AGENDA ITEM SUMMARY / STAFF REPORT FLORENCE PLANNING COMMISSION

ITEM NO: 6

Meeting Date: June 11, 2024

ITEM TITLE:

Resolution PC 24 20 CUP 11 - 6th & Maple St SUD in MSA - Smith

OVERVIEW:

<u>Application:</u> A request was received for a Conditional Use Permit (CUP) to permit development of a single-unit detached dwelling in Mainstreet Area A where this use is conditionally permitted. These application requests are being consolidated in accordance with FCC 10-1-1-5. This application does not include design review of the dwelling as single-unit detached dwellings are exempt from design review per FCC 10-27-5-A.

The proposed dwelling is to be sited on Lane County Assessors Map No. 18-12-27-44, tax lot 7600 near the south west intersection of Maple Street and 6th Street. The Mainstreet District offers denser development by allowing smaller lot sizes (2500 sq. ft minimum). The subject lot is 3,210 sq. ft. and dimensioned at 26 feet x 120 feet. The lot will have frontage on Maple Street and take access from the 20 foot wide alley to the west. This project proposes a residential dwelling unit, which is exempt from design review criteria under FCC 10-6, but does require design review for site improvements including landscaping, fence materials, lighting fixtures compatible with Downtown Architectural Standards, and minimum height requirements.

In accordance with <u>FCC 10-27-5-A</u>, the minimum allowed building height is 20 feet. The applicant proposes siting a manufactured dwelling that will reach 15 to 16 feet in height and proposes the use of a façade to meet the minimum heigh as allowed in code. "Buildings shall be a minimum of 20' in height. This measurement may include a building façade as opposed to a total building height of 20'. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade."

<u>Process and Review:</u> These requests are a Type III land use application requiring a quasi-judicial public hearing. The Florence Planning Commission is the review body as set out in the <u>Florence City Code (FCC) Title 10 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.

<u>Testimony/Agency Referrals:</u> No public testimony was received for this project proposal.

A referral request was sent on March 23, 2024 to the City of Florence Public Works Department. Additional referrals were not deemed necessary per typical SUD development practices and procedures. Public Works provided verbal comments that city water services are available on Maple Street and sanitary sewer services are available from the alley on the west.

ISSUES/DECISION POINTS:

- 1. Does the 20-foot façade as proposed meet the Code criteria for FCC 10-27-5-A to meet the minimum building height in MSA?
 - If the Planning Commission determines that the façade does not meet the requirement that a facade "must be designed so that it is not readily apparent that it is only a façade," are the modification or alteration to the design that could be made to meet this criterion?
 - What conditions related to maintenance, repairs, and replacement are needed for the façade?
- 2. In accordance with FCC 10-27-5-D a bike rack shall be installed.
 - Is a bicycle rack required to be installed at the time of development in accordance with this Code section?
 - Shall the bicycle rack requirement be deferred as part of the CUP and instead be required with future development of an additional dwelling unit, commercial use, or change of use?

ALTERNATIVES:

- 1. Approve the Conditional Use Permit (CUP) for a SUD in MSA with conditions of approval
- 2. Review and recommend changes to the proposed Conditional Use Permit (CUP) findings and approve as amended,
- 3. Continue the Public Hearing to a date certain if more information is required, or
- 4. Do not approve the Conditional Use Permit (CUP), by revising the findings and resolution stating how the application does not meet the criteria.

RECOMMENDATION:

Planning Staff—Option 1, Approve with conditions of approval

AIS PREPARED BY:

Clare Kurth, Associate Planner

ITEM'S ATTACHED:

Attachment 1 - Resolution PC 23 19 CUP 02 - Draft

- Exhibit A Findings of Fact
- Exhibit B Land Use Application
- Exhibit C Site Plans & Landscaping Plan
- Exhibit D Lighting & Fencing Examples
- Exhibit E Front Facade

CITY OF FLORENCE PLANNING COMMISSION

RESOLUTION PC 23 20 CUP 11 (draft)

A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A SINGLE-UNIT DETACHED DWELLING AT 6^{TH} STREET AND MAPLE STREET IN MAINSTREET AREA A AND ASSOCIATED DEVELOPMENTS AND SITE IMPROVEMENTS. THE LOT IS SEEN ON LANE COUNTY ASSESORS MAP 18-12-27-44 TAX LOT 07600.

WHEREAS, application for a conditional use permit was made by Marcelle Smith for a conditional use permit as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-4-10; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on June 11, 2024, as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-4-6, after review of the application, testimony, and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

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

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record, that:

The request for a Conditional Use Permit for a single-unit detached dwelling and associated developments and site improvements in Mainstreet Area A meets the applicable criteria in Florence City Code with the conditions of approval as listed below.

Conditions of Approval:

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

1. Approval for shall be shown on:

"A" Findings of Fact

"D" Lighting & Fence Examples

"B" Land Use Application

"E" Front Façade

"C" Site Plans & Landscaping Plans

- 2. Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.
- **3.** Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions,

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

4. 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.

5. Off-Street Parking and Loading

5.1 In accordance with FCC 10-27-5-D a bicycle rack is required with development in MSA. This requirement is determined not to meet the intent of the code as it applies to a SUD. A future change of use to a non-residential use or the addition of another dwelling on this site shall require installation of a bike rack in accordance with FCC 10-27-5-D.

6. Landscaping

- 6.1 In accordance with FCC 10-34-3-3-A there shall be a minimum 1 tree per linear feet of street frontage within the first 20 feet of the property line abutting Maple Street. A revised landscaping shall be submitted that includes a minimum 1 tree within 6 months of approval (December 11, 2024).
- 6.2 In accordance with FCC 10-34-3-4-A all planting proposed on the landscaping plan shall be planted from a minimum size as stated on the *Tree and Plant List for the City of Florence*. This shall include trees, shrubs, and ground cover, perennials, and grasses. A table was included for reference in the Findings on pg. 25 of 36.
- 6.3 All proposed plantings shall be installed in accordance with the proposed and approved landscaping plan prior to issuance of C of O or within 1 calendar year (June 11, 2024), whichever is first.
- 6.4 In accordance with FCC 10-34-3-5, permanent underground irrigation shall be installed for all landscaping areas. The required irrigation shall be installed prior to final C of O.

7. Public Facilities

- 7.1 In accordance with FCC 10-36-2-7 the abutting alley to the west of the subject property shall be paved a minimum of 16 feet in width subject to Public Works prior to C of O.
- **7.2** The applicant shall have approval from the USPS for the location of the mailbox onsite prior to C of O.

8. Access and Circulation

8.1 In accordance with FCC 10-35-2-12-B the minimum driveway width shall be 12 feet. The minimum 12-foot wide driveway shall be installed in accordance with this code section prior to C of O.

Informationals:

- 1. In accordance with FCC 10-4-8-A, this CUP will be valid for 1 year (June 11, 2024). If substantial construction has not taken place, the permit shall expire unless a written extension request is received.
- 2. In accordance with FCC 10-4-8-B, a discontinuation of the conditional use of the intentional demolition or removal of the SUD shall constitute an expiration of the CUP.
- **3.** Development standards under Code section FCC 10-27 shall apply to the site development of this project.
- **4.** Noise, vibrations odor, and sightliness associated with the development of this SUD in MSA are anticipated to be consistent with other residential uses in City. FCC 6-1 regulations for nuisances apply to this project as with any residential use in the MSA zoning district.
- **5.** Prior to any work in the public ROW a work in the ROW permit shall be obtained from the City of Florence Public Works Department.
- **6.** Maximum building coverage in Mainstreet Area A is 90% lot coverage by all buildings and other impervious surfaces. This will be reviewed during building plan review.
 - 3120 x .90 = 2,808 sq. ft is the maximum lot coverage permitted
- **7.** In accordance with FCC 10-4-8-B the discontinuance of use for 12 consecutive months constitutes an expiration of the conditional use.
- **8.** Landscaping shall be maintained in accordance with FCC 10-34-3-8 and shall be the own going maintenance of the property owner and subsequent property owners.
- **9.** All vehicular access shall be taken from the alley abutting the subject site to the west and no future curb cuts or exposure shall be permitted along the Maple Street frontage in consistency with the Hwy 101 Access Management Plan.
- **10.** In accordance with FCC 10-34-3-3-A-5, pocket planting methods shall be used for all new plantings onsite to ensure healthy growth on new plantings.
- **11.** In accordance with FCC 10-34-3-3-B, noxious weeds and invasive species shall not be permitted to grow on site and shall be removed during site development.
- **12.** In accordance with FCC 10-36-5-A all utilities for this development project shall be placed underground.
- **13.** Lighting fixtures on site shall meet compliance with FCC 10-37 as it relates to illumination levels and shall be in compliance with FCC 10-27 as it relates to compliance with Downtown Architectural Standards.

14. Due to the Highway 101 Access Management Plan and Maple Street parking improvement plans, the City of Florence Public Works Director or designee shall determine the timing of the sidewalk construction and possible non-remonstrance for the street improvement.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 11th day of June 2024.

Sandra Young, Chairperson	DATE
Florence Planning Commission	

FINDINGS OF FACT FLORENCE PLANNING COMMISSION Exhibit "A"

Public Hearing Date: June 11, 2024 Planner: Clare Kurth

Application: PC 24 20 CUP 11

I. PROPOSAL DESCRIPTION

Proposal: A request for conditional use permit to construct a single-unit detached

dwelling and associated development in Main Street Area A.

Applicant: Marcelle Smith

Property Owners: Marcelle Smith

Location: 6th Street and Maple Street

Site: Map # 18-12-27-44 Tax lot 07600

Comprehensive Plan Map Designation: Main Street Area A (MSA)

Zone Map Classification: Downtown

Surrounding Land Use / Zoning:

Site: Undeveloped / Main Street Area A (MSA)
North: Multi-Unit Dwelling / Main Street Area B (MSB)

South: Single-Unit Dwelling / MSA East: Retail & Restaurant / MSA

West: Single-Unit Detached Dwelling / MSB

Streets / Classification:

East – Maple St / Local; North – 6th Street / Local; West – alley / none /; South – none

II. NARRATIVE:

The applicant proposes to develop a lot with a detached single-unit dwelling (SUD) located near the south west corner of 6th and Maple St. in Mainstreet Area A zoning district. The proposed development includes associated development structures including driveway access off the unimproved alley, a carport, fenced in yard, landscaping, and a front deck with walkway.

The detached SUD proposed is a 13' 6" x 56' manufactured home. A proposed model and floor plan was submitted with the application materials [Exhibit B]. Mainstreet Area A has a minimum height requirement of 20 feet. A typical Manufactured home is approximately 13' 6" high including the 2 to 3 feet required to accommodate the crawl space and under floor utilities. The proposed structure is approximately 6' 5" inches below the minimum height for the underlying zoning district.

During review of this application staff did not find that the building height met the requirements for a variance in accordance with FCC 10-5-4 which states:

- C. Variances: The Planning Commission may grant a variance to a regulation prescribed by this Title and may attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:
 - 1. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.
 - 2. One of the following:
 - a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or
 - b. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
 - 3. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
 - 4. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The considerations that lead to the determination that a variance was not a path forward for a reduction in height is that the lot does not have unique physical circumstances or conditions onsite that warrant a variance in height and FCC 10-27-5 provides an option for meeting the minimum building height through the use of a facade.

To meet this requirement the applicant has proposed using a façade as allowed in Code section FCC 10-27-5-A. This Code section states that a building "may include a building façade as opposed to a total building height of 20". If a façade is used, it must be designed so that it is not readily apparent that it is only a façade." Manufactured homes do not allow for additional features such as porches and awnings to be attached to a manufactured home under the 2010 Oregon Manufactured Dwelling Installation Specialty Code, the proposal is for a free standing façade structure with a goal of appearing attached to meet building code requirements of Chapter 10: Site Installed features, which states:

- **10-3.2.** Porches, awnings, carports, cabanas, ramadas, decks, landings, stairs, ramps, guardrails and handrails:
- (1) Shall be self supported, free standing structures.
- (2) May be attached to a manufactured dwelling only with flashing, roofing materials, or other sealing materials to provide a weather seal and prohibit the trapping of water.
- (3) When prefabricated, shall be installed according to the structure manufacturer's installation instructions and this code.
- (4) May be supported by the manufactured dwelling when the engineered DAPIA approved plans demonstrate the manufactured dwelling was engineered and constructed to carry the additional live loads, dead loads, and uplift loads imposed by an attached structure.
- (5) Prefabricated awnings and carports may be supported by the manufactured dwelling's exterior wall provided extra perimeter foundation support in that area consisting of one-half spaced perimeter blocking is installed.
- (6) Shall not block a required egress as required in 24 CFR 3280 (MHCSS).

Exception: Railings and guardrails may be attached to and supported by the manufactured dwelling.

These Findings are included in chronological order as found in Florence City Code, Title 10. These Findings will be organized as follows:

- Chapter 1 discusses application and public hearing process and procedures.
- Chapter 3 discusses off street parking as it pertains to single-unit detached dwellings, which includes a discussion on the required covered parking and driveway surfacing materials.
- Chapter 4 discusses conditional use permits and temporary conditional use permits. This section will discuss both the request for the conditional use permit for the single-unit dwelling in Mainstreet Area B and will also discuss the request for the temporary conditional use permit for the construction site dwelling.
- Chapter 5 regulates variances and will review the requests against code criteria.

- Chapter 27 regulates Mainstreet Areas and was included as this is the zoning district the subject site is located in.
- Chapters 34 through 37 were included as they relate to development provisions for detached SUD including items such as site access requirements, utilities, and residential lighting exemptions.

III. NOTICES & REFERRALS:

Notice: On May 22, 2024, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on the same day. Notice was published in the Siuslaw News on June 5, 2024.

As of the writing of these Findings, The City has received no public testimony.

Referrals: Referrals were sent on May 23, 2024 to the City of Florence Public Works Department. Additional referrals and not typical or required with a SUD development.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7

Chapter 3: Off-Street Parking and Loading, Sections 3-A, 4-A, 8-A, 8-D, 8-F, and 8-J

Chapter 4: Conditional Uses, Sections 3 through 11 Chapter 27: Mainstreet District, Sections 3 through 5

Chapter 34: Landscaping, Section 5

Chapter 35: Access & Circulation, Sections 2-2, 2-3, 2-6 through 2-8, 2-12 through 2-14, & 3-1

Chapter 36: Public Facilities, Sections 2-7, 2-16 through 2-18, 2-22, 3, and 5

Chapter 37: Lighting, Section 5R

Realization 2020 Florence Comprehensive Plan:

Chapter 2: Land Use, Residential Policy 9

Land Use, Downtown Planning Area Policy 1

V. FINDINGS: CONDITIONAL USE PERMIT

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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

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

The applicant proposes a detached SUD in the Mainstreet Area A (MSA) zoning district, which requires a conditional use Type III review process that includes a quasi-judicial public hearing. This criterion is met through this review process.

B. Notification of Hearing:

- 1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.
 - d. Notice shall be mailed to any person who submits a written request to receive notice.
- 2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

Notice of the public hearing was posted on the subject property and mailed to all property owners within 300 feet of the property on May 22, 2024. Notice was published within the Siuslaw News one time on June 5, 2024. These criteria are met.

C. Notice Mailed to Surrounding Property Owners - Information provided:

- 1. The notice shall:
 - a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
 - c. Set forth the street address or other easily understood geographical reference to the subject property;
 - d. State the date, time and location of the hearing;
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
 - f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

The provided notice contained all information listed in FCC 10-1-1-6-3-C. These criteria are met.

- D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.
- E. Action by the Planning Commission:
 - 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.
 - 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.
 - 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.
 - 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

The Planning Commission held a public hearing on June 11, 2024 which met the standards of FCC 2-3 and FCC 2-10. These criteria are met.

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

10-3-2: GENERAL PROVISIONS:

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.
- B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.

- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.

Parking will be discussed further under FCC 10-3-3 and FCC 10-3-8.

E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.

Access will be reviewed under section FCC 10-35 below.

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

A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking. For single family dwellings, duets and duplexes, one parking space per unit may be provided on a driveway if the criteria in FCC 10-3-8 are met.

Two parking spaces are proposed. One is proposed as covered parking under a 12' x 20' carport and the other is proposed in the driveway that takes access from the existing alley. Additional details relating to parking area improvements will be discussed under FCC 10-3-8.

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces.

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

A. Residential and Commercial Dwelling Types:

attached and detached dwellings and	2 spaces per dwelling unit on a single lot
manufactured homes	

The applicant is proposing a detached SUD, which includes a carport and a parking space in the driveway. A minimum of 2 parking spaces are required and 2 parking spaces are proposed. This criterion is met.

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

The proposed parking area is proposed to take access from the alley abutting the property on the west property line at least 52 feet from the 6th Street. The onsite parking areas are proposed to be cement. This criterion is met.

A. Parking for new single unit attached and detached dwellings, and duplexes shall be provided as follows:

- 1. A carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100-foot radius. Parking spaces shall measure a minimum of 12 feet wide by twenty (20) feet long. Garage width is measured from the interior walls. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.
- 2. One parking space per unit may be provided on a driveway if the following criteria are met:
 - a. Driveway spaces shall measure at least 12 feet wide by twenty (20) feet long. No encroachments are allowed into the required parking spaces.
 - b. Driveway spaces shall not extend into the public right-of-way.
 - c. The number of parking spaces provided as a carport or garage shall not fall below one (1) space per unit.

The majority of the single-unit dwellings within 100 feet from the project site have covered parking and vary between 2 car garages and 1 car garages. This project proposes 1 covered parking space. The proposed 12'x 20' carport is determined to meet this code section and is in keeping with the predominate number of parking spaces in the surrounding 100 feet of the property.

Requiring additional covered parking would be burdensome on this site due to the narrow width of this lot. A typical 2 car garage is a minimum 20 feet in width and the subject lot is 26 feet in width. Requiring additional covered parking spaces is not required based on this code section. This criterion is met.

D. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

The parking is oriented in a way that head in parking will only shine onto the subject site. This criterion is met.

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

No parking area has been proposed which extends into the public ROW. This criterion is met.

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

Lighting shall be discussed under section FCC 10-37.

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

The driveway and carport are proposed to be situated entirely within the rear yard. This criterion is met.

TITLE 10: CHAPTER 4: CONDITIONAL USES

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.

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:

A. Site and building plans and elevations.

A site plan with proposed building locations, dimensions, and setbacks was submitted as part of this application. These criteria are met.

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

Existing conditions on the site were included on the application. The subject lot is vacant and mostly cleared of vegetation. Existing conditions on adjacent sites was discussed earlier in these Findings. This criterion is met.

C. Existing and proposed utility lines and easements.

Public Works Director has verbally confirmed that water services are available in the Maple Street ROW and sanitary sewer services are available in the abutting alley that are adequate to serve this lot and proposed use.

D. Operational data explaining how the buildings and uses will function.

This site is proposed for a detached SUD and associated developments. The operation and function of these buildings are anticipated to be consistent with other single-unit residential uses. This criterion is met.

E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

At the time of the writing of these Findings no additional information was requested by the Planning Commission.

F. Other information and format as required by FCC 10-1-1-4.

No other information has been determined to be necessary at the time of the writing of these Findings.

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

A duly noticed public hearing was held by the Planning Commission on June 11, 2024. This public hearing was held prior to the issuance of any building permits on the subject site. This criterion is met.

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.

During this review process the Planning Commission is making specific Findings for granting or denying this conditional use permit and temporary conditional use permit in accordance with the general criteria and conditions of FCC 10-4-9. This criterion is being satisfied as part of this review process.

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

The Planning Commission held a hearing June 11, 2024. The Planning Commission shall make specific findings regarding the application for a conditional use permit according to the criteria as presented in these findings. Should the request for a conditional use permit be approved, it shall become effective at the close of the appeal period, which begins with the mailing of the notice of decision.

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

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- 1. The request for an extension is made in writing prior to expiration of the original approval.
- 2. There are special or unusual circumstances that exist which warrant an extension.
- 3. No material changes of surrounding land uses or zoning has occurred. The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

This conditional use permit for a detached SUD in Mainstreet Area A Zoning district shall be valid for one year after the date of approval (June 11, 2025). In accordance with this code section, a request for extension shall be made in writing prior to the expiration or the original approval if substantial construction has not taken place (Informational 1).

B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

The discontinuance of the conditional use for 12 consecutive months or the intentional demolition or removal of the SUD shall constitute an expiration of this conditional use permit, and shall require a new conditional use permit to be obtained (Informational 2).

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

The Florence *Realization 2020 Comprehensive Plan* policies that apply to this project are Chapter 2 Residential uses Policy 9, Downtown Policy Planning Area Policy 1 Chapter 10 Policy 10, and Chapter 12 Policy 10. Each of these will be discussed separately.

Chapter 2: Land Use

Residential

Policy 9. The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.

In accordance with this Comprehensive Plan policy the "a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings." Oregon Administrative Rule (OAR) 197.314 (Oregon House Bill 4064 effective March 23, 2022). A manufactured home shall be constructed to minimum safety standards, but is not required to comply with additional regulations that are not applied to other dwelling types in the same zoning district.

SECTION 1:

[...]

- (4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, sitebuilt single-family dwelling on the same land, except:
- (a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or
- (b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standard which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

The minimum building height of 20 feet applied through FCC 10-27-5-A is applied to all dwellings and buildings in the underlying MSA zoning district equally and is not unique for manufactured dwellings. The project proposal meets this Comprehensive Plan Policy.

Downtown Planning Area

Policy 1. To develop a unified downtown consisting of the neighborhoods and commercial districts on both sides of Highway 101, south of Highway 126 and 9th Street, east of Kingwood Avenue, and west of the Port property along the Siuslaw River estuary.

The subject property is located within the Downtown Planning Area. The adjacent properties are primarily detached single-unit dwellings. This unit will match the existing residential character of the neighborhood. There are commercial properties to the east of the subject site that will allow for walkability to commercial services from the subject site. A residential unit on this site can add to the existing neighborhood and unified downtown area through both the location of the residential unit and the access to commercial services.

Chapter 10: Housing Opportunity

Policy 10. Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the acknowledge Housing Needs Analysis.

Through the CUP review process, considerations are being made to apply regulations to implement the housing production and mix identified in the <u>2018 Housing Needs Analysis</u> (HNA) and also residential standards to the subject lot in MSA as applicable. The code criteria will be discussed in more detail below in Section FCC 10-27. This zoning district is intended for commercial and mixed-unit development rather than SUDs. The conditions to allow the SUD to be compatible in the underlying zoning district are being reviewed through this Type III Quasi-Judicial review process. Unlike MSB, that applies medium density residential standards to residential uses, MSA does not provide that opportunity.

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

Special conditions of approval may be established by the Planning Commission to carry out the purpose of this Chapter as well as the Florence Realization 2020 Comprehensive Plan. Review of the conditional use permit criteria and the policies of the Comprehensive Plan are being met through this review process. Conditions are included as necessary.

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

According to the <u>2018 Housing Needs Analysis (HNA)</u>, the Downtown Planning Area the majority of development and redevelopment is "expected to occur on smaller lots with a mix of commercial retail, office and upper-level residential uses... Overall redevelopment activity within the Florence UGB is expected to range from 46,000 to 53,000 square feet of infill/redevelopment (building floor area), which is over and above the vacant land needs shown in Exhibit VI.1" (pg. 38). According to the 2018 HNA the City has adequate downtown space for development and re-development. Additionally, the 1999 Downtown Implementation Plan states a goal for in-fill and redevelopment to allow residents to be in close walking distance of stores and services on Hwy 101. These criteria are met.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

The proposed detached SUD use is exempt from Chapter 6 Design Review in accordance with this code section. The exception from design review is except for minimum development standards required in the underlying MSA zoning district in accordance with FCC 10-27. Development standards under Section FCC 10-27 shall apply to the project proposal (Informational 3).

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

The public facilities, services, or utilities necessary to serve the proposed structure exist adjacent to the intended site and are adequate to serve the subject site and proposed use according to the verbal comments of the Public Works Director. This criterion is met.

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).

The proposed site is accessible by both private and emergency vehicles. The site will have vehicle access from the alley to the west, that is proposed to be developed to City alley standards and driveway access from the alley. Pedestrian access will be available from the Maple Street ROW by means of an 8-foot-wide sidewalk to be installed as part of this project and a walkway to the front entrance of the dwelling [Exhibit C]. The City Public Works Department Director or designee will work to finalize locations and timing for the sidewalk improvements at the time of the work in

the ROW permit application submittal and review. Due to the adopted parking improvement plan along Maple Street this may result in a partial sidewalk construction and non-remonstrance rather than a complete 8 foot sidewalk construction (Informational 14). This criterion is met

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 Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82)

A. Regulation of uses, special yard setbacks, coverage and height.

The project proposal meets minimum yard setbacks and lot coverage. The height of the building does not meet minimum height for the underlying MSA zoning district and is proposing to use a façade to meet the minimum building height as allowed though FCC 10-27-5-A. This will be discussed in more detail under Section FCC 10-27.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

Fencing and landscaping have been proposed and will be discussed in more detail under Section FCC 10-27.

C. Regulation and control of points of vehicular ingress and egress.

Vehicles will be able to access the proposed site using the existing alley on 6th Street between Maple and Laurel Streets. Vehicular access to the onsite is not permitted along Maple Street in accordance with the Hwy 101 Access Management Plan. Parking improvements are proposed along Maple St to provide additional parking for commercial properties and mixed use in the area. This Access Management Plan also identifies driveway access that shall be removed in order to provide on-street parking on Maple St, providing an additional reason to require alley access on this lot and future development of the vacant lots to the north. Alley access is consistent with City adopted plans and meets access requirements in accordance with FCC 10-35. This will be discussed in more detail under Section FCC 10-35.

D. Regulation of noise, vibration, odors, and sightliness.

The proposed project is a detached SUD. There is anticipated to be temporary noise, vibration, odors, and sightliness associated with construction, during the construction period only. FCC 6-1 regulations to nuisances will apply to this project as with any residential use in the Mainstreet Area A zoning district (Informational 4). This criterion is met.

G. Regulation of hours of operation and duration of use or operation.

Regulation of hours of operation are not applicable with this application as the proposed use is a single unit residential use.

H. Requiring a time period within which the proposed use shall be developed.

The Planning Commission, at their discretion, may require a time period for which the proposed use shall be developed. In accordance with FCC 10-4-8-A the CUP is valid for 1 year (June 11,

2025) and shall expire unless an extension is applied for or substantial construction is completed conditional use permit is valid for 1 year following approval.

Building permits are valid from 180 days from issuance with a 6-month extension issued with each inspection. The timeline for development will largely be determined by supply availability, contractors' availability, and inspection schedules. The scheduled timeline required through the building department process is deemed adequate and additional restrictions are not deemed necessary at this time. This criterion is met.

I. Requiring bonds to insure performance of special conditions.

The proposed use is typical of residential use and zoning and does not create circumstances where regulation of these criteria (FCC 10-4-11-D through I) are warranted with additional conditions of approval.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

The subject lot is vacant and does not include riparian areas, significant slopes, or buffers with conflicting uses. The existing site is vacant and mostly cleared of vegetation. No regulation of tree and vegetation removal is necessary to maintain soil stability.

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

The proposed use is consistent with the Florence Comprehensive Plan, as discussed above, and will not prevent the orderly and efficient development of the city. These criteria were previously discussed.

TITLE 10: CHAPTER 27: MANSTREET DISTRICTS

10-27-3 Buildings and Uses Permitted Conditionally

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

[...]

k. Single unit detached dwellings

[...]

This project is a request to site a detached single-unit dwelling (SUD) in Mainstreet Area A, which is a use that may be permitted conditionally subject to Planning Commission approval of a conditional use permit. This is being satisfied through this review process.

10-27-4 Lot and Yard Dimensions

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

The subject lot, Lot # 07600 of Block 51 of the amended plat of the Chicago Addition, that is proposed to be developed with the detached SUD is lot is 26 feet x 120 feet. This lot meets minimum width requirements. This criterion is met.

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

The subject lot is 3,120 square feet.

$$26 \times 120 = 3{,}120 \text{ sq. ft.}$$

This site meets the minimum lot square footage. This criterion is met.

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

Maximum lot coverage in MSA is 90% for coverage by buildings and other impervious surfaces. The submitted site plan indicates a maximum 31.2% lot coverage by buildings, which is below the maximum allowed.

Building	Width	Length	Total Sq. ft.
Dwelling	13.5	56	756
Carport	12	20	240
Total	Coverage by	buildings:	996 sq. ft

Maximum lot coverage by all impervious surfaces may be up to, but not exceed 2,808sq ft

$$3,120 \times 0.90 = 2,808 \text{ sq. ft.}$$

After calculating the lot coverage by buildings, approximately 1,812 sq ft of impervious coverage opportunity remains. This property is not anticipated to reach maximum lot coverage with the site proposed. Landscaping is discussed later in these Findings, but total onsite landscaping, but covers approximately 38% of the lot. Final calculation will be review for code compliance at time of building plan review are anticipated to be below maximums allowed (Informational 6). This criterion is met.

D. Yard Regulations: Area "A" as shown on the following page:

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

for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen-foot (15') buffer may be required.

A 3-foot setback is proposed on the south side yard and 9 feet on the north side yard. This property abuts another residential use to the south and a vacant lot to the north, but neither are located in a residential district. An additional 15-foot buffer is not required.

The carport is proposed to be 24 feet from the rear lot line. The minimum setback form covered parking is 20 feet.

The primary dwelling is proposed to have a 20-foot setback from the front lot line.

All minimum setbacks and thus criteria are met.

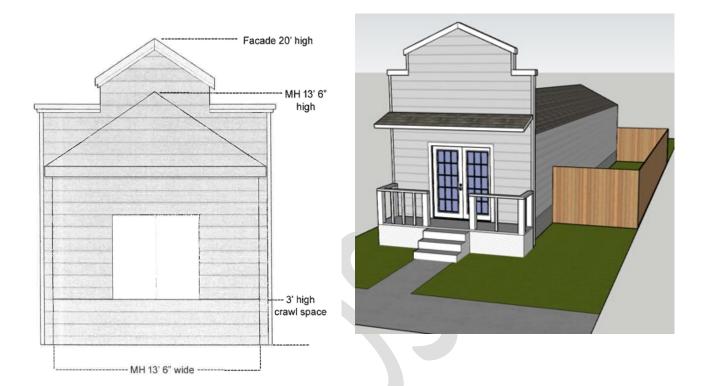
10-27-5 Site and Development Provisions

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

[...]

In accordance with this Code section the minimum building height shall be 20' and a façade may be used to meet the minimum height provided it is designed so that it is not readily apparent it is only a façade. The applicant is proposing this design strategy to meet the minimum height requirement as seen in the image below from Exhibit E.

Basic Facade Plan



One decision point for the Planning Commission with this proposal is determining if the façade as proposed meets this code criteria for minimum height. As previously mentioned, the lot to the north is vacant and this façade will be apparent that it is only a façade from 6th Street until such a time that the northern lot is developed.

The proposed SUD is a manufactured dwelling, which poses design limitations which include the standard height of these units is typically around 13 feet 6 inches high to allow for transportation through tunnels. The façade will appear to be attached to the structure, but cannot be attached due to the structural nature of manufactured homes. The applicant seeks approval to make up the 4 to 5 feet to meet the minimum 20 foot height requirement by use of the façade.

C. <u>Fences, Hedges, Walls and Landscaping:</u> Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards.

Area "A" as shown on the following page:

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

abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

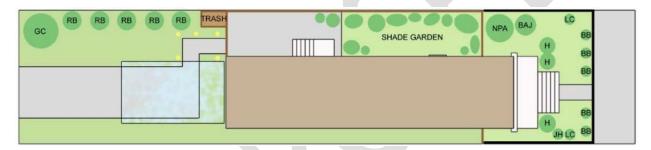
The subject property is 3,120 sq ft and therefore requires a minimum 10% landscaping onsite. The project proposal includes landscaping the front yard, fenced in side yard, and rear yard to the north of the carport.

The front yard is approximately $20 \times 26 = 520 \text{ sq. ft.}$

The rear yard is approximately $44 \times 9 = 396 \text{ sq. ft.}$

The side yard is approximately $30 \times 9 = 270 \text{ sq. ft.}$

The total proposed landscaping onsite is approximately 1,186 sq. ft. or 38% of the lot. In accordance with this Code section, landscaping maintenance shall be the ongoing responsibility of the applicant and subsequent property owners of this lot (Informational 8). Minimum lot percentage landscaping is met.



Two fences are proposed on the site. One is a 6-foot-high solid wood fence around the perimeter of the side yard. The other is a welded metal fence 3 feet in height. Maximum fence height is met.

FCC 10-6-6-4, which regulates permitted visible building materials in the Old Town and Mainstreet zoning districts states:

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

[...]

- 4. Solid wood pickets, lattice and boards.
- 5. Painted welded metal or iron.

One fence is proposed to be solid wood and the other welded metal. The permitted fencing materials criteria is met.

FCC 10-6-6-5, which regulates application and configurations in the Old Town and Mainstreet zoning districts states:

F. Visible Landscape/Retaining Walls and Fences:

[...]

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

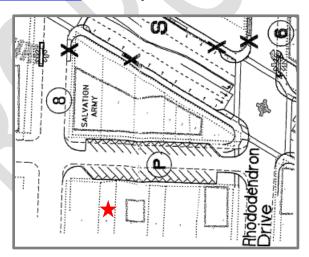
Both fences are proposed to have predominately vertical elements. This criterion is met.

Additional details of the landscaping and fencing will be discussed under Section FCC 10-34.

- C. <u>Access and Circulation.</u> Refer to Section 10-35 Access and Circulation of this Title for Requirements.
 - 1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.
 - 2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

[...]

The subject property is seen on the map on page 11 of 23 from the <u>Access Management Plan for Highway 101 in Downtown Florence</u>. The subject site is indicated with the star.



Parking improvements are stated on page 12 of 23 as:

Parking Improvements

To meet the parking needs of the patrons and visitors to businesses along Highway 101 increases in and improvements to both public and private parking is envisioned. Public parking improvements are proposed on streets such as Laurel Street south of Rhododendron Drive to Highway 101, Maple Street from 2nd Street to Highway 101 and from Rhododendron Drive to 6th Street, along the south side of 6th Street between Maple Street and Highway 101 and on the east and south sides of City Hall. Other public parking areas and private joint parking are identified on the Access Plan, and are generally located within the blocks fronting Highway 101.

The proposed project and site development does not interfere with the proposed public parking improvements along Maple Street, but should be noted for future development of this property. Diagonal parking along the entire Maple Street frontage is included in this Access Management Plan. Therefore, no future curb cut, or vehicular access shall be permitted from the Maple Street frontage (Informational 9). All vehicular access shall take access from the alley, as proposed with this project.

An 8-foot-wide sidewalk is met as required by this code section. This criterion is met.

D. Parking and Loading Spaces

Area "A" as shown on the following page:

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

Parking in accordance with FCC 10-3 was previously required for the minimum required vehicle space. In accordance with this Code section bicycle racks shall be provided near the entrance, but in an area that maintains a 6-foot pedestrian walkway. The requirement for the bicycle rack was likely intended for a commercial or mixed-use development, rather than a SUD. Bike racks and infrastructure are not specifically mentioned in the Access Management Plan.

It should be noted that Objective 3 & 4 of the Downtown Plan States

- 1. "To enhance the downtown through mixed-use development, pedestrian and bicycle accessibility, provisions of useful public space, and attractive site and architectural design to create on of Florence's Special places."
- 2. "To provide safe, convenient, and attractive choices for people to walk, bike, and drive throughout downtown."

The 2002 TSP, Section 4 Implementation Actions, Section D. Non-Capital Activities states:

 Bicycle Parking The City will work with other agencies as needed to provide adequate bicycle parking in schools, parks, existing shopping and employment areas, and other destination areas to encourage increased use of bicycles.

Since the 2002 TSP there have been newer TSPs adopted including the recent 2023 TSP adopted by the City of Florence City Council October of 2023. The above Non-Capital Activity was included as a reference to the plans and activities that were included in the Access Management Plan. The installation of a bike rack along the frontage of a SUD may not be an ideal location, but the installation shall be a consideration for any increased intensity of use, change of use, or redevelopment of this site.

At the Planning Commission's discretion, and as part of the conditions of approval for the CUP the bike rack may be waived at this time. However, any future COU that increases dwelling units (i.e., adds an ADU) onsite or adds a commercial component shall include the installation of a bike rack in accordance with this Code section (Condition 5.1). This criterion is met or is conditioned to be met.

E. Vision Clearance. Refer to Section 10-1-14 and 10-35-2-13 of this Title for definitions and requirements.

Vision clearance shall be discussed under section FCC 10-35-2-13.

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

No signs are proposed or anticipated for this residential use. This criterion is not applicable.

- G. Lighting. Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards:
 - 1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
 - 2. Lighting shall be pedestrian scaled.
 - 3. Refer to Section 10-37 of this Title for additional requirements.
 - 4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

The application proposes 2 light styles on site, one is the entry lights at the front entrance of the dwelling and the other are lights for the walkway leading from the carport to the rear entrance of the SUD. Images of the lighting are included below [Exhibit D]. Both light styles are proposed to be solar lighting and therefore will not require wiring. The design us not reflective of a modern style lending to compatibility with the proposed architecture of the façade. FCC 10-37-5-R will be applicable and review will be completed with building permits in consistency with typical SUD review process. These criteria are met.





H. Design Review.

All uses except single unit detached and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

In accordance with this code section the proposed detached SUD is not subject to design review. Site elements such as fencing and screening are applicable and will be reviewed with building permits, if applicable, or have been reviewed elsewhere in these Findings. These criteria have previously been discussed.

I. Trash Enclosures.

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

A trash enclosure is proposed in the rear yard setback along the north property line. This trash enclosure proposed is a 6-foot-high solid wood fence accessible from the alley. This criterion is met.

J. General Provisions.

- 1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.
- 2. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.

3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

The proposed use as a detached SUD is anticipated to be compatible with adjacent uses and is not anticipated to cause unreasonable odor, dust smoke, noise, vibration, or appearance. FCC 6-1 relating to Police Regulations and General Offenses shall apply to the subject site as other properties within the City (Informational 1).

A home occupation involving any of the above criteria subject to the provision stated (Informational X). This criterion is met.

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

Public Facilities will be discussed under section FCC 10-36.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-3: LANDSCAPING

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

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

The project represents new development and therefore shall meet current landscaping code requirements.

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

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.
- C. The location, size, and species of the new proposed plant materials (at time of planting).
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

- E. Existing and proposed building and pavement outlines.
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.
- G. Other information as deemed appropriate by the City Planning Official.

A landscaping plan was submitted as part of this application. The landscaping plan included most of the information required, but was missing the following 3 items:

- size of proposed planting materials,
- planting schedule and
- irrigation plans.

These 3 items shall be conditioned elsewhere in these Findings.

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

- A. Landscaping shall include planting and maintenance of the following:
 - 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.
 - 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

The subject lot is 26 feet in width. In accordance with this code section tree and shrub counts shall be rounded up to the nearest whole number.

26 / 30 = 1 tree is required in the first 20 feet front from the Maple Street fontange.

 $0.87 \times 6 = 6$ shrubs are required within the first 20 feet from the Maple Street frontage.

The landscaping plan includes 0 trees and 12 shrubs. The minimum number of shrubs has been met through the submitted landscaping plan, but 1 additional tree shall be required within 20 feet of the Maple Street frontage (Condition 6.1). These criteria are met or are conditioned to be met.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting. 2 Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.

The landscaping plan as proposed indicates that nearly the entire landscaping area will be covered with living plant material. The proposed landscaping area exceeds the minimum 10% area required. These criteria are met.

4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot

line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

No preservation of significant vegetation is proposed as this lot is mostly cleared of vegetation. This criterion is not applicable.

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

In accordance with this Code section, a pocket planting method shall be used for all plantings to ensure healthy growth (Informational 10).

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

In accordance with this Code section, noxious weeds and invasive species shall not be permitted to grown on the site and shall be removed during site development (Informational 11).

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

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

- 1. <u>Ground Cover.</u> Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.
- 2. <u>Shrubs.</u> Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.
- 3. <u>Trees.</u> Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

The proposed tree on site is a Golden Chain and is proposed in the rear yard of the property. The size of this tree was not specified, but shall be a minimum of 15 gallons or 1 ½ inch caliper per the <u>Tree and Plant List for the City of Florence</u> (Condition 6.2).

The following table of proposed landscaping plantings is broken down into categories of trees, shrubs, and ground cover/perennials/grass in consistency with the tree and plant list. The proposed plants and their recommended size from the *Tree and Plant List for the City of Florence* are noted and shall be the minimum size used for plantings (Condition 6.2).

Trees	Planting Size	Container Size	
Golden Chain	1 ½ CC	15 gallon	
Shrubs			
North Pole Arborvitae	3 to 4 feet	5 gallon	
Blue Arrow Juniper	1 to 3 feet	2 / 3 gallon	
Hydrangea		2 / 3 gallon	
Blueberry	-	-	
Rose Bush	2 to 3 feet	2 / 3/ gallon	
Japanese Holly	2 to 3 feet	2 / 3 gallon	
Ground Cover / Perennials / Grasses			
Hosta	-	1 gallon	
Ferns	1'	1 gallon	
Foxglove	-	1 gallon	
Forget Me Not	5	4" containers	

One additional tree has previously been conditioned for the front yard within 20 feet of adjacent Maple Street in accordance with FCC 10- 34-3-3-A-1. The proposed tree shall meet minimum planting size recommendations from the <u>Tree and Plant List for the City of Florence</u>. A revised site plan with the required tree shall be submitted to the City of Florence Community Development Department within 6 month of approval (December 11, 2024) and shall be planted prior to issuance of C of O (Condition 6.3).

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

Non-plant ground covers are not proposed.

[...]

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

In accordance with this Code section, permanent underground irrigation shall be installed for all landscaping prior to final C of O (Condition 6.4). This criterion is conditioned to be met.

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

All landscaping shall be maintained in accordance with this Code section (Informational 8).

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

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

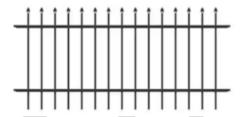
B. Dimensions.

- 1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4)feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))
- 2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed four (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

As previously discussed, 2 different styles of fencing are proposed in association with this application. The first is a 6-foot-high solid cedar fence around the perimeter of the side yard and

trash enclosure. The other is a pre-assembled aluminum fence around the front yard. Both fences meet maximum height limits in accordance with this Code section. This criterion is met.





TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

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

This application represents a land use permit and therefore the applicable Code criteria of FCC 10-35 apply.

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

This site takes access from an alley on the west side of the site and accesses local 6th Street from the alley. Therefore, approval from local City authority. As previously discussed, the applicant proposes taking access from the alley and this is the only available location for vehicular access to the site. This criterion is met.

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

operation of the street and highway system. 10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

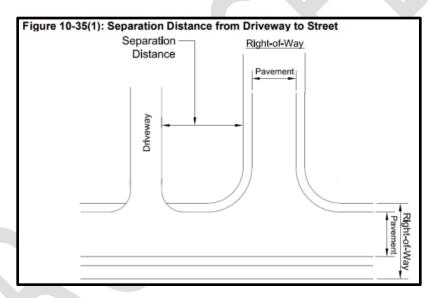
Separation Distance from Driveway to Pavement:

Alley 15 feet

Local Street 25 feet

Collector Street 30 feet

Arterial Street 50 feet



The driveway access on the alley is proposed a minimum of 52 feet from the 6th Street pavement. This criterion is met.

[...]

C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-unit detached and attached and duplex dwellings are exempt on streets classified local.

As previously discussed, this proposed detached SUD is exempt from the requirement preventing backing movements onto public streets. However, the site takes access from the alley, thus providing opportunities to access the site without requiring backing movements onto the street. This criterion is met.

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.

This project represents new development and therefore shall take access primarily from a local street. This site proposed taking access from an alley and then to a local street. This criterion is met.

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
- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
 - 1. Driveways for single family residences shall have a width of not less than ten (12) feet and not more than twenty-four (24) feet.
 - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
 - 5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

A driveway apron is not required or proposed for the alley access. The proposed driveway width is 10 feet. The minimum required width is 12 feet. The applicant shall include a driveway that is a minimum width of 12 feet in accordance with this Code section (Condition 8.1). This criterion is conditioned to be met.

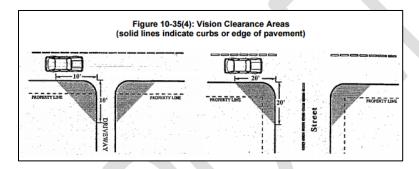
10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

No obstructions are proposed for the vertical clearance. This criterion is met.

10-35-2-14: VISION CLEARANCE: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 $\frac{1}{2}$) and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

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

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.



No fencing, landscaping or structures are proposed that are anticipated to interfere with the minimum required vision clearance. This criterion is met.

10-35-3-1: SIDEWALK REQUIREMENTS:

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

There are currently no sidewalks on the street frontage of the subject site. The applicant has proposed to install an 8-foot-wide sidewalk along the Maple St frontage in accordance with FCC 10-36-2-17 and as required by this Code section. This criterion is met.

- B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:
 - 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
 - 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

- 3. Topography or contours make the construction of a sidewalk impractical.
- 4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.
- 5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.
- C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.
- D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

The provisions of sidewalks is required prior to the issuance of a Certificate of Occupancy as previously discussed and conditioned.

TITLE 10: CHAPTER 36: PUBLIC FACILITIES

10-36-2-7: Alleys, Public or Private: Alleys shall provide a 20-foot right-of-way and 16 feet of pavement. Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve (12) feet or wider if required by the Fire District.

The subject site will take access from an existing paved alley. This alley is 20 feet wide and shall be improved to a minimum of 16 feet wide with pavement in accordance with this Code section. Porous concrete, porous asphalt, permeable pavers such as turf concrete, or brick pavers may be used if approved by the City of Florence Public Work Director in accordance with FCC 10-36-2-1-D (Condition 7.1). The alley is primarily flat and does not reach grades near or above 12%. The alley is determined to be adequate as is, with the exception of the improvements to the alley/6th Street intersection that have previously been conditioned. These criteria are met or are conditioned to be met.

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

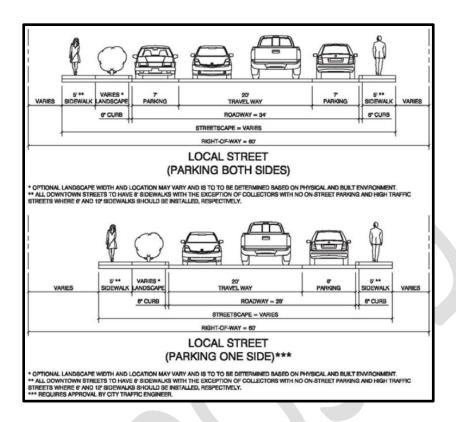
- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.
- B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.

- C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.
- D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).
- E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act. F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

The sidewalks installed along the street frontage of Lot 7600 shall be built to City standards and in accordance with this code section with a right-of-way permit applied for and plan approved by the City of Florence Public Works Director (Informational 5). This criterion is conditioned to be met.

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

The existing ROW adjacent to the subject site is the Maple Street ROW to the east and is platted at 66 feet in width. In accordance with FCC 10-36-2-5 a typical local street section width is 60 feet. The Maple Street ROW adjacent to the subject property is within City standards for width. This criterion is met.



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

No curb cut or curb exposure is proposed along the street frontage of this property and none shall be approved due to the Hwy 101 Access Management Plan as previously discussed. Additionally, alleys are not permitted to have curbs and none are proposed with this project.

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

The applicant shall have approval from the USPS for the location of a mailbox on site (Condition 7.2). This criterion is conditioned to be met.

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

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

- B. Sewer, Water, and Stormwater Plan Approval: Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.
- C. Existing Watercourse: Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.
- D. Over-Sizing: The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.
- E. Fire Protection: All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.
- F. Inadequate Facilities: Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. 10-36-4: EROSION CONTROL: In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

Written comments were not provided from Public Works, but verbal comments were provided that the site has access to water services from the Maple Street ROW and sanitary sewer from the alley to the west.

10-36-5: UTILITIES:

A. Underground Utilities:

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

- 2. Subdivisions. In order to facilitate underground placement of utilities:
- a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.
- b. The City reserves the right to approve the location of all surface-mounted facilities.
- c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

All utilities shall be placed underground in accordance with this Code section (Informational 12). This criterion is conditioned to be met.

C. Exception to Undergrounding Requirement: An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or high water table or existing development conditions.

No such exemptions are present on this site.

TITLE 10: CHAPTER 37: LIGHTING

10-37-5: **EXEMPTIONS**:

- R. In addition to exceptions mentioned above the below apply to residential uses.
 - 1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.
 - 2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.
 - 3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.
 - 4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.
 - 5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.
 - 6. Decorative low wattage lights.

This code section was provided as a reference to the exceptions to full cut-off fixtures allowed for residential units. As the residential unit is exempt from design review a lighting plan is not required

at this time. Lighting fixtures were previously discussed under Section FCC 10-27- as they relate to compliance with the Downtown Architectural Standards (Informational 13). Section 5-R will be reviewed with building permit submittals consistent with typical SUDs.

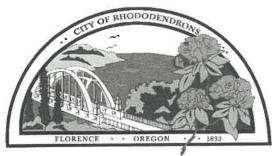
VII. CONCLUSION

The application meets the requirements of Florence City Code and the Florence Realization 2020 Comprehensive Plan with conditions as outlined in the resolution. However, there are two points of discussion and decision for the Planning Commissions to deliberate on.

- 1. Does the 20-foot façade as proposed meet the Code criteria for FCC 10-27-5-A to meet the minimum building height in MSA?
 - If the Planning Commission determines that the façade does not meet the requirement that a facade "must be designed so that it is not readily apparent that it is only a façade," are the modification or alteration to the design that could be made to meet this criterion?
 - What conditions related to maintenance, repairs, and replacement are needed for the façade?
- 2. In accordance with FCC 10-27-5-D a bike rack shall be installed.
 - Is a bicycle rack required to be installed at the time of development in accordance with this Code section?
 - Shall the bicycle rack requirement be deferred as part of the CUP and instead be required with future development of an additional dwelling unit, commercial use, or change of use?

VIII. EXHIBITS:

"A" Findings of Fact	"D" Lighting & Fence Examples
"B" Land Use Application	"E" Front Façade
"C" Site Plans & Landscaping Plan	



Form Revised 11/29/16

City of Florence
Community Development Department

250 Highway 101 Florence, OR 97439

Phone: (541) 997 - 8237 Fax: (541) 997 - 4109

FLORENCE · · OREGON · · 1893		www.ci.florence.or.us		
Type of Request				
THIS SECTION FOR OFFICE USE ONLY Type I Type II Type IV Proposal:				
	Applicant Information			
Name: Marcelle Smith	Phone 1:	541 991-7414		
E-mail Address: design by ma	rcelleagmail.com ph	one 2:		
Address: P.O. Box 860 Florence, OR 97439				
	8	/ /		
Applicant's Representative (if any):				
Property Owner Information				
Name: Marcelle Sw	Phone 1: 5	41 991-7-114		
E-mail Address: design by mar	celle@gmail.com ph	one 2:		
Address: P.O. Box 866 T	Florence, OR 97439			
Signature: Date: <u>5/1/24</u>		Date: 5/1/24		
Applicant's Representative (if any):				
the applicant to act as the agent for the prope	t the same individual, a signed letter of authorization Porty owner must be submitted to the City along with Inning Commission onto the property. Please inform	this application. The property owner		
For Office Use Only:				
RECEIVED d City of Florence MAY 0 7 2024 By: Lla- K	Approved	Exhibit		
RA:		MARKET THE RESERVE OF		

Property Description				
Site Address: #7600 Maple St., Florence OR General Description: Vacant, flot, clear, grass covered.				
Assessor's Map No.: 181 - 227 - 44 Tax lot(s): 07600 Zoning District: Commercial Mainst reet District area A 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): residences the Dolphin Antique store the Florence Gun Shop and the Oregon Coast Tattoo Shop.				
Project Description				
Square feet of new 750 Square feet of existing:				
Hours of operation: Existing parking spaces:				
Is any project phasing anticipated? (Check One): Yes $oxin{D}$ No $oxin{D}$				
Timetable of proposed improvements:				
Will there be impacts such as noise, dust, or outdoor storage? Yes Vo C				
If yes, please describe: Some usual construction noise and dust				
during construction.				
Proposal: Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)				
see additional attached sheets.				
See againoural affaction sies.				
For Office Use Only:				
Date Submitted: Fee:				
Date Submitted: Fee: Received by:				
Necetved by.				

APPLICATION FOR A CONDITIONAL USE PERMIT

To have a single dwelling unit on my vacant lot on Maple St. in the zoning district of Commercial Mainstreet District area A. in the city of Florence, OR.

Project Description

As owner of the 2-parcel lot on the corner of Maple St. and 6th St. in Florence, I am proposing to develop the interior parcel (#7600) by installing a manufactured home as a single dwelling unit and my place of residence. A facade and porch with an overhanging roof will be attached to the east end facing Maple street, preserving the character of Old Town Florence. The home will be 14'-15' wide and 56' in length, installed on a 2'-4' high crawl space foundation, and 20' in overall height (with facade).

It is my intention to utilize a floor plan that will possibly allow for a shop/residence combination at some point in the future. I also intend for the home to have charming curbside appeal. At the front entrance off Maple St. will be a porch and french doors. Landscaping will also be used to enhance the appearance. Care in planning for easy maintenance plants and bushes will be used and cover at least 10% of the property.

The site plan is also designed to allow the possibility of a garage with an apartment above in place of the carport at some point in the future.

The home is set back 20' feet from street, with one side yard being 3 feet wide, and the other7'- 9' feet wide, a 8' public sidewalk, a 10' x 24' driveway off the alley, a 12' x 20' carport set back 20 feet, 3' wide interior walkways, and 6' fencing.

There are a total of six parcels on the same side of the block with four property owners (including myself). These parcels all face the backside of shops along the one way part of Maple St and have alley access in back.

Conditions and Land Usage Within 100 Feet

To the north: My parcel #7400 which is vacant, flat, clear, and grass covered (soon to be listed for sale), and 6th Street.

To the east: The Blue Dolphin Antique store and the Florence Gun Shop.

To the south: A two-parcel lot with one in the Property Class of Commercial Improved (no address for this lot, Tax Lot Number 812274407800), and the second parcel being

used as a residence located at 549 Maple St. Both are owned by Lillian F Petersen.

Further south is The Oregon Coast Tattoo shop at 527 Maple St., Prop Class 121 Residential Commercial Zoned Improved, owned by Peter g Bodley.

To the west: There are three residences;

598 Laurel St., Prop Class 121 Residential Commercial Zoned Improved, owned by Arlene Arden Revocable Living Trust.

572 Laurel St., Prop Class 201 Commercial Improved, owned by Carol R TE Holcombe.

552 and 552 1/2 Laurel St., Prop Class 121 Residential Commercial Zoned Improved, owned by Lillian F Petersen.

Insurance Carrier: Mount Vernon Fire Insurance Company, 1190 Devon Park Drive, Wayne, Pennsylvania 19087

Title Company: Cascade Escrow, 715 Hwy 101, Florence OR

Contractors: Sonya Dollans sales representative for J and M Homes, J & M Homes, Office: 503-722-4500 Cell: 503-318-2510,15815 S. Pope Lane, Oregon City, OR 97045

Gooden and Harrison Construction in Eugene, OR Phone: (541) 689-7762 Fax: (541) 689-2403 Email: Info@Gooden-Harrison.com CCB #66447 for site prep, foundation, concrete, and construction.

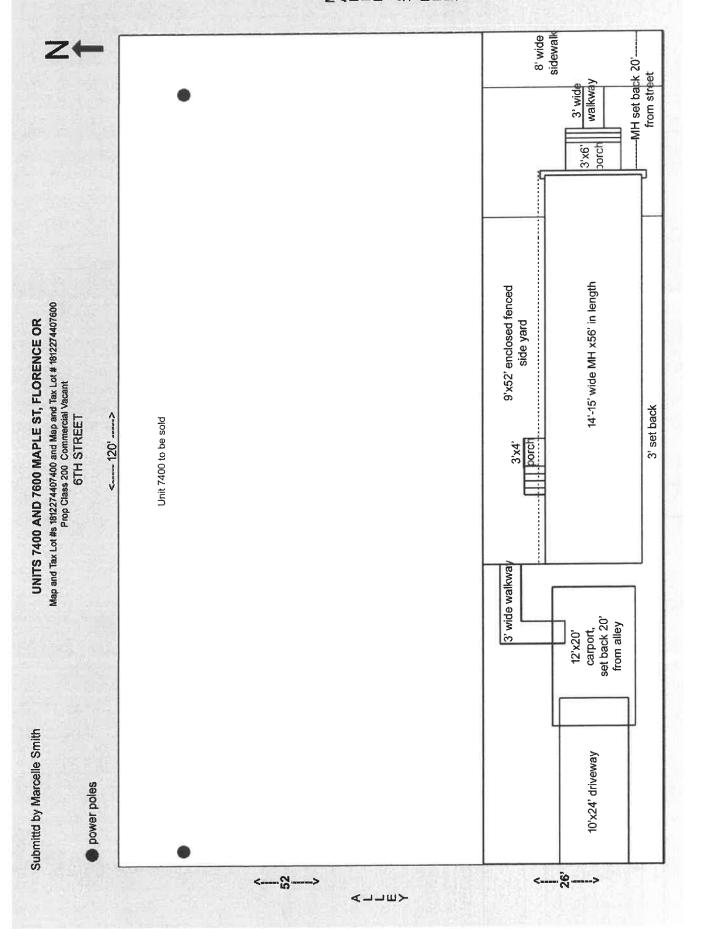
Woodchuck Engineering (541) 357-5532 chuck@woodchuckengineering.com 3028 Gateway Loop, Springfield, Oregon 97477 to do construction plan for builder of facade to follow.

Conclusion

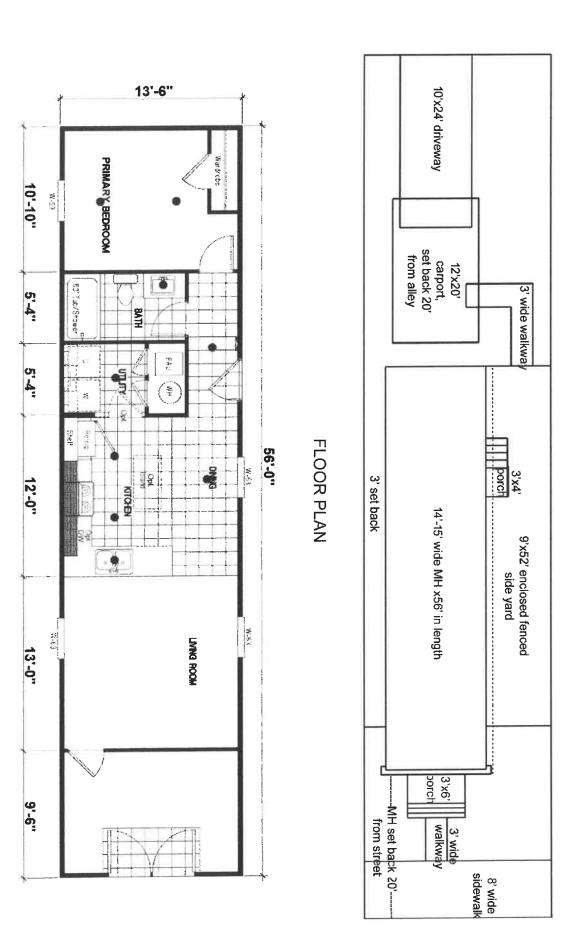
The remaining permit applications require contractual information. Currently no contracts have been signed. I am in the process of getting estimates and obtaining contracts. The additional permit applications will be submitted as they become available.

SAND MANAGEMENT PLAN

I will use this Technique to Prevent ANY SAND from Leaving my Property.				
The lot is flat, clear, and grass				
covered, and will be disturbed as				
covered, and will be disturbed as little as possible. Exposed areas will be dampened as needed once there is				
be dampened as needed once there is				
water to property.				
PERMIT NUMBER:				
AUTHORIZED SIGNATURE:				
PRINT NAME: Marcelle Smith				
DATE: 3/1/24				
DATE: 2/1/2-1				

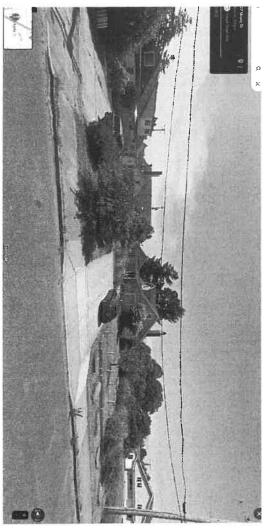


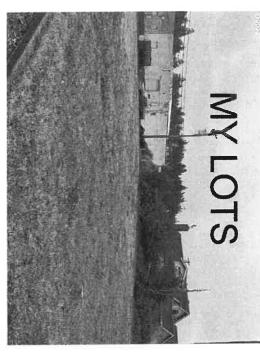
SITE PLAN



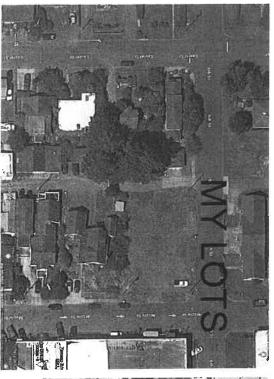
THE NEIGHBORHOOD

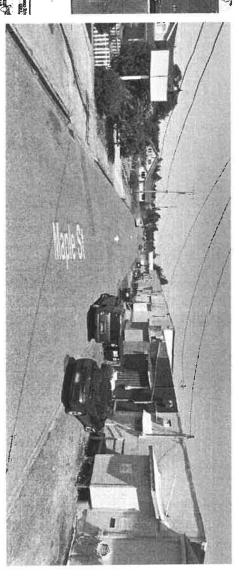
There a six parcels on the west side of this Mapple St. block which are owned by four parties.





All along the east side are store backs.

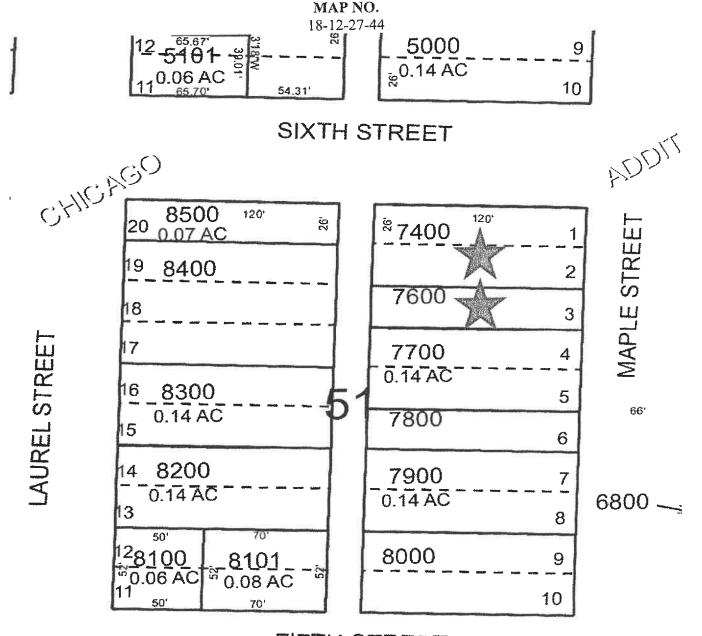






CASCADE TITLE CO.





FIFTH STREET

99

20 11300 8 × 10600 1 /

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.



APPROVAL AND RECEIRING OF THIS TITLE REPOR MAP ARE HEREBY ACKNOWLEDGED REVIEWED & ACCEPTED

PRELIMINARY TITLE REPORT

CASCADE ESCROW

ATTN: BETH WOODYARD

P.O. BOX 508

FLORENCE, OR 97439

December 27, 2023 Report No: 0342111

FL23-0336 Your No: HENRY/JAMESON Seller:

SMITH Buyer:

PRELIMINARY REPORT FOR:

Owner's Standard Policy

\$110,000.00

PREMIUMS:

Owner's Standard Premium

\$356.00

We are prepared to issue 2021 (7/1/2021) ALTA title insurance policy(ies) of OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, in the usual form insuring the title to the land described as follows:

Lots 1, 2 and 3, Block 51, AMENDED PLAT OF THE CHICAGO ADDITION TO FLORENCE, as platted and recorded in Book 25, Pages 552 and 553, Lane County Oregon Plat Records, in Lane County, Oregon.

Vestee:

GEORGE F. HENRY AND DEBRA LEE JAMESON as tenants by the entirety

Estate:

FEE SIMPLE

DATED AS OF: DECEMBER 08, 2023 at 8:00 A.M.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS (Standard Coverage Policy Exceptions):

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

No liability is assumed hereunder until policy has been issued and full policy premium has been paid. FLORENCE OFFICE MAIN OFFICE

811 WILLAMETTE ST. EUGENE, OREGON 97401 PH: (541) 687-2233 * FAX: (541) 485-0307

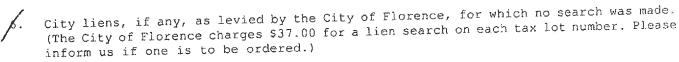
715 HWY 101 * FLORENCE, OREGON 97439 MAILING: PO BOX 508 * FLORENCE, OREGON 97439 PH: (541) 997-8417 * FAX: (541) 997-8246

VILLAGE PLAZA OFFICE 4750 VILLAGE PLAZA LOOP SUITE 100 EUGENE, OREGON 97401

PH: (541) 653-8622 * FAX: (541) 844-1626

- 4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
- Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIAL EXCEPTIONS:



- 7. Rights of the public in and to that portion lying within streets, roads and highways.
- 8. An Ordinance of the City of Florence Approving the Florence Urban Renewal Plan and Directing that Notice of Approval be Published, including the terms and provisions thereof, as set forth in instrument recorded September 11, 2006, Reception No. 2006-065813, Lane County Deeds and Records.
- Our examination of the title to the subject property discloses no open Trust Deeds or Mortgages of record. The accuracy of this conclusion should be confirmed in writing prior to closing of the proposed transaction.

NOTE: Taxes, Account No. 0800845, Assessor's Map No. 18 12 27 4 4, #7400, Code 97-09, 2023-2024, in the amount of \$904.36, PAID IN FULL.

Taxes, Account No. 0800860, Assessor's Map No. 18 12 27 4 4, #7600, Code 97-09, 2023-2024, in the amount of \$452.17, PAID IN FULL.

NOTE: A judgment search has been made on the above named Vestee(s), and we find NONE except as set forth above.

NOTE: As of the date hereof, there are no matters against DEBORAH LEE JAMESON, which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: As of the date hereof, there are no matters against MARCELLE L. J. SMITH, which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: The premium amount has been reduced by application of a reissue rate.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

Cascade Title Co.

rh: Title Officer: KAELEEN KUTZ



TITLE NO. 0342111 ESCROW NO. FL23-0336 BW TAX ACCT. NO. 0800845 / 0800860 MAP/TAX LOT NO. 18 12 27 44 07400 / 07600

	· · · · · · · · · · · · · · · · · · ·	Mr. A. A. Single
मे पूर्ण कोट-एक-सम्बद्धिन्द्र जीवीहरू उ	arakut Prus Shininida ya wana yangu kepita birinida ana dankastan processori atawa da mitti mitti salah sina i	DATE
	net jeh evenskublykkelede in let kom franskubskrivet establikenskubskrivet kommen.	DATE

DUAL VALUE AND VER

GRANTOR

GEORGE F. HENRY and DEBORAH LEE JAMESON GRANTEE
MARCELLE L. J. SMITH
PO BOX 860
FLORENCE, OR 97439

Until a change is requested all tax statements shall be sent to the following address:

SAME AS GRANTEE

After recording return to: CASCADE TITLE CO. 811 WILLAMETTE EUGENE, OR 97401

WARRANTY DEED -- STATUTORY FORM

GEORGE F. HENRY and DEBORAH LEE JAMESON who acquired title as DEBRA LEE JAMESON, as tenants by the entirety, Grantor,

conveys and warrants to

MARCELLE L. J. SMITH, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Lots 1, 2 and 3, Block 51, AMENDED PLAT OF THE CHICAGO ADDITION TO FLORENCE, as platted and recorded in Book 25, Pages 552 and 553, Lane County Oregon Plat Records, in Lane County, Oregon.

The true consideration for this conveyance is \$110,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



NPA - North Pole Arborvitae BAJ - Blue Arrow Jumiper

H - Hydrangea

LC - Lemon Cypress

BB - Blueberry Bush

GC - Golden Chain Tree

RB - Rose Bush

JH - Japanese Holly

SHADE GARDEN PLANTS

Hostas Ferns Foxglove Forget Me Not



OUTDOOR LIGHTING AND FENCING

Exhibit D











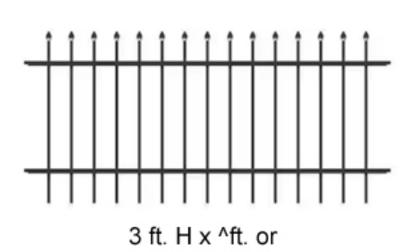














6 ft. x 8 ft. Premium Cedar Solid Top Fence Panel with Stained (SPF) Frame

(Actual Size: 68-3/8 in. H x 96 in. W) for side patio yard







Solar Powered Outdoor Lights for Yard Walkway

4 ft. H x 6 ft. W Black Aluminum Pre-Assembled Fence Panel for front yard

Exhibit E

Basic Facade Plan

