

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

Public Hearing Date: June 25, 2024 **Planner:** Clare Kurth

Application: PC 24 22 DR 07

I. PROPOSAL DESCRIPTION

Proposal: A Design Review application for an e-waste recycling and hazardous waste storage building.

Applicant: Ashleigh Riolo on behalf of Lane County

Property Owner: Lane County

Location: 2820 N. Rhododendron Dr.

Site: Map # 18-12-22-00-00702

Comprehensive Plan Map Designation: Marine District

Zone Map Classification: Marine District

Surrounding Land Use / Zoning:

Site: Transfer station; Oregon Coast Humane Society / Marine

North: Vacant Land / Pacific View Business Park

South: Former Landfill, Open Space / Open Space

East: Florence Municipal Airport / Public Use Airport

West: Siuslaw River / Marine (riverbank only)

Streets / Classification:

West – Rhododendron Dr. / Minor Arterial; South – None; North – Pacific View Dr. (unimproved / Local); East – None

II. NARRATIVE:

An application was received March 26, 2024 requesting approval of a design review for a 960 sq. ft. e-waste recycling facility that includes storage for oils and antifreeze in between recycler pick-ups. This project is associated with a conditional use permit approval Resolution PC 20 06 CUP 02 for a modification and expansion of the Lane County Transfer site and addition of a fee booth. At the time of approval, the on-site improvements for the e-waste facility were reviewed for Code compliance which included site circulation, lighting, and stormwater. Following approval, additional documents were submitted and a conditions check letter was issued September 30, 2020 that deemed all conditions met except for the Operations & Maintenance (O&M) agreement for the stormwater facility. A revised and edited O&M agreement was received December 16, 2020.

Per Condition of Approval 5.1 of Resolution PC 20 06 CUP 02, the e-waste facility was conditioned to be reviewed as a Type II design review rather than a Type III review provided that an application was submitted, or an extension filed within 3 years of approval (June 23, 2023). The initial application for the e-waste facility was submitted November 17, 2021, prior to the expiration of this condition. However, the application was not deemed complete and the county never took any further action on their application. Therefore, review and process of this application was not completed. As the application that is the subject of this design review was received more than 3 years following the approval of Resolution PC 20 06 CUP 02, this design review approval is being processed as a Type III design review in accordance with FCC 10-1-1-6-3-A-1.

This design review focuses on the building and immediate site area as it relates to improvements not previously reviewed under Resolution PC 20 06 CUP 02. As the Codes regulating lighting (FCC 10-37), stormwater (FCC 9-5), special development standards (FCC 10-7), and the abutting estuary and shoreland management units (FCC 10-19) have not been updated since the prior approval, these code section will be reviewed against the Findings and Conditions of Approval.

Site circulation was reviewed as it related to vehicular traffic during the prior review process. However, under section FCC 10-35-3-2 of the findings (pg. 45 of 60) stated pedestrian circulation was to be reviewed and approved with future e-waste facility review. Therefore, on-site pedestrian circulation shall be reviewed as part of these procedures.

Codes updated were adopted through the Transportation System Plan update project in October 2023 and went into effect November 2023. This application shall be reviewed against current Code.

III. NOTICES & REFERRALS:

Notice: On June 5, 2024, notice was mailed to surrounding property owners within 100 feet of the property and a sign posted on the property. Notice was published in the Siuslaw News on June 19, 2024.

At the time of this report, no public comments were received.

Referrals: Referrals were sent to the Florence Public Works, Central Lincoln PUD, CTCLUSI, and Siuslaw Valley Fire and Rescue (SVFR) on June 13, 2024.

Agency referrals are used to determine the need for conditions of approval within their applicable review criteria.

At the time of the writing of these Findings, referral comments were received from the following agencies:

Siuslaw Valley Fire and Rescue (SVFR): *“Western Lane Fire and EMS Authority has no concerns with the proposed development as described.”*

Referral comments were not received and reviewed during the previous review and approval of Resolution PC 20 06 CUP 02.

Referrals: On June 10, 2020, referrals were sent to the City of Florence Public Works Department and Building Department, the Florence Building Official, Florence Police Department, Port of Siuslaw, Central Lincoln PUD, Lane County Land Management, Siuslaw Valley Fire and Rescue, Central Coast Disposal, County Transfer and Recycling, and Oregon DLCD.

Staff received referral comments from the Florence Public Works Department and peer review comments from Matt Wadlington of Civil West Engineering Services, Inc., regarding the applicant's stormwater proposal. Civil West's comments are discussed in review of FCC 9-5 in this report.

Referral: Public Works Director Mike Miller
Director Miller concurred with the findings of Civil West Engineering. He also stated that Lane County should register the infiltration gallery as an Underground Injection Control facility with Oregon DEQ.

The applicant should register and permit infiltration facilities with the Oregon Department of Environmental Quality as required by state regulations. **(Informational 5)**

IV. APPLICABLE REVIEW CRITERIA

Criteria Applying to this Matter for the application include:

Florence City Code, Title 10: Zoning Regulations

- Chapter 1: Zoning Administration, Sections 1-4, 1-5, and 1-6-3
- Chapter 3: Off-Street Parking and Loading, Sections 3-4 & 5 and 10
- Chapter 6: Design Review, Sections 3-A, 5-1, 6-3 & 4-G, 7, and 11
- Chapter 18: Marine District, Sections 3, and 5E, G, L, M, and N
- Chapter 35: Access and Circulation, Sections, 2-9 and 3-2 & 3
- Chapter 37: Lighting, Sections 2 through 4-A & D

Prior Land Use approval

Resolution PC 20 06 CUP 02

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

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

the decision making process for that permit or approval. There are four types of approval procedures [...]

[...]

3. **Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

C. **Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:**

1. **Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**

The application was submitted March 26, 2024, and on March 26th, with receipt of payment the application was deemed received for completeness review. With receipt of additional plans, the application was deemed complete for processing on May 24, 2024. The application was reviewed within 30 days of being deemed received. This criterion is met.

2. **Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**

3. **Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**

Onsite conditions were discussed in the Civil Calculation document submitted as part of this application and entered as Exhibit E, and were previously documented in Resolution PC 20 06 CUP 02. Resolution PC 20 06 CUP 02 approved a request for a CUP with design review to expand and revise the layout of Lane County Waste Management's Florence Transfer Station. This criterion is met.

4. **Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**

5. **Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.**

The application was submitted digitally and included a narrative statement with project description. This criterion is met.

- 6. Shall be accompanied by any other information deemed necessary by the City Planning Department.**

No additional information was deemed necessary by the City Planning Department.

- 7. Shall be accompanied by the required, non-refundable fee.**

The applicant submitted payment of the required fees to the Planning Department. This criterion has been met.

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

All documents and evidence relied on were submitted by the applicant at least 30 days prior to the hearing, other than those specifically requested by the Planning Department staff. This criterion is met.

[...]

10-1-1-5: GENERAL PROVISIONS

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

The application was deemed complete by the Planning Department as of May 24, 2024. The Planning Commission's public hearing was held with proper notification processes on June 25, 2024. This criterion has been met.

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

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**
 - 2. Modification of greater than 1,500 square feet or greater than 25% of the building square footage, whichever is less.**

The proposed e-waste recycling facility represents a modification to the Lane County Transfer site of greater than 1,500 sq ft and therefore requires a Type III Quasi-Judicial Land Use Hearing for design review. This criterion is being 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.**

[...]

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

Notice of the application was mailed to property owners within 101' feet of the subject property and posted on the property on June 5, 2024, 20 days prior to the public hearing. A public hearing notice was published in the Siuslaw News on June 19, 2024. This criterion is 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 notice contained all the required information listed in FCC 10-1-1-6-3-C. These criteria have been met.

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

On June 25, 2024, the Planning Commission held a duly noticed public hearing per the procedures of FCC 2-3 and FCC 2-10 to consider the matter, evidence relevant to the issue, the facts within the record, and any applicable public testimony received.

- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**

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

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

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

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

- B. For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.
- C. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis. Examples of alternate modes include but are not limited to:
 - 1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:
 - a. The proposal is located within a ¼ mile of an existing or planned transit route, and;
 - b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

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

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

D. Manufacturing, Storage and Wholesale Types:

Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area
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The prior land use approval through Resolution PC 20 06 CUP 02 used the Warehouse and Freight Movement methodology to calculate minimum parking requirements. Based on this methodology, the parking requirements are 1 space per 2,000 sq. ft. of floor area, or a minimum of 2 spaces. 2 vehicle parking stalls are proposed. This criterion is met.

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;

- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- C. Accessible spaces shall be grouped in pairs where possible;
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

2 parking stalls are required and 2 parking stalls are proposed. The parking stall proposed on the south end of the building is proposed to be ADA compliant [Exhibit C]. Minimum ADA accessible parking is met. Minimum design standards shall be discussed and Conditioned under Section FCC 10-3-9.

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for a single-family; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.

- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

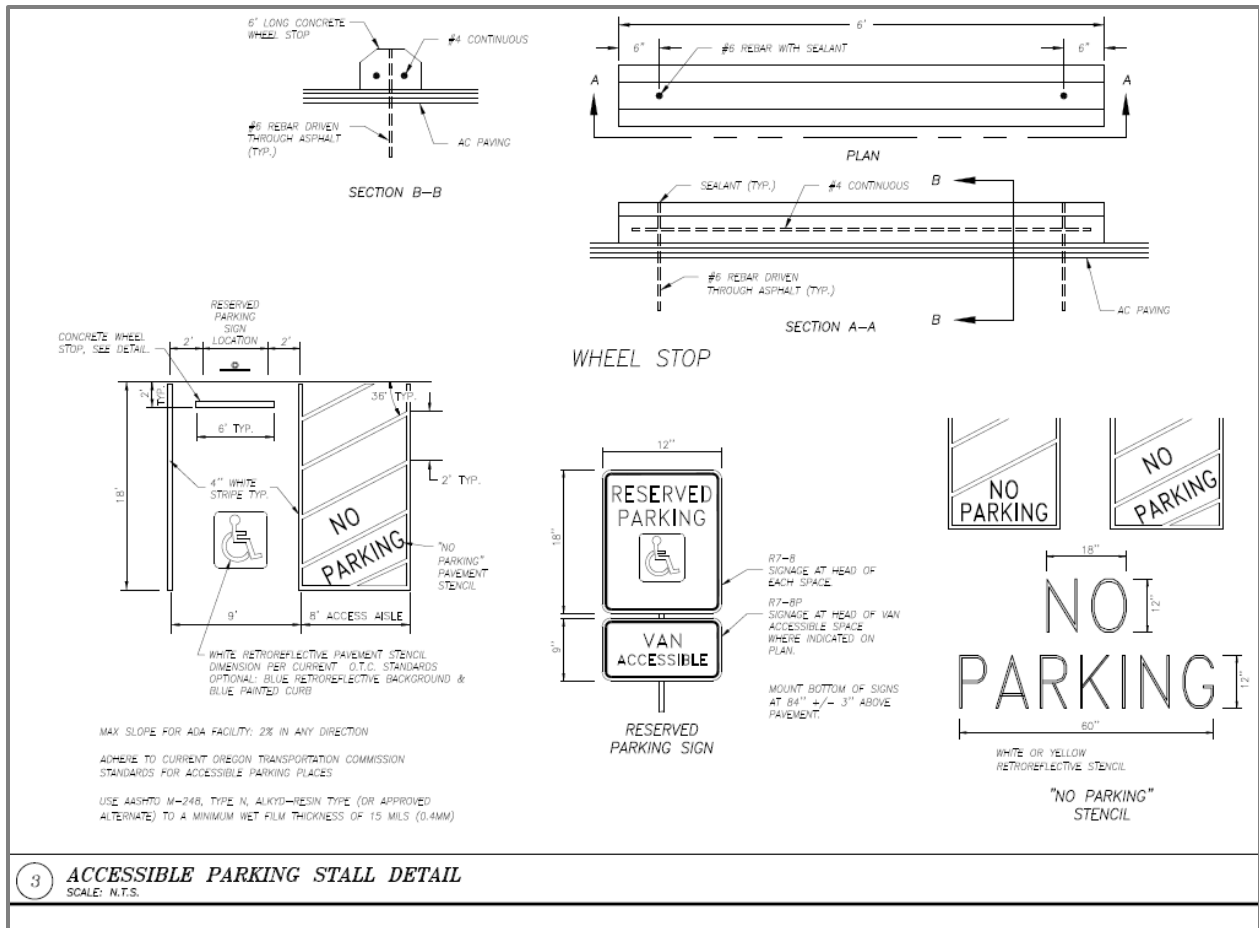
FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

2 vehicle parking stalls are proposed on the e-waste facility site. An ADA accessible parking stall is proposed to the south of the building with 90 degree parking proposed and a standard parking stall is proposed to the west of the building that is proposed to be a parallel parking stall. These findings will discuss the ADA parking stall design first and the standard parking stall second.

The ADA parking stall is proposed to have dimensions of 9 feet wide by 18 feet long with a 6 foot wide access aisle to the south. The proposed striping is single line striping 4 inches in width. The specific details of the ADA parking stall can be seen on Sheet C1 and C2 of Exhibit C.

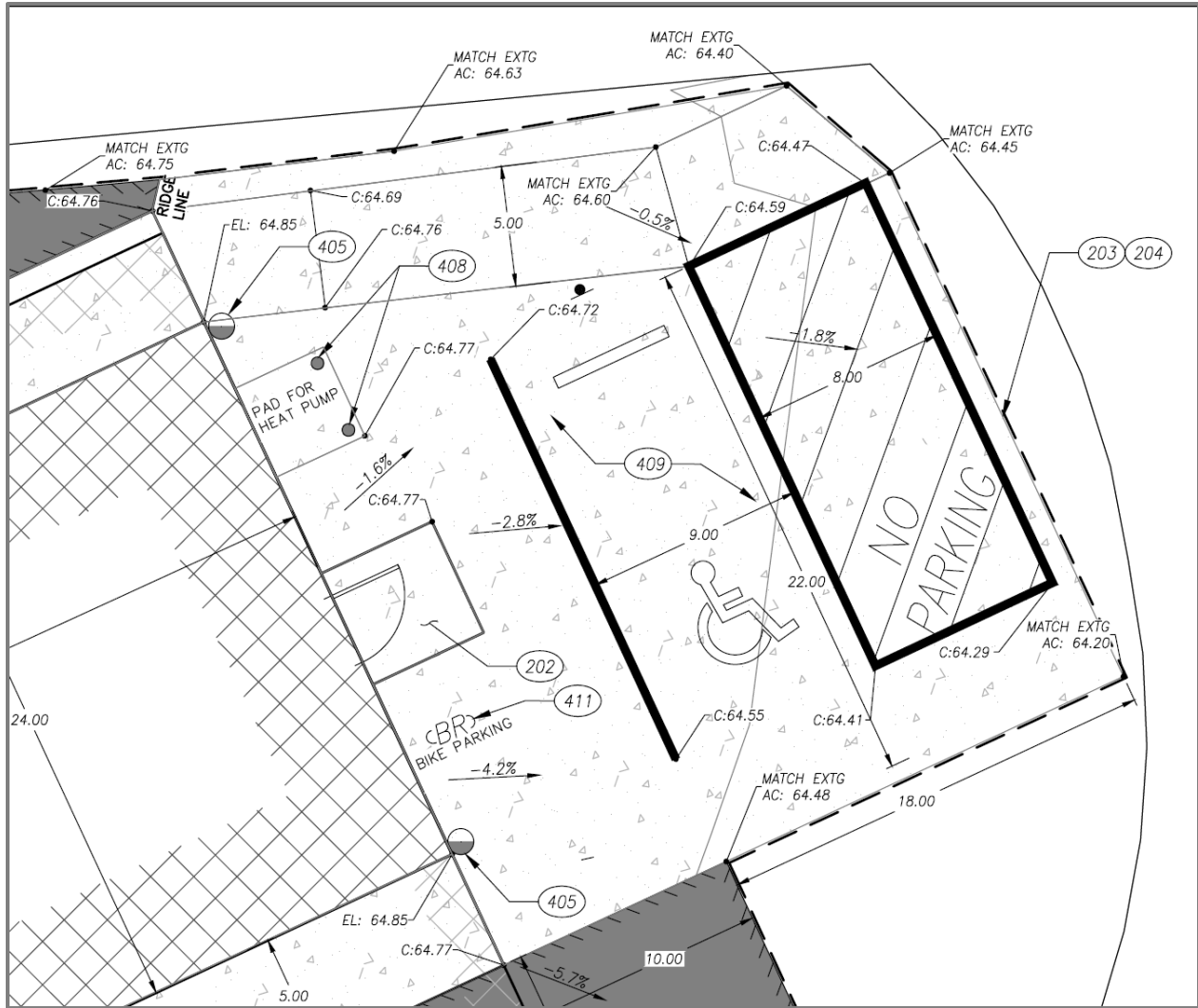
In accordance with this Code section, the ADA parking stall and access aisle shall be a minimum 19 feet in length and shall have 2 foot wide double line striping 2 feet on center. Alternatively, meeting minimum ADA accessible guidelines for dimensions is acceptable. **(Condition 4.1)**. The parking areas proposed on Sheet C1 indicates the total length of the parking area is 22 feet in length. Adequate space is available to accommodate the additional 1 foot of parking stall length, Minimum parking stall width is 9.5 feet, compared to the 9 feet proposed. The 9 feet in width proposed is determined to be acceptable as minimum ADA parking stall width is 96 inches with the



Maximum slope allowed in accordance with ADA standards is 1:48, or approximately 2%. The access aisle is indicated to have a 1.8% slope. The ADA parking stall itself does not have a slope indicated, but Sheet C2, detail 3 states that max slope for the ADA facility in any direction is 2%. This criterion is met.

A 6-inch wheel stop is proposed to prevent vehicle encroachment into the ADA accessible walkway accessing the building.

The ADA parking stall has been conditioned to meet minimum Code criteria, unless dimensions meet the requirement of Section F above and has no other deficits.



The standard parking space is proposed to be a parallel parking stall west of the building. The parking stall is proposed to have dimensions of 22 feet in length by 10 feet in width. A 5-foot wide pedestrian walkway is proposed between the parking stall and the building. There is a railing and bollard proposed at the northwest corner of the building serves to guide vehicles around the walkway and protect pedestrians, while also maintaining unobstructed space to drop-off recyclables. This meets minimum standards for pedestrian safety and separation from vehicles. The standard parking stall meets Code criteria.

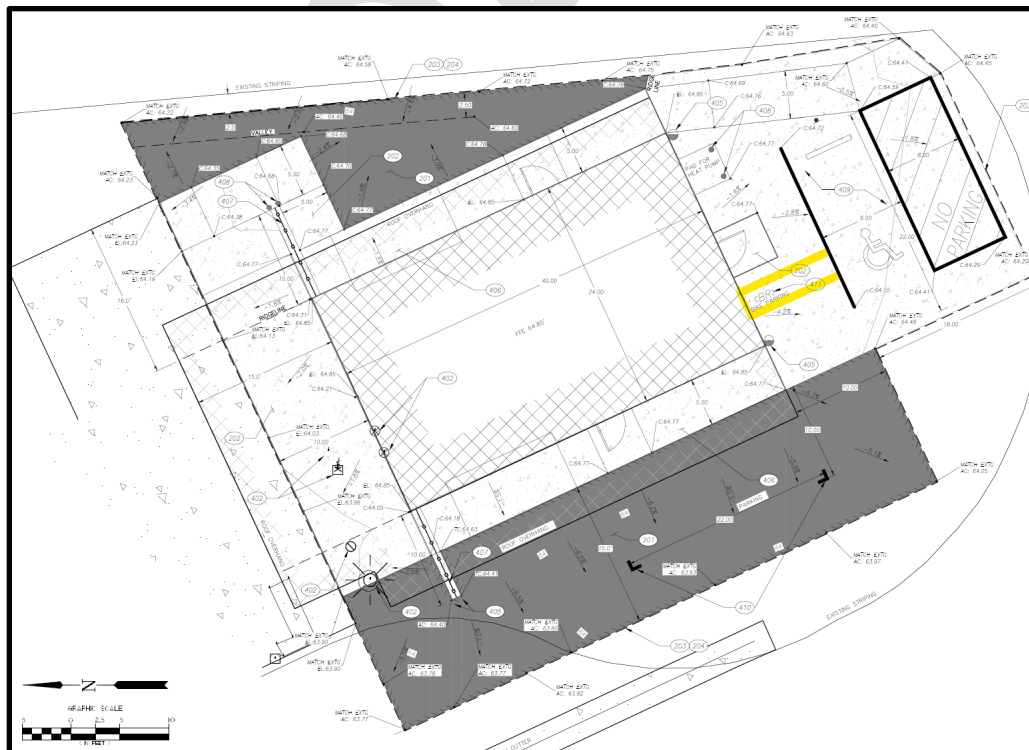
10-3-10: BICYCLE PARKING REQUIREMENTS: All new construction or enlargement or change of us that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

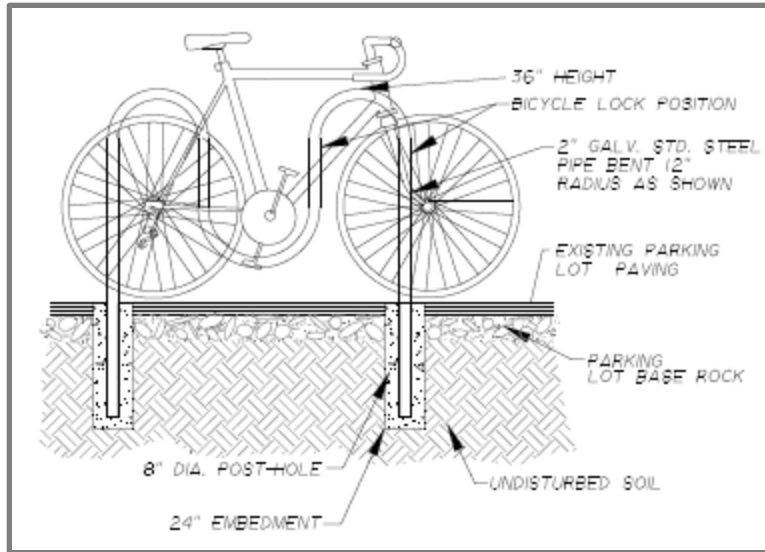
- A. Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

[...]

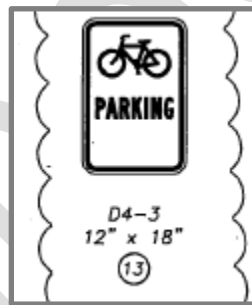
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

Bicycle parking is proposed on the south side of the building located near the entrance and the ADA parking stall as seen on Sheet C1 [Exhibit C], an example of the bicycle rack is included on Sheet C2 [Exhibit C], and proposed bicycle parking signage is included on Sheet C8 [Exhibit E] of the Resolution PC 20 06 CUP 02 approval.





Bike parking signage similar to the signage proposed on Sheet C8 shall be installed at the e-waste facility (Condition 4.2).



Bike parking shall be situated on the site in a manner that does not impede or obstruct the walkway or entrance from other parking areas into the facility (Condition 4.3).

The location of the bicycle rack is adjacent to the ADA parking stall on existing parking lot paving and does not have protection from vehicles. A bollard or similar structure shall be used to protect and separate bicycles from motor vehicles. The bollard or other protective feature shall not be located in a manner that obstructs or impedes pedestrian access or circulation on site. (Condition 4.4)

These criteria are met or are conditioned to be met.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-3: GENERAL APPLICABILITY:

A. Planning Commission/ shall:

1. Unless otherwise directed by the underlying zoning district, or subsection (B) below, review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit: a. New construction,

b. Alterations to the exterior of non-residential structures or additions involving twentyfive percent (25%) or more of the floor area of a building; and c. Changes of use from less intensive to greater intensive use not eligible for Type I or Type II review (see FCC 10-1-1-6-1 and 10-1-1-6-2).

2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5-1 and, when applicable, 10-6-6 or 10-6-7;
3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,
4. The Planning Commission or their designee shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Commission may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure.

FCC 10-18 does not otherwise direct a Type III design review process. Therefore, a Type III design review process is required in accordance with this Code section. This criterion is being met through this design review process.

10-6-4: DRAWINGS TO BE APPROVED: No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission, Planning Director, or their designee

Design drawings were submitted as part of this application. This criterion is being met through this review process.

10-6-5: GENERAL APPROVAL CRITERIA:

10-6-5-1: GENERAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT: Nonresidential projects shall meet the following criteria. The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.

Information pertaining to all above mentioned criteria was submitted as part of this complete application. As proposed, the design and location of the structure meets all minimum requirements for the underlying zone. These items will be discussed in more detail under section FCC 10-18 that regulates the underlying Marine zoning district.

- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.

Lot coverage was reviewed under Resolution PC 20 06 CUP 02 and included the future development of the e-waste recycling site that is the subject of this review. Below is an excerpt from FCC 10-18-5-C discussing the site's lot coverage (pg. 28 of 60).

According to the applicant's stormwater report, the site includes 59,768 square feet of existing impervious surfaces and a net increase of 115,777 square feet of impervious surfaces resulting from the proposed improvements. The 175,545 square feet of impervious coverage in the final site plan represent 10.07% of the 40-acre site. This criterion is met.

No new impervious surface is proposed as part of this application. Minimum lot dimensions and maximum lot coverage are met.

C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district

No fences, walls, hedges, screens, or landscaping as applicable to this criterion are proposed with this application or are being reviewed with this design review approval. These items were previously reviewed and approved under Resolution PC 24 06 CUP 02 and no applicable code updates have been adopted since that approval. Fencing is proposed to extend off the sides of the north end of the building, presumably to direct pedestrian thru traffic away from the proposed parking area.

D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

There are no proposed changes to vehicular access and egress points on the Lane County transfer site as a whole or the subject site for the e-waste recycling facility. Pedestrian access and egress points will be discussed in more detail under FCC 10-35.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

No increase in noise, vibration, smoke, dust, odor, or electrical interferences are proposed from the changes to the existing transfer station use. Lighting is discussed under Section FCC 10-27.

F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.

Outside display areas have not been proposed. Parking was previously discussed under section FCC 10-3 and circulation will be discussed under Section FCC 10-35.

G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.

The fee booth constructed and approved through Resolution PC 20 06 CUP 02 is a pre-cast concrete building used to protect and store equipment. The proposed e-waste facility is proposed to be a pre-fabricated metal structure. Both buildings are proposed to have similar roof overhangs. It is anticipated that booth buildings will have compatible aesthetic appearance. This criterion is met.

H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.

This building is proposed in the Marine District and not within the Downtown Implementation Plan. The Marine District as regulated by FCC 10-18 does not have zone specific exterior appearance criteria beyond what is required in this Code Section.

The two colors proposed are Mt Hood White and Ashland Grey. These colors will be discussed in more detail under FCC 10-6-6-4-G.

I. Exterior lighting and security.

Lighting will be discussed under section FCC 10-37.

J. Public health, safety and general welfare.

No adverse impacts to public health, safety, or general welfare are proposed or expected as a result of this project. The addition of the e-waste recycling facility and hazardous waste storage may provide benefits for public health and safety. The application states that e-waste recycling is a requirement by DEQ best practices. Additional information on DEQ Electronic Waste Facility Regulation at: <https://www.oregon.gov/deq/mm/pages/electronics-waste.aspx>

Due to the close proximity to the public airport zone, no glare producing materials shall be used that may impede a pilot's vision in accordance with FCC 10-21-2-7-C. This shall include both the metal roofing materials and the four 4' x 4' prismatic skylights proposed to be installed within the roofing. The metal roof is proposed to be Mt Hood White. The submitted application materials do not state that the roofing materials will be antiglare or matte finish.

The entire sq. ft. of the roof is under 1,700 sq. ft. and is relatively small compared to other buildings in the area, However, due to the proximity to the City of Florence Airport all roofing materials shall be either a matte finish or anti-glare to be in compliance with FCC 10-21-2-7-C (**Condition 5.1**).

Public health, safety and general welfare have been considered with this project. This criterion is met or is conditioned to be met.

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

L. Requiring a time period within which the proposed use or portions thereof shall be developed.

The applicant states on the land use application that proposed improvements are anticipated to be completed within 1 year of permit issuance. The design review approval timeline is set in accordance with FCC 10-6-11 and building permits are valid for 6 months. No additional requirements are deemed necessary

M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)

No public improvements are proposed as part of this project. This criterion is not applicable.

[...]

10-6-6-3: BUILDING FAÇADES:

- A. Horizontal Design Elements:** Multi-story commercial storefront buildings shall have a distinctive horizontal base; second floor; and eave, cornice and/or parapet line; creating visual interest and relief. Horizontal articulations shall be made with features such as awnings, overhanging eaves, symmetrical gable roofs, material changes, or applied fascia detail. New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.
- B. Vertical Design Elements:** Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied fascia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.
- C. Articulation and Detailing:** All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:

The location of the building will not orient any elevations to streets or civic space and has a substantial vegetated buffer and screening between the site and Rhododendron Dr, which is located approximately 326 feet to the south. Furthermore, this site is considered a Key Facility as defined in FCC 10-2-13 and these criteria are not applicable.

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

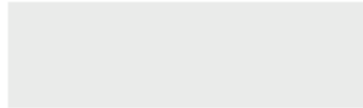
[...]

- G. Building and Site Material Colors:** Color finishes on all building exteriors shall be approved by the City and be of a muted coastal Pacific Northwest palette. Reflective, luminescent, sparkling, primary, and "day-glow" colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee may approve adjustments to the standards as part of a site Design Review approval.

The application proposed the exterior surface colors to be Ashland Grey for the siding, corner trim, and roll-up door and Mt Hood White for the gable trim, roofing, gutters, down spouts, windows and door trim. Both of these colors meet the requirement as 'muted coastal Pacific Northwest palette" (Exhibit K). No prohibited exterior building finishes are proposed. This criterion is met.



ASHLAND GRAY



MT. HOOD WHITE

10-6-7: NON-RESIDENTIAL DESIGN REQUIREMENTS: In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

[...]

In accordance with FCC 10-2-13 this building is classified as a Key Facility and/or a Public Facility and is therefore not a commercial building. This criterion is not applicable.

KEY FACILITIES	Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.
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All above mentioned information was submitted as part of this complete application. This criterion is met.

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

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

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

The request for Design Review approval shall expire on June 25, 2025, unless substantial construction has taken place, or an extension request is received in accordance with FCC 10-6-11A through C. (Informational 1)

TITLE 10: CHAPTER 18: MARINE DISTRICT

10-18-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following uses. The requirements of the adjacent Estuary District shall supersede the requirements in this section; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that

may apply. A. Water Dependent Uses Dredge or fill activities, consistent with the adjacent Estuary District provisions. Wharves, docks, and piers, consistent with the adjacent Estuary District provisions. Other water dependent buildings and uses as those are defined in the definition of Water Dependent Uses in this Code. B. Water Related Uses C. Temporary Uses

10-18-5: PROPERTY DEVELOPMENT STANDARDS:

[...]

- E. **Building and Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').**

The building is proposed to be 20' 9" to the peak of the roof. This criterion is met.

[...]

- G. **Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements.**

Parking and loading requirements were previously discussed under FCC 10-3.

[...]

- L. **Access and Circulation: Refer to Section 10-35 of this Title for requirements.**

Access and Circulation will be discussed under Section FCC 10-35.

- M. **Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title.**

Design review criteria were previously discussed under section FCC 10-6.

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

Lighting will be discussed under Section FCC 10-37

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

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

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

- A. **Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space**

areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

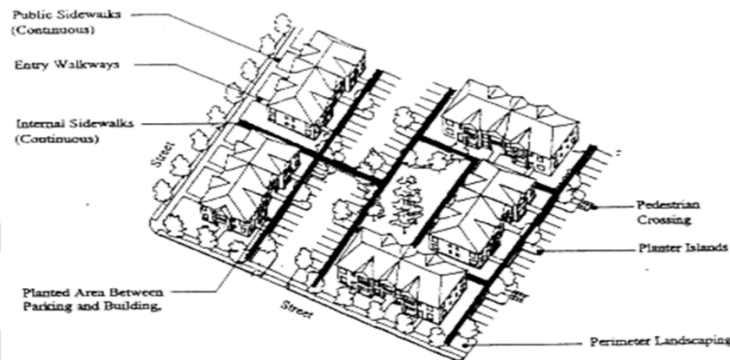
B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

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

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

[...]

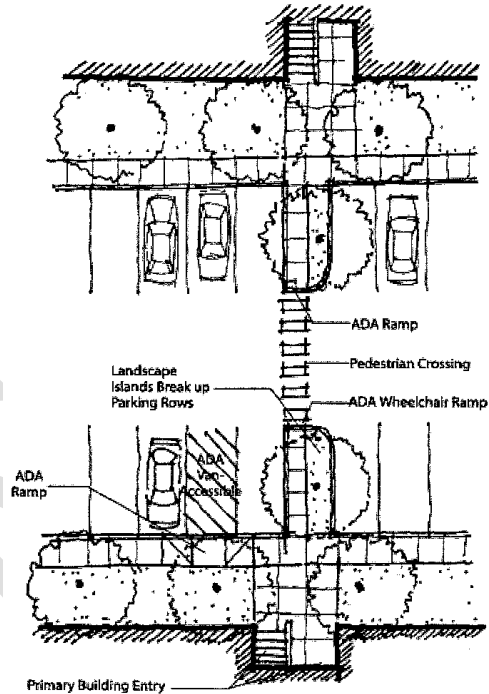


10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

[...]

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

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



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

Under this Section in the Findings for Resolution PC 20 06 CUP 02 (pg. 44 of 59) it states:

“On such a large site, it is important that employees have safe options for travelling from area to area by different means. It is to be expected that employees may sometimes need to walk from the fee booth or tipping floor to the recycling area to assist customers, for example. This unpredictable nature of the site, slow vehicle speeds, and low pedestrian traffic make a full sidewalk network unreasonable as a requirement, however. Solutions such as painted foot traffic areas and crossings and additional signage may mitigate these issues and provide a semblance of a safe and direct walkways throughout the site, but the best locations for those features will be influenced by the final locations of the two future buildings.”

Staff finds that it is not prudent to call for walkway improvements within the site at this time. Pedestrian circulation will be further studied at the time of design review for the future buildings.

Sheet C10 of the Florence Transfer Station Expansion Plan, dated June 2020 includes the circulation plan the transfer site expansion approved through Resolution PC 20 06 CUP 02. This plan does not include a pedestrian walkway system and the signs included on the Signage Plan (Sheet C8) do not include pedestrian signage for safe maneuvering onsite or crossing drive aisles. Per the statement from Resolution PC 20 06 CUP 02 regarding the walkway system being reviewed during subsequent design review and based on this Code section, a revised site plan or sheet C10 shall be submitted prior to or in conjunction with building permit submittal that includes a pedestrian circulation plan (**Condition 6.1**). The circulation plan may include a raised sidewalk system through the site or bollards that can withstand the impact of a vehicle. Pedestrian crossings may include painted or thermo-plastic striping per Section FCC 10-3-3.

All pedestrian walkways onsite shall be ADA accessible whenever feasible as related to width, maximum slope, and surfacing. Pedestrian crossings shall be clearly marked through signage

and/or pavement markings that are clearly visible to those operating a motor vehicle and pedestrians to ensure safety (**Condition 6.3**). These criteria are conditioned to be met.

TITLE 10: CHAPTER 37: LIGHTING

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

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

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

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

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

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

No exterior lights are proposed on the e-waste recycling facility. Site lighting was previously reviewed with Resolution PC 20 06 CUP 02 and deemed met in the conditions check letter dated September 30, 2020 [Exhibit G]. Revised lighting plans relating to conditions of approval tied to Resolution PC 20 06 CUP 02 were dated July 28, 2020. As no changes to the lighting codes (FCC 10-37) have been adopted since approval of the prior CUP, on-sight lighting is determined to be adequate.

In accordance with FCC 10-37-4-E, the City of Florence Community Development Department reserves a 30 day review period beginning the first calendar day following Certificate of Satisfactory Completion to review lighting and request adjustments to illumination levels (Conditions 7.1).

If lighting is proposed at a later date, it shall be in compliance with this Code Chapter and require review and approval in accordance with this Chapter and FCC 10-1 (Informational 2). This criterion is met or is conditioned to be met.



VI. CONCLUSION-

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

VIII. EXHIBITS

"A"	Findings of Fact
"B"	Land Use Application
"C"	Civil Set
"D"	Building Design
"E"	2020 Transfer Station Reconstruction
"F"	2020 Transfer Station Drainage Plan
"G"	Photometric Plan & Light Fixtures
"H"	9-30-2020 Conditions Check Letter
"I"	12-16-2020 O&M Stormwater
"J"	Resolution PC 20 06 CUP 02
"K"	Color Verification Form
"L"	Referral Comments