioned

CONNOR, Daphne LYNN - COMPLAINANT 1986 37TH ST Florence OR 97439-8805 Phone: 541-999-2639 Cell Phone: 541-999-2639 DOB: 6/23/1970 Employer: Emp Phone:

FLEMING, Shawn WILLIAM - INVOLVED/CONTACTED 2099 45TH ST Florence OR 97439-9654 Phone: Cell Phone: 541-999-8727 DOB: 12/5/1973 Employer: Self Employed Emp Phone:

Action Taken

01/16 22:20:30 ...905 Added ... 01/16 22:21:46...SAW SOMEONE ON CAMERA AT FRONT OF THE BUILDING. SAYS IT SOUNDS LIKE SOMEONE IS USING A DRILL AT THE BACK OF THE BUILDING.SHE IS ENR AND REQ OFFICER RESPONSE C/ DAPHNE FLEMMING 541-999-2639...62854 01/16 22:23:28 ...903 Added ... 01/16 22:23:31 ...914 Added ... 01/16 22:30:25 ...GOA. 905 REQ ADDRESS ON PATROL CHECKS...62854 01/16/24...I contacted Connor advised her I was recording, and asked her what happended. Connor advised me that she saw an individual walked by the back of her building and heard a drilling noise. I then foot patrolled the area with Sgt. Tipler and Ofc. Braaten. I was UTL on any individuals or damages. Before I could recontact Connor and report my finding Connor left the scene. I then cleared from the area...905

Statements

Evidence/Property

1 Body cam footage uploaded to evidence.co Location= ID=62261

Action Recommended

Done

Officer: FANNING

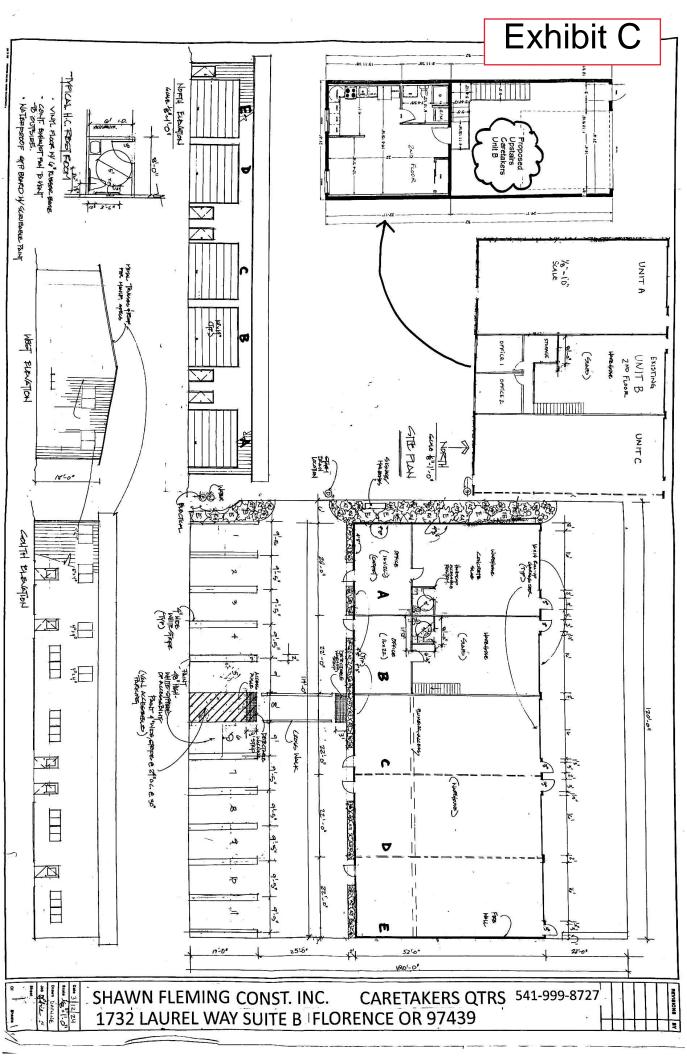
	Incident	Report: F20240	00411	
		Current As Of:	3/11/202	24 3:44:02 PM
Date/ ID:	1/16/2024 62261	FANNING, Thad	incident:	F202400411
	Officer's Sign	ature:		Date:

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CITY OF FLORENCE PLANNING COMMISSION MINUTES JANUARY 10, 1995

1. CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE:

Chairman Moore called the meeting to order at 7:00 p.m. with Commissioners Bales, Burch, Day, and Gillette present. Also present were Community Development Director Haworth, Secretary Rhodes and interested citizens. Absent was Commissioner Stone who is on vacation. Commissioner Adkins has tendered his resignation effective 1-5-95.

2. APPROVAL OF MINUTES:

States States and

December 13, 1994 - Regular Meeting and Worksession, Comp. Plan

The regular Minutes were corrected to reflect Resolution 94-12-13-55 was for recommendation of denial of the street vacation. Following the correction both sets of Minutes were approved.

3. **PUBLIC COMMENTS:** This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to 3 minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Mrs. Ludwig spoke to the Commission concerning some sort of directional signing for the merchants of Old Town to perhaps be set up on the public restrooms as a mural map or perhaps a slanted table such as those used in malls. The merchants along Laurel, Maple and Nopal tend to be "lost" to foot traffic as there is no way of letting people on Bay Street know they are there.

Commissioners agreed and have recommended the Old Town Merchants Association be approached to bring a proposal to the City as to the type of directory and the placement of same.

PUBLIC HEARING ITEMS:

4. **RESOLUTION 95-1-10-1** Vacation of Public Rights of Way in the Munsel Valley Estates Project - Jim & Marjorie Vickery represented by Mike Van & Laura Gillispie

Chairman Moore opened the public hearing at 7:16 p.m. and asked for ex-parte contact or conflict of interest. Hearing none he read statement of criteria and asked for staff report.

CD Director Haworth reported that there are three vacations before the Planning Commission which are basically clean-up vacations. West of 15th Street these are "paper streets", never actually having been constructed and now re-subdivided. The vacation in the Shorepines Subdivision was left out of the street vacation and the one in the Florence Business Park is a no longer needed drainage easement.

Jim Vickery, 17833 209th Street, Battleground, WA.: Stated this is a cleanup of paper work and when the new plat is filed, all streets will be dedicated to the City.

<u>Eileen McGregor:</u> Asked about 16th Street and Martin Street and whether or not those would be used for access to the development.

Laura Gillispie: Answered that the main access will be from 12th Street with a gated emergency access to the south.

Hearing no further testimony, Chairman Moore closed the public hearing at 7:27 p.m.

Commissioner Bales moved to approve Resolution 95-1-10-1 recommending approval of the vacation of streets within Munsel Valley Estates, second by Commissioner Gillette, by voice vote, 4 "aye", 1 "abstain", motion carried.

5. **RESOLUTION 95-1-10-2** Vacation of Public Rights of Way (public utility easements, pedestrian and bicycle easements) in Shorepines within the Regency complex - City of Florence

Chairman Moore opened the public hearing at 7:29 p.m. and asked for ex-parte contact or conflict of interest. Hearing none he read statement of criteria and asked for staff report.

CD Director Haworth reported this is basically for the Regency project. When the cul-de-sac was vacated the easements, pedestrian and bike paths were not vacated. In discussions with the Public Works Director it has been found that these easements are no longer viable and are not needed. Staff recommends vacation.

Commissioner Day noted that if he was aware at the time of the project approval that those easements had existed, he would have asked for a bike path or something in return for vacation of the easements.

CD Director Haworth stated that staff had looked at the easements in the preliminary 9th Street Corridor Study. There is a 2 block park east of this project connecting to a natural drainage channel and we do not see the bike or pedestrian paths going in here. The close proximity to Rhododendron is also a factor in not having them in this area.

Chairman Moore asked for citizen input either for or against. Hearing none he closed the public hearing at 7:34 p.m.

Commissioner Gillette moved to approve Resolution 95-1-10-2 recommending approval of the vacation of the easements with second by Commissioner Day.

Under discussion, Commissioner Burch asked that the Resolution be amended to not say "inadvertently and failed" to be vacated, it sounds as though staff is not doing its work.

CD Director Haworth stated it could be changed to read "overlooked".

By voice vote all "aye", motion carried.

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6. **RESOLUTION 95-1-10-3** Vacation of Public Rights of Way (drainage easement) Airport Business Park easterly of Kingwood Street - City of Florence Chairman Moore opened the public hearing at 7:38 p.m. and asked for ex-parte contact or conflict of interest. Hearing none he read statement of criteria and asked for staff report.

CD Director Haworth explained this proposal is in the industrial subdivision located east of the Airport. This was developed by the City with a drainage easement be retained under the assumption it would be needed for storm drainage. Since then, Public Works has determined it is no longer necessary therefore staff recommends vacation of the easement.

Commissioner Burch mentioned that it is interesting to see what has happened in that area within the past 3 years and feels the City is doing a fine job in terms of runoff of water, streets, parking areas being maintained etc. She feels that area is no longer an eyesore.

Commissioner Day asked about the effect of the vacation in terms of the property use or non-use with the easement in place. Restrictions other than building setbacks.

CD Director Haworth stated if the easement were retained nothing could be built over the easement. They could have parking or driveway. This vacation makes it more flexible.

He also noted that at the next meeting he will be bringing a preliminary proposal for the extension of Kingwood Street to 35th. The City has applied for and received a grant for this extension which will open up 35 to 40 acres of industrial zoned land.

Chairman Moore asked for citizen input either for or against the vacation. Hearing none he closed the public hearing at 7:44 p.m.

Commissioner Day moved to approve Resolution 95-1-10-3 recommending approval of the vacation of a drainage easement, second by Commissioner Bales, by voice vote all "aye", motion carried.

OTHER ITEMS:

7. **RESOLUTION 95-1-10-4** Design Review to construct an office/warehouse complex at 1236 17th Place within the Florence Business Park at 18-12-27-1 TL 140 - Vic Vaccaro (Heceta Development Group).

CD Director Haworth gave the staff report noting that this lot is on the east side of 17th Place. The proposal is for a metal building for office/warehouse of approximately 5000 sq.ft. set up for four different spaces for tenants and storage for Glo-King. There are 11 parking spaces which is more than adequate and it meets the minimum for landscaping requirements. The Code requirement is not being met with a 22 foot driveway along the north of the building. Code requires 25' for parking spaces and two way traffic, however, if the Planning Commission feels 22' is adequate then it would be appropriate to approve it as such. There are roll-up doors shown on the north elevation and the parking lot is to the south. There have been complaints from the Manufactured Home subdivision to the east about the noise at the Glo-King facility due to 2 shifts running a manufacturing facility and a sound wall is being thought about for the east property line along the industrial area. That wall is not needed for this use, but if the use changes we will be determining if the sound wall will be required. The Planning Commission may require a sound wall or review later if the use changes.

Commissioner Day stated he thinks with an additional 3' in the driveway it will assist in getting trucks in and out and if they are storing parts for Glo-King, and what about the noise problem with them going in and out?

In answer to the question by Commissioner Day about noise in conjunction with Glo-King, CD Director Haworth stated that since the complaints had been registered, Glo-King had cut the noise down considerably and in two months there have been no further complaints. The City is also trying to get a grant to help construct the wall. In the meantime the wall of this building serves as a buffer to the subdivision whereas Glo King has their parking lot along that east side and there is no noise buffer.

Commissioner Bales said she is inclined to require the sound wall rather than to wait until the use changes.

Chairman Moore said his concern is like Commissioner Day's about the driveway. He see nothing wrong with 25' and there is enough room to move 3'.

CD Director Haworth said he wouldn't like to see a loss of landscaping since the parking spaces are 19' with a 25' ingress/egress and planters 2' wide. The only option is to shorten the building by 3'.

<u>Vic Vaccaro, applicant, 913 Rhododendron Drive.</u> Said the design was to address the concern of the noise. He said Glo-King has only expressed an interest in using part of the storage. They are going to build it anyway for their own office and storage. There will be a 1 hour insulated firewall on the east and parking will be away from the area of concern. Freight unloading will be to the north and will be 1/2 ton, 3/4 ton or 1 ton tucks only, no semi's since the area is not big enough.

CD Director Haworth told the Commission the requirement for 25' is typically for 2 way traffic and there is some discretion here.

Chairman Moore asked the applicant if there is any barrier between his property and Glo-King, to which he responded there is a concrete curb running the full length of the property. He said they would be willing to put up a "freight unloading only sign" and if the Planning Commission requires it a sound wall is agreed at a future date, and they will certainly participate in that.

Following several motions and withdrawals of motion for clarification and re-wording so that the driveway may remain at 22' rather than 25', Commissioner Day moved to approve Resolution 95-1-10-4 with the following modifications: Eliminate condition #2 and substitute " a "freight unloading only" sign is to be placed at the west entrance to the northerly access area; condition #3 is modified to read "a sound wall along the easterly side of the property may be required by the City Second by Commissioner Bales, by voice vote all "aye", motion carried.

8. Design Review to construct retail/office at complex at 1220 Bay Street - Greg Kunz (POSTPONED TO 2-14-95 BY OWNER)

This item is postponed.

DISCUSSION ITEMS:

8. Planning Staff

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CD Director Haworth discussed the tentative meeting schedule for the Comprehensive Plan update and noted it is subject to change. Some of the items may take more than one meeting. We hope to have a vacant land survey for residential land in the City and UGB at the next meeting.

Through discussion, it was determined that the meetings will be the same as the tentative schedule and will start at 7:00 p.m. A time period will be set for quitting the meeting somewhere around 3 hours. Staff will set the agenda with information being provided at the meetings.

He stated we will get the schedule published and we will also be having meetings with the County with a workshop between the County Commissioners and the City Council being held on January 25 to accelerate the review program in the coastal area with the objective to break off the coastal area of Western Lane County.

9. Commissioners

A letter has been received from Dennis Adkins resigning his position on the Commission effective 1-5-95.

A request has been made by Ken Miller of the Economic Development Committee, that Ken Hobson be brought to their meeting of January 19th at 7:30 a.m. Central Lincoln PUD will be discussing fibre optics and the information highway to the I5 corridor.

CD Director stated the Library Director has a grant to get connected into internet and the schools are actively seeking to be hooked up along with the hospital.

He mentioned that the Council had interviewed potential Planning Commissioners last night with appointments to be made on January 16th.

Commissioner Bales said she appreciates Mrs. Ludwig's concern about signage for Old Town and would like to see something done prior to Rhody weekend.

Additionally in speaking of the Old Town area, CD Director Haworth mentioned that the Port is proposing to get grant monies for a marketing study on the boardwalk. The TGM Grant that the City has will also be doing a parking analysis in the Old Town Area. He spoke of the Council goals and will bring a copy to the next Commission meeting.

The next meeting of the Planning Commission will be January 31st.

Commissioner Burch asked about bags of trash between Payless and A&W on the Highway. Staff will check out.

10. ADJOURNMENT:

FLORENCE PLANNING COMMISSION

The meeting was adjourned at 8:38 p.m.

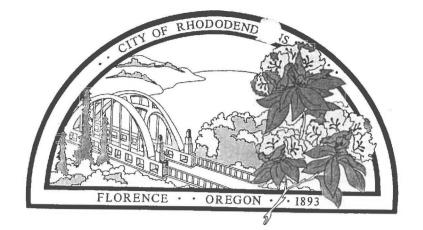
mel moore

Mel Moore, CHAIRMAN FLORENCE PLANNING COMMISSION

ATTEST:

Anne M. Rhodes, SECRETARY

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Community Development Department

Planning, Building Inspection and Economic Development

250 Highway 101

PO Box 340 Florence, OR 97439-0340 TDD: 503/997-3437

PH: 503/997-8237 FAX: 503/997-4109 FAX: 503/997-6814

January 11, 1995

Vic Vaccaro, Heceta Development Group P.O. Box 3274 Florence, OR 97439

RE: Approval of proposal at: 1236 17th Place

Dear Vic:

Enclosed is a signed copy of Resolution <u>95-1-10-4</u> approving the proposal for <u>Design</u> <u>Review to construct a metal industrial building and parking facility in the Airport Industrial</u> <u>Park</u> at the above location.

Please be advised there is a 25-day appeal period for any Planning Commission/Design Review decision. Under Chapter 10-1-1-6, appeals may be taken from any decision of the Planning Commission or Design Review Board to the City Council. An intent to appeal must be filed with the City Recorder within fifteen (15) days after the notice or decision has been served. Every appeal except when the review is caused by the City Council's own motion shall be in writing stating the grounds therefor and setting forth the alleged error.

If you have any further questions, please contact this office at 997-8237.

Sincerely,

Anne M. Rhodes Administrative Secretary

enclosures



PLANNING COMMISSION DESIGN REVIEW BOARD RESOLUTION NO. 95-1-10-4

IN THE MATTER OF DESIGN REVIEW TO CONSTRUCT A METAL INDUSTRIAL BUILDING AND PARKING FACILITY IN THE AIRPORT INDUSTRIAL AREA

WHEREAS, application was made by Heceta Development Group to construct a metal industrial building and parking facility for office/warehouse at 1236 17th Place,, Map 18-12-27-1 TL 140 in the Florence Business Park, in the Limited Industrial District, and

WHEREAS, such application requires review by the City of Florence Planning Commission as a Design Review Board City Code 10-6, and 10-20, and

WHEREAS, the Planning Commission/Design Review Board met in public meeting on January 10, 1995 to consider the application and after consideration of evidence in the record and testimony presented, determined that conditional approval of the request should be granted, and

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

- 1. Detailed landscape plans including a list of plant materials must be submitted for review and approval by the Community Development Department prior to issuance of a building permit. The landscape plans should include provisions for an automated irrigation system for all landscaped areas.
- 2. A "freight unloading only" sign is to be placed at the west entrance to the northerly access area.
- 3. A sound wall along the easterly side of the property may be required by the City. The project is subject to further review by the Planning Commission at such time as use within the building is changed from either an office and/or a warehouse facility.
- 4. Any signs for this project are subject to review and approval of the Community Development Department.

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

PASSED BY THE FLORENCE PLANNING COMMISSION, this 10th day of JANUARY , 1995.

Scoll Jem

EXHIBIT "A" FINDINGS OF FACT

I. PROPOSAL DESCRIPTION:

- A. PROPOSAL: To construct a metal industrial building and parking facilities in the Airport Industrial area.
- B. APPLICANT: Heceta Development
- C. LOCATION: 1236 17th Place, east side of the street (Airport Industrial Park) Lot 7
- D. SURROUNDING LAND USES/ZONING:

Site: Vacant land - LI North: Industrial - LI East: Residential - MHD West: vacant(industrial) - LI South: Industrial - LI

D. REFERRALS/CORRESPONDENCE: NONE

II. NARRATIVE:

The Applicant proposes to construct a 5924 sq. ft. industrial building and parking spaces on a lot located on 17th Place (easterly of the City's airport facility). The lot is 120' by 120' (14,400 sq. ft.) in size and is a part of a previously approved industrial tract. The property easterly of the project site is developed as a manufacture housing project.

The proposed building consists of a metal one-story building located on the northerly side of the lot with a driveway access on the north side of the building and an access driveway and parking for 11 cars on the south part of the lot. The exterior of the building will be painted gray. The Applicant indicates that there will be a maximum of three employees in the office area.

The proposed use for the building is Office/warehousing.

III. APPROVAL CRITERIA AND ANALYSIS

- A. CODE SECTION 10-20: Buildings and Uses permitted in the Limited Industrial District (LI) zone.
 - 1. Conformity with the Florence Comprehensive Plan

The proposed use would not conflict with the policies and objectives of the Comprehensive Plan.

2. <u>Compliance with conditions established within the</u> <u>Zoning District.</u>

The proposed development meets all minimum lot area, minimum lot width and depth requirements and all yard setback requirements for buildings as set forth in the Limited Industrial zoning district. The proposed landscaped areas in the parking area meets the minimum area requirements.

Parking spaces proposed for this building exceed the minimum requirements for an office/warehousing operation. It is conceivable, however, that use of the building may change in the future requiring additional parking. Any change in proposeduse for this building should require additional review by the Planning Commission to determine whether additonal parking may be required..

The driveway on the northerly side of the building is shown as 22 feet in width. Code requires a minimum of 25 feet. The building length would have to be reduced by three feet in order for the driveway to meet minimum code requirements.

The proposed project site abuts a residential zone on the east. The proposed building will partially serve as a noise buffer between the proposed use and the residential areas, but the balance of the easterly property line will not have any noise buffer. Zoning District regulations indicate that the Planning Commission <u>may</u> require a wall between the residential area and the proposed industrial use.

3. Adequacy of public facilities, public services and utilities to service the proposed project.

The property fronts an improved industrial street. Water and sewer lines and other utilities are located in the adjacent street.

5. Adequacy of vehicle and pedestrian access to the site, including access by fire, police, and other vehicles necessary to protect public health and safety.

The site has adequate vehicular access from the adjacent street.

B. Code Section 10-6-5: Design Review, general criteria

The proposed building is a flat roofed metal building with entry doors on the south elevation and larger "garage" door openings on the northerly elevation. The parking lot landscaping meets the code requirements. There is a 6 foot landscaped setback area along the street frontage. No sign plans have been submitted nor any details of the landscaping materials.

Staff would recommend that any signage for the site be subject to review and approval of the Community Development Department. Applicant should also be required to submit a detailed listing of plant materials to be installed in the landscaped areas for review and approval by Staff. All landscaped areas should include installation of an automated irrigation system.

Finally, Staff would recommend that the Planning Commission require extending a wall from the southeast corner of the proposed building along the balance of the easterly property line as a noise buffer for the residential area. While the current proposed use for the building is not likely to create excessive noise, it is conceivable that future uses of the building may create excessive noise.

A second alternative to this condition is to allow the current use to proceed without construction of a wall (i.e. the use of the building for office/warehousing is not likely to create excessive noise), but require that any change of use and/or occupancy would require further review by the Planning Commission to determine whether a wall should be required in athe future.

IV. RECOMMENDATIONS:

Approve the plans subject to the following conditions:

- Detailed landscape plans including a list of plant materials must be submitted for review and approval by the Community Development Department prior to issuance of a building permit. The landscape plans should include provisions for an automated irrigation system for all landscaped areas.
- The northerly driveway is currently shown as 22 feet in width. The City's code require a minimum driveway width of 25 feet. The final plans should be modified to bring the driveway width up to a minimum of 25 feet.
- 3. A sound wall along the easterly side of the property is not required at this time. However, the project is subject to further review by the Planning Commission at such time as use within the building is changed from either an office and/or a warehouse facility.
- 4. Any signs for this project are subject to review and approval of the Community Development Department.

APPROVED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD, this 10th day of January, 1994.

without modifications

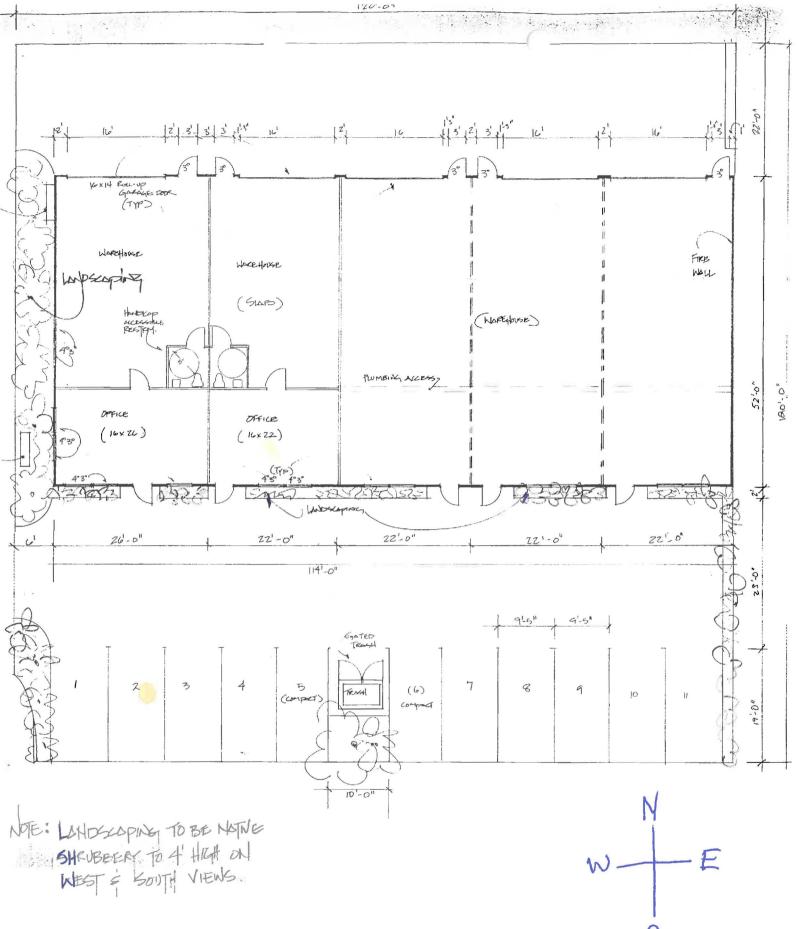
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Condition #2 is deleted and substituted in its place is:

2. A "freight unloading only" sign is to be placed at the west entrance to the northerly access area.

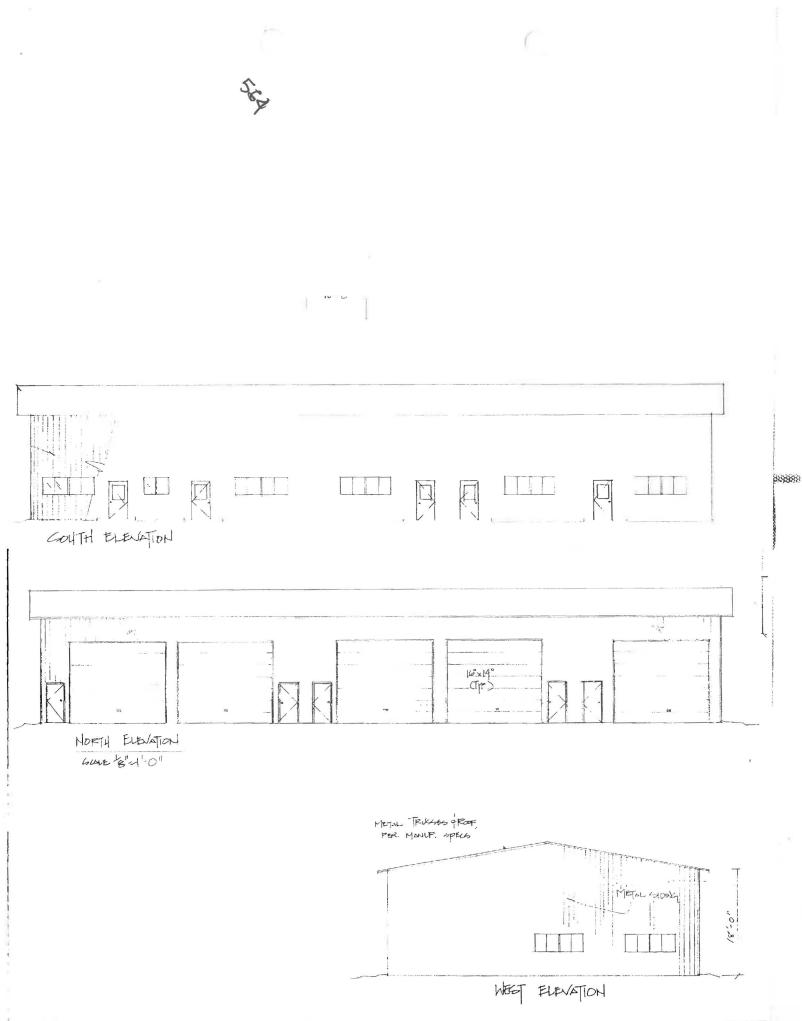
Condition #3 is modified to read:

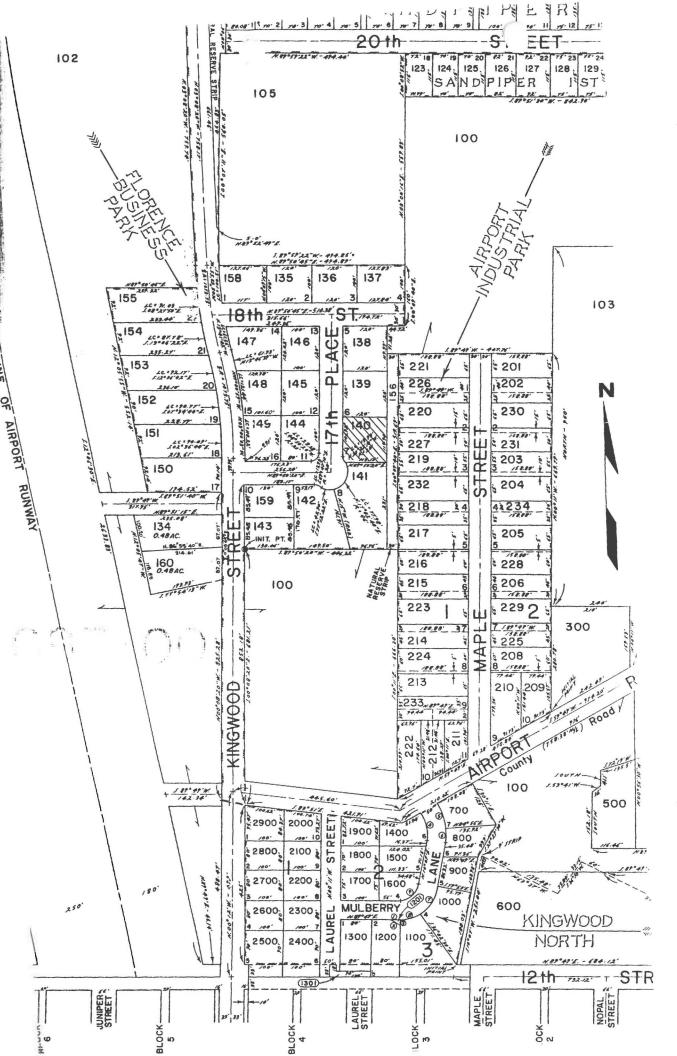
3. A sound wall along the easterly side of the property may be required by the City. The project is subject to further review by the Planning Commission at such time as use within the building is changed from either an office and/or a warehouse facility.



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CITY OF FLORENCE APPLICATION FOR DESIGN REVIEW

FEE PAID: 100 °	DATE SUBMITTED: 12-6-94
APPLICANT: HELETA DEVELOPMENT	P.O. 3274 FURENE 997 7560 il Address)
(Name) -1236 17th Place- LOCATION: LOT 140 AIRPORT IND (Address) (Mag	NO.) TI 140 (Tax Lot)
PROPERTY OWNER: MIKE TONNON 06 (if Different) (Name) (Max	600 CANARY RD. 997-6728 il Address) (Phone)
PROPOSAL: DESIGN DEPROVUL FOR	2 METAL BUILDING,
PROPOSED USE: OFFICE/WARDORE FOR HECETA DEVELOPHEN	FORMER USE:
APPLICANT IS: OWNER BUYING	******
BUILDING MATERIALS:	PARKING:
Size of Structure: <u>52 ×114</u> (5924)	Amount Required:
Type Construction: METAL	
Exterior Color & Siding: GRAY	No. Employees: 3@ HDG OFFICE
Height of Structure: 18 8 Bldg.Cover	age % Total Coverage
******	* * * * * * * * * * * * * * * * * * * *
I/WE understand that no Design Review a the 15-day appeals period, stipulated in 1-4, has elapsed without an appeal b approval shall lapse and be void one building permit is issued and construct completion.	City of Florence Code, Chapter 10-1- eing filed; and that Design Review e year following approval unless a
12/5/94 HEC (Date)	ETA DEVELOPMENT GROUP

BY VCPAP L MCCAS Signature of Applicant

(DRB 10-92)

LALL

WORK SHEET APPLICATION FOR DESIGN REVIEW CONSIDERATION

Please submit the following if applicable:

- 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.
- B. A landscape plan, drawn to scale, showing the location of existing trees and major shrubbery proposed to be removed and to be retained on site; the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on site; other pertinent landscape features; and irrigation systems required to maintain trees and plant materials.
- 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.
- D. Scale drawings of all signs that are subject to design review showing size, location, materials, colors and illumination, if any.
- E. Additional information may be required by the City if necessary to determine whether the purposes of City Code are being carried out or may authorize omission of any or all the drawings required if they are not necessary. The City shall specify number and size of copies to be submitted.
- F. The City of Florence Site Design Policies and Standards adopted and revised 1992, shall be used for standards and guidelines for good site planning and compliance with Code requirements.

FOUR FULL SIZE SETS OF PLANS ARE REQUIRED ALONG WITH ONE SET OF ELEVATIONS AND SITE PLAN REDUCED TO 8 1/2 X 11 FOR INCLUSION IN PLANNING COMMISSION PACKETS.

FEE: \$100.00 for Design Review

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and the second

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD BY THE FLORENCE PLANNING COMMISSION OF THE CITY OF FLORENCE, OREGON AT 7:00 O'CLOCK P.M., ON <u>JANUARY 10, 1995</u>, IN THE COUNCIL CHAMBERS OF THE CITY HALL, 250 HIGHWAY 101, IN THE CITY OF FLORENCE, LANE COUNTY, OREGON, TO HEAR AND CONSIDER THE MATTER OF <u>DESIGN REVIEW TO</u> <u>CONSTRUCT AN OFFICE/WAREHOUSE COMPLEX AT 1236 17TH PLACE WITHIN THE</u> <u>FLORENCE BUSINESS PARK AT MAP 18-12-27-1 TL 140, IN THE LIMITED</u> <u>INDUSTRIAL DISTRICT, AS APPLIED FOR BY VIC VACCARO REPRESENTING</u> <u>HECETA</u> DEVELOPMENT GROUP.

APPLICABLE CRITERIA WHICH APPLY TO THIS APPLICATION ARE: <u>FLORENCE</u> <u>CITY CODE TITLE 10, CHAPTER 6 DESIGN REVIEW; CHAPTER 20 LIMITED</u> <u>INDUSTRICAL DISTRICT.</u>

FAILURE TO RAISE AN ISSUE TO AFFORD THE DECISION MAKER AND THE APPLICANT AN OPPORTUNITY TO RESPOND TO THE ISSUE, PRECLUDES APPEAL TO THE BOARD BASED ON THAT ISSUE.

A COPY OF THE APPLICATION, ALL DOCUMENTS AND EVIDENCE RELIED UPON BY THE APPLICANT AND APPLICABLE CRITERIA ARE AVAILABLE FOR INSPECTION AT NO COST AND WILL BE PROVIDED AT REASONABLE COST. 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 A REASONABLE COST.

WRITTEN TESTIMONY AND EVIDENCE MUST BE DIRECTED TOWARD THE CRITERIA DESCRIBED ABOVE OR OTHER CRITERIA IN THE PLAN OR LAND USE REGULATION WHICH IS BELIEVED TO APPLY TO THE DECISION AND MAY BE SUBMITTED, TO THE PLANNING DEPARTMENT, CITY HALL, 250 HIGHWAY 101, P.O. BOX 340, FLORENCE, OREGON, 97439, PHONE 997-8237 NO LATER THAN JANUARY 10, 1995.

ANNE M. RHODES, PLANNING SECRETARY

PUBLISH: DECEMBER 28, 1994 AND JANUARY 4, 1995

CITY OF FLORENCE AFFIDAVIT OF MAILING

I, <u>ANNE M. Chodes</u>, ENTRUSTED BY THE CITY OF FLORENCE TO DO SO, SWEAR THIS DAY THAT I HAVE MAILED NOTICES TO PROPERTY OWNERS WITHIN 100/300 FEET OR ADJACENT TO SUBJECT PROPERTY AT LEAST TWENTY (20) DAYS PRIOR TO THE EVIDENTIARY HEARING. <u>Design Review to construct office / Worehouse @ 1236 17th Place - Olo Bus. Park</u> <u>Map 18-12 - 27-1 TL 140 - Heart Anone I - 10-95</u> SUBJECT PROPERTY - SUBJECT OF NOTICE - DATE OF HEARING

12-21-9-DATE SIGNED

On this 21^{st} day of 1) ECEMBER, 19 99 before me, the undersigned, personally appeared the within named ANS REPORT who is known to me to be the identical individual described in and who executed the same freely and voluntarily.

ITY RECORDER

Alecto Der -

18-12-27-1	
140	Michael & Wanda Johnson - 86600 Canary Rd - Dlorence
139	
141	Brigely Enterprises the - 1710 Laurel Way - Ilorence
144	Ray & Bobbie Wello - POBox 1180 - Weldport, OR 97394
145	harry Null Etal - 12022 E. Mapleton Rd - Mapleton 97453
226	Bonnie Keck Perry - 1701 Maple St - Devence
220	Chester Kapla & Cuth Hamilton - 1677 Maple St - Ilorence
227	Heather Seacrust - 1329 Denwood St - San Jose, CA 95125
219	Wanda Selby - 1633 Maple - Dlarence
232	CB & Diana Robertson - 2679 Grange St - Lemon Grove, CA. 9545

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This permit becomes null and void if work is not commenced within 60 days from the date of issuance, or if work is sus pended at any time during construction for more than 120 days, or if any sold is denoted the said believes of the said believes the said believes

Exhibit E

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This permit becomes null and void if work is not commenced within 60 days from the date of issuance, or If work is sus pended at any time during construction for more than 120 days, or if any work is done on the said building or structure

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